

SECTION XXXIV.

MISCELLANEOUS.

§ 1. Immigration.

(A) The Encouragement of Immigration into Australia.

1. **Introduction.**—Various measures have from time to time been adopted by the Commonwealth and State Governments, as well as by private societies and individuals, with a view to promoting the immigration of suitable classes of settlers into Australia. Some of the States of the Commonwealth are at present pursuing immigration policies of a vigorous nature; in others, relatively little is being done. The activities of the Commonwealth Government (which is vested with constitutional powers in regard to immigration under Sec. 51, xxvii., of the Constitution Act 1900) with respect to the encouragement of immigration, have hitherto practically been confined to advertising in handbooks, newspapers, and periodicals, the resources and attractions of Australia.

2. **State Immigration.**—The advertising in the United Kingdom of the resources of the individual States has been carried out by their Agents-General in London. Various means have been adopted, including newspaper advertising; the publication of illustrated pamphlets bearing on the resources and principal primary industries of the State; lectures by officers who have a knowledge of the conditions prevailing in the State; official displays at the principal agricultural, manufacturing, and similar exhibitions; cinematographic pictures typical of industrial life and scenic views; and pictures and lantern slides.

(i.) *Nominated and Assisted Passages.* Arrangements have been made by most of the State Governments with several of the principal shipping companies for substantial reductions in the amounts of passage money to be paid by immigrants. These reductions are generally granted to all persons desiring to settle on the land or engaging in any form of rural industry, to domestic servants, and to any others who satisfy one of the several Agents-General in London that they will make suitable settlers. Provision has also been made whereby settlers may nominate their relatives or friends for passage to Australia at greatly reduced rates.

(ii.) *Reception on Arrival.* Immigrants whose coming is advised are met on board the vessel on arrival by Government officers, who make themselves acquainted with the needs of the passengers and assist and advise them in various ways. To those desirous of settling on the land, information and assistance is rendered by officers of the Lands Department, and special concessions are granted in respect of fares on the Government railways. In other cases endeavours are made to obtain employment for each applicant according to his special needs and qualifications.

(iii.) *Numbers of Immigrants.* Particulars of the net immigration to the Commonwealth are given on pages 132-3, and of assisted immigration on page 140, hereinbefore.

(iv.) *Recent Immigration.* The years 1910 and 1911 marked a great step forward in Australian immigration generally, as several, if not all, of the State Governments

adopted more active and direct means than had hitherto existed for making the advantages and opportunities of their respective States better known to the people of the United Kingdom, Europe, and America. In Victoria, to which State a small number of emigrants from America had been attracted (chiefly by the irrigable areas), it was decided to further enlighten American and Canadian home-seekers with regard to irrigated lands, and a delegation was accordingly sent to Vancouver by the Victorian Government to arrange for a special excursion of land-seekers, who arrived in Australia early in May, 1912. Many of these have since taken up land in the irrigable areas and other portions of the State. It appears likely that the success of the Victorian experiment will result in definite steps being initiated by the other States of the Commonwealth to attract population from similar sources.

(v.) *Uniform Rates for State-aided Immigrants.* The matter of State-aided immigration to Australia was discussed at the Premiers' Conference, held in Melbourne early in 1912, and this resulted, amongst other things, in the fixing of a scale of minimum rates of passage money which immigrants to any of the States would be charged in future, such rates to operate as from 31st March, 1912. It was expressly agreed, however, that, while no State should charge a lower amount than those mentioned, no objection would be made to higher rates being imposed. The minimum scale of passage rates arranged at the Conference is as follows:—(a) Farmers, farm hands, skilled artisans, and all nominated, assisted, or indented male immigrants, £6. (b) Adult females, £3. (c) Children of immigrants under 12 years of age, £1 10s. Age limits for all State-aided immigrants were also fixed as follows:—(a) Males, married women and widows, 45 years. (b) Single women, 35 years. The only free immigrants to be those whom the shipping companies carry free. It was also arranged that the maximum bonus payable to immigration agents be as follows:—(a) Per adult, £1; per child under 12 years, 10s. (b) In the case of an assisted immigrant recruited by an agent nominating his wife and family within twelve months of his arrival in the State, a similar bonus on account of the wife and family be paid to the agent. (c) In the cases of immigrants with capital of £200 and over, which capital is deposited with the Agent-General for transmission to the State, an additional bonus of 1 per cent. to the agent on the capital so deposited.

3. Initiation of Commonwealth Scheme.—For the financial year 1911-12 a sum of £20,000 was voted to the Commonwealth Department of External Affairs for advertising the attractions of Australia for settlers, farm workers, and tourists. The State Immigration Bureaux co-operate with the Department of External Affairs in keeping the High-Commissioner for Australia in London advised as to lands in the respective States available for selection, the openings for agricultural workers, and as to general information concerning matters of interest to intending settlers. A press advertising campaign has been initiated, the Commonwealth carrying on the general advertising of Australia by means of paragraphs and illustrated articles in British, European, and American publications, while the several States advertise for the class of immigrants they specially require. It is proposed that "landseekers' excursions" shall form an important part of the Department's operations. Bioscope films are utilised for the illustration of lectures, and handbooks for settlers and tourists, as well as folders, and other publications have been issued. Pictorial posters are also utilised.

4. Visit of Scottish Agricultural Commissioners.—In 1909 communications were entered into with Lord Pentland, Secretary of State for Scotland, relative to arranging for a visit to Australia of a number of prominent Scottish gentlemen interested in agriculture as land owners, farmers, Directors of Scottish Chambers of Agriculture, and also a number of men engaged in scientific agricultural education. Twelve Commissioners were nominated by Lord Pentland, and arrangements were made for them to tour the Commonwealth. The members of the Commission reached Fremantle on the 20th September, 1910, and, under the direction of a representative of the Department of External Affairs, proceeded to Queensland, and began an itinerary which took them

throughout the principal agricultural districts and many of the pastoral districts of each of the States. The tour, extending over a distance of about 14,000 miles, concluded on the 19th January, 1911, when the Commission sailed from Fremantle. The Commissioners are submitting to the Commonwealth Government a report as to their observations, and the report will be circulated in the United Kingdom and elsewhere for the information and guidance of intending settlers and others.

5. The High Commissioner for Australia and the Agents-General.—Intending settlers or immigrants may, on application, obtain information from the High Commissioner for Australia—

THE RIGHT HON. SIR G. H. REID, P.C., G.C.M.G., ETC.,
COMMONWEALTH OFFICES,
72 VICTORIA STREET,
LONDON, S.W.

Information regarding individual States may be obtained from the officials specified below :—

AUSTRALIAN AGENTS-GENERAL.

<i>New South Wales</i>	T. A. COGHLAN, Esq., I.S.O.	123-125 Cannon St., London, E.C.
<i>Victoria</i> ...	Hon. Sir JOHN W. TAVERNER, K.B. ...	Melbourne Place, Strand, London
<i>Queensland</i> ...	Major Sir T. B. ROBINSON, K.B. ...	Marble Hall, 409-10, Strand, London
<i>South Australia</i>	HON. A. A. KIRKPATRICK ...	85 Gracechurch St., London, E.C.
<i>Western Australia</i>	Sir NEWTON J. MOORE, K.C.M.G. ...	15 Victoria St., Westminster, London
<i>Tasmania</i> ...	Hon. SIR JOHN MCCALL, K.B., M.D. ...	5 Victoria St., Westminster, London

(B) The Regulation of Immigration into Australia.

1. Pre-Federal Restrictions.—(i.) *Alien Races.* The several States of Australia had regarded it as desirable, long prior to Federation, to impose certain restrictions upon the admission of persons wishing to become inhabitants of those States. The influx of Chinese, for example, was limited by stringent statutes, and later general Acts were passed in some of the States which had the effect of restricting the immigration of other—principally Asiatic—races.

(ii.) *Undesirable Immigrants.* Further restrictions were placed upon the admission of persons who were undesirable as inhabitants, either for medical or moral reasons, or who were likely to be an economic burden upon the community.

2. Powers and Legislation of the Commonwealth.—(i.) *Constitutional Powers.* By Chap. I., Pt. V., Sec. 51, xxvii. and xxviii. of the Commonwealth Constitution Act the Parliament of the Commonwealth is empowered to make laws with respect to immigration and emigration and the influx of criminals. (See page 23 herein.)

(ii.) *Legislation.* The powers above specified have now been exercised by the Commonwealth Government, and the laws passed in pursuance thereof supersede the State laws above referred to.

The first Act passed, dealing with this matter, was the Immigration Restriction Act 1901, which contained provisions restricting the immigration of the classes of

persons mentioned above. This Act, which contained clauses restricting the immigration of persons under contract, was subsequently repealed by the Contract Immigrants Act 1905, which amended and was substituted for the original Act, but both these Acts have since been amended by the Immigration Restriction Acts of 1908 and 1910, and the immigration of alien races and undesirable persons is now regulated by these latter Acts. Admission of immigrants under contract to perform manual labour is, however, still controlled by the provisions of the Contract Immigrants Act 1905, and will be permitted if the contract is in writing, is made by or on behalf of some person named, who must be resident in Australia, and approved by the Minister. Such approval will not be given if the contract is made with the view of affecting an industrial dispute or if the remuneration and other terms are not as advantageous to the contract immigrant as those current for workers of the same class at the place where the contract is to be carried out. See page 1069 herein.)

There is an additional provision where the proposed immigrant is not a British subject born in the United Kingdom or descendant of such a person. In such case it has to be proved that there is a difficulty in the employers obtaining in the Commonwealth a worker of at least equal skill and ability.

In case of infraction of the law it is provided that the contract is absolutely void and the immigrant and employer are both liable to penalties, and the employer is also liable to pay the immigrant until he obtains employment, or, at the option of the immigrant, to provide expenses for his return to the country whence he came.

3. Prohibited Immigrants.—(i.) *Provisions of the Acts.* Persons comprised in the following classes are prohibited from entering the Commonwealth, viz.:—(a) Any person who fails to pass the dictation test; that is to say, who fails to write out not less than fifty words of a language prescribed by regulation when dictated to him by an officer administering the Act. (b) Any person likely to become a charge upon the public. (c) Any idiot or insane person. (d) Any person suffering from an infectious or contagious disease. (e) Any person who has been convicted of an offence, other than a mere political offence, and has been sentenced to imprisonment for one year or longer and has not served his sentence or received a pardon. (f) Any person undesirable for moral reasons.

Regarding (a) it may be stated that the Act of 1901 provided for the dictation of not less than fifty words of a European language. The Act of 1905 provided for the retention of this test until regulations be passed prescribing the languages to be employed. No such regulations have yet been made, and the provision of the Act of 1901 is therefore *de facto* still in force. It may be stated that the dictation test is not and never has been imposed upon persons of European race.

(ii.) *Exemptions.* To these restrictions there are the following exemptions, viz.:—(a) Any person holding an exemption certificate. (b) Members of the King's regular land and sea forces. (c) The master and crew of any public vessel of any Government. (d) The master and crew of any other vessel landing during the stay of the vessel in a Commonwealth port; but before the ship can obtain her outward clearance the crew must, at the demand of an officer administering the Act, be mustered, and if any member of the crew be missing, and would otherwise, in the opinion of the officer, have been a prohibited immigrant, then such person is deemed to be a prohibited immigrant, and until the contrary be proved, to have entered the Commonwealth contrary to the Act. (e) Any Commissioner of, or other person accredited from, the Imperial or any other Government.

(iii.) *General Provisions.* An immigrant may be required to pass the dictation test at any time within two years after he has entered the Commonwealth.

A prohibited immigrant within the meaning of (a) above may, at the discretion of an officer, be allowed to enter the Commonwealth, or to remain within it, upon depositing £100 and within thirty days either obtaining an exemption certificate or departing from the Commonwealth; in either case the deposit is returned.

The punishment for breach of the Act by a prohibited immigrant is imprisonment for six months and deportation in addition to or in substitution for such imprisonment, if so ordered.

4. Liability of Shipmasters and Others.—The master, owners, agents, and charterers of a vessel from which a prohibited immigrant enters the Commonwealth are jointly and severally liable to a penalty not exceeding £100 for each entrant. The vessel may be detained as security, but may be released upon the giving of a bond with two sureties for the payment of any penalties; the vessel may be seized and sold in default of payment of penalties. The master, owners, agents, and charterers may be required to provide a return passage for the prohibited immigrant, and to pay for his maintenance during his detention prior to deportation. Masters of vessels are authorised to prevent such a person from landing and to obtain any necessary assistance.

Under the Immigration Restriction Act 1908, any person on board a vessel at the time of her arrival from any place outside Australia at any port in Australia who is not (a) a *bona fide* passenger of the vessel, or (b) a member of the crew of the vessel whose name is on the articles, is deemed to be a stowaway, unless the master gives notice that the person is on board the vessel, and does not permit him to land until an officer has had an opportunity of satisfying himself that the person is not a prohibited immigrant. The master, owners, agents, and charterers of a vessel are jointly and severally liable to a penalty of £100 for each stowaway brought into any port in Australia. Power is given to search vessels for stowaways. The Immigration Restriction Act, 1910, provides penalties for being concerned in bringing immigrants secretly to the Commonwealth.

5. Agreements with other Countries.—Arrangements may be made with the Government of any country regulating the admission into Australia of the subjects or citizens of such country, such subjects being not, during the subsistence of the arrangement, required to pass the dictation test.

Persons who have resided either continuously or from time to time in the Commonwealth for a period of five years in the whole, and who are about to depart from it, being persons who, if they return, would be prohibited immigrants, may obtain a certificate of exemption entitling them to return.

Certificates of exemption are granted by the Minister of External Affairs, whose department administers the Act, and also by the collector of customs in each State.

6. Statistics.—The following tables shew the number of persons who desired but were not permitted to land, those who were allowed to land, and the nationality of the persons admitted.

**PERSONS ADMITTED OR REFUSED ADMISSION TO COMMONWEALTH UNDER
PROVISIONS OF IMMIGRATION RESTRICTION ACT, 1904 to 1911.**

Year.	Persons Admitted who Passed Education est.	Persons Admitted without Passing Education Test.	Persons Refused Admission.
1904	1	48,337	117
1905	3	47,940	106
1906	Nil	57,646	53
1907	Nil	71,988	62
1908	1	75,660	108
1909	1	83,324	108
1910	...	94,495	41
1911	Nil	139,020	83

NATIONALITY OF PERSONS ADMITTED, 1904 to 1911.

Nationality.	1904.	1905.		*1906.	*1907.	†1908.	†1909.	1910.*	1911.*
	Without Test.	Without Test.	With Test.	Without Test.	Without Test.	Without Test.	Without Test.	Without Test.	Without Test.
EUROPEANS—									
Austrians	930	683	...	691	651	736	895	818	1,184
Belgians	20	25	...	33	64	45	35	50	84
British	39,026	39,975	...	47,396	60,172	64,374	71,201	81,455	124,061
Danes	103	125	...	259	280	227	272	269	393
Dutch	26	43	...	91	94	120	187	175	307
French	2,076	1,402	...	1,866	1,685	1,546	1,347	1,160	1,166
Germans	823	926	...	1,339	1,909	1,911	2,109	2,449	2,517
Greeks	194	121	...	240	202	296	327	380	583
Italians	814	734	...	839	992	902	1,078	883	1,365
Maltese ... ..	...	...	...	...	...	...	...	...	41
Poles	8	13	...	5	6	22	24	11	34
Portuguese ... ..	...	2	...	3	6	5	10	3	6
Rumanians ... ..	...	...	...	...	...	12	11	3	13
Russians	122	157	...	293	388	349	466	735	994
Scandinavians	320	281	...	776	1,173	825	891	1,210	1,384
Spaniards	27	35	...	32	86	57	56	49	128
Swiss	79	63	...	68	78	78	131	104	130
Turks ... ..	...	3	...	8	6	4	14	10	10
Other Europeans†	7	17	...	18	29	112	16	22	27
AMERICANS—									
N. Americans	563	603	...	867	889	687	692	746	914
S. Americans ... ..	...	...	...	12	15	10	14	13	17
American Indians ... ..	...	...	...	...	...	...	...	...	31
Negroes	13	15	1	4	9	4	6	14	13
French Creoles ... ..	...	...	...	...	...	...	...	...	...
West Indians	6	3	1	...	13	23	6	13	11
ASIATICS—									
Afghans ... ..	...	7	...	3	9	15	3	2	14
Arabs ... ..	...	3	...	...	8	3	1	1	1
Burmese ... ..	...	...	...	...	...	...	1	...	...
Chaldeans ... ..	...	...	...	...	...	...	...	...	...
Chinese	847	1,269	...	1,134	1,424	1,771	1,729	1,819	2,009
Cingalese	9	15	...	6	12	10	10	14	4
East Indians ... ..	...	...	1	...	...	...	...	...	...
Eurasians ... ..	...	...	...	...	...	...	6	14	7
Filipinos	54	74	...	120	57	27	37	66	17
Hindoos	461	146	...	75	129	74	130	156	188
Japanese	461	251	...	356	521	555	509	565	459
Javanese	75	62	...	52	1	...	52	4	12
Kurds ... ..	...	...	...	...	...	...	...	...	...
Malays	469	289	...	436	370	230	309	302	479
Syrians	39	51	...	66	58	45	73	96	104
OTHER RACES—									
Maoris ... ..	...	1	...	2	8	48	108	62	31
Mauritians ... ..	...	...	...	...	...	3	3	4	9
Pacific Islanders	193	98	...	156	121	89	94	54	69
Papuans	552	415	...	368	493	430	439	622	139
St. Helena Blacks ... ..	...	...	...	...	...	1	1	...	...
Unspecified	20	33	...	32	30	14	31	141	65§
Total	48,337	47,940	3	57,646	71,988	75,660	83,324	94,495	139,020

* No persons were admitted after passing the test in either of the years 1906, 1907, 1910 or 1911.
† Not specified. ‡ One person was admitted, after passing the test, in each of the years 1904, 1908, and 1909. § Including 36 Timorese.

§ 2. Patents, Copyrights, Trade Marks, and Designs.

1. **Devolution of Jurisdiction upon the Commonwealth.**—Prior to the establishment of Federation, and for a few years thereafter, each Australian State possessed independent jurisdiction in respect of patents, copyrights, trade marks, and designs, and had, with the exception of Tasmania in regard to copyrights, enacted its own laws. Any person, therefore, who desired to obtain the grant of a patent, or the registration of any copyright, trade mark, or design had necessarily, with the exception aforesaid, to incur the trouble and expense of making separate applications. The Commonwealth Constitution Act conferred upon the Federal Parliament power to legislate respecting these

matters. (See page 23 hereinbefore.) The Patents Act of 1909 applied the laws relating to patents for inventions, to the territory of Papua.

The State Acts, though in general based upon the Imperial Statutes dealing with these subjects, were not wholly governed by them. The Commonwealth Acts, both in regard to principle and practice, have the same general foundation, but in some respects have been modified and brought into line with the totality of Australian experience.

2. **Patents.**—The first Commonwealth Patents Act was passed in 1903, and was amended in 1906, 1909, and 1910. (See page 41 hereinbefore.) Under these Acts, which are administered by a "Commissioner of Patents," the power of the States to grant patents was abolished, and their functions in that respect were transferred to the Commonwealth. A single Commonwealth patent now gives throughout the Commonwealth and the territory of Papua that protection which formerly could only be obtained by procuring a patent in each State and the said territory. The rights of State patentees or the patentees in the territory of Papua are in all cases reserved to them. The holder of a State patent in force may obtain, for a period not exceeding the unexpired time thereof, a Commonwealth patent for the invention comprised in the State patent, provided however, that any State other than the State in which the patent under the States Patent Act was granted may be excepted from the patent if the Commissioner of Patents is satisfied that the invention either (a) is not novel, (b) has been made the subject of a pending application, or (c) has been published, in such State. Comparatively small fees, totalling £8, are now sufficient to obtain for an inventor protection throughout the Commonwealth, and the only renewal fee (£5) is payable before the expiration of the seventh year of the patent, or within such extended time, not exceeding one year, and upon payment of further fees as may be allowed.

(i.) *Applications for Patents.* Any of the following persons may make application for a patent:—(a) The actual inventor. (b) His assignee, agent, attorney, or nominee. (c) The actual inventor or his nominee jointly with the assignee of a part interest in the invention. (d) The legal representative of a deceased actual inventor or of his assignee. (e) Any person resident in the Commonwealth to whom the invention has been communicated by the actual inventor, his legal representative, or assignee (if the actual inventor, his legal representative, or assignee is not resident in the Commonwealth). An application for a patent must be for one invention only, and must be made in the form prescribed, and lodged by being left at or sent by post to the Patent Office at Melbourne. It must be accompanied by either a provisional or a complete specification. The application must contain a declaration in the prescribed form setting out the facts relied on to support the application, and must be signed by the applicant before a witness.

(ii.) *Term for which Granted.* The term for the duration of every patent is limited to fourteen years from the date of application. A patent ceases if the patentee fails to pay the renewal fee within the prescribed time.

(iii.) *Opposition to Grant of Patent.* Within three months of the advertisement of the acceptance of a complete specification, or within such further time, not exceeding one month, as may be allowed by the Commissioner, any person may give notice at the Patent Office of opposition to the grant on any of the following grounds:—(a) That the applicant has obtained the invention from the opponent or from a person of whom he is the legal representative or assignee or nominee. (b) That the invention has not been communicated to the applicant by the actual inventor his legal representative or assignee (if the actual inventor his legal representative or assignee is not resident in the Commonwealth). (c) That the invention has been patented in the Commonwealth on an application of prior date or has been patented in a State. (d) That the complete specification describes or claims an invention other than that described in the provisional specification, and that the opponent has applied for a patent for such other invention in the interval between the leaving of the provisional and complete specifications. (e) Want of novelty. (f) Prior publication.

The case is heard and decided by the Commissioner, from whose decision an appeal lies to the High Court or the Supreme Court of the State in which the Patent Office is situated.

(iv.) *Single Patent for Cognate Inventions.* The Act of 1909 provides that two or more provisional specifications for inventions which are cognate or modifications one of the other and constituting a single invention may be combined in one complete specification, upon which a single patent may be granted in respect of the whole of such applications.

(v.) *Patents of Addition.* Special provisions are made for granting patents to an applicant or patentee in respect of any improvement on his invention. Such patents are called "Patents of Addition." They are granted for a term of the same duration as that of the original patent, or to such of that term as is unexpired, and in respect of such patents no renewal fee is payable.

(vi.) *Amendments.* Amendments to specifications by way of disclaimer, correction, or explanation may be allowed on request to the Commissioner, provided that the specification, if amended as requested, does not claim an invention substantially larger than, or different from, the original invention. Any person may oppose an amendment on giving notice of opposition at the Patent Office. Amendment of other documents is provided for by the regulations.

(vii.) *Revocations of Patents.* Revocation of a patent may be obtained by petition to the High Court or the Supreme Court of a State. Every ground on which a patent might at common law be repealed by *scire facias* is available as a ground of revocation. A petition for revocation may be presented by either (a) the Attorney-General or person authorised by him, (b) any person alleging that the patent was obtained in fraud of his rights or of the rights of any person under or through whom he claims, or (c) by any person alleging that he or any person under or through whom he claims an interest in any trade, business, or manufacture had publicly used, made, or sold within the Commonwealth before the date of the patent anything claimed by the patentee as his invention, or (d) any person alleging that he or any person under or through whom he claims was the actual inventor of any invention included in the claim of the patentee.

(viii.) *Compulsory Working and Licenses.* At any time not less than four years after the date of a patent, and not less than two years after the 13th December, 1911, any person may apply to the High Court or the Supreme Court of the State in which the Patent Office is situated for an order declaring that the patented article or process is not manufactured or carried on to an adequate extent in the Commonwealth. From and after the time when any such order may take effect, the patent is not deemed to be infringed by the manufacture or carrying on in the Commonwealth of the patented article or process, or by the vending within the Commonwealth of the patented article made within the Commonwealth. Any person interested may, after the expiration of two years from the granting of the patent, present a petition to the Commissioner alleging that the reasonable requirements of the public with respect to a patented invention have not been satisfied and praying for the grant of a compulsory license or, in the alternative, for the revocation of a patent. If the parties do not come to an arrangement between themselves, the Commissioner, on being satisfied that a *prima facie* case has been made out, must refer the petition to the High Court or the Supreme Court of the State in which the Patent Office is situated. If the Commissioner is not satisfied that a *prima facie* case has been made out he may dismiss the petition.

(ix.) *Restoration and Surrender of Patents.* The Act of 1906 provides for the restoration (under certain conditions) of applications for patents which may have lapsed through default of the applicant or of an officer of the Patent Office.

A patentee may surrender a State patent for an invention for which a Commonwealth patent has been granted in terms of section 7; or, by permission of the Commissioner, subject to the leave of the Court or consent of the parties in a petition for revocation, may surrender a Commonwealth patent.

(x.) *Contracts and Proceedings.* Subject to certain provisions specified in the amending Act of 1909, no patentee may enforce conditions of contract which will restrict the rights of the purchaser, lessee, or licensee from using any article or process supplied or owned by any person other than the patentee or from acquiring from the patentee any article not protected by the patent. Such contracts made prior to the Act of 1909 may be determined by three months' notice from either party.

Any person threatened by circular or advertisement with proceedings for infringement may apply for an injunction and damages, unless the threatening party shows due diligence in prosecuting an action.

(xi.) *International Protection of Patents.* The Patents Act contains provisions under which the international arrangements for the protection of patents contained in the Imperial Acts could be made applicable to the Commonwealth by order of the King-in-Council. The necessary proclamation was issued by the Imperial Government as regards England and Australia on the 1st February, 1907, and as regards all other countries in the International Convention on the 5th August, 1907. Applicants for patents, subject to the country in which first application is made being a party to the arrangement, are now, therefore, if they apply in Australia within twelve months of their first foreign application, entitled to receive patents for their inventions in priority to other applicants, and such patents have the same date as the date of the first application abroad. Corresponding arrangements have also been made by the Commonwealth with New Zealand.

(xii.) *Patent Attorneys.* Any person on passing the prescribed examination, and on paying a fee of £5, may be registered by the Commissioner as a patent attorney. A solicitor may practise as a patent attorney without passing the prescribed examination and without being registered as a patent attorney. No person may describe himself as a patent attorney, or as a patent agent, or as an agent for obtaining patents unless he is registered or entitled to practise as a patent attorney.

(xiii.) *Patent Office Publications.* Complete specifications are printed shortly after they become open to public inspection by acceptance, or under Section 121 of the Act. Each specification is open to public inspection. A number of publications, of which a list may be found in the Australian Official Journal of Patents, is on sale at the Government Printing Office, Melbourne.

The *Australian Official Journal of Patents* is issued weekly, and contains lists of applications and proceedings, with illustrated notes of accepted complete specifications. A supplementary annual volume contains statistics, indexes to names of persons concerned, classified indexes to subject matter of applications lodged, and a numerical index to proceedings on Commonwealth applications which have been advertised during the year; there are also name and numerical indexes to proceedings on State applications.

(xiv.) *Applications Filed, Provisional Specifications Accepted, and Letters Patent Sealed, 1904 to 1911.* The numbers of individual inventions in respect of which applications were filed in the States or Commonwealth during each year from 1904 to 1911 inclusive are shewn in the following table. The number of applications accompanied by provisional specifications and the number of patents sealed in respect of applications made in each year are also shewn.

**PATENTS.—APPLICATIONS FILED AND LETTERS PATENT SEALED IN THE
COMMONWEALTH, 1904 to 1911.**

Year	1904.*	1905.	1906.	1907.	1908.	1909.	1910.	1911.
No. of Applications	2,243	2,685	2,743	2,903	2,840	3,309	3,605	3,497
" accompanied by " provisional specifications	1,241	1,528	1,547	1,678	1,811	2,165	2,294	2,290
Letters patent sealed on applications of each year	1,198	1,468	1,536	1,563	1,407	1,727	1,486†	342†

* From 13th February, 1904. † Up to the 30th December, 1911.

(xv.) *Revenue of Patent Office.* The revenue of the Commonwealth Patent Office for each year since its creation to the end of the year 1911 is shewn in the subjoined table.

REVENUE OF COMMONWEALTH PATENT OFFICE, 1904 to 1911.

Particulars.	1904.	1905.	1906.	1907.	1908.	1909.	1910.	1911.
	£	£	£	£	£	£	£	£
Fees collected under								
States Patents Acts ...	3,181	5,567	6,233	3,746	2,006	1,703	1,940	768
Patents Acts 1903-10 ...	2,459	13,379	14,667	13,612	14,146	14,087	17,042	19,640
Receipts from publications ...	...	102	134	155	146	216	208	237
Petty receipts ...	19	37	43	34	32	33	33	48
Total ...	5,659	19,085	21,077	17,547	16,330	16,039	19,223	20,693

3. **Copyright.**—Prior to the establishment of Federation the copyright legislation enacted by all the States except Tasmania, throughout which State Imperial legislation governed local productions, was based upon and closely followed the English law of copyright, differing, however, in some cases therefrom as to the periods for which a copyright was granted. Only local publications were affected by it. A colonial law did not affect the rights of authors and artists where copyright was acquired outside the colony.

(i.) *Copyright Acts.* The first Commonwealth Act was passed in 1905 (see page 41 hereinbefore). It deals with literary and artistic copyrights, performing right and lecturing right. It may be applied, by registration under the Act, to any copyright or performing right in any literary, musical or dramatic work, or artistic work, entitled to protection in Australia by virtue of any Act of the Parliament of the United Kingdom, or entitled to protection in any State by virtue of any State Copyright Act.

(ii.) *Principal Features.* The principal feature of the Australian Act is that it provides the same duration of right under the above heads, namely, the life of the author and seven years thereafter, or forty-two years from publication, whichever be the longer. Copyright subsists in every book, whether the author be a British subject or not, which has been printed in type, set up in Australia, or plates made therefrom, or from plates or negatives made in Australia in cases where type is not necessarily used, and has, after the commencement of the Act, been published in Australia, before or simultaneously with its first publication elsewhere. With respect to lectures, it is provided that the author shall be the first owner of the lecturing right, and that he may prevent publication of a report of the lecture by giving notice orally at the beginning of the lecture, or by a conspicuous written notice on the entrance door or in the lecture-room stating that reporting is prohibited. The owner of the copyright in a book may be requested by the Minister, on application being made by any person desirous of translating such book, to make a translation thereof, if it be not translated within ten years of publication. If the owner of the copyright fail to comply with such request the Minister may confer the right of translation into a particular language upon the person making the application. The person ordering a photograph for which consideration is paid is the owner of the copyright in it.

An important feature of the Copyright Act is that provision is made whereby the owner of the copyright in any book or artistic work, or his agent, may, by notice in the prescribed form, require any person to deliver up to him any pirated reproduction of the book or work, and similarly the owner of the performing right in a musical or dramatic work, or his agent, may forbid the performance of the work in infringement of his right,

and may require any person to refrain from performing or taking part in the performance of the musical or dramatic work specified. Any person failing to observe the requirements of any notice served under these provisions is liable to a penalty not exceeding £10.

(iii.) *Registration.* Registration is a necessary preliminary to an action for infringement, but copyright exists independently of registration. The Commissioner of Patents has been appointed "Registrar of Copyrights." Proceedings for the rectification of the register may be taken before the Supreme Court of any State. In the matters of copyright the Commonwealth is a party to the Berne Convention.

Particulars of applications for registration of copyrights and of the revenue derived therefrom are given in paragraph 6 hereof.

4. *Trade Marks.*—The remarks made concerning the unification of the patent system of the Commonwealth apply equally to trade marks. Under the Trade Marks Act 1905, which came into force on the 2nd July, 1906, the Commissioner of Patents is appointed to act also as "Registrar of Trade Marks." There are two trade marks, viz., the "Workers' Trade Mark" and the "Commonwealth Trade Mark," for which special provisions are contained in the Act; the provisions regarding the former of these two Trade Marks have, however, been held to be unconstitutional (see p. 1069 *ante*). The part of the Act governing the registration and application of the Commonwealth Trade Mark, applies to all goods included in or specified by a resolution passed by both Houses of Parliament that the conditions as to remuneration of labour in connection with their manufacture are fair and reasonable.

(i.) *Essential Particulars of Trade Marks.* A registrable trade mark must consist of essential particulars with or without additional matter. The essential particulars must be one or more of the following:—(a) A name or trading style of a person printed, impressed, or woven, in some particular and distinctive manner; (b) a written signature, or copy of a written signature of the person applying for registration thereof or of some predecessor in his business; (c) a distinctive device, mark, brand, heading, label, or ticket; (d) or invented word or invented words; (e) a word or words having no reference to the character or quality of the goods, and not being a geographical name used or likely to be understood in a geographical sense. The additional matter which may be added shall be either (a) any letters, words, or figures or (b) any combination of letters, words, or figures or any of them.

(ii.) *State Registrations.* State registrations cease to be in force at the expiration of fourteen years from the date of the Commonwealth Act, or at the time when, under the State Trade Marks Act, the trade mark would, if after the commencement of the Commonwealth Act no fee for the continuance of its registration were paid, first become liable to removal from the register, whichever first happens. It is also provided that no fee shall be receivable nor shall any act be done after the commencement of the Commonwealth Act for the continuance of the registration of a trade mark under a State Act. Commonwealth registration of a State registered mark may be effected, and the fact of its registration in a State prior to the coming into force of the Commonwealth Act, may entitle the registered proprietor in the State to Commonwealth registration, notwithstanding the existence of defects which might be ground for refusal of an application for the registration of a new trade mark.

(iii.) *Duration of Registration and General Provisions.* The registration of a trade mark is for a period of fourteen years, but may be renewed from time to time. International and intercolonial arrangements for the mutual protection of trade marks may be made in a manner similar to that provided for the protection of patents. In this regard Australia has become a party to the International Convention for the protection of industrial property. Registration may be opposed by any person lodging a notice of opposition at the Trade Marks Office within three months after the advertisement of the application, or such further time, not exceeding three months, as may be allowed.

(iv.) *Publications.* The *Australian Official Journal of Trade Marks* is issued weekly, and contains lists of applications and proceedings, with representations of marks (when

accepted) sought to be registered. *Copyrights.* An index of owners of literary, artistic, and international or State copyright, together with an alphabetically-arranged list of the subjects of works, is published in the official journal of trade marks, and, at the end of each year, published in consolidated form. *Designs.* Information corresponding with that given for copyrights is published. Indexes to names of applicants and subject matter of applications are compiled and are on sale.

5. **Designs.**—The Designs Act of 1906 came into operation on the 1st January, 1907. Under this Act a Commonwealth Designs Office has been established and the Commissioner of Patents appointed "Registrar of Designs."

(i.) *Registration.* Any new and original design which has not been published in Australia before the lodging of an application for its registration may be registered in respect of all or any of the articles enumerated in the classification contained in the regulations, which comprise jewellery, paperhangings, carpets, floor-cloths, lace, hosiery, millinery, wearing apparel, textile fabrics, bookbinding, and articles composed wholly or chiefly of a variety of solid substances. A separate application must be made in respect of each class in which the owner of the design desires it to be registered. After an application for the registration of a design has been lodged the design may be published and used without prejudice to the validity of the registration.

(ii.) *Duration of Copyright in Designs.* The registration takes effect as from the date of the lodging of the application, and, subject to the provisions of the Act, remains in force for a period of five years from that date. The owner of a registered design must, within two years after registration, substantially use the design, or cause it to be used, in Australia, and if he fails to do so the copyright ceases. If, however, such design is used in any manufacture abroad the above period is limited to six months.

(iii.) *General.* The Act also contains provisions regarding the remedies for infringement of designs and the rectification of the register. Arrangements for the international and intercolonial protection of copyright in designs were made by the same proclamation referred to above with regard to patents and trade marks. The owner of a registered design must cause each article to which the design is applied to be marked before delivery for sale with the prescribed mark to denote that the design is registered.

6. **Applications for Copyrights, Trade Marks, and Designs.**—The following table gives particulars of copyright, trade mark, and design applications received and registered under the Commonwealth Acts from 1907 to 1911 inclusive:—

COPYRIGHT, TRADE MARK, AND DESIGN APPLICATIONS RECEIVED AND REGISTERED UNDER COMMONWEALTH ACTS, 1907 to 1911.

Year.	Copyrights.				Trade Marks.	Designs.	
	Literary.	Artistic.	International	Total.			
APPLICATIONS RECEIVED.							
1907	...	372	346	7	725	2,065	176
1908	...	479	581	46	1,106	1,580	155
1909	...	474	518	14	1,006	1,688	187
1910	...	464	569	6	1,039	1,729	186
1911	...	440	466	15	921	1,977	203
APPLICATIONS REGISTERED.							
1907	...	227	208	...	435	1,395	77
1908	...	382	359	21	762	3,150	180
1909	...	412	527	4	943	1,455	166
1910	...	361	495	12	868	1,190	160
1911	...	379	412	11	802	1,323	180

The following table shews the revenue of the Copyright, Trade Mark, and Design Office during the years 1909, 1910, and 1911:—

REVENUE OF COPYRIGHT, TRADE MARK, AND DESIGN OFFICE, 1909 to 1911.

Particulars.	1909.					1910.					1911.				
	Copy- rights.	Trade Marks.	Desig's	Publi- cations	Total.	Copy- rights.	Trade Marks.	Desig's	Publi- cations	Total.	Copy- rights.	Trade Marks.	Desig's	Publi- cations	Total.
	£	£	£	£	£	£	£	£	£	£	£	£	£	£	£
Fees collected under State Acts	4	61	...	...	65	1	164	...	...	165	1	56	...	...	57
Fees collected under Cwth. Acts	145	4,893	170	117	5,325	163	4,655	171	90	5,079	142	5,018	180	127	5,467
Total ...	149	4,954	170	117	5,390	164	4,819	171	90	5,244	143	5,074	180	127	5,524

In addition to the applications for copyright received and registered under the Commonwealth Act, as specified in the first table of this paragraph, certain applications for registration of copyrights under State Acts were received and registered. The following table gives particulars of such applications for the years 1907 to 1911:—

APPLICATIONS FOR REGISTRATION OF COPYRIGHT UNDER STATE ACTS, 1907 to 1911.

Year.	N.S.W.		Victoria.		Queensland.		S. Australia.		W. Australia.		Tasmania.	
	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.	Literary.	Artistic.

APPLICATIONS RECEIVED.

1907	...	4	2	19	...	...	...	1	...	1	...	...
1908	4	2	4	8	...	...	...	1	...	...	...	...
1909	...	...	8	4	...	...	...	...	...	...	...	...
1910	...	...	2	5	...	...	...	...	...	...	...	...
1911	...	...	1	...	...	...	...	...	...	...	...	...

APPLICATIONS REGISTERED.

1907	...	...	2	19	...	...	...	1	1	...	...	...
1908	4	2	3	1	...	...	...	1	...	...	...	...
1909	...	...	9	11	...	...	...	...	...	...	...	...
1910	...	...	2	1	...	...	...	...	...	...	...	...
1911	...	...	1	...	...	...	...	...	...	...	...	...

§ 3. Old-age Pensions.

1. **General.**—A system for providing for the relief of the aged poor by some means which did not involve the stigma associated in so many minds with the idea of charitable aid, and which, while protecting the recipients from actual want, still left to them as large a degree of freedom as possible, has long been sought for by economists, statesmen, and social reformers. The difficulties surrounding a satisfactory solution of the question are numerous and great, and various schemes have been propounded with the object of overcoming them. Two of the principal objections which have been urged against the introduction of a general system of old-age pensions are—

- (i.) its costliness;
- (ii.) its tendency to induce thriftlessness.

The former is undoubtedly a serious difficulty, since in any normally constituted population the number of persons aged say sixty-five years and upwards will represent

about 5 per cent. of the total population, and the provision of the funds required to pay to these a sum which would provide them with even the barest necessities of life would be a very considerable burden upon the State Treasury. To limit this amount various suggestions have been made, of which probably the most effective have been those which provide, the one for a contribution to the pension fund by the pensioner during his earlier years, and the other for a reduction of the amount of pension payable to those in receipt of income from other sources. The former of these is the principle which has been acted upon in the scheme in operation in Germany, while the latter is that which underlies the schemes in vogue in the Commonwealth, New Zealand, and the United Kingdom.

The objection which has sometimes been raised to the payment of old-age pensions on the score of the tendency to thriftlessness thereby induced is one which, in Australia, at all events, is not accorded much weight, the general feeling being that the number of cases in which the prospect of a pension of, say, 10s. per week from sixty-five onwards would lead to thriftlessness in earlier years, is so small as to be practically negligible.

2. Introduction of Old-age Pensions into Australia.—The credit of introducing old-age pensions into the Southern Hemisphere belongs, not to the Commonwealth, but to her sister dependency, the Dominion of New Zealand, where pensions have been payable since 1st April, 1898. The first State of the Commonwealth to make provision for the payment of old-age pensions was Victoria, whose legislation on the subject came into operation on 18th January, 1901. Later in the same year, viz., on 1st August, 1901, the pension system of New South Wales came into force, while in the case of Queensland old-age pensions became payable from 1st July, 1908. Finally, an Act providing for the payment of old-age pensions throughout Australia was passed by the Commonwealth Parliament in 1908, pension payments thereunder commencing on 1st July, 1909. This Act superseded the State Acts in so far as provision for old-age is concerned.

3. Commencement of Commonwealth Act.—The Commonwealth Invalid and Old-age Pensions Act was assented to on the 10th June, 1908, and payment of old-age pensions commenced as from 1st July, 1909. Provision is also made in the Act for the payment of invalid pensions. The part of the Act relating thereto, however, did not come into operation on the commencement of the Act, but it was provided that it should commence on some subsequent date to be fixed by proclamation. This proclamation was made on the 19th November, 1910, the first payments thereunder being made on the 15th December, 1910.

4. Administration of Commonwealth Act.—The general administration of the Act is, subject to the control of the Minister, placed in the hands of the Commissioner of Pensions, who is assisted by a Deputy Commissioner appointed in each State. Power is given to the Commissioner and the Deputy Commissioners to summon witnesses, receive evidence on oath, and require the production of documents for the purposes of the Act.

Each State is divided into districts, each of which is placed in charge of a Registrar, whose duties consist in receiving and investigating pension claims and in keeping such books and registers as are required for carrying out the provisions of the Act.

5. Pension Age.—For an old-age pension the age qualification is similar to that previously in force in New South Wales under the State Act, viz., attainment of the age of sixty-five years, or, in the event of permanent incapacitation for work, attainment of the age of sixty years. The Act also provides that the age qualification for women may be fixed by proclamation at sixty years instead of sixty-five. This proclamation was made on the 19th November, 1910, the first payments thereunder being made on the 15th December, 1910. For an invalid pension the age qualification is attainment of the age of sixteen years if accompanied by permanent incapacitation for work.

6. Length of Residence.—In the original Act of 1908 the residential qualification for an old-age pension was the same as that of the New South Wales Act, viz., continuous residence for twenty-five years. Owing, however, to the fact that in the other two States in which pensions were payable under the State régime the residential qualification was only twenty years, an amendment of the Act was passed by the Federal Parliament in August, 1909, reducing the Commonwealth term to twenty years also, thus diminishing the chance of lapse of pension through transfer from State to Commonwealth. For an invalid pension continuous residence for at least five years is required. In neither case, however, is continuous residence in Australia deemed to have been interrupted by occasional absences not exceeding in the aggregate one tenth of the total period of residence. The applicant for any pension must be residing in Australia on the date when he makes his claim, and in the case of an invalid pension must have been incapacitated while in Australia.

7. Rates of Pension.—The rate of pension payable, whether for old age or invalidity, is required by the Act to be determined by the Commissioner or one of the Deputy Commissioners, and is to be fixed at such amount as he deems reasonable and sufficient, having regard to all the circumstances of the case, but must not exceed £26 per annum in any event, nor be at such a rate as will make the pensioner's income, together with pension, exceed £52 per annum.

8. Limitations in respect of Income and Property.—With a view to restricting the pensions to persons actually needing assistance, provision was made in all the State Acts reducing the payment when the applicant already possessed income or property above a given amount. This principle is also embodied in the Commonwealth Act. In the case of independent income it has already been mentioned that the pension payment must be so modified that the aggregate income, inclusive of pension, does not exceed £52 per annum. Payments received by way of benefit from any registered friendly society, or during illness, infirmity, or old age from any trade union, provident society, or other society or association, are not, for the purposes of the Commonwealth Act, treated as income. As regards accumulated property, the pension is subject to a deduction of £1 per annum for every complete £10 by which the net capital value of the property exceeds £50, except where the property includes a home in which the pensioner permanently resides, and which produces no income, in which case a net capital value of £100 is allowed prior to the pension deduction coming into operation. Accumulated property, whether in or out of Australia, to the value of £310 or upwards will disqualify for a pension, as will also an applicant's direct or indirect deprivation of himself of such property with the object of obtaining a pension. In the case of husband and wife, except where they are living apart pursuant to any decree, judgment, order or deed of separation, the net capital value of the accumulated property of each is deemed to be half the total net capital value of the accumulated property of both, and the amount of property in such case allowed prior to deduction is £50 if including, and £25 if not including a home.

9. Character of Applicant for Pension.—In all the State Acts provision was made that the recipients of old-age pensions should be persons of good moral character, and, in New South Wales and Victoria, imprisonment for extended periods would act as a disqualification. In the Commonwealth Act it is also provided that "no person shall receive an old-age pension unless he is of good character," but a similar provision is not made in the case of invalidity.

10. Number of Commonwealth Claims and Old-age Pensions.—During the first year of practical working of the Commonwealth Act, viz., that ended 30th June, 1910, the number of cases considered was 76,168. Of these 39,875 were cases in which a State old-age pension was exchanged for one payable by the Commonwealth. The remaining 36,293 were new applications received during the year, of which 30,526 were granted, 3921 were rejected, and 1846 were still in course of consideration on 30th June,

1910. During the year ending 30th June, 1911, a further number of 20,260 were considered. Details of the several States are as follows :—

COMMONWEALTH OLD-AGE PENSION BUSINESS.—YEAR ENDED 30th JUNE, 1911.

State.	New Applications during 1910-11.				Total Cases Considered since Inception.	Total Claims Admitted since Inception.
	Granted.	Rejected.	In Course of Consideration.	Total Received.		
New South Wales ...	5,447	951	588	6,986	35,866	32,468
Victoria ...	5,730	663	466	6,859	30,426	27,627
Queensland ...	2,103	459	166	2,728	12,601	11,302
South Australia ...	1,476	31	109	1,616	8,706	7,807
Western Australia ...	797	56	38	891	3,883	3,312
Tasmania ...	912	116	152	1,180	4,946	4,350
Commonwealth ...	16,465	2,276	1,519	20,260	96,428	86,866

11. **Old-age Pensions Current on 30th June, 1911.**—The total number of pensions current on 30th June, 1911, was 75,502, or 11,364 less than the number of claims admitted, due to the fact that 10,169 pensions lapsed by death, and 1195 by cancellation since the beginning of the business. Details for the several States are as follows :—

COMMONWEALTH OLD-AGE PENSIONS CURRENT, 30th JUNE, 1911.

State.	Total Claims Admitted.	Discontinuance by		Pensions current on 30th June, 1911.	
		Death.	Cancellation.	Number.	Per 1000 of Population.
New South Wales ...	32,468	3,780	528	28,160	17.13
Victoria ...	27,627	3,618	292	23,722	18.23
Queensland ...	11,302	1,201	207	9,894	16.52
South Australia ...	7,807	824	98	6,885	16.79
Western Australia ...	3,312	292	44	2,976	10.75
Tasmania ...	4,350	459	26	3,865	19.94
Total ...	86,866	10,169	1,195	75,502	17.06

12. **Sexes of Old-age Pensioners.**—Of the 75,502 persons in receipt of pension at 30th June, 1911, 34,811 (or 46 per cent.) were male, and 40,691 (or 54 per cent.) were female. Details for the several States are as follows :—

SEXES OF PENSIONERS, 30th JUNE, 1911.

State.	Males.	Females.	Total.	*Masculinity.
New South Wales ...	13,588	14,572	28,160	93.25
Victoria ...	10,444	13,278	23,722	78.66
Queensland ...	5,057	4,837	9,894	104.55
South Australia ...	2,751	4,134	6,885	66.55
Western Australia ...	1,534	1,442	2,976	106.38
Tasmania ...	1,437	2,428	3,865	59.18
Total ...	34,811	40,691	75,502	85.55

* Number of males to each 100 females.

13. Ages and Conjugal Condition of Old-age Pensioners Admitted during 1910-11.

—The recorded ages of the 16,465 persons to whom pensions were granted during the year 1910-11 varied considerably, ranging from 777 at age 60 to 3 at age 96. Particulars for quinquennial age groups are as follows :—

AGES AND CONJUGAL CONDITION OF PENSIONERS ADMITTED DURING 1910-11.

Age at Admission.	Males				Females.				Grand Total.
	Single.	Married.	Widowed	Total.	Single.	Married.	Widowed	Total.	
60-64	156	405	126	687	322	2,203	2,424	4,949	5,636
65-69	707	1,748	706	3,161	257	1,448	1,633	3,338	6,499
70-74	331	703	360	1,394	56	386	627	1,069	2,463
75-79	120	292	221	633	33	151	406	590	1,223
80-84	31	92	90	213	11	35	204	250	463
85-89	6	16	27	49	5	12	75	92	141
90-94	1	6	8	15	...	3	16	19	34
95-99 ... ..	...	1	1	2	...	...	4	4	6
Total	1,352	3,263	1,539	6,154	684	4,238	5,389	10,311	16,465

14. Commonwealth Claims for Invalid Pensions.—Invalid pensions first became payable on 15th December, 1910, and on 30th June, 1911, 9906 cases had been investigated. These consisted of 3609 cases taken over from the States under Section 35 of the Act, and 6297 new claims received. Of the latter number 4164 were granted. 1350 were rejected, and 783 were awaiting consideration on 30th June, 1911. Particulars for the different States are as follows :—

INVALID PENSION BUSINESS.—YEAR ENDED 30th JUNE, 1911.

State.	State Pensions taken over by C'wealth.	New Applications to 30th June, 1911.				Total Cases Con-sidered.	Total Claims Admitted during Year.
		Granted.	Rejected.	In Course of Con-sideration.	Total Received.		
N.S.W.	3,498	565	408	334	1,307	4,805	4,063
Victoria	111	2,123	508	177	2,808	2,919	2,234
Queensland ... ..	...	515	198	64	777	777	515
South Australia ... ..	...	365	79	78	522	522	365
West. Australia ... ..	...	184	87	42	313	313	184
Tasmania ... ..	...	412	70	88	570	570	412
Commonwealth	3,609	4,164	1,350	783	6,297	9,906	7,773

15. Invalid Pensions Current on 30th June, 1911.—The 4164 claims granted and the 3609 cases taken from the States constitute 7773 pensions admitted. From this number must be deducted 322, including 226 deaths in the period under review, and 96 cancellations. This leaves 7451 as the number of invalid pensions current on 30th June, 1911. This, it may be noted, includes 19 cases of special allowance granted to blind persons who are not entirely incapacitated for work. Details for the several States are follows :—

INVALID PENSIONS CURRENT ON 30th JUNE, 1911.

State.	Claims Admitted.	Discontinuance by		Pensions current on 30th June, 1911.	
		Death.	Cancel- lation.	Number.	Per 1000 of Population.
New South Wales	4,063	135	84	3,844	2.31
Victoria	2,234	48	3	2,183	1.68
Queensland	515	20	3	492	0.82
South Australia	365	11	2	352	0.86
Western Australia	184	4	1	179	0.65
Tasmania	412	8	3	401	2.07
Commonwealth	7,773	226	96	7,451	1.68

16. **Sexes of Invalid Pensioners.**—Of the 7451 persons in receipt of an invalid pension on 30th June, 1911, 3833 or 51½ per cent. were male, and 3618 or 48½ per cent. were female. Details for the several States are as follows :—

SEXES OF INVALID PENSIONERS, 30th JUNE, 1911.

State.	Males.	Females.	Total.	*Masculinity.
New South Wales	1,975	1,869	3,844	105.67
Victoria	1,101	1,082	2,183	101.76
Queensland	282	210	492	134.29
South Australia	175	177	352	98.87
Western Australia	106	73	179	145.21
Tasmania	194	207	401	93.72
Commonwealth	3,833	3,618	7,451	105.94

* Number of males per 100 females.

17. **Ages and Conjugal Condition of Invalid Pensioners Admitted during 1910-11.**—The recorded ages of the 4164 persons who received invalid pensions in the period under review varied from 16 to 87. The following table gives particulars in decennial age groups after age 20.

AGE AND CONJUGAL CONDITION OF INVALID PENSIONERS ADMITTED IN 1910-11.

Age at Admission.	Males.				Females.				Grand Total.
	Single.	Married.	Widowed	Total.	Single.	Married.	Widowed	Total.	
16-19	72	...	...	72	72	...	...	72	144
20-29	253	24	...	277	259	6	3	268	545
30-39	205	99	4	308	238	33	18	289	597
40-49	208	270	20	498	243	78	90	411	909
50-59	256	427	65	743	212	242	350	604	1,552
60-69	72	110	20	202	24	45	74	143	345
70-79	5	11	6	22	4	8	20	32	54
80	2	2	3	7	2	...	9	11	18
Total	1,073	943	118	2,134	1,054	412	564	2,030	4,164

18. **Cost of Administration.**—Under the State régime the cost of administration differed considerably in the several States, and for 1908-9 represented in New South Wales 4.17 per cent. of the amount actually paid in pensions. In Victoria for the same year the corresponding percentage was 0.70. During the year 1910-11 the total cost to the Commonwealth of administering the Old-age and Invalid Pensions Department was £39,244, or 2.10 per cent. of the amount actually paid in pensions. As this total includes the cost of initiating the system in the three States of South Australia, Western Australia, and Tasmania, as well as extending it in the other three States, it is probable that the cost of administration in future years will represent a smaller percentage on the amount paid in pensions. Details concerning the cost of administration for 1910-11 are as follows:—

	£
Salaries	10,023
Temporary assistance	1,960
Services of magistrates, registrars, clerks of courts, and police ...	6,149
Commission to Postmaster-General's Dept., at 12s. 6d. per £100 paid	11,541
Postage and telegrams	2,674
Other expenses	6,897
	<hr/> 39,244

The actual sum disbursed in Old-age and Invalid Pensions in the financial year 1910-11, apart from the cost of administration, was approximately £1,868,648.

19. **Estimated Cost of Commonwealth Old-age Pension Scheme.**—In the first two issues of the Year Book estimates of the probable cost of the Commonwealth scheme were given. The former of these, based largely on the old-age pension experience of New South Wales, taken in conjunction with the census results of 31st March, 1901, and the subsequent estimates of increase of population, brought out a sum of £1,580,000 as representing the probable cost, including administration, if the New South Wales scheme had operated throughout the Commonwealth during 1906-7. In the second issue of the Year Book the results of a more extensive investigation were published. These were obtained from an analysis of the New Zealand old-age pension experience, combined with the Australian Census results of 1881, 1891 and 1901, and gave an estimate for each year from 1909-10 to 1926-7 of the probable cost, including administration, of the Commonwealth scheme as provided in the original Act. The figures so obtained for the year 1909-10, were £1,440,000; for 1914-15, £1,616,000, and for 1919-20, £1,854,000. The reduction of the residential qualification from 25 to 20 years under the Amending Act of 1909, had the effect of somewhat increasing the number eligible for pensions, and consequently of increasing the probable cost. The extent of this increase was estimated at 4 per cent., and in the third issue of the Year Book the estimated cost under the present system, on the assumption that the Commonwealth conditions would not differ materially from those of New Zealand, was given as follows:—1909-10, £1,498,000; 1914-15, £1,681,000; and 1919-20, £1,928,000. It will be seen that the actual cost for 1909-10, inclusive of administration, viz., £1,534,476, exceeded this last estimate by £36,476, or practically by the cost of administration.

With reference to the probable cost of invalidity pensions for the Commonwealth, the only experience available is that of New South Wales, where the number in force on 30th June, 1909, was 3714, and the cost, inclusive of administration, was approximately £79,200. On this basis, the cost of such a scheme for the Commonwealth, as a whole, may be roughly estimated at about £210,000 per annum for the present, increasing in subsequent years probably in proportion to the population.

20. **Liability Undertaken in Granting Old-age Pensions.**—As an indication of the extent of the responsibility which an old-age pension scheme involves, it may be mentioned that in connection with the evidence tendered to the Commonwealth Commission

on Old-age Pensions a computation was made of the total liability in respect of accrued pensions which the Commonwealth would have incurred if, at 31st March, 1901, the date of the Census, 39 per cent. of the persons aged sixty-five and upwards were entitled to pensions of ten shillings per week. The present value at that date of the liability so computed was £10,415,820. (See Minutes of Evidence of Royal Commission on Old-age Pensions, p. 80.)

4. Local Option.

1. **General.**—The principles of local option as to the sale of fermented and spirituous liquors have been applied in all the States of the Commonwealth. The last State to adopt those principles was Western Australia, where provision was made for a system of local option by the Licensing Act 1911.

2. **New South Wales.**—The Acts in force relating to local option in this State are the Liquor Amendment Acts 1905 and 1907. There were formerly two Acts which dealt with the subject, viz., the Licensing Acts 1882 and 1883, consolidated by the Liquor Act 1898. Under the Act of 1905, which came into force on the 1st January, 1906, the local option vote is to be taken in every electorate on the day fixed for the poll therein at each general election. The option with regard to licenses extends to publichouses, wineshops, and clubs, and the persons entitled to vote are those entered on the Parliamentary electoral rolls.

(i.) *Resolutions to be Submitted.* Except where resolution (c)—see below—has previously been carried, and is in force in an electorate, the following resolutions are to be submitted:—(a) That the number of existing licenses continue. (b) That the number of existing licenses be reduced. (c) That no licenses be granted in the electorate. Where resolution (c) has previously been carried the resolution to be submitted is:—(d) That licenses be restored in the electorate. Resolutions (a) and (b) are carried by a simple majority of the votes given, but neither resolutions (c) nor (d) will be carried unless at least three-fifths of the votes given are in favour thereof, whilst at least 30 per cent. of the number of electors on the rolls must vote for such resolution. If resolution (c) is not carried, the votes given in favour of that resolution are to be added to the votes given for resolution b).

(ii.) *Effects of Resolutions.* The effects of carrying the resolutions are as follows:—If resolution (a) is carried, the number of licenses may not exceed the number at the time of taking the vote. If resolution (b) is carried, the number of licenses must be reduced, and may be reduced to three-fourths the number at the time of voting. If resolution (c) is carried, no licenses may be granted, renewed, or transferred. If resolution (d) is carried, licenses may be granted, renewed, and transferred, but so that the number of licenses is not greater than the number held when resolution (c) was carried, nor less than half such number.

For the purpose of effecting a reduction under resolution (b), a special court determines the reduction to be made in the number of existing licenses, and decides which premises are to be closed. The best conducted premises are given a preference over others. If resolution (c) is carried, it is to take effect at the expiration of three years from the date of the vote.

(iii.) *Local Option Votes, 1907 and 1910.* The first local option vote under the Act of 1905 was taken at the general election in 1907, and the second at the election in 1910. The following statement shews the number of electorates in which each of the resolutions was carried:—

NEW SOUTH WALES.—EFFECTS OF LOCAL OPTION VOTES, 1907 and 1910.

Particulars.	General Election, 1907.		General Election, 1910.	
	Number of Electorates.	Number of Votes.	Number of Electorates.	Number of Votes.
<i>Results in favour of—</i>				
(a) Continuance	25	209,384	76	324,973
(b) Reduction	65	75,706	14	38,856
(c) No license	Nil	178,580	Nil	212,889

3. **Victoria.**—The Acts dealing with the subject of local option as to the sale of fermented and spirituous liquors, and with the compulsory closing of hotels in this State are the Licensing Acts 1890, 1906, and 1907. Other Acts, now repealed, which dealt with the subject are the Licensing Acts 1876, 1885, and 1888.

The last division of the Act of 1906 relates to the subject of local option; this division, however, does not come into force until the 1st January, 1917. In the meantime, in order to reduce the number of victuallers' licenses in Victoria, a Licenses Reduction Board is constituted.

(i.) *The Licenses Reduction Board.* Although the operations of this Board are not conducted in accordance with the principles of local option, the duties of the Board are, until the 31st December, 1916, after which date a system of local option comes into force under the Act of 1906, to reduce the number of licenses in excess of the statutory number, and to award compensation according to the scheme provided for by that Act. The Board consists of three members at a salary of £800 per annum each, who may not engage in any business or employment other than the duties of their office as members of the Board. The Board was first appointed on the 21st May, 1907. A Compensation Fund has also been established under the Act, and is raised by means of a compensation fee at the rate of 3 per cent. on the value of liquor purchased by every licensed victualler. The owner of the premises is chargeable with two-thirds, and the tenant with one-third of the compensation fee. The total amount paid into the Compensation Fund was £48,233 for the year 1907, £48,543 for 1908, £49,300 for 1909, £48,875 for 1910, and £51,716 for 1911. When any reduction of licensed premises has been made, the remaining hotels, which will be benefited, are to bear a *pro rata* assessment to make up the amount of license fees lost. The amount so lost up to the end of the year 1911 was £7885, which sum has been apportioned among 1642 hotels in proportion to the benefit which, in the opinion of the Board, they will derive from the closing. The maximum compensation, which is payable out of the Compensation Fund referred to above, is to be based on the results of the three years preceding the 31st December, 1906, in the case of owners, and of the three years preceding the 31st December, 1905, in the case of licensees. Up to the 31st December, 1911, 512 hotels had been closed by the Board, 151 of this number having surrendered their licenses. In all cases compensation, where claimed, was awarded, the total paid amounting to £243,443, or an average of £475 each. 144 of these hotels were situated in the metropolitan district, while the remaining 368 were in country districts. In 93 cases no claims for compensation were made by the licensees. The following table shews particulars of the operations of the Board up to the 31st December, 1911.

VICTORIA.—OPERATIONS OF LICENSES REDUCTION BOARD, 31st DECEMBER, 1911.

Particulars.	Licenses in December, 1906.			Hotels Deprived of Licenses	Compensation Awarded.		Hotels Surrendered.	Compensation Awarded.	
	Number in Existence.	Statutory Number.	Number in Excess.		Owner.	Licensee.		Owner.	Licensee.
Metropolitan & Suburban Country	1,020 2,440	877 1,622	401 976	140 213	£ 102,155 74,664	£ 17,548 12,271	4 155	£ 3,091 29,813	£ 599 3,302
Total ...	3,460	2,499	1,377	353	176,819	29,819	159	32,904	3,901

* In some districts the number of hotels was below the statutory number; in these districts the total number of hotels less than the statutory number was 418.

No reduction of any licensed premises is allowed in any licensing district in which the number of licensed premises is below the statutory number, but new licenses may, until 1917, be granted in such districts provided that a majority of the electors vote in favour of the increase, and that at least one-third of the number of electors on the roll record their votes. In such districts the total number of hotels below the statutory number allowed was 418 at 31st December, 1911.

Where a deprivation sitting is held before 30th June the Acts specify that a deprived license expiring on or before the 31st December following shall not be renewed. Where the sitting takes place after 30th June the license may be renewed for a period making in all six months from the first day of such sitting. To avoid difficulties on this score the Board holds its deprivation sittings in the first half of the year and its compensation and re-allotment sittings in the second half. Surrenders take effect on the date fixed by the Board at the time of acceptance.

Up to 30th June, 1912, the Board had deprived 94 hotels of their licenses in addition to those scheduled above, of which 17 licenses were surrendered. Grand total, 606.

(ii.) *Local Option Resolutions.* A local option vote of the electors is to be taken in every electoral district for the Legislative Assembly on the day fixed for the poll at each general election after the 1st January, 1917. The resolutions to be submitted, the majorities necessary, and the effects of carrying the resolutions are the same as specified in the case of New South Wales. Where any license existing before the 1st February, 1886, is cancelled as the result of a local option vote, the owner and licensee have each a claim to be paid out of the Compensation Fund, but only to the extent that such fund is from time to time available. If it appear to the Treasurer that there is not sufficient money in the fund to meet the claims, he may require every licensed victualler in Victoria to pay an additional compensation fee in order to satisfy the claims.

4. **Queensland.**—In Queensland the subject of local option is dealt with in Part VI. (sections 114 to 126) of the Licensing Act 1885. The provisions of that part of the Act may be applied in any municipality or division, or any subdivision of either, or in any other area which forms part of a municipality or division, and also forms part of one licensing district.

(i.) *Resolutions to be Submitted.* Any number, not less than one-sixth, of the ratepayers in an area may, by notice in writing, require the chairman of the local authority to take a poll of the ratepayers for or against the adoption of all or any of the following resolutions to have effect within the area, viz.:—(a) That the sale of intoxicating liquors be prohibited. (b) That the number of licenses be reduced to a certain number, specified in the notice, not less than two-thirds of the existing number. (c) That no new licenses be granted. The persons entitled to vote are those whose names are on the voters' roll or rate-book of the municipality or division of which the area forms part, as rated in respect of property within the area. Resolutions (b) and (c) may be carried by a simple majority, but resolution (a) cannot be carried unless "a majority of two-thirds of the votes recorded in respect of that resolution . . . is in favour of its adoption."

(ii.) *Effects of Resolutions.* If resolution (a) is adopted, it comes into force on the 30th June in the year following that in which the notice requiring the poll was given. If (b) is adopted, the licensing authority must restrict the total number of licenses and certificates granted or renewed to or within the number specified. If resolution (c) is adopted the licensing authority may not grant any new certificates for a licensed victualler's license or wine-seller's license.

(iii.) *Re-submission of Resolutions.* If resolution (a) is adopted, a poll may not be demanded again until after the expiration of three years from the date of adoption, and in such case a poll may be taken on resolution (a) only. If (b) is adopted, a poll may be again demanded on it or on the question of a further reduction, or on the adoption of the resolutions (a) or (c), but not until the expiration of two years after the last poll was taken. If resolution (c) is adopted, a poll may again be demanded on it or on resolutions (a) or (b), but not until the expiration of two years after the last poll was taken. If all the resolutions are rejected, a poll may not be demanded again until after the expiration of two years from the date of the last poll.

(iv.) *Resolutions Adopted, 1911.* At the end of the year 1911, resolution (a) was in force in one area in Queensland, viz., Tiaro shire, Bauple district. Up to the same date a poll as to resolution (b) had not been demanded in any area. The following statement shews the number of areas in which each resolution was either in force or precluded up to the 31st December, 1911:—

QUEENSLAND.—NUMBER OF AREAS IN WHICH LOCAL OPTION RESOLUTIONS WERE IN FORCE OR PRECLUDED FROM ADOPTION, 31st DECEMBER, 1911.

Particulars.	Resolution (a).	Resolution (b).	Resolution (c).	Total.
No. of areas in which resolutions in force ...	1	0	130	131
No. of areas in which resolutions precluded from being put in force ...	1	0	52	53
Total	2	0	182	184

The only resolution upon which a poll had been demanded within the metropolitan district (ten-miles radius) was resolution (c); this resolution is in force in thirty-six areas within the metropolitan district and has not been precluded in any area within that district.

5. **South Australia.**—In this State the subject of local option is now regulated by Part V. of the Licensing Act 1908. Acts which formerly dealt with the subject were the Licensed Victuallers Amendment Act 1891, the Licensed Victuallers Further Amendment Act 1896, and the Local Option Act 1905.

Under the Licensing Act of 1908 each electoral district for the House of Assembly is constituted a local option district, and each electoral district may be divided into local option districts by proclamation of the Governor. A quorum consisting of 500 electors, or one-tenth of the total number of electors, whichever be the smaller number, in any district may petition the Governor for a local option poll. The persons entitled to vote at the poll are those whose names appear on the electoral roll and who reside in the local option district. The option extends to (a) publicans' licenses, (b) wine licenses, (c) storekeepers' Australian wine licenses, (d) storekeepers' licenses, and (e) club licenses.

(i.) *Resolutions to be Submitted.* The following are the resolutions which are to be submitted, under the Act of 1908, at every poll:—(a) That the number of licenses be reduced. (b) That the number of licenses be not increased or reduced. (c) That the number of licenses be increased in the discretion of the Licensing Bench. One ballot paper to apply to all classes of licenses, and any one of the resolutions is carried by a majority of the valid votes recorded. If the votes recorded in favour of resolution

(a) do not constitute a majority, such votes are to be added to the votes in favour of resolution (b). If the sum of the votes recorded in favour of resolutions (a) and (b) do not constitute a majority, such votes are to be added to those recorded in favour of resolution (c).

(ii.) *Effects of Resolutions.* As to each class of license of which there are not less than three licenses current within the local option district at the date of the poll, the first resolution is to be taken to mean that the number of licenses so current be reduced by one-third; and as to each class of license of which there are less than three current, the first resolution is to be taken as equivalent to the second resolution.

The constitution of special Benches consisting of three members, appointed by the Governor, is provided for in order to give effect to the first resolution. A special Bench also deals with resolutions for the reduction of licenses adopted before the passing of the Act of 1908, but not then given effect to.

(iii.) *Resolutions Adopted.* Under the Acts prior to that of 1908 resolutions to reduce the number of licenses had been adopted in nine districts, in four of which, however, the polls were subsequently declared void. Special Benches were appointed in January, 1909, to deal with the determinations of electors in those districts in which the results of the polls were in favour of reducing the number of licenses, viz., in the districts of Port Adelaide, East Torrens, and Sturt. In accordance with the determinations of these Benches it was decided in February and March, 1909, that the following licenses, namely—thirty-five publicans', one wine, eleven storekeepers' colonial wine, and one storekeeper's—should not be renewed.

(iv.) *Local Option Polls.* On the 2nd April, 1910, local option polls were taken under the Act of 1908 in twenty-four districts; the electors in the remaining nine local option districts did not petition for polls. Resolution (a), that the number of licenses be reduced, was carried in only one district, Wallaroo; in the remaining 23 districts resolution (b), that the number of licenses be not increased or reduced, was carried. At the General Election of the House of Assembly held on the 10th February, 1912, no local option polls were held in any local option district.

6. Western Australia.—The law relating to local option in Western Australia is contained in Part V. (sections 75 to 86) of the Licensing Act 1911, which was assented to on 16th February, 1911, and came into force on the 7th April following. Prior to the passing of this Act there was no provision for any system of local option in Western Australia.

(i.) *Resolutions to be Submitted.* Under the above-mentioned Act, a vote of electors is to be taken in every district in or before April, 1911, and in every third year thereafter (1920 excepted). The resolutions to be submitted are:—(a) That the number of licenses existing in the district continue. (b) That the number of licenses existing in the district be increased. (c) That the number of licenses existing in the district be reduced. (d) That no licenses be granted or renewed in the district. If resolution (d) has been previously carried and is in force in the district the resolution submitted will be (e) That licenses be restored in the district. The resolutions (a), (c), and (d) are not to be submitted to the electors until after the 21st December, 1920. At the taking of every local option vote, the following questions will also be put before the electors:—(1) Do you vote that all new publicans' general licenses in the district shall be held by the State? and (2) Are you in favour of State management throughout the district? Resolutions (a), (b), and (c) are deemed to be carried if a majority in number of the votes given is in favour of any such resolution, provided that if resolution (b) has not been carried, the votes given in favour of that resolution shall, if resolution (a) has been submitted at the same time, be added to the votes given for resolution (a) and shall be deemed to have been given in favour of resolution (a). Resolution (d) is carried if three-fifths at least in number of the votes given are in favour of that resolution, provided

that where it has not been carried, the votes given for it shall be added to those given for resolution (c). Resolution (e) is carried if three-fifths at least in number of the votes given are in favour of it. It is also provided that resolution (d) or (e) shall not be carried unless thirty per cent. or more of the number of electors in the licensing district vote for such resolution.

(ii.) *Effect of Resolutions.* If resolution (a) is carried, or in the case of a local option taken before the end of the year 1920, if resolution (b) is negatived, the number of licenses shall not exceed the number at the time of taking the vote. If resolution (b) is carried, the Licensing Court may increase the number of licenses. If resolution (c) is carried, the number of licenses at the time of taking the vote shall be reduced and may be reduced to three-fourths of such number. If resolution (d) is carried, no licenses shall be granted, renewed or transferred. If resolution (e) is carried, licenses may be granted, renewed and transferred, but so that the number of licenses shall not be greater than the number held when the resolution (d) was carried in the district, and if it is not carried, the resolution (d) previously carried shall continue to have effect.

(iii.) *First Local Option Poll.* The first vote under the above provisions was taken on 26th April, 1911, the main question being confined (as prescribed by the Act when the vote is taken prior to 1920) to resolution (b) i.e., "that the number of licenses be increased," the only other questions submitted being those of State control of new publicans' general licenses and State management throughout all licensing districts.

The following table shows the result of this local option poll:—

**WESTERN AUSTRALIA.—RETURN SHEWING THE RESULT OF LOCAL OPTION
POLL OF 26th APRIL, 1911.**

Result of Local Option Poll.		Do you vote that all new Publicans' General Licenses be held by the State.		Are you in favor of State Management throughout all Licensing Districts.	
Votes given in favor of the number of Licenses in the various districts being increased.	Votes given in favor of the number of Licenses in the various districts not being increased.	Yes.	No.	Yes.	No.
4,554	17,623	27,007	14,387	26,631	14,944

7. *Tasmania.*—In this State the subject of local option is dealt with in Part VI. (sections 72 to 84) of the Licensing Act 1902, as subsequently amended by section 8 of the Licensing Act 1908, which later Act, however, does not come into full operation until the first of January, 1917. Other Acts which formerly dealt with the subject, but now repealed, are the Licensing Acts 1889 and 1890, the Inn Keepers Relief Act 1894, and the Licensing Act Amendment Act 1898. Under the Act of 1902, opposition to the grant of a license may be made (i.) by any resident ratepayer, (ii.) by petition of rate-payers resident in the neighbourhood, or (iii.) by local option poll.

(i.) *Opposition by Resident Ratepayer.* Any ratepayer resident in the district in which a house in respect of which an application for an hotel or publichouse certificate is intended to be made is situated, may, by giving five days' notice to the Clerk of Petty Sessions, oppose the grant of the certificate before the Licensing Bench. The objections which may be taken to the granting of a certificate for an hotel or publichouse license are as follows:—(a) That the applicant is of bad character; (b) that he has been convicted of certain specified offences; and (c) that the house in respect of which the application is made does not comply with the requirements of the Act. The objections which may be taken to the granting of a provisional certificate for an hotel license are:—(a) That the house does not comply with the requirements of the Act, and (b) that an hotel is not required in the neighbourhood.

(ii.) *Petition of Resident Ratepayers.* The ratepayers resident in the neighbourhood of a house in respect of which an application for a license is made may petition the Licensing Bench against the granting of such license. The neighbourhood referred to is defined as meaning a space within a radius of 200 yards from the front door of the house if within a city, within a radius of 800 yards if within a town, and within a radius of two miles if the house is not situate within a city or town. If the petition is directed against the granting of a provisional certificate, and is signed by a majority of the resident ratepayers, the bench must refuse to grant the certificate.

(iii.) *Local Option Poll.* Any number of ratepayers, not less than seven, resident in the neighbourhood of the house in respect of which a provisional certificate for an hotel license has been applied for, may require, by petition lodged with the Clerk of Petty Sessions, that a poll of the ratepayers resident in the neighbourhood be taken upon the question whether such provisional certificate be granted or not. If a majority of the votes taken be against the granting of the certificate the Licensing Bench must refuse to grant it.

Particulars as to operations under Part VI. of the Act are not available.

5. Preferential Voting.

1. **Introduction.**—The methods of election adopted in the early stages of representative institutions are now in many cases considered to fail to respond to the needs of the more complex political conditions of highly civilised communities, and it would appear that the movements which have taken place in favour of improved electoral methods are in keeping with the advances made in practically all other human institutions. The original system of exclusive majority representation has often resulted in an exaggeration of the majority, sometimes in the total suppression of the minority, and on other occasions in the return of a majority of representatives by a minority of the electors.* To remedy these evils various schemes of preferential voting have been devised, on the basis that one of the essentials of the realisation of true self-government is that every responsible section of the community shall be able to give expression through its own representatives to its needs and desires in the assembly which is representative of the community, and which derives its authority from the fact that it is so representative. The systems of preferential voting which are in force in certain of the States of the Commonwealth are briefly described in this sub-section.†

2. **Systems in Force.**—Systems of preferential voting are now in force in the States of Victoria, Queensland, Western Australia, and Tasmania.

Preferential voting is not, however, a part of the electoral system of the Commonwealth, nor is it in operation in New South Wales or South Australia. In the former State the Electoral Act 1910, however, provides that if, as the result of the first ballot for the election of Members of the Legislative Assembly, it is found that no candidate has received an absolute majority of votes, a second ballot shall be taken between the candidate who has received the highest number of votes, and the candidate who has received the next highest number of votes, and requires the Returning Officer to decide the precedence of candidates for the purposes of the second ballot where the voting is equal by giving such casting vote or votes as may be necessary for this purpose, and to give a casting vote if, as the result of the second ballot, the candidates receive an equal number of votes.

* See "Proportional Representation," by J. H. Humphreys. Methuen & Co., London, 1911.

† Information supplied by C. Oldham, Esq., Commonwealth Chief Electoral Officer.

3. **Victoria.**—A system of preferential voting was brought into operation for the first time in this State under the provisions of the Preferential Voting Act 1911, on the occasion of the general elections for the Legislative Assembly. The law requires the elector to mark his vote by placing the numeral 1 on the ballot-paper opposite the name of the candidate for whom he votes as his first preference, and where there are more than two candidates, to then give contingent votes for all the remaining candidates by placing numerals 2, 3, 4, and so on as the case requires, opposite their names, so as to indicate, by such numerical sequence, the order of his preference. At the scrutiny, the number of first preference votes given at the election for each candidate is ascertained, and the candidate who has the greatest number of such first preference votes (if such number constitutes an absolute majority of votes) is declared elected.

A ballot-paper is treated as informal if it does not indicate the elector's first preference for one candidate, and, in the case of any election where there are more than two candidates, the contingent votes for all the remaining candidates.

If no candidate has an absolute majority of votes, the Returning Officer declares the candidate who has obtained the fewest first preference votes to be a defeated candidate, and, thereupon, opens all the parcels containing ballot-papers used at the election, and arranges such ballot-papers by placing, in separate parcels, all those on which a first preference is indicated for the same candidate and the full contingent votes are also given for all the remaining candidates, omitting ballot-papers which require to be rejected; and the ballot-papers counted to the defeated candidate are then distributed among the non-defeated candidates next in order of the voter's preference. After such distribution, the number of votes given to each non-defeated candidate is again ascertained. If no candidate then has an absolute majority of votes, the process of declaring the candidate who has the fewest votes to be defeated, and distributing his ballot-papers among the non-defeated candidates next in order of the voter's preference, is repeated, and the votes recounted after every such redistribution until one candidate has obtained an absolute majority of votes, and is declared elected.

If on any count, two or more candidates have an equal number of votes, and one of them has to be declared defeated, the Returning Officer is required to decide which is to be declared defeated, and, if on the final count, each candidate has an equal number of votes, the Returning Officer is further required to give a casting vote, and so decide the election.

4. **Queensland.**—A modified system of optional preferential voting for the Legislative Assembly is in operation in Queensland, under the provisions of Section 78A to 78 J inclusive of "The State Elections Act 1885 to 1908."

The elector is required to strike out from his ballot-paper the names of the candidates for whom he does not intend to vote, and then may, if he thinks fit, indicate on his ballot-paper the name or names of any candidates for whom he does not vote in the first instance, but for whom he desires his vote or votes to be counted in the event of any candidate or candidates for whom he votes in the first instance not receiving an absolute majority of votes, and if he indicates more than one such candidate, may indicate the order in which he desires that his vote or votes shall be counted for any such candidate or candidates. Such indication must be made by writing the figures 2, 3 or any subsequent number opposite to the name or names of the candidate or candidates for whom he does not vote in the first instance, but for whom he desires his vote or votes to be so counted, and the order indicated by such numbers is taken to be the order in which he desires his vote or votes to be so counted.

When one member only is to be returned at the election, if there is no candidate who receives an absolute majority of votes, all the candidates except those two who receive the greatest number of votes are declared to be defeated candidates. The vote of

every elector who has voted for a defeated candidate is counted for that one (if any) of the remaining two candidates for whom he has indicated that he desires his vote to be counted. The vote so counted for such remaining candidates is added to the votes originally given for them, and the candidate who receives the greatest number of votes, including the votes so counted (if any), is declared elected.

When two members are to be returned, and there are not more than four candidates, the two candidates who receive the greatest number of votes are declared elected. When two members are to be returned, and there are more than four candidates, if there is no candidate who receives an absolute majority of votes, all the candidates except those four who receive the greatest number of votes are deemed defeated candidates.

The vote or votes of every elector who has voted for a defeated candidate or defeated candidates must be counted for that one or those two of the remaining four candidates for whom the elector has not voted in the first instance, but for whom he has indicated in the required manner that he desires his vote or votes to be counted. The votes so counted for such remaining candidates are added to the votes originally given for them, and the candidates who receive the greatest number of votes, including the votes so counted (if any), are declared elected.

If only one candidate receives an absolute majority of votes, he is declared elected, and in that case all the other candidates except those two who receive the next greatest number of votes are deemed defeated candidates. The vote of every elector who has voted for a defeated candidate is counted for that one (if any) of the remaining two candidates for whom the elector has not voted in the first instance, but for whom he has indicated in the required manner that he desires his vote to be counted. The votes so counted for such remaining candidates are added to the votes originally given for them, and the candidate who receives the greatest number of votes, including the votes so counted (if any), is declared elected.

When two or more candidates, neither of whom is elected, receive an equal number of votes, the Returning Officer decides by his casting vote which of them have or has the greatest number of votes. If an elector writes a figure opposite to the name of a candidate for whom he votes in the first instance, the ballot-paper is not rejected for that reason only.

The foregoing provisions for securing the absolute majority of votes do not apply to any election at which more than two members are to be elected for one Electoral District.

5. Western Australia.—Preferential voting was made compulsory in this State (where it had previously been optional) under the Amending Electoral Act of 1911.

The elector is required to mark his ballot-paper by placing the numeral 1 opposite the name of the candidate for whom he votes as his first preference, and if there are more than two candidates, to give contingent votes for all the remaining candidates by placing the numerals 2, 3 and so on (as the case requires) opposite their names, so as to indicate by such numerical sequence the order of his preference. At the scrutiny a ballot-paper is rejected as informal if, when there are more than two candidates, it is not marked so as to indicate by numerical sequence the voter's preference as regards *all the candidates*, subject to the proviso that if numerals in arithmetical sequence are placed opposite the names of all the candidates but one, the next following numeral is deemed to be placed opposite the name of the remaining candidate. A special provision also avoids the rejection of a ballot-paper by reason of the fact that the elector has indicated his vote or first preference by means of a cross instead of the numeral 1.

The candidate who receives the largest number of first preference votes is declared elected if such number constitutes an absolute majority of votes; but if no candidate has an absolute majority of votes, the Returning Officer declares the candidate who has obtained the fewest first preference votes to be a defeated candidate; and each ballot-paper counted to him is then (unless exhausted) distributed among the non-defeated candidates next in order of the elector's preference. When a

candidate is declared defeated, any ballot-paper counted to him is deemed to be exhausted if there is not indicated upon it a consecutive preference for a candidate not declared defeated. After such distribution the number of votes given to each non-defeated candidate is again ascertained, and if no candidate then has an absolute majority of votes, the process of declaring the candidate who has the fewest votes to be defeated and distributing each of his ballot-papers (unless exhausted) amongst the non-defeated candidates next in order of the voter's preference is repeated, and the votes recounted after every such distribution, until one candidate has obtained an absolute majority of votes, when such candidate is declared duly elected. When only two candidates remain undefeated, and neither has obtained an absolute majority, the candidate who has obtained the largest number of votes is declared to be elected. Every ballot-paper not rejected as informal is counted in every count until it becomes exhausted, when it is rejected in all further counts.

If on any count two or more candidates have an equal number of votes, and one of them has to be declared defeated, the Returning Officer is required to decide which is to be declared defeated, and is required to give a casting vote in the event of an equality of votes on the final count; but otherwise he may not vote at the election.

6. Tasmania.—The State of Tasmania is distributed into five electorates for the purposes of House of Assembly Elections, and each electorate returns six members, who are elected under a system of proportional representation. In a general election the elector is required to mark his ballot-paper by placing within, or substantially within, the squares respectively opposite the names of three candidates the numbers 1, 2 and 3, so as to indicate the order of his preference. He may, in addition, indicate the order of his preference for as many more candidates as he pleases, by placing within, or substantially within, the squares respectively opposite their names, other numbers next in numerical order after those already used by him.

The rules under which the scrutiny of the ballot-papers is conducted require that—

(A) The number of first choices recorded for each candidate shall be counted, and all informal voting-papers shall be rejected.

(B) The aggregate number of such first choices shall be divided by one more than the number of candidates required to be elected, and the quotient increased by one, disregarding any remainder, shall be the quota, and (except as hereinafter provided in Rule J) no candidate shall be elected until he obtains a number of votes equal to or greater than the quota.

(C) Any candidate who has, upon the first choices being counted, a number of such votes equal to or greater than the quota shall be declared elected.

(D) Where the number of such votes obtained by any candidate is equal to the quota, the whole of the voting-papers on which a first choice is recorded for such elected candidate shall be set aside as finally dealt with.

(E) Where the number of such votes obtained by any candidate is in excess of the quota, the proportion of votes in excess of the quota shall be transferred to the other candidates not yet declared elected, next in the order of the voter's respective preferences, in the following manner:—

(i.) All the voting-papers on which a first choice is recorded for the elected candidate shall be re-examined, and the number of second choices, or (in the case provided for in Rule L) third or next consecutive choices, recorded for each unelected candidate thereon shall be counted.

(ii.) The surplus of the elected candidate shall be divided by the total number of votes obtained by him on the counting of the first choices, and the resulting fraction shall be the transfer value.

(iii.) The number of second or other choices, ascertained in paragraph (i.) to be recorded for each unelected candidate, shall be multiplied by the transfer value.

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes obtained by him on the counting of the first choices.

(F)—(a) Where, on the counting of the first choices or on any transfer, more than one candidate has a surplus, the largest surplus shall be first dealt with. If then more than one candidate has a surplus, the then largest surplus next in order of magnitude shall be dealt with, and so on. Provided that, if one candidate has obtained a surplus at a count or transfer previous to that at which another candidate obtains a surplus, the surplus of the former shall be first dealt with.

(b) Where two or more surpluses are equal, the surplus of the candidate who has the highest on the poll at the count or transfer at which they last had an unequal number of votes shall be first dealt with, and if they have had an equal number of votes at all preceding counts or transfers, the Returning Officer shall decide which candidate's surplus shall be first dealt with.

(G)—(a) Where the number of votes obtained by a candidate is raised up to or above the quota by a transfer as aforesaid, he shall thereupon be declared elected. And in such case, notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no votes of any other candidate shall be transferred to him.

(b) Where the number of votes obtained by a candidate is raised up to, but not above the quota by a transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by a transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voter's respective preferences, in the following manner:—

(i.) The voting-papers on which are recorded the votes obtained by the elected candidate in the last transfer shall be re-examined, and the number of third, or (in the case provided for in Rule L) next consecutive choices recorded for each unelected candidate thereon counted.

(ii.) The surplus of the elected candidate shall be divided by the total number of voting-papers mentioned in paragraph (i.), and the resulting fraction shall be the transfer value.

(iii.) The number of second (or other) choices, ascertained in paragraph (i.) to be recorded for each unelected candidate, shall be multiplied by the last-mentioned transfer value.

(iv.) The resulting number, disregarding any fractional remainder, shall be credited to each unelected candidate, and added to the number of votes previously obtained by him.

(H)—(a) Where, after the first choices have been counted and all surpluses (if any) have been transferred as hereinbefore directed, no candidate, or less than the number of candidates required to be elected, has or have obtained the quota, the candidate who is lowest on the poll shall be excluded, and all the votes obtained by him shall be transferred to the candidates next in the order of the voter's respective preferences, in the same manner as is directed in Rule E.

(b) The votes obtained by such excluded candidate as first choices shall first be transferred, the transfer value of the vote in each case being 1.

(c) The other votes of such excluded candidate shall then be dealt with in the order of the transfers in which, and at the transfer value at which, he obtained them.

(d) Each of the transfers which takes place under the two previous clauses of this rule shall be deemed for all purposes to be a separate transfer.

(I)—(a) Where the number of votes obtained by a candidate is raised up to or above the quota by any such transfer as aforesaid, he shall thereupon be declared elected. And in such case notwithstanding the fact that he may have reached the quota, such transfer shall be completed, and all the votes to which he is entitled therefrom shall be transferred to him, but no other votes shall be transferred to him.

(b) Where the number of votes obtained by a candidate is raised up to, but not above, the quota by any such transfer as aforesaid, the whole of the voting-papers on which such votes are recorded shall be set aside as finally dealt with.

(c) Where the number of votes obtained by a candidate is raised above the quota by any such transfer as aforesaid, his surplus shall be transferred to the candidates next in the order of the voter's respective preferences in the same manner as is directed in Rule G, Clause (c). Provided that such surplus shall not be dealt with until all the votes of the excluded candidate have been transferred.

(d) Where any surplus exists it shall be dealt with before any other candidate is excluded.

(j) The same process of excluding the candidate lowest on the poll, and transferring to other candidates his votes shall be repeated until all the candidates, except the number required to be elected, have been excluded, and the unexcluded candidates, who have not already been so declared, shall then be declared elected.

(K) Where at any time it becomes necessary to exclude a candidate, and two or more candidates have the same number of votes and are lowest on the poll, then whichever of such candidates was lowest on the poll at the last count or transfer at which they had an unequal number of votes shall be first excluded, and if such candidates have had an equal number of votes at all preceding counts or transfers the Returning Officer shall decide which candidate shall be first excluded.

(L) In determining what candidate is next in the order of the voter's preference, any candidates who have been declared elected or who have been excluded shall not be considered, and the order of the voter's preference shall be determined as if the names of such candidates had not been on the voting-paper.

(M) Where on any transfer it is found that on any voting-paper there is no candidate opposite whose name a number is placed, other than those who have been already either declared elected or excluded, such voting-papers shall be set aside as exhausted.

Where in the case of a by-election one candidate only is to be elected and no candidate on the first count secures an absolute majority of the whole of the formal votes recorded at the election, the candidate who has the fewest votes is excluded (i.e., regarded as defeated) and each ballot-paper counted to him is (unless exhausted) counted to the unexcluded candidate next in the order of the voter's preference.

If no candidate then has an absolute majority of votes, the process of excluding the candidate who has the fewest votes and counting each of his ballot-papers (unless exhausted) to the unexcluded candidate next in the order of the voter's preference is repeated until one candidate has an absolute majority of votes.

Every ballot-paper not rejected as informal is to be counted in every count until it becomes exhausted, when it is rejected in all further counts. Where a candidate is excluded, any ballot-paper counted to him is deemed to be exhausted if there is not indicated upon it a consecutive preference for one unexcluded candidate.

If on any count two or more candidates have an equal number of votes and any one of them has to be excluded, the Returning Officer decides which shall be excluded, and if in the final count two candidates have an equal number of votes, the Returning Officer decides by his vote which shall be elected, but otherwise the Returning Officer has no vote at the election.

A comprehensive report on the General Election for the House of Assembly held on the 30th April, 1909, furnished to the Government by Messrs. Douglas, Piesse, and Birchall (officers connected with the Administration), gives full details of the working of the proportional representation system in Tasmania, and may be studied with advantage by persons interested.

§ 6. Valuation of Commonwealth Production.

The want of uniformity in methods of compilation and presentation of Australian statistics renders it an extremely difficult task to make anything like a satisfactory valuation of the various elements of production. At present there is so little accurate statistical knowledge regarding such industries as forestry, fisheries, poultry, and bee-farming, that any valuation of the production therefrom can only be regarded as the roughest approximation. As a matter of fact complete information as to value of production in all States is available in regard to the mining industry alone, and even in this case adjustments have to be made before the returns are strictly comparable. Careful estimates have been made in connection with the value of production from the agricultural and pastoral industries, which, it is believed, in the main give fairly accurate results. In the case of manufactories, five of the States in 1908 collected statistics of the value of production, while for the sixth State, Tasmania, an estimate has been prepared which it is believed gives a fair approximation. While the difficulties in the way of obtaining adequate valuations for all classes of production are serious enough at the present time they are still more pronounced in seeking to obtain information as to values for earlier years, when the returns were far more incomplete. It must be clearly understood, therefore, that the values given in the succeeding table are, in general, approximations only. With the adoption of the forms and methods of tabulation agreed upon at the Statisticians' Conference of 1906 it is hoped, however, that at no distant date fairly complete valuations will be available for all industries, and the returns collected in 1909 and 1910 certainly shew a considerable improvement over those of previous years. In the meantime the figures quoted must be taken with all their limitations. The table hereunder shews the approximate value of the production from all industries during the years 1906 to 1910:—

ESTIMATED VALUE OF PRODUCTION FROM INDUSTRIES, 1906 to 1910.

Year.	Agriculture.	Pastoral.	Dairy, Poultry, & Bee-farming.	Forestry and Fisheries.	Mining.	Manufacturing.*	Total.
	£1000.	£1000.	£1000.	£1000.	£1000.	£1000.	£1000.
1906 ...	25,349	45,389	13,611	4,879	26,622	†	†
1907 ...	30,500	50,660	15,584	4,826	28,301	†	†
1908 ...	37,150	47,259	15,045	4,286	24,580	36,637	164,957
1909 ...	41,056	50,864	15,064	4,462	23,039	40,018	174,503
1910 ...	39,752	56,993	17,387	4,789	23,215	45,598	187,734

* These amounts differ from those given in Section XIII., Manufacturing Industries, owing to certain products which are there included having been included in Dairy Farming and Forestry in this table. † Full particulars not available.

The total production from all industries during 1910 was £187,734,000, equal to an average of £42 19s. 2d. per inhabitant.

In the next table will be found the value of production in each State at decennial intervals since 1871, and for the year 1909. Details for individual States are not available for the year 1910, owing to discontinuance by Customs Department of collection of

statistics of Inter-State trade. The figures for the Census years have been taken from "Australia and New Zealand," and, in view of what has been said in a previous paragraph, must be regarded as very rough estimates only:—

ESTIMATED VALUE OF PRODUCTION, 1871 to 1909.

State.	1871.	1881.	1891.	1901.	1909.	Develop- ment* since 1871.
	£1000.	£1000.	£1000.	£1000.	£1000.	
New South Wales ...	15,379	25,180	36,740	38,954	65,591	4.3
Victoria ...	19,260	22,750	30,320	30,807	42,545	2.2
Queensland ...	3,995	10,200	14,274	16,933	26,565	6.6
South Australia ...	5,228	8,457	9,026	10,314	16,468	3.1
Western Australia ...	707	943	1,806	12,544	16,325	23.1
Tasmania ...	2,131	3,586	3,921	5,033	7,009	3.3
Commonwealth ...	46,700	71,116	96,087	114,585	174,503	3.7
Average per head ...	£ s. d. 27 17 2	£ s. d. 31 1 3	£ s. d. 29 19 9	£ s. d. 30 2 6	£ s. d. 40 16 6	1.5

* Ratio of value of production for 1909 to that for 1871.

§ 7. Norfolk Island.

1. **Area, Location, etc.**—Norfolk Island, discovered by Captain Cook in 1774, is situated in latitude 29° 3' 45" south, longitude 167° 58' 6" east. Its total area is 8528 acres, the island being about 5 miles long and 3 miles wide. From Sydney it is distant 930 miles, and from New Zealand 400 miles. The coast line is 20 miles; and its form that of an irregular ellipse. Except on the south-west, inaccessible cliffs rise from the water's edge. Cocoanuts flourish, and native pine trees attain a magnificent size. The climate is equable, and the average annual rainfall 43 inches.

2. **Settlement.**—The first colonisation, in 1788, was by Lieutenant King, who in H.M.S. *Sirius* established a small penal station as a branch settlement of that at Port Jackson. The settlement was abandoned in 1806, and thence for 20 years its chief use was as a whaling station and place of call for British warships.

From 1826 to 1855 it was again made a penal station. In 1844 it was annexed to Van Diemen's Land (Tasmania).

The descendants of the *Bounty* mutineers having become too numerous to subsist on Pitcairn Island were removed thence to Norfolk Island in 1856. The new community numbered 193, 94 males and 99 females, and were the descendants of British sailors and Tahitian women.

In 1856 the island was severed from Tasmania, and created a distinct and separate settlement under the jurisdiction of New South Wales. In 1897 it was made a dependency under the Governor of that Colony, and is now administered by the Chief Secretary's Department through a resident Chief Magistrate, in whom is vested the executive government of the settlement, and the penal supervision of its affairs.

3. **Population.**—The census population (3rd April, 1911) was 568 males, 417 females, total 985.

4. **Production, Trade, etc.**—In 1910 the imports from the Commonwealth were valued at £6294, the exports at £749. The chief articles sent to the Commonwealth were skins, £220; cocoanut oil, £265. There is little other production. A monthly

steam service is maintained with Sydney; other communication is irregular. The "all red" cable from Great Britain *via* Vancouver, Fanning Island and Fiji, bifurcates at Norfolk, one line connecting with New Zealand, the other with Brisbane.

5. **Social Condition.**—Education is free and compulsory, and there is a public school under the State Department of Public Instruction, and with standards corresponding to the State public schools.

The magistrate's court has criminal jurisdiction in all crimes except capital offences, civil jurisdiction in all matters, and authority to grant probate and letters of administration.

Dealings with Crown lands are in the hands of the Governor alone.

§ 8. Lord Howe Island.

1. **Area, Location, etc.**—Between Norfolk Island and the Australian coast is Lord Howe Island in latitude 31° 30' south; longitude 159° 5' east. It was discovered in 1788. The total area is 3220 acres, the island being seven miles in length and from one half to one and three-quarter miles in width. It is distant 436 miles from Sydney. The flora is varied and the vegetation luxuriant, with shady forests, principally of palms and banyans. The highest point is Mount Garner, 2840 feet. The climate is mild and the rainfall abundant.

2. **Settlement.**—The first settlement was by a small Maori party in 1833; afterwards a colony was settled from Sydney. Constitutionally it is a dependency of New South Wales, and is supervised by a visiting magistrate.

3. **Population.**—The estimated population on 31st December, 1910, was 56 males, 49 females, total 105.

4. **Production, Trade, etc.**—The principal product is the seed of the native palms. A monthly steamship service is maintained with Sydney. The lands belong to the Crown. The occupants pay no rent, and are tenants on sufferance.