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## SECTION XXX.

## MISCELLANEOUS.

## § 1. 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 into the States, 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 49 herein).

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

The first Act passed was the Immigration Restriction Act 1901, which contained provisions restricting the immigration of the classes of persons mentioned above. The clauses restricting the immigration of persons under contract were, however, repealed, and the Contract Immigrants Act 1905 was substituted therefor. (See page 58 herein.)

The Immigration Restriction Act of 1905 amends certain parts of the Act of 1901, and the immigration of alien races and undesirable persons is now regulated by the two Acts, viz., those of 1901 and 1905. This last applies only to immigrants under contract or agreement to perform manual labour in Australia. The admission of such persons is 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 performed.

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.

The above matter is referred to also herein in connection with industrial legislation.

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 a year 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, 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.

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.

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  
PROVISION OF IMMIGRATION RESTRICTION ACT, 1902 to 1908.**

Year.	Persons Admitted who Passed Education Test.	Persons Admitted without Passing Education Test.	Persons Refused Admission.
1902 ...	33	45,468	653
1903 ...	13	44,117	152
1904 ...	1	48,317	117
1905 ...	3	47,940	106
1906 ...	Nil	57,646	53
1907 ...	Nil	71,988	62
1908 ...	1	75,670	108

**NATIONALITY OF PERSONS ADMITTED, 1902 to 1908.**

Nationality.	1902.		1903.		1904.		1905.		*1906.	*1907.	1908.	
	Without Test.	With Test.	Without Test.	With Test.	Without Test.	With Test.	Without Test.	With Test.	Without Test.	Without Test.	Without Test.	With Test.
<b>EUROPEANS—</b>												
Austrians ...	647	...	809	...	930	...	683	...	691	651	736	...
Belgians ...	14	...	20	...	20	...	25	...	33	64	45	...
British ...	35,330	...	35,061	...	39,026	...	39,975	...	47,396	60,172	64,374	...
Danes ...	52	...	94	...	103	...	125	...	259	280	227	...
Dutch ...	45	...	30	...	26	...	43	...	91	94	120	...
French ...	1,011	...	1,390	...	2,076	...	1,402	...	1,866	1,685	1,546	...
Germans ...	1,162	...	1,028	...	823	...	926	...	1,330	1,909	1,911	...
Greeks ...	268	...	210	...	194	...	121	...	240	202	296	...
Italians ...	1,181	...	793	...	814	...	734	...	839	992	902	...
Poles ...	9	...	8	...	8	...	13	...	5	6	22	...
Portuguese ...	4	...	5	...	...	...	2	...	3	6	5	...
Rumanians ...	10	...	...	...	...	...	...	...	...	...	12	...
Russians ...	100	...	148	...	122	...	157	...	293	388	319	...
Scandinavians ...	221	...	382	...	320	...	281	...	776	1,173	825	...
Spaniards ...	32	...	53	...	27	...	35	...	32	86	57	...
Swiss ...	55	...	20	...	79	...	63	...	68	78	78	...
Turks ...	12	...	13	...	...	...	3	...	8	6	4	...
Europeanst ...	1,121	...	...	...	7	...	17	...	18	29	112	...
<b>AMERICANS—</b>												
N. Americans ...	471	...	561	...	563	...	603	...	867	889	687	...
S. Americans ...	6	...	6	...	...	...	...	...	12	15	10	...
Negroes ...	5	2	10	...	13	...	15	1	4	9	4	...
Frnch Creoles ...	...	1	...	...	...	...	...	...	...	...	...	...
West Indians ...	3	5	7	3	6	...	3	1	...	13	23	...
<b>ASIATICS—</b>												
Afghans ...	9	...	...	...	...	...	7	...	3	9	15	...
Arabs ...	1	...	...	...	...	...	3	...	...	8	3	...
Burmese ...	...	1	...	...	...	...	...	...	...	...	...	...
Chaldeans ...	2	...	...	...	...	...	...	...	...	...	...	...
Chinese ...	1,336	...	986	...	847	1	1,269	...	1,134	1,424	1,771	...
Cingalese ...	15	...	8	2	9	...	15	...	6	12	10	...
East Indians ...	...	...	...	1	...	...	...	...	...	...	...	...
Eurasians ...	...	2	...	2	...	...	...	...	...	...	...	...
Filipinos ...	98	1	37	...	54	...	74	1	120	57	27	...
Hindoos ...	66	6	48	2	461	...	146	...	75	129	74	...
Japanese ...	513	8	558	1	461	...	251	...	356	521	555	...
Javanese ...	3	...	...	...	75	...	62	...	52	1	...	...
Kurds ...	3	...	...	...	...	...	...	...	...	...	...	...
Malays ...	321	...	526	...	469	...	289	...	436	370	230	...
Syrians ...	43	4	43	1	39	...	51	...	66	58	45	...
<b>OTHER RACES</b>												
Maoris... ..	...	...	...	1	...	...	1	...	2	8	48	...
Mauritians ...	5	1	...	...	...	...	...	...	...	...	3	...
<b>Pacific</b>												
Islanders ...	1,176	1	1,098	...	193	...	98	...	156	121	89	...
Papuans ...	93	...	145	...	552	...	415	...	368	493	430	...
St. Helena ...	...	...	...	...	...	...	...	...	...	...	...	...
Blacks ...	...	1	...	...	...	...	...	...	...	...	1	...
Unspecified ...	25	...	20	...	20	...	33	...	32	30	14	1
<b>Total</b> ...	45,468	33	44,117	13	48,317	1	47,940	3	57,646	71,988	75,670	1

\* No persons were admitted after passing the test in either of the years 1906 or 1907.

† Not specified.

## § 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 in nearly all cases enacted its own laws governing them. Any person, therefore, who desired to protect a patent, copyright, trade mark, or design had necessarily to incur the trouble and expense of making six separate applications—one in each State. The Commonwealth Constitution Act conferred upon the Federal Parliament power to legislate respecting these matters. (See page 48 hereinbefore).

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. (See page 58 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 that protection which formerly could only be obtained by procuring a patent in each State. The rights of State patentees are in all cases reserved to them. A 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. Any State may, however, 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.

(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 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 and attested by 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. If in any case, however, by accident, mistake, or inadvertence a patentee fails to pay the renewal fee within the prescribed time, he may, on application to the Commissioner and on payment of the prescribed fees, obtain an extension of the time for not more than one year.

(iii.) *Opposition to Grant of Patent.* Within three months of the advertisement of the acceptance of a complete specification 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. (b) That the invention has not been communicated to the applicant by the actual inventor (if the actual inventor is not resident within the Commonwealth). (c) That the invention has already been patented in the Commonwealth. (d) That the complete specification describes 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.

(iv.) *Additional Patents and Amendments.* An important feature of the Patents Act of 1903 was that special provisions were made for granting patents to a patentee in respect of any improvement on his invention. Such patents are called "additional patents," and are granted for the unexpired term of the original patent, the amount of the fee for an additional patent being half that for an ordinary patent.

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.

(v.) *Revocations of Patents and Compulsory Licenses.* Revocation of a patent may be obtained by petition to the High Court or the Supreme Court of a State. A petition must be presented by either (a) the Attorney-General or person authorised by him, (b) any person alleging that he was the actual inventor or that the patent was obtained from him by fraud, or (c) by any person alleging that he had publicly used, made, or sold within the Commonwealth before the date of the patent anything claimed by the patentee as his invention.

A compulsory license to work a patent in the Commonwealth, or a petition for revocation of a patent, may be granted upon proof by any person interested that the reasonable requirements of the public with respect to the invention have not been satisfied. The Act also contains provisions regarding the remedies for infringement of patents.

(vi.) *International Protection of Patents.* The Patents Act of 1903 contained 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. British and foreign inventors are now, therefore, if they apply in Australia within twelve months of their original application, entitled to receive a patent for their inventions in priority to other applicants, and such patent has the same date as the date of the application abroad. Corresponding arrangements have also been made by the Commonwealth with New Zealand.

(vii.) *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.

(viii.) *Applications Filed, Provisional Specifications Accepted, and Letters Patent Granted, 1901 to 1908.* The numbers of individual inventions in respect of which applications were filed in the Commonwealth during each year from 1901 to 1908, inclusive, were as follows:—

**NUMBER OF INVENTIONS FOR WHICH APPLICATIONS FILED, 1901 to 1908.**

Date ...	States Patents Acts.				Commonwealth Patents Acts.				
	1901.	1902.	1903.	1904, to 1st June.	1904, From 13th Feb.	1905.	1906.	1907.	1908.
Applications	1,610*	1,933*	1,772*	345*	2,243	2,685	2,743	2,903	2,840

\* Approximate.

From the 13th February, 1904, to the 1st June, 1904, applications were made both under the States and the Commonwealth Acts.

The subjoined table shews the number of provisional specifications accepted and the number of patents granted in each State and in the Commonwealth from 1901 to 1908, inclusive. Under the Commonwealth Patents Act of 1903 these functions ceased to be exercised by the States, and were transferred to the Commonwealth Patent Office on the 1st June, 1904:—

**PROVISIONAL SPECIFICATIONS ACCEPTED AND LETTERS PATENT GRANTED,  
1901 TO 1908.**

State.	States Patents Acts.				Commonwealth Patents Acts.				
	1901.	1902.	1903.	To 1st June, 1904.	From 1st June, 1904.	1905.	1906.	1907.	1908.

**PROVISIONAL SPECIFICATIONS ACCEPTED.**

N.S.W.	319	476	388	74	...	...	...	...	...
Vic. ...	403	533	557	115	...	...	...	...	...
Q'land	171	238	207	32	...	...	...	...	...
S. Aus.	169	219	228	35	...	...	...	...	...
W. Aus.	137	216	208	41	...	...	...	...	...
Tas. ...	70	132	152	17	...	...	...	...	...
Cwlth.	1,269	1,814	1,740	314	782	1,628	1,498	1,579	1,681

**LETTERS PATENT GRANTED.**

N.S.W.	717	795	704	96	...	...	...	...	...
Vic. ...	699	797	680	83	...	...	...	...	...
Q'land	422	479	395	52	...	...	...	...	...
S. Aus.	417	442	458	82	...	...	...	...	...
W. Aus.	356	379	380	61	...	...	...	...	...
Tas. ...	272	279	259	35	...	...	...	...	...
Cwlth.	2,883	3,171	2,876	409	...	1,097	1,739	1,402	1,630

In the above table the figures given for each State shew the number of provisional specifications accepted or of patents granted in each State. The total for the Commonwealth for each year up to the 30th June, 1904, does not, therefore, shew the number of separate inventions, as specifications may have been accepted or patents granted for the same inventions in any number, from one to six, of the States. On the other hand the figures given under the Commonwealth Acts represent separate inventions for the whole Commonwealth.

(ix.) *Revenue of Patent Office.* The revenue of the Commonwealth Patent Office for each year since its creation to the end of the year 1908 is shewn in the subjoined table. Particulars as to the revenue of the State Patent Offices for previous years are not available:—

## REVENUE OF PATENT OFFICE, 1904 to 1908.

Particulars.	1904.	1905.	1906	1907.	1908.
	£	£	£	£	£
Fees collected under States Patents Acts ...	3,181	5,567	6,233	3,746	2,016
" " " Patents Acts 1903 to 1906	2,459	13,379	14,667	13,612	14,166
Receipts from publications ...	...	102	134	155	146
Petty receipts ...	19	37	43	34	32
Total ...	5,659	19,085	21,077	17,547	16,360

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 copyrights were acquired outside the colony. The Imperial statutes governed copyright in those colonies which had not passed a local copyright law.

(i.) *Copyright Acts.* The first Commonwealth Act was passed in 1905 (see page 58 herein). It follows English legislation even more closely than the State Acts. It deals with literary, musical, dramatic, and artistic copyrights, and applies only to Australian publications. It may be applied to foreign publications by registration of them under it.

(ii.) *Principal Features.* The principal feature of the Australian Act is that it provides the same term of copyright and performing right for all publications under the above heads, namely, the life of the author and seven years thereafter, or forty-two years from publication, whichever be the longer. Every book published in Australia for which copyright is claimed must be printed from type set up or from plates or negatives made in Australia. 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 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 author of an article first published in a periodical to which it was contributed for valuable consideration retains the copyright in the article, but may not republish it until one year after the end of the year in which it was first published. The owner of the copyright in a book may be compelled to translate it, or to permit translation, if it be not translated within ten years of publication. The person ordering a photograph for which consideration is paid is the owner of the copyright in it.

An important and novel 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 printed 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 of £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 possesses the privileges conferred upon each signatory of 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. 1074 *ante*). The latter may be registered in respect of all goods 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 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) one or more 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 must 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, if the registration has not previously expired. 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 original application for Commonwealth registration.

(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 protection of trade marks may be made in a manner similar to that provided for the protection of patents. 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. International arrangements for the protection of Australian trade marks were made by proclamation issued on the 1st February and on the 5th August, 1907 (see paragraph 2 (vi.) *ante*).

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. 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, use the design 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.

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 during the years 1907 and 1908:—

**COPYRIGHT, TRADE MARK, AND DESIGN APPLICATIONS RECEIVED AND REGISTERED UNDER COMMONWEALTH ACTS, 1907 and 1908.**

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
APPLICATIONS REGISTERED.						
1907 ...	227	208	...	435	1,395	77
1908 ...	382	359	21	762	3,150	180

The following table shews the revenue of the Copyright, Trade Mark, and Design Office during the years 1907 and 1908:—

**REVENUE OF COPYRIGHT, TRADE MARK, AND DESIGN OFFICE, 1907 and 1908.**

Particulars.	1907.					1908.				
	Copy-rights.	Trade Marks.	Designs	Publi-cations	Total.	Copy-rights.	Trade Marks.	Designs	Publi-cations	Total.
	£	£	£	£	£	£	£	£	£	£
Fees collected under State Acts	...	183	...	...	183	...	40	...	...	40
Fees collected under Cwth. Acts	112	6,228	133	76	6,549	152	7,243	128	82	7,605
Total ...	112	6,411	133	76	6,732	152	7,283	128	82	7,645

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 and 1908:—

**APPLICATIONS FOR REGISTRATION OF COPYRIGHT UNDER STATE ACTS, 1907-8.**

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	3	7	...	...	...	1	...	...	...	...
APPLICATIONS REGISTERED.												
1907 ...	...	4	2	19	...	...	...	1	1	...	...	...
1908 ...	4	2	3	...	...	...	...	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 sum required to pay to these a sum which would provide the pensioners 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 by 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 and New Zealand as well as in that recently introduced in 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.**—At the present time systems of old-age pensions are in force in three of the States, viz., New South Wales, Victoria, and Queensland, while an Act providing for the payment of old-age pensions throughout Australia was passed by the Commonwealth Parliament on 10th June, 1908, and comes into force on 1st July, 1909. The credit of introducing old-age pensions into the Southern Hemisphere, however, 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.

3. **Rates of Pension Payable.**—In Victoria, under the Acts which came into force on 18th January, 1901, the maximum rate of pension was fixed at ten shillings per week, but later in the same year, under an Act which came into operation on 7th December, 1901, the rate of pension was reduced to eight shillings per week and the claims in connection with all existing pensions had to be reheard, and children of pensioners, when proved to be able to contribute towards the pension, were compelled to do so. In 1907, however, a further amendment was passed, in virtue of which the rate of pension was again raised to ten shillings per week.

In New South Wales the maximum rate of pension has remained as originally fixed, viz., ten shillings per week, except in the case of husband and wife living together, when

each receives seven shillings and sixpence per week. In Victoria and Queensland no distinction is made between the rates for married and single persons.

In Queensland the maximum amount of pension payable is ten shillings per week.

4. **Pension Age.**—In all three of the States the general age at which the right to a pension accrues is sixty-five, but in the case of New South Wales and Victoria provision is made for the payment of a pension at an earlier age under special circumstances. Thus in New South Wales a pension is payable at ages sixty to sixty-four on satisfactory evidence of physical incapacity through sickness or injury, but is not payable at those ages on account of senile debility. In Victoria a pension is payable at any age on satisfactory evidence of permanent disablement or ill-health caused by the applicant having been engaged in mining or any unhealthy or hazardous occupation.

5. **Length of Residence.**—In New South Wales the applicant for a pension must be a resident of, and must have resided in, the State continuously for the twenty-five years immediately preceding the date on which he establishes his claim. Occasional absence, however, for periods not amounting in all to more than two years, will not invalidate a claim, and the absence of a seaman while serving on board a vessel trading to and from the State is also admissible. In Victoria the applicant must be a resident of the State, and must have so resided for at least twenty years prior to his application. During the time from which these twenty years commenced to run he must not have been absent for more than five years, and during the five years immediately preceding the date of his application he must have resided continuously in the State. In Queensland the applicant must be residing in that State at the date on which his claim to a pension is made, and must have so resided, whether continuously or not, for at least twenty years. Residence in Queensland during the five years immediately preceding the date of his application must have been continuous.

6. **Evidence of Character of Applicant for Pension.**—In all the States the recipients are required to be of good moral character, and imprisonment for extended periods will, in the cases of New South Wales and Victoria, operate as a disqualification. Thus in New South Wales imprisonment for four months during the period of twelve years, or for five years during the period of twenty-five years prior to an application, will disqualify; while in Victoria imprisonment for six months during the five years immediately preceding an application, or imprisonment at any time for three years and upwards for any offence, will prevent a claim from being recognised.

7. **Limitations in respect of Income and Property.**—With a view to restricting the pensions to persons actually needing assistance, provision is made in all the States for reducing the payment when the applicant already possesses income or property above a given amount. In New South Wales the pension is diminished by £1 per annum for every £1 of income above £26 in the case of a separate pensioner, and for every £1 above £19 10s. in the case of husband and wife living together, and by £1 for every £15 of property owned by the pensioner in either case. In Victoria the pension is diminished by one shilling per week for every shilling earned over two shillings per week, and by sixpence per week for every £10 of property other than furniture and personal effects to the value of £25. In Queensland the pension is diminished by £1 per annum for every complete pound of annual income above £26, and also by £1 per annum for every complete £15 of net capital value of accumulated property. The maximum income that may be received, inclusive of pension, is, therefore, £52 per annum in New South Wales and Queensland and £31 4s. per annum in Victoria, and the maximum amount of property that may be held is £389 in New South Wales, £159 in Victoria, and £259 in Queensland. In Victoria the possession of money above the amount of £10 acts as a disqualification.

8. **Number of Pensioners.**—The following table furnishes particulars of the number of old-age pensioners in New South Wales and Victoria at the end of the years 1900-1 to 1907-8:—

NUMBER OF PERSONS IN RECEIPT OF OLD-AGE PENSIONS AT END OF YEAR.

Year.	New South Wales.	Victoria.	Total.
1900-1	...	16,275	16,275
1901-2	13,957	14,570	28,527
1902-3	22,182	12,417	34,599
1903-4	20,905	11,609	32,514
1904-5	20,438	11,209	31,647
1905-6	21,402	10,990	32,392
1906-7	21,465	10,732	32,197
1907-8	21,685	11,288	32,973

It will be seen that during the past four years the number of pensioners has varied but slightly, the total at 30th June, 1908, representing an increase of only 459 on that at 30th June, 1904. The number in New South Wales increased during that period by 780, while the number in Victoria decreased by 321. At the Census of 31st March, 1901, the number of persons in New South Wales aged sixty-five years and upwards represented 3.44 per cent. of the total population of that State, while in Victoria the corresponding percentage was 5.52. Assuming these percentages to hold good for 30th June, 1908, the number of persons in these two States aged sixty-five and upwards may be stated approximately as—New South Wales, 54,300; Victoria, 69,300. On this basis the number of persons in receipt of old-age pensions in New South Wales on 30th June, 1908, represented 40 per cent. of the total number in the State on that date aged sixty-five years and upwards, while in Victoria the corresponding percentage was 16½. It is probable that the numbers aged sixty-five and upwards given above are somewhat underestimated, especially in the case of New South Wales, and that in consequence the percentage in receipt of pension is slightly overstated. The error involved is, however, probably not large.

9. Amount Paid in Pensions.—Since the inauguration of the old-age pensions schemes in the Commonwealth the total sum paid in this manner has amounted to no less than £5,105,817, of which New South Wales has provided £3,451,935 and Victoria £1,653,882. Details for the period are as follows:—

AMOUNT PAID TO OLD-AGE PENSIONERS.

Year.	New South Wales.	Victoria.	Total.
	£	£	£
1900-1	...	129,338	129,338
1901-2	436,183	292,432	728,615
1902-3	524,967	215,972	740,939
1903-4	508,133	205,183	713,316
1904-5	496,300	200,464	696,764
1905-6	489,095	189,127	678,222
1906-7	494,227	187,793	682,020
1907-8	503,030	233,573	736,603

In New South Wales the average pension paid during the year 1907-8 amounted to £23 6s. 3d., or approximately 8s. 11½d. per week, while the Victorian average for the same year was £20 13s. 10d., or about 7s. 11½d. per week.

10. Invalidity and Accident Pensions.—As already noted in paragraph 4, above, the Victorian old-age pension system makes provision for payments in case of permanent disablement or ill-health caused by engagement in mining or any unhealthy or hazardous occupation. The returns furnished, however, do not disclose the numbers and amounts of such pensions distinct from those relating purely to old-age. In New South Wales incapacity through sickness or injury at ages sixty to sixty-four was made a basis of claim

for old-age pension, and this principle was, by the Invalidity and Accident Pensions Act of 1907, considerably extended. The number of pension certificates issued under this Act during the six months from 1st January to 30th June, 1908, was 1906, and the amount paid in pension instalments during that period was £12,527. These figures are not included in those given above for old-age pensions.

11. **Cost of Administration.**—Owing to the differences in the methods of administration the cost involved in paying old-age pensions has throughout been much higher in New South Wales than in Victoria. This has to a large extent been due to the fact that in the former State a heavy charge is levied for commission on payment of pensions by the bank through which such payments are made, while in the latter the pensions are paid through the medium of the Post-office. Particulars of the cost of administration from 1900-1 onwards are given in the following table:—

**COST OF ADMINISTRATION OF OLD-AGE PENSION SCHEMES, 1900-1 to 1907-8.**

Year.				New South Wales.	Victoria.	Total.
				£	£	£
1900-1	...	...	...	—	711	711
1901-2	...	...	...	17,258	2,799	20,057
1902-3	...	...	...	20,567	2,185	22,752
1903-4	...	...	...	20,341	1,670	22,011
1904-5	...	...	...	22,040	1,682	23,722
1905-6	...	...	...	21,248	1,811	23,059
1906-7	...	...	...	20,949	1,890	22,839
1907-8	...	...	...	22,574*	1,975	24,549

\* Including invalidity and accident pension expenditure.

For the year 1907-8 the cost of administration in New South Wales represented no less than 4.38 per cent. of the amount actually paid in pensions, while in Victoria the cost of administration amounted to only 0.85 per cent. of the pension payments. Compared with the number of pensioners the cost of administration in New South Wales for 1907-8 represented nineteen shillings and fourpence per head, and in Victoria three shillings and sixpence per head. The total cost of administration since old-age pensions were introduced has been £159,700, of which New South Wales has paid £144,977 and Victoria £14,723. It may be mentioned that in New Zealand, for the year 1907-8, the cost of administration represented 2.22 per cent. of the amount actually paid in pensions, or ten shillings and ninepence per pensioner.

12. **Commonwealth Royal Commission on Old-age Pensions.**—On the 27th February, 1905, a Royal Commission, of which the Honourable Austin Chapman, M.P., was chairman, was appointed "to inquire within Australia into (a) the working of the Old-age Pension Acts of New South Wales and Victoria; (b) the probable cost and best means to be adopted for establishing old-age pensions for the Commonwealth; and (c) to continue the inquiry commenced by a Select Committee of the House of Representatives in relation to the said matters." Prior to the appointment of this Commission the Select Committee referred to had held six meetings, and had examined three witnesses. The Royal Commission visited each of the States of the Commonwealth, and examined sixty-four witnesses, their inquiries extending over thirty-six sittings, of which eleven were held in Melbourne, twelve in Sydney, five in Perth, three in Brisbane, two in Adelaide, two in Hobart, and one in Launceston. As the result of their inquiries the Commission made the following recommendations in their report, dated 16th February, 1906, and addressed to His Excellency the Governor-General:—

(i.) "That old-age pensions should be provided throughout the Commonwealth, and be paid out of the consolidated revenue.

(ii.) "That a bill for this purpose should be submitted by your Excellency's advisers for the early consideration of Parliament.

(iii.) "That the rate of pension should be fixed at a maximum of ten shillings per week, subject to any deductions hereinafter recommended.

(iv.) "That the qualifying age should be sixty-five years, but that it may be reduced to sixty where an applicant is permanently incapacitated for work.

(v.) "That a residential qualification should be imposed as follows :—

"In all cases a continuous residence in the Commonwealth of twenty-five years, provided—

(a) "that where the applicant is a native-born resident with an aggregate residence of at least fifty years in the Commonwealth such continuity shall not be deemed to be interrupted by absences totalling not more than six years; nor

(b) "that in all other cases such continuity shall not be deemed to be interrupted by absences totalling not more than three years.

(vi.) "That where otherwise qualified the following persons shall be eligible for an old-age pension :—

(a) "All natural-born British subjects of a white race.

(b) "All persons resident in the Commonwealth (not being Aboriginal natives of Australia, Asia, Africa, or the islands of the Pacific) who have been naturalised for a period of three years next preceding the date on which they make their pension claims.

(vii.) "That every pension granted should be held subject to review, amendment, suspension, and cancellation, at any time by the authorities clothed with power in that behalf.

(viii.) "That payment to pensioners should be made fortnightly.

(ix.) "That payments should be made through the Post-office.

(x.) "That the general administration should be by a Commissioner, responsible to a Minister of State. That a Deputy Commissioner be appointed for each State; the States to be divided into districts, and each district to have a registrar, to whom all applications should be made, and by whom pension claims should be prepared and placed before a police, stipendiary, or special magistrate for investigation. The magistrate should make recommendations to the Commissioner or a Deputy Commissioner with reference to the granting or rejection of applications. That, in the event of the rejection of any claim, an appeal should be allowed to the Minister. The magistrate should also have power at any time during the currency of a pension to recommend cancellation, amendment, or suspension. In all such cases there should be a right of appeal to the Minister. The power of granting, cancellation, or suspension should be given to the Commissioner or Deputy Commissioners.

(xi.) "That applications be heard in open court, provided that the magistrate have power, if he deem it advisable, to hear any case *in camera*; all evidence to be taken on oath.

(xii.) "That provision should be made to compel a husband, wife, or children, as the case may be, if in a position to do so, to contribute the amount of the pension.

(xiii.) "That if an applicant or a pensioner be proved to be of disreputable or intemperate habits, the magistrate should have power to recommend—

(a) "in the case of an applicant, that the application be refused, or granted conditionally on payment being made through an agent;

(b) "in the case of a pensioner, the forfeiture of one or more instalments, or that payment be made through an agent, or cancellation of the pension.

(xiv.) "That the yearly income of a pensioner from all sources, inclusive of pension, should not exceed fifty-two pounds per annum.

(xv.) "That the deduction on account of income from other sources be one pound for every pound over twenty-six pounds per annum.

(xvi.) "That the net capital value of accumulated property held by an applicant should not exceed £310.

(xvii.) "That the deduction on account of property should be one pound from pension, on every ten pounds of net capital value over fifty pounds, excepting where the property of an applicant consists of a home in which he permanently resides and which produces no income; then an exemption of £100 should be allowed.

(xviii.) "That the property of a pensioner at death should vest in the Registrar of Probates or the Curator of Intestate Estates, as the case may be, as officer acting for the Commonwealth Government, and the indebtedness on account of pension money paid should be liquidated therefrom in priority to all other claims.

"Pension money received from time to time should be a continuing charge on any land acquired by the pensioner before or after the receipt of the pension, notice of such charge to be recorded by the Registrar of Lands Titles as from the date of grant of pension.

(xix.) "That a penalty should be imposed for supplying an old-age pensioner with intoxicating drink."

**13. Commonwealth Invalid and Old-age Pensions Act.**—On the 10th June, 1908, an Act was passed by the Commonwealth Parliament to provide for the payment of invalid and old-age pensions. In this Act, which is to come into force on 1st July, 1909, or such earlier date as may be fixed by proclamation, provision is made for the payment of old-age pensions as from the commencement of the Act, and for invalid pensions as from a subsequent date to be fixed by proclamation.

The principles on which those provisions of the Act which relate to old-age pensions have been made are very similar to those underlying the Acts at present in force in New South Wales, Victoria, and Queensland. The age qualification for an old-age pension is the attainment under ordinary circumstances of sixty-five years, or in the event of permanent incapacitation for work, sixty years, while in the case of an invalid pension the applicant must be above the age of sixteen years and must be permanently incapacitated for work by reason of an accident or by reason of his being an invalid, and must not be in receipt of an old-age pension.

For an old-age pension twenty-five years' continuous residence in Australia is necessary, while five years' continuous residence is necessary to qualify for an invalid pension. Continuous residence is not considered as having been interrupted by occasional absences not exceeding in the aggregate one-tenth of the total period of residence. If a person can prove that during any absence from Australia his home was still in the Commonwealth, such absence will not be treated as affecting the continuity of his residence. The amount of pension payable is to be determined by the Commissioner or Deputy-Commissioner appointed under the Act, but must not exceed ten shillings per week in any case, nor be at such a rate as to make the pensioner's income, inclusive of pension, exceed one pound per week. 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.

In cases where the pensioner has 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 the direct or indirect deprivation of himself of such property with the object of obtaining a pension. Residence in Australia at the time of the application, and during the payment of the pension, is essential in all cases, and provision is also made that in the case of an invalid pension the claimant must have been incapacitated whilst in Australia. An old-age pension will only be granted to a person



of good character, and an invalid pension will only be granted in cases where the claimant's relatives fail to adequately maintain him. Arrangements have been made for the appointment of a Commonwealth Commissioner of Old-age Pensions, and also for the appointment of a Deputy-Commissioner in each State. Provision is also made for the surrender of his certificate by a pensioner under any State Act, and the issue of a Commonwealth certificate in place thereof if the Deputy-Commissioner is satisfied that the State pensioner is entitled to a pension under the Commonwealth Act. It is stated to be probable that legislation will be introduced early in the forthcoming session of the Commonwealth Parliament to obviate the difficulty likely to arise in connection with the difference between the length of residence qualification in the Commonwealth Act and that in the State Acts.

**14. Estimated Cost of the Commonwealth Old-age Pension Scheme.**—In the last issue of the Year Book an estimate of the probable cost of the Commonwealth scheme was given, based largely upon the old-age pension experience of New South Wales taken in conjunction with the results of the Census of 31st March, 1901. The sum brought out as representing the probable cost if the New South Wales scheme had operated throughout the Commonwealth during the year 1906-7 was £1,580,000, including cost of administration. Since the passing of the Commonwealth Old-age and Invalid Pensions Act of 1908, the question has been further investigated in the Commonwealth Statistical Bureau, and an estimate based on the New Zealand old-age pensions experience taken in conjunction with the Australian Census results for 1881, 1891, and 1901 has been prepared. At the New Zealand Census of 29th April, 1906, the number of Europeans aged sixty-five and upwards was 40,788, and of this number 37,367 or 91.61 per cent. had been resident in the Dominion for twenty-five years. Similar statistics of length of residence in the Commonwealth are unfortunately not available, but by means of the age statistics of a Census and the estimated probabilities, at various ages, of surviving twenty-five years the number of persons possessing the requisite age and residence qualifications may be computed approximately for a point of time twenty-five years ahead of the date of the Census. It is clear, for instance, that in the year 1906 the only persons in the Commonwealth who would have the age qualification of sixty-five years and upwards, and the residential qualification of twenty-five years and upwards, would be those who were present at the Australian Censuses of 1881 and were then aged forty and upwards. On a similar basis estimates for the years 1916 and 1926 may be obtained from the Censuses of 1891 and 1901. These three sets of results have been computed actuarially, and the figures for intervening years have been supplied by systematic interpolation giving the following estimate.

**ESTIMATED NUMBER OF PERSONS IN THE COMMONWEALTH, AGED SIXTY-FIVE YEARS AND UPWARDS, HAVING A RESIDENCE THEREIN OF TWENTY-FIVE YEARS AND UPWARDS, 31st DECEMBER, 1906 to 1926.**

31st December	No. of Persons.	31st December.	No. of Persons.	31st December.	No. of Persons.
1906	156,000	1913	179,000	1920	218,000
1907	158,000	1914	184,000	1921	225,000
1908	161,000	1915	189,000	1922	232,000
1909	164,000	1916	194,000	1923	239,000
1910	167,000	1917	199,000	1924	247,000
1911	171,000	1918	205,000	1925	255,000
1912	175,000	1919	211,000	1926	264,000

With these figures it is possible to apply the New Zealand experience and obtain an estimate of cost for a series of years on the assumption that the general conditions of

the Commonwealth do not, upon the whole, differ materially from those of the Dominion of New Zealand.

The number of European pensioners in New Zealand on 31st March, 1906, was 11,915, and represented 31.89 per cent. of the number eligible on that date by age and length of residence. Applying this percentage to the numbers given above for the years 1909 to 1926, the probable average number of pensioners in the Commonwealth aged sixty-five and upwards for each of the financial years 1909-10 to 1926-7 is obtained as follows:—

**ESTIMATED AVERAGE NUMBER OF COMMONWEALTH OLD-AGE PENSIONERS AGED SIXTY-FIVE AND UPWARDS, FOR EACH OF THE YEARS 1909-10 to 1926-7.**

Financial Year.	Pensioners 65 & Upwards.	Financial Year.	Pensioners 65 & Upwards.	Financial Year.	Pensioners 65 & Upwards.
1909-10	52,300	1915-6	60,300	1921-2	71,700
1910-1	53,300	1916-7	61,900	1922-3	73,900
1911-2	54,500	1917-8	63,500	1923-4	76,200
1912-3	55,800	1918-9	65,400	1924-5	78,700
1913-4	57,100	1919-20	67,300	1925-6	81,300
1914-5	58,700	1920-1	69,500	1926-7	84,200

The New Zealand old-age pension system provides for the payment of pensions only to persons aged sixty-five years and upwards, and does not, as in the case of the scheme provided under the Commonwealth Act, contain provision for payment under certain conditions to persons below that age.

The effect likely to be produced upon the cost of the scheme by including persons between the ages of sixty and sixty-five may be readily seen when it is noted that at the Commonwealth Census of 1901 there were 55 persons between the ages of sixty and sixty-five to every 100 persons above the age of sixty-five, so that, other things being equal, a system of old-age pensions for the Commonwealth, which recognised sixty as the general age at which a pension could be claimed, might be expected to cost no less than 55 per cent. more than one which placed the age at sixty-five. Even with the restrictions placed in the Commonwealth Act upon the granting of old-age pensions to persons below the age of sixty-five, the comparative largeness of the number between sixty and sixty-five must necessarily tend to considerably augment the number of pensioners. Taking as a guide the experience of New South Wales for the three years 1905-6, 1906-7, and 1907-8, it would appear that the number of pensioners between the ages of sixty and sixty-five would average about a ninth of the number at ages sixty-five and upwards. Assuming that a similar result would be obtained under the Commonwealth Act the average number of old-age pensioners of all ages for the years 1909-10 to 1926-7 would be as follows:—

**ESTIMATED AVERAGE NUMBER OF COMMONWEALTH OLD-AGE PENSIONERS OF ALL AGES FOR EACH YEAR, 1909-10 to 1926-7.**

Financial Year.	Pensioners. All Ages.	Financial Year.	Pensioners. All Ages.	Financial Year.	Pensioners. All Ages.
1909-10	58,100	1915-6	67,000	1921-2	79,600
1910-1	59,200	1916-7	68,800	1922-3	82,100
1911-2	60,600	1917-8	70,600	1923-4	84,700
1912-3	62,000	1918-9	72,700	1924-5	87,400
1913-4	63,400	1919-20	74,800	1925-6	90,300
1914-5	65,200	1920-1	77,200	1926-7	93,600

The average number of old-age pensions payable in New Zealand during the year ended 31st March, 1908, was 13,413, representing a distribution to pensioners of £325,199, and a charge for administration of £7216. The average pension for the year was thus £24 4s 11d., while the average cost of administration was 10s. 9d. per pension, making a total annual charge of £24 15s. 8d. per pension. Assuming a similar charge to apply to the Commonwealth, the total cost of providing old-age pensions during the years 1909-10 to 1926-7 may be estimated as follows:—

**ESTIMATED COST OF COMMONWEALTH OLD-AGE PENSIONS, 1909-10 to 1926-7, ON BASIS OF NEW ZEALAND EXPERIENCE.**

Financial Year.	Estimated Amount to be Distributed as Old-age Pensions	Estimated Cost of Administration.	Total Estimated Cost.*	Financial Year.	Estimated Amount to be Distributed as Old-age Pensions	Estimated Cost of Administration.	Total Estimated Cost.*
	£	£	£		£	£	£
1909-10...	1,409,000	31,000	1,440,000	1918-9...	1,763,000	39,000	1,802,000
1910-1 ...	1,435,000	32,000	1,467,000	1919-20	1,814,000	40,000	1,854,000
1911-2 ...	1,469,000	33,000	1,502,000	1920-1...	1,872,000	41,000	1,913,000
1912-3 ...	1,503,000	33,000	1,536,000	1921-2...	1,930,000	43,000	1,973,000
1913-4 ...	1,537,000	34,000	1,571,000	1922-3...	1,991,000	44,000	2,035,000
1914-5 ...	1,581,000	35,000	1,616,000	1923-4...	2,054,000	45,000	2,099,000
1915-6 ...	1,624,000	36,000	1,660,000	1924-5...	2,119,000	47,000	2,166,000
1916-7 ...	1,668,000	37,000	1,705,000	1925-6...	2,189,000	49,000	2,238,000
1917-8 ...	1,712,000	38,000	1,750,000	1926-7...	2,270,000	50,000	2,320,000

\* Invalid pensions not included.

To enable a reliable estimate to be made of the invalid pensions portions of the Commonwealth scheme tolerably complete statistics of permanent incapacitation are required. These, unfortunately, are not available, and, in consequence, any estimate of the cost of such pensions can be regarded as little more than a guess. Under similar provisions contained in the Invalidity and Accident Pensions Act of New South Wales, which, as before stated, came into operation on 1st January, 1908, it has been estimated, according to the New South Wales Auditor-General's report for 1907-8, that a sum of £75,000 would be required to meet the charges for pensions that will be claimed and granted during the year 1908-9. Assuming a similar result to hold for the Commonwealth as a whole, the cost of the Commonwealth invalid pension scheme for the year 1909-10 would be approximately £200,000, increasing in subsequent years probably in proportion to the population. On this basis, therefore, it would appear that the total cost of invalid and old-age pensions in the Commonwealth for the year 1909-10 will probably, if the invalid pension part be brought into operation early, be not less than £1,640,000.

**15.—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 introduced into all the States of the Commonwealth except Western Australia, in which State the matter is under consideration in connection with a proposed amendment of the licensing laws.

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 follow:—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.* The first local option vote under the Act of 1905 was taken at the general election on the 10th September, 1907. 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.

Resolution ... ..	(a)	(b)	(c)
Number of electorates in which carried ... ..	25	64	0

In one electorate (Allowrie) the Supreme Court decided that the vote was ineffective.

3. **Victoria.**—The Acts dealing with the subject of local option as to the sale of fermented and spirituous liquors 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 existence 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 first Board was 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, and £48,543 for 1908. 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 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, 1908, 208 hotels had been closed by the Board, eighty-seven of this number having surrendered their licenses. Compensation was awarded in the case of 196 hotels, the total paid amounting to £99,177, or an average of £506 each. Certain of the compensation moneys, amounting to £6336, were made payable and have been paid in 1909 out of the fund for that year. Sixty-nine of these hotels were situated in the metropolitan district, while the remaining 127 were in country districts. In sixteen cases no claims for compensation were made by the licensees. Twelve cases for compensation in the country yet remain to be heard. The following table shews particulars of the operations of the Board up to the 31st December, 1908:—

**VICTORIA.—OPERATIONS OF LICENSES REDUCTION BOARD, 31st DECEMBER, 1908.**

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 Country	1,020	877	401	67	£	£	2	£	£
	2,440	1,622	976	54	48,643	8,702		2,371	519
					20,253	3,519	85	13,657	1,513
Total ...	3,460	2,499	1,377	121	68,896	12,221	87	16,028	2,032

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.

(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, 1907.* At the end of the year 1907, resolution (a) was in force in three areas in Queensland, viz., the Tambourine shire, subdivision No. 3;

Tiara shire, Bauple district; and Inglewood shire (town of Silverspur). 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, 1907:—

**QUEENSLAND.—NUMBER OF AREAS IN WHICH LOCAL OPTION RESOLUTIONS IN  
FORCE OR PRECLUDED FROM ADOPTION, 31st DECEMBER, 1907.**

Particulars.	Resolution (a).	Resolution (b).	Resolution (c).	Total.
No. of areas in which resolutions in force ...	3	0	80	83
No. of areas in which resolutions precluded from being put in force ... ..	0	0	8	8
<b>Total</b> ... ..	<b>3</b>	<b>0</b>	<b>88</b>	<b>91</b>

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-three 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. 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 at polls taken in the local option districts of Port Adelaide, East Torrens, and Sturt. In accordance with the decisions of this Bench, twenty publichouses in the Sturt and East Torrens districts, and fifteen in the Port Adelaide district, were closed on the 25th March, 1909.

6. *Tasmania.*—In this State the subject of local option is dealt with in Part VI. (sections 72 to 84) of the Licensing Act 1902. 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 ratepayers 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 500 yards if within a town, and within a radius of one mile 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. 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 some of the States in connection with the value of production from the agricultural and pastoral industries, and where such returns are not available estimates have been made which, it is believed, in the main give fairly accurate results. In the case of manufactories, however, only four of the States have in 1907 statistics of value of production, and it is obvious that approximations for States which do not collect the information, based on the results from those which furnish returns, are of very inferior value. A glance at the chapter dealing with the manufactories will shew the poverty of the statistics hitherto collected on this important field. 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 tables 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 1907 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 year 1907:—

ESTIMATED VALUE OF PRODUCTION FROM INDUSTRIES, 1907.

State.	Agriculture.	Pastoral.	Dairy, Poultry, & Bee-farming.	Forestry and Fisheries.	Mining.	Manufacturing.	Total.
N.S. Wales ...	£1000 7,483	£1000. 22,281	£1000. 5,275	£1000. 1,532	£1000. 10,292	£1000. 14,485	£1000. 61,348
Victoria ...	9,481	9,259	5,912	705	3,087	11,768	40,212
Queensland ...	3,292	11,438	2,144	920	4,131	4,719	26,644
South Aust. ...	6,447	4,068	1,103	150	906	3,459	16,133
West Australia	1,750	2,548	369	1,322	7,634	1,904	15,527
Tasmania ...	2,047	1,066	781	197	2,251	1,240	7,582
C'wealth ...	30,500	50,660	15,584	4,826	28,301	37,575	167,446

A glance at the figures in the above table will give some idea of the distribution of the great producing industries throughout the Commonwealth. Thus Victoria and New South Wales, as might naturally be expected, take the leading position in Agriculture, with South Australia and Queensland following. In Pastoral Production, New South Wales is easily first, with Queensland second. In Dairy-farming the positions are the same as in Agriculture, except that Queensland occupies third place and South Australia fourth,

while in Forestry and Fisheries, and in Mining, New South Wales and Western Australia occupy first and second place respectively. Manufactories on an extensive scale are at present practically confined to New South Wales and Victoria.

The total production from all industries was thus £167,446,000, equal to an average of £39 17s. 11d. per inhabitant.

In the next table will be found the value of production at decennial intervals since 1871, and for the year 1907. 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 1907.

State.	1871.	1881.	1891.	1901.	1907.	Develop- ment* since 1871.
	£1000.	£1000.	£1000.	£1000.	£1000.	
New South Wales ...	15,379	25,180	36,740	38,954	61,348	4.0
Victoria ...	19,260	22,750	30,320	30,807	40,212	2.1
Queensland ...	3,995	10,200	14,274	16,933	26,644	6.7
South Australia ...	5,228	8,457	9,026	10,314	16,133	3.1
Western Australia ...	707	943	1,806	12,544	15,527	21.8
Tasmania ...	2,131	3,586	3,921	5,033	7,582	3.6
Commonwealth ...	46,700	71,116	96,087	114,585	167,446	3.8
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. 39 17 11	1.4

\* Ratio of present production to that of 1871.

In connection with the high values, absolute and relative, shewn by the year 1907, the fact must not be overlooked that this year was a particularly favourable one over the greater part of Australia, while wool, metals, and other articles of domestic production realised very high prices in British and foreign markets.