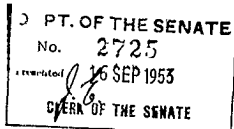


1951-52-53.



THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA.

JOINT COMMITTEE OF PUBLIC ACCOUNTS.

THIRD REPORT
1952-53.

ADMINISTRATIVE ARRANGEMENTS ORDER

TOGETHER WITH

TREASURY MINUTE ON SECOND REPORT OF
COMMITTEE 1952-53.

By Authority:

L. F. JOHNSTON, Commonwealth Government Printer, Canberra.
(Printed in Australia.)

Mr. President.

On behalf of the Committee, I bring up
the Third Report of the Parliamentary Joint
Committee of Public Accounts on Administrative
Arrangements Order together with Treasury
Minute on Second Report of Committee 1952/53.

JOINT COMMITTEE OF PUBLIC ACCOUNTS.

(Appointed 25th September, 1952.)

F. A. BLAND, ESQUIRE, M.P. (Chairman).

Senator C. B. BYRNE (Vice-Chairman).

Senator S. D. PALTRIDGE
Senator the HON. H. S. SEWARD

G. ANDERSON, ESQUIRE, M.P.
F. CHEAN, ESQUIRE, M.P.
F. J. DAVIS, ESQUIRE M.P.
A. S. HULME, ESQUIRE, M.P.
H. A. LESLIE, ESQUIRE, M.P.
A. V. THOMPSON, ESQUIRE, M.P.

NEIL, R. CAFFIN,
Secretary,
Parliament House,
Canberra.

THE DUTIES OF THE COMMITTEE.

The duties of the Committee are set out in Section 8 of the *Public Accounts Committee Act 1951* as follows:—

8. The duties of the Committee are—

- (a) to examine the accounts of the receipts and expenditure of the Commonwealth and each statement and report transmitted to the Houses of the Parliament by the Auditor-General in pursuance of sub-section (1.) of section fifty-three of the *Audit Act 1901-1950*;
- (b) to report to both Houses of the Parliament, with such comments as it thinks fit, any items or matters in those accounts, statements and reports, or any circumstances connected with them, to which the Committee is of the opinion that the attention of the Parliament should be directed;
- (c) to report to both Houses of the Parliament any alteration which the Committee thinks desirable in the form of the public accounts or in the method of keeping them, or in the mode of receipt, control, issue or payment of public moneys; and
- (d) to inquire into any question in connexion with the public accounts which is referred to it by either House of the Parliament, and to report to that House upon that question, and include such other duties as are assigned to the Committee by Joint Standing Orders approved by both Houses of the Parliament.

JOINT COMMITTEE OF PUBLIC ACCOUNTS.

THIRD REPORT
1952-53.

ADMINISTRATIVE ARRANGEMENTS ORDER.

INTRODUCTION.

1. When the Committee was examining the accounts of the Department of National Development, that Department submitted to the Committee the Statement of Functions appearing under the Department's name in the Administrative Arrangements Order, dated 21st June, 1951. These, it said, were its functions, and these were the things it was permitted and obliged to do, and in respect of which it was entitled to claim staff and funds.

2. A somewhat similar attitude was taken by the Department of Works.

3. Since the Departments attached such importance to the Administrative Arrangements Order, the Committee decided to investigate its constitutional, administrative, and legal basis, the more so as the loose, and in some cases the inaccurate, wording of the Order seemed inconsistent with the departmental claims made for it.

ADMINISTRATIVE ARRANGEMENTS ORDER.

4. The first Order was published in the *Commonwealth Gazette* No. 71 of 15th December, 1906, and new Orders were published in 1913, 1916, 1918, 1923, 1925, 1928, 1932, 1936, 1939, 1947 and 1950, and the latest, dated 21st June, 1951, on 2nd July, 1951. This Order was amended by the Order dated 13th June, 1952, published in the *Gazette* of 19th June, 1952. A copy of the current Order is set out in Appendix A.

5. The Order stems directly from the Commonwealth Constitution: section 61 places in the Queen, exercisable by the Governor-General, the executive power of the Commonwealth; section 62 empowers the Governor-General to establish the Executive Council and section 64 provides that the Governor-General may appoint Ministers of State to administer such Departments of State of the Commonwealth as the Governor-General in Council establishes. The text of these sections of the Constitution is attached in Appendix B.

6. The Attorney-General's Department has pointed out that the Constitution does not specify the manner in which the Governor-General may divide the executive functions of government among Ministers. The first division of functions was announced by the first Prime Minister, Sir Edmund Barton, in *June*, 1901, without any formal Order. However, the practice of publishing an Order of the Governor-General on the advice of the Prime Minister has been adopted since. It has always been published in the *Gazette* and is now a document covering thirteen pages in small print.

7. The Operative part of the Order is—
I . . . the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby approve of the Administrative

Arrangements specified in the Schedule hereto, and do order that, until further Order herein, all Acts of the Commonwealth Parliament relating to the matters specified in the second column of the Schedule opposite to the name of a Department (including the Acts specified in the third column opposite to the name of a Department) shall, unless the contrary intention appears in the Act, be administered by the Minister of State for the Commonwealth administering that Department.

(Italics are those of the Committee.)

8. The schedule mentioned has three columns, the first of which is headed—Name of Department; the second—Matters dealt with by each Department; and the third—Acts Administered by the Minister of each Department.

9. It is signed by the Governor-General and the Prime Minister and bears the seal of the Commonwealth of Australia.

10. The Order must be regarded as a document of importance. But of what importance, and to whom? To answer these questions, the Committee obtained the views of the Prime Minister's Department as being the department responsible for the administration of the Order, of the Acting Solicitor-General, the Chairman of the Public Service Board, and the Treasury. All these officers were examined by the Committee on 23rd May, 1953, in Canberra.

VIEWS OF THE PRIME MINISTER'S DEPARTMENT.

11. The Prime Minister's Department did not agree that the statement of functions in the second column of the Order possessed the authority attributed to it by the departments in their submissions to the Committee. Apart from Acts of Parliament, authority for functions rested with the Minister concerned and with the Treasury when funds were involved. The Prime Minister's Department's view of the Order was that—

. . . the Order could best be defined as being words of extension of the definition by the Governor-General in Council of the Departments of State which he has established. In his Ministry, was to say: "If anything is to be done about X, it should be done by Department A rather than Department B".

12. In the opinion of the Prime Minister's Department, the Order was a convenient means of distributing the administration of acts amongst Ministers, and for did not mean that the departments could claim from there must either be legislation or a ministerial decision supported by funds. It was not necessary as a list of departments and their functions for that information could be provided in other forms, such as *The Federal Guide*.

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VIEWS OF THE ACTING SOLICITOR-GENERAL.

13. The opinion of the Acting Solicitor-General is attached in Appendix C.

14. In brief, his opinion was that the Order of the Governor-General—

(a) approves the distribution of the Commonwealth area of the executive authority, either as matters to be dealt with, or as legislation, but it did not mean any more than that if anything was to be done, the particular matter should be done by the department named; and

(b) allocates Acts listed in the third column, and also Acts relating to matters in the second column but not listed in the third column, to the departments concerned.

15. It is the Commonwealth legislative practice that the Minister intended to administer an Act is named in that Act but the *Acts Interpretation Act 1901-1950*, in effect, provides that any reference in an Act to "the Minister" shall be read as a reference to the Minister to whom the administration of the Act has been allotted "by order of the Governor-General". The Order referred to does this by naming the Act and the department concerned. It also lists in the second column matters dealt with by departments so that if an Act is not listed in the third column, as is the case with new legislation, the appropriate Minister can be identified from the matter listed in the second column. The *Evidence Act 1905-1950* specifies that the copy of an Order published in the *Commonwealth Gazette* is to be taken as evidence in the courts of the Order itself so that the publication of the Order in the *Gazette* is a convenient, indeed almost essential, method of facilitating Commonwealth legal action.

16. The Acting Solicitor-General also drew attention to the legal difficulties which could arise if new legislation was not covered by a head of reference in the Second Column and also from the present practice of showing Acts under the administration of more than one department.

17. He thought that the legal significance of the Order had not been fully understood by departments in the past.

PREPARATION OF THE ORDER.

18. The Committee had noted that there were weaknesses in the Order. The wording of the "matters dealt with" in the Second Column in some cases lacked a desirable precision; some functions had practically ceased or appeared to duplicate functions of other departments. In the Third Column, the list of Acts administered by departments was not a complete one and it included acts which were no longer operative. In some cases, more than one Department claimed the administration of a particular Act. Accordingly, the Committee inquired how the Order was prepared.

19. The Committee was informed that there was no regular review of the Order to keep it up to date. When the occasion for a new Order did arise—such as when a new Ministry took office or upon the re-construction of existing departments, or the establishment of new departments, the practice has been to ask departments to submit a revised statement of functions and legislation for the new Order. The responsibility for these statements rested with the departments, and the Prime Minister's Department did no more than maintain an oversight of any radical alterations.

20. Since 1949 the Prime Minister's Department has established the practice of referring the departments' statements to the Public Service Board and the Attorney-General's Department.

21. The Chairman of the Public Service Board stated that understandings were arrived at between departments to determine the limits of departmental activities. The Board did not attempt to revise the Order to obtain precision in the definition of departmental functions nor did it use the occasion of the review as a means to consider the allocation of functions between departments in order to obtain the greatest administrative efficiency.

22. The Acting Solicitor-General agreed that the list of Acts in the Third Column of the present Order was not accurate and that, in the past, perhaps sufficient attention had not been paid to seeing that it was.

ADMINISTRATIVE ARRANGEMENTS IN THE UNITED KINGDOM AND THE AUSTRALIAN STATES.

23. The Committee inquired about the comparable Administrative Arrangements in the United Kingdom and the Australian States and a short summary of the information collected is set out in Appendix D.

VIEWS OF THE COMMITTEE.

24. It seems clear that the Order, as such, possesses no authority as a statement of the functions of a department which might be used to support a case for staff and funds from the Public Service Board and the Treasury. The statements contained in it are, in fact, usually prepared by the departments, and have not always been subjected to effective scrutiny and approval before being submitted to the Governor-General.

25. Consequently the real significance of the Order has not been appreciated by all departments, and the Committee therefore feels that it may be of some service to draw attention to the nature and character of the Order.

26. The primary legal purpose of the Order is to identify the Minister in whom a power is vested. The *Acts Interpretation Act 1901-1950* provides that the Minister mentioned in an Act is the Minister to whom the administration of that Act is allotted by Order of the Governor-General.

27. The secondary legal purpose is to provide evidence, where necessary, in legal proceedings that a power has been exercised by the appropriate Minister. The *Evidence Act 1905-1950* provides that the production of the *Commonwealth Gazette* containing the Governor-General's Order shall be evidence in court of that Order.

28. The Governor-General approves the Administrative Arrangements set out in the Schedule to the Order. That is, in the words of the Acting Solicitor-General, it is "the authoritative statement of the field of functions of each department". It should not, however, be interpreted as more than a statement of functions to delineate the field of activity of departments. Authority to carry out any part of these functions must be found elsewhere, as in specific legislation, or in Government decisions supported by Appropriation Acts, or by the approval of funds by the Treasurer.

29. The statement of functions in the Schedule of the Order is published in *The Federal Guide* to give—
authoritative information on the organization and functions of the Departments and agencies of the Commonwealth Government.

It is designed as a reference book on Commonwealth Administration for use by officers of the Public Service and others concerned.*

30. The Order is therefore called upon to perform three functions: it is important in Commonwealth legal proceedings and as a statement of the fields of activities of departments, its existence is highly desirable.

* Quoted from introduction to *The Federal Guide*, September, 1951.

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able both for the department and the public. Although these three functions are combined in the existing Order it is not necessary that this should be so. It would be possible to have one document for the legal purposes of the Commonwealth and another to set out the fields of activity of departments. On what might be done on these lines the Committee offers no opinion.

31. However, in whatever form this document is prepared in the future, the Committee feels that the statements in it should be precise and accurate. If the present form of the Order is continued, the statements should, before submission to the Governor-General, be carefully scrutinized by the authorities concerned with this aspect of public administration (the Public Service Board, the Treasury and the Attorney-General's Department). Similarly, if separate documents are prepared, each should be reviewed in the manner outlined above before they are approved by the appropriate authorities.

32. As an up-to-date statement of the fields of activity of departments is essential for legal purposes and is valuable both as between departments and for public information, the Committee suggests that the Government might arrange for the review of the existing statements in the Schedule to the present Order.

33. These statements should be reviewed in the future as often as necessary.

34. The views of the Committee should, in due course, be brought to the notice of all concerned.

SUMMARY OF CONCLUSIONS.

35. The conclusions of the Committee are that—
- (a) the significance of the Order has not been appreciated by all departments,
 - (b) The Order as such does not possess authority on which to base claims for staff and funds to carry out the functions stated,
 - (c) the Governor-General's Order listing Acts and fields of activity of departments is important in Commonwealth legal proceedings and a statement of the fields of activity is desirable for departments and the public,
 - (d) the statements in the existing Order should be reviewed, and
 - (e) whatever form the Order takes in future, the documents should be in precise terms and should be subject to effective and regular scrutiny.

For the Committee,
F. A. BLAND, Chairman

NEIL R. CAFFIN,
Secretary.

Parliament House,
Canberra, A.C.T.
16th July, 1953.



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Commonwealth of Australia.

ADMINISTRATIVE ARRANGEMENTS.

ORDERED BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

I WILLIAM JOHN MCKELL, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby approve of the Administrative Arrangements specified in the Schedule hereto, and in order that, until further Order herein, all Acts of the Commonwealth Parliament relating to the matters specified in the second column of the Schedule opposite to the name of a Department (including the Acts specified in the third column opposite to the name of a Department) shall, unless the contrary intention appears in the Act, be administered by the Minister of State for the Commonwealth administering that Department.

THE SCHEDULE.

The names of the Department of State of the Commonwealth are specified in the first column of the Schedule, and the matters dealt with by each Department and the Acts administered by the Minister administering it are respectively specified in the second and third columns opposite the name of the Department.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
The Prime Minister's Department	Administrative arrangements Archives Ceremonial and functions of State Cabinet Secretariat Channel of communication for all Departments with the Governor-General and State and United Kingdom Governments (except by cablegram) Education, Commonwealth Office of Economic Policy—Planning and Co-ordination Federal Executive Council Historical memorials Hospitality, Government Literary Fund Premiers' Conferences Preparation and Publication of Commonwealth of Australia Gazette and The Federal Gazette High Commissioner's Office, London Royal Commissions	<i>Australian National University Act 1916-1917</i> <i>Committee of Public Accounts Act 1913-1934</i> <i>Committee of Public Accounts Act 1935</i> <i>Commonwealth Grants Commission Act 1933-1950</i> <i>Commonwealth Public Works Committee Act 1913-1917</i> <i>Commonwealth Salaries Act 1907</i> <i>Education Act 1916</i> <i>High Commissioner Act 1909-1913</i> <i>Ministers of State Act 1935-1917</i> <i>Officers' Rights Declaration Act 1923-1910</i> <i>Parliamentary Allowances Act 1920-1917</i> <i>Parliamentary Salaries Adjustment Act 1939</i> <i>Public Service Act 1922-1950</i> <i>Royal Commissions Act 1902-1933</i> <i>Science and Industry Employment Act 1926-1919</i> <i>Science and Industry Research Act 1919</i> <i>Special Annuity Acts</i>
The Department of the Treasury	Appropriation and Supply Banking Census and Statistics Commonwealth Advertising—Control Commonwealth Stores Supply and Tender Board Currency, Coinage and Legal Tender Employees' Compensation Employees' Furlough Enemy Property Financial assistance to States Financial aspects of Social Services, Health, Housing, Education and Reconstructive matters Financial Review and Co-ordination of Pay, Works, Services, Supplies and other proposals of Service Departments Foreign Exchange	<i>Appropriation Acts</i> <i>Audit Act 1901-1950</i> <i>Banking Act 1916</i> <i>Banking Act 1917-1918</i> <i>Census and Statistics Act 1905-1910</i> <i>Coinage Act 1909-1917</i> <i>Commonwealth Bank Act 1915-1918</i> <i>Commonwealth Debt Conversion Act 1931</i> <i>Commonwealth Debt Conversion Act (No. 2) 1931</i> <i>Commonwealth Employees' Compensation Act 1930-1950</i> <i>Commonwealth Employees' Furlough Act 1913-1914</i> <i>Commonwealth Inscribed Stock Act 1911-1916</i> <i>Constitution Alteration (State Debts) 1909</i> <i>Constitution Alteration (State Debts) 1928</i> <i>Debt Conversion Agreement Act 1931</i> <i>Debt Conversion Agreement Act (No. 2) 1931</i>

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
The Department of the Treasury—continued.	Government Printing Insurance Benefits Interest rates Intercurrences—actuarial Investigation of proposals relating to Transport, Communications, Government Subsidies and Financial assistance to Primary and Secondary Industries Life Insurance Loan Council; and all Loan matters Parliamentary Pensions Pensions and Retiring Allowances under the Constitution Public Debt and National Debt Sinking Fund Public Accounts Public Finance including relationship to Employment and National Income Soldier Land Settlement Finance Superannuation Taxation, other than duties of Customs and of Excise War Damage Insurance War Gratuity—Administration	<i>Defence (Transitional Provisions) Act 1916-1951</i> , Section 12 and insofar as it relates to the following Regulations:—National Security (Economic Organisation) Regulations except Parts IV, and V. <i>Defence Forces Retirement Benefits Act 1913-1950</i> <i>Entertainment Tax Assessment Act 1912-1919</i> <i>Entertainment Tax Act 1912-1919</i> <i>Estate Duty Act 1914-1941</i> <i>Estate Duty Assessment Act 1914-1950</i> <i>Financial Agreement Act 1933</i> <i>Financial Agreement Act 1944</i> <i>Financial Agreements (Commonwealth Liability) Act 1932</i> <i>Financial Agreement Validation Act 1929</i> <i>Funding Arrangements Act 1921</i> <i>Gift Duty Act 1911-1917</i> <i>Gift Duty Assessment Act 1911-1930</i> <i>Income Tax Acts</i> <i>Income Tax and Social Services Contribution Act 1950</i> <i>Income Tax and Social Services Contribution Assessment Act 1930-1950</i> <i>Income Tax (War-time Arrangements) Act 1912-1916</i> <i>Insurance Act 1928-1937</i> <i>International Monetary Agreements Act 1917</i> <i>Land Tax Act 1910-1911</i> <i>Land Tax Assessment Act 1910-1950</i> <i>Life Insurance Act 1915-1950</i> <i>Loan Acts</i> <i>Loans (International Bank for Reconstruction and Development) Act 1950</i> <i>Loans (Farmers' Debt Adjustment) Act 1935-1950</i> <i>Loans (Housing) Acts</i> <i>Loans Redemption and Conversion Act 1921-1950</i> <i>Loans Securities Act 1919</i> <i>Marine Insurance Act 1909</i> <i>National Debt Sinking Fund Act 1923-1950</i> <i>National Welfare Fund Act 1919-1950</i> <i>Parliamentary Voting Allowances Act 1918</i> <i>Pay-roll Tax Act 1941</i> <i>Pay-roll Tax Assessment Act 1941-1942</i> <i>Salaries (Statutory Offices) Adjustment Act 1950</i> <i>Sales Tax Acts</i> <i>Sales Tax Assessment Acts</i> <i>Sales Tax (Exemptions and Classifications) Act 1933-1950</i> <i>Sales Tax Procedure Act 1934-1940</i> <i>Sales Tax Procedure Act 1934-1940</i> <i>Soldier Settlement Loans (Financial Agreement) Act 1935</i> <i>States Grants Acts</i> <i>States Grants (Administration of Controls Reimbursement) Act 1918-1950</i> <i>States Grants (Administration of Controls Reimbursement) Act 1950</i> <i>States Grants (Drought Relief) Act 1914-1915</i> <i>States Grants (Tax Reimbursement) Act 1910-1918</i> <i>States Grants (Additional Tax Reimbursement) Act 1950</i> <i>Statistical Bureau (Tasmania) Act 1924</i> <i>Storing Industry Charge Act 1917-1940</i> <i>Storing Industry Charge Assessment Act 1917</i> <i>Superannuation Act 1922-1950</i> <i>Superannuation Act 1917-1950</i> <i>Supply Acts</i> <i>Surplus Revenue Acts</i> <i>Tasmania Sinking Fund Agreement Act 1928</i> <i>Taxation of Loans Act 1923</i> <i>Trading with the Enemy Act 1920-1917—insofar as it relates to the National Security (Enemy Property) Regulations being Statutory Rule 208 of 1942 as amended</i> <i>Transferred Officers' Allowance Act 1918</i> <i>Transferred Officers' Pensions Act 1934</i> <i>Treasury Bills Act 1914-1919</i> <i>Treaty of Peace (Germany) Act 1919-1920—insofar as it relates to Part I. of the Treaty of Peace Regulation, being Statutory Rule No. 23 of 1920 as amended</i> <i>War Damage to Property Act 1918</i> <i>War Gratuity Act 1915-1917</i> <i>War Gratuity Appropriation Act 1918</i> <i>War Pensions Appropriation Acts</i> <i>War Pensions Appropriation Act 1920-1934 (sections 18 and 20)</i> <i>War-time (Company) Tax Assessment Act 1940-1947</i> <i>Wheat Tax (Repeal and Reform) Act 1918</i> <i>Wool (Contributory Charge) Act (No. 1) 1930</i> <i>Wool (Contributory Charge) Act (No. 2) 1930</i> <i>Wool (Contributory Charge) Assessment Act 1916-1930</i> <i>Wool Industry Fund Act 1916</i> <i>Wool Sales Deduction Act (No. 1) 1950</i> <i>Wool Sales Deduction Act (No. 2) 1950</i> <i>Wool Sales Deduction (Administration) Act 1950</i> <i>Wool Tax Act 1930-1945</i> <i>Wool Tax Assessment Acts 1930</i>

THE SCHEDULE—continued.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
The Attorney-General's Department	Administration of law and Justice in the Australian Capital Territory and the Northern Territory Arbitration in relation to employment in the Commonwealth Public Service Bankruptcy and Insolvency Bills of Exchange and Promissory Notes Copyright Crown Law Officers Designs Divorce and Matrimonial Causes Foreign Corporations Investigations in respect of offences against Commonwealth law Judiciary and Courts Legal aid to members of the Forces and their dependants Litigation in which the Commonwealth is a party and prosecution of offences against Commonwealth laws Marriage Parliamentary drafting and legal drafting (including Bills, Regulations under Commonwealth Acts, Ordinances, Proclamations, Orders and Agreements) Patents Peace Officers Recognition throughout the Commonwealth and its Territories of the laws, records and judicial proceedings of the States and the Territories Reporting of proceedings of Commonwealth tribunals Commonwealth Investigation Service Service and execution throughout the Commonwealth and its territories of the Process and Judgments of the States and the Territories Trade Marks Trading and Financial Corporations formed within the limits of the Commonwealth	<i>Act Interpretation Act 1901-1950</i> <i>Amendments Incorporation Act 1905-1918</i> <i>Australian Capital Territory Supreme Court Act 1933-1950</i> <i>Bankruptcy Act 1924-1950</i> <i>Bills of Exchange Act 1900-1950</i> <i>Boy Scouts Association Act 1924</i> <i>Conciliation and Arbitration Act 1904-1950</i> (except sections 61 and 101) <i>Conciliation and Arbitration Act 1951</i> <i>Copyright Act 1912-1950</i> <i>Crimes Act 1914-1950</i> <i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to the following Regulations— National Security (Evidence) Regulations National Security (General) Regulations—73 and 81 National Security (Industrial Property) Regulations National Security (Supplementary) Regulations—52, 62, 80, 91, 100, 110 and 132 National Security (War Deaths) Regulations National Security (War Service Memorials) Regulations <i>Designs Act 1900-1950</i> <i>Evidence Act 1905-1950</i> <i>Extradition Act 1900-1950</i> <i>High Court Procedure Act 1900-1950</i> <i>Judges' Pensions Act 1948</i> <i>Judiciary Act 1903-1950</i> <i>Judiciary (Diplomatic Representation) Act 1912</i> <i>Jury Exemption Papers Act 1905-1950</i> <i>Parliamentary Papers Act 1908-1946</i> <i>Patents Act 1900-1950</i> <i>Patents, Trade Marks, Designs and Copyright (War Powers) Act 1933-1946</i> <i>Peace Officers Act 1925</i> <i>Public Service Arbitration Act 1929-1950</i> <i>Re-establishment and Employment Act 1945</i> (Parts II, Division 2, IX, and X.) <i>Rules Publication Act 1901-1950</i> <i>Service and Execution of Process Act 1901-1950</i> <i>Solicitor-General Act 1916</i> <i>State and Territorial Laws and Records Recognition Act 1901-1950</i> <i>Statute Law Revision Act 1934-1950</i> <i>Statutory Declarations Act 1911-1950</i> <i>Trade Marks Act 1905-1948</i> <i>War Precautions Act Repeal Act 1920-1934</i> , insofar as it relates to paragraph (c) of section 22
The Department of External Affairs	Antarctica—Australian Antarctic Territory Australia-New Zealand Agreement: Implementation through Australia-New Zealand Affairs Secretariat Australian Embassies, Legations and other permanent missions abroad (with the exception of the Australian High Commissioner in London), Australian Consular representatives abroad British Commonwealth political relations British Commonwealth representatives in Australia (with the exception of the High Commissioner for the United Kingdom) Channel of communication— (i) for all matters between other Departments and diplomatic missions in Australia; (ii) for all matters between other Departments and Australian missions abroad (except the Australian High Commissioner in London) Communication with United Kingdom diplomatic missions and consulates Consuls and consular matters Cultural relations with other countries Custody of property in Australia of enemy powers Diplomatic and consular missions in Australia External short-wave broadcasting: policy aspects Foreign affairs and relations with foreign governments International Conferences International questions affecting policy in respect of trusteeship and economic relations Monitoring of incoming short-wave broadcasts Protection of Australian nationals and interests abroad, including claims against other countries South Pacific Commission Special political missions Territorial waters Treaties and International Agreements United Nations: principal and subsidiary organs; field commissions and specialized agencies	<i>Australian Antarctic Territory Acceptance Act 1933</i> <i>Charter of the United Nations Act 1945</i> <i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to National Security (Supplementary) Regulation 130 <i>Genocide Convention Act 1949</i> <i>International Labour Organization Act 1947</i> (together with the Department of Labour and National Service) <i>International Organizations (Privileges and Immunities) Act 1948</i> <i>Treaty of Peace (Bulgaria) Act 1947</i> <i>Treaty of Peace (Finland) Act 1947</i> <i>Treaty of Peace (Hungary) Act 1947</i> <i>Treaty of Peace (Italy) Act 1947</i> <i>Treaty of Peace (Romania) Act 1947</i> <i>United Nations Educational, Scientific and Cultural Organization Act 1947</i> (together with the Prime Minister's Department) <i>United Nations Food and Agriculture Organization Act 1944</i> (together with the Department of Commerce and Agriculture) <i>World Health Organization Act 1947</i> (together with the Health Department)

THE SCHEDULE—continued.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
Department of Defence	The formulation and general application of a unified Defence Policy relating to the Defence Forces and their requirements, including— (a) Co-operation in British Commonwealth Defence and the Defence aspect of the Charter of the United Nations; (b) The supply aspect of Defence Policy, including the review of production programmes and capacity; (c) The scientific aspect of Defence Policy; (d) The financial requirements of Defence Policy, and the allocation of the funds made available The Defence aspect of Armistice and Peace Terms, Control Commissions, and Forces of Occupation Matters of policy or principle and important questions having a joint Service or intra-departmental Defence aspect The Higher Defence Machinery, the control of the Joint Service Machinery, and Secretariat of the Council of Defence The Defence aspect of questions relating to the Organization and Machinery for— Co-operation in British Commonwealth Defence Co-operation in Regional Security, including obligations under the United Nations Charter Higher Direction in War Higher Direction of the Services The Commonwealth War Book, which is a summary of National Plans for an Emergency as developed in Departmental War Books The administration of Inter-Service Organizations, such as the Joint Intelligence Machinery The Defence aspect of— The Strength and Organization of the Forces Higher Appointments in the Services Honours and Awards Advice on the military aspect of Civil Defence	<i>Defence Act 1903-1950</i> (except in relation to the organization and control of the Naval, Military or Air Forces) <i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to the following Regulations— National Security (Supplementary) Regulation 33 <i>Defence (Visiting Forces) Act 1930-1950</i> <i>Geneva Convention Act 1938</i>
The Department of the Navy	Naval Defence	<i>Cocleas and Schnapper Islands Act 1919</i> <i>Control of Naval Waters Act 1918</i> <i>Defence (Transitional Provisions) Act 1916-1950</i> insofar as it relates to the following Regulations— National Security (General) Regulation 37 insofar as it relates to the Naval Forces National Security (Supplementary) Regulation 63, insofar as it relates to the Naval Forces <i>Naval Defence Act 1910-1949</i> <i>War Precautions Act Repeal Act 1920-1934</i> , Section 22 (with the exception of paragraphs (e) and (f)) in relation to the Naval Forces
The Department of the Army	Military Defence	<i>Australian Imperial Force Candace Funds Act 1920-1950</i> <i>Defence Act 1903-1950</i> (in relation to the organization and control of the Military Forces) <i>Defence (Transitional Provisions) Act 1916-1950</i> insofar as it relates to the following Regulations— National Security (General) Regulation 37 insofar as it relates to the Military Forces National Security (Supplementary) Regulations 33, 63, insofar as they relate to the Military Forces <i>Services Trust Funds Act 1920-1934</i> , Section 22 (with the exception of paragraphs (e) and (f)) in relation to the Military Forces <i>War Precautions Act Repeal Act 1920-1934</i> , Section 22 (with the exception of paragraphs (e) and (f)) in relation to the Military Forces
The Department of Air	Air Defence	<i>Air Force Act 1923-1950</i> <i>Defence Act 1903-1950</i> (in relation to the organization and control of the Air Force) <i>Defence (Transitional Provisions) Act 1916-1950</i> insofar as it relates to the following Regulations— National Security (General) Regulation 37, insofar as it relates to the Air Force National Security (Supplementary) Regulations 58 and 129 National Security (Supplementary) Regulation 63, insofar as it relates to the Air Force <i>Services Trust Funds Act 1920-1934</i> , insofar as it applies to the Air Force <i>War Service Estates Act 1942-1943</i> , insofar as it relates to the Air Force
The Department of Trade and Customs	Analysis of goods Bounties (to assist industries in Australia and External Territories) By-laws (customs and excise)—administration of	<i>Australian Industries Preservation Act 1906-1950</i> <i>Banking Act 1915</i> insofar as it relates to Part III. of the Banking (Foreign Exchange) Regulations <i>Beer Excise Act 1901-1950</i>

THE SCHEDULE—continued.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
The Department of Trade and Customs—continued.	Censorship of cinematograph films and literature	Canoes and Duck Bounty Act 1939
	Contraband control in time of war	Coal Excise Act 1919
The Department of Commerce and Agriculture	Cotton bounty	Commerce (Trade Descriptions) Act 1905-1950 insofar as it relates to imports
	Customs Administration	Customs Act 1901-1950
The Department of Commerce and Agriculture—continued.	Customs Tariffs	Customs Tariff 1933-1950
	Dangerous drugs—control under international conventions	Customs Tariff (Canadian Preference) 1931
The Department of Commerce and Agriculture—continued.	Detection of offences	Customs Tariff (Canadian Preference) 1931-1950
	Distillation of spirits	Customs Tariff (Industries Preservation) Act 1921-1950
The Department of Commerce and Agriculture—continued.	Dumping and unfair competition	Customs Tariff (New Zealand Preference) 1930
	Economic investigation of industries	Customs Tariff (New Zealand Preference) 1933-1950
The Department of Commerce and Agriculture—continued.	Exchange control relating to imports and exports	Customs Tariff (New Zealand Preference) Agreement Act 1933
	Excise administration	Customs Tariff (Papua and New Guinea Preference) 1933-1950
The Department of Commerce and Agriculture—continued.	Excise tariffs	Customs Tariff (Primaque Duties) 1931-1950
	Export control—monetary and commodity	Customs Tariff (Southern Rhodesian Preference) 1941-1948
The Department of Commerce and Agriculture—continued.	Export licensing	Customs Tariff Validation Acts
	Export prohibitions	Defence (Transitional Provisions) Act 1916-1950 insofar as it relates to the following Regulations:—
The Department of Commerce and Agriculture—continued.	Films, cinematograph—censorship	National Security (Sea Control) Regulations
	Immigration, co-operation with the Department of Immigration	Distillation Act 1901-1950
The Department of Commerce and Agriculture—continued.	Import control	Excise Act 1901-1950
	Import licensing	Excise Tariff 1921-1950
The Department of Commerce and Agriculture—continued.	Import prohibitions	Excise Tariff Rebate Act 1914
	International Convention for Aerial Navigation (provisions relating to customs matters)	Excise Tariff Validation Acts
The Department of Commerce and Agriculture—continued.	Investigations—trade and special	Wine Canoe Bounty Act 1939
	Literature—censorship	Merchant Shipping Acts insofar as they relate to registration of British ships
The Department of Commerce and Agriculture—continued.	Marking and labelling of imported goods	New Zealand Re-exports Act 1924-1917
	Monopolies and combines	Papua and New Guinea Bounties Act 1926-1936
The Department of Commerce and Agriculture—continued.	Preferential tariffs	Papua and New Guinea Bounties Act 1937
	Prices control	Raw Cotton Bounty Act 1910-1946
The Department of Commerce and Agriculture—continued.	Primaque duties	Sweet Commissions Act 1905
	Prize Courts	Spirits Act 1900-1917
The Department of Commerce and Agriculture—continued.	Prosecutions for offences	Sugar Agreement Act 1916
	Protection of primary and secondary industries	Sugar Agreement Act 1917
The Department of Commerce and Agriculture—continued.	Quarantine, co-operation with the Department of Health	Sugar Agreement Act 1919
	Registration of British ships	Sulphur Bounty Act 1939-1944
The Department of Commerce and Agriculture—continued.	Revenue duties	Tariff Board Act 1921-1950
	Secret Commissions	Tariff Board Act 1930-1950
The Department of Commerce and Agriculture—continued.	Shipping—treatment of merchant shipping in port in time of war	Tractor Bounty Act 1930
	Smuggling, prevention of	Trade Agreement (Belgium) Act 1930
The Department of Commerce and Agriculture—continued.	Statistical classification of imports and exports	Trade Agreement (Brazil) Act 1930
	Sugar—	Trade Agreement (Czechoslovakia) Act 1936
The Department of Commerce and Agriculture—continued.	Export Sugar Committee	Trade Agreement (France) Act 1930
	Fruit Industry Sugar Concession Committee	Trade Agreement (Greece) Act 1910
The Department of Commerce and Agriculture—continued.	International Sugar Agreement	Trade Agreement (South Africa) Act 1936
	Rebate on sugar contents of exported goods	Trade Agreement (Southern Rhodesia) Act 1941
The Department of Commerce and Agriculture—continued.	Sugar industry control	Trade Agreement (Switzerland) Act 1939
	Sulphur Bounty	Trading with the Enemy Act 1939-1917
The Department of Commerce and Agriculture—continued.	Tariff revision	Tyre Cord Bounty Act 1939
	Tariff administration (Customs and Excise)	United Kingdom and Australia Trade Agreement Act 1932
The Department of Commerce and Agriculture—continued.	Tariff Board	Wine Export Bounty Act 1947
	Tea, control	
The Department of Commerce and Agriculture—continued.	Tractor bounty	
	Trade agreements, Trade Treaties	
The Department of Commerce and Agriculture—continued.	Trade Relations—Overseas	
	Trade and commerce—action in relation to restraint of trade descriptions (Imports)	
The Department of Commerce and Agriculture—continued.	Trade statistics—collection of statistics relating to imports and exports	
	Trading with the Enemy—Administration	
The Department of Commerce and Agriculture—continued.	Tyre Cord Bounty	
	Valuation of Goods for duty purposes	
The Department of Commerce and Agriculture—continued.	Wine Export Bounty	
	Wine Notting Bounty	
The Department of Commerce and Agriculture—continued.	Agricultural Production	Apple and Pear Export Charges Act 1938-1917
	Agricultural Economics	Apple and Pear Organisation Act 1938-1918
The Department of Commerce and Agriculture—continued.	Assistance to Primary Producers	Canned Fruit Export Charges Act 1929-1938
	Australian Agricultural Council	Canned Fruit Export Control Act 1926-1950
The Department of Commerce and Agriculture—continued.	Collection and dissemination of commercial intelligence and general information	Commerce (Trade Descriptions) Act 1905-1950 (insofar as it relates to exports)
	Contact with State Departments of Agriculture regarding agricultural production	Dairy Produce Export Charges Act 1921-1937
The Department of Commerce and Agriculture—continued.	Contact with the following organizations and administration of any Commonwealth Acts under which they are established:—	Dairy Produce Export Control Act 1924-1950, insofar as it relates to the following Order and Regulations:—
	Australian Apple and Pear Board	National Security (Apple and Pear Acquisition) Regulations
The Department of Commerce and Agriculture—continued.	Australian Apple and Pear Marketing Board	National Security (Staff of War-time Authorities) Regulations
	Australian Canned Fruits Board	Dried Fruits Export Charges Act 1921-1950
The Department of Commerce and Agriculture—continued.	Australian Egg Board	Dried Fruits Export Control Act 1924-1950
	Australian Hides and Leather Industries Board	Egg Export Charges Act 1947
The Department of Commerce and Agriculture—continued.	Australian Meat Board	Egg Export Control Act 1917-1948
	Australian Whaling Commission	Egg Export Control Act 1950

THE SCHEDULE—continued.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Acts Administered by the Minister of each Department.
The Department of Commerce and Agriculture—continued.	Contact with the following organizations and administration of any Commonwealth Acts under which they are established—continued.	Hide and Leather Industries Act 1918
	Australian Wheat Board	Int. national Wheat Agreement Act 1919
The Department of Commerce and Agriculture—continued.	Australian Wine Board	Iron Export Charges Act 1933
	Australian Wool Board	Iron Export Control Act 1933-1950
The Department of Commerce and Agriculture—continued.	Australian Wool Realization Commission	Iron Industry Control Act 1946-1950
	Dried Fruits Control Board	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Northern Potato Advisory Committee	Iron Industry Control Act 1946-1950
	Standing Committee on Agriculture	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	External Trade—Overseas trade promotion	Iron Industry Control Act 1946-1950
	Fisheries—Administration of Commonwealth policy and co-ordination of State activities and control of fishing in extra-territorial waters	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	General trade inquiries	Iron Industry Control Act 1946-1950
	Importation and use of Jute	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Investigation of overseas trade matters	Iron Industry Control Act 1946-1950
	Importation and/or grading of dry produce, meat, fruit (fresh, dried, and canned), flour, fish, jams, honey, vegetables, &c., exported from the Commonwealth	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Investigation of marketing, economic and other problems of farming industries	Iron Industry Control Act 1946-1950
	Marketing investigations abroad	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Production of Hiss	Iron Industry Control Act 1946-1950
	Rural credits	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Rural man-power	Iron Industry Control Act 1946-1950
	Trade Agreements	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Administration of export aspects	Iron Industry Control Act 1946-1950
	Collaboration with other Departments in negotiations	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Trade Commissioner Service	Iron Industry Control Act 1946-1950
	Trade publicity and advertising in Australia, the United Kingdom and elsewhere	Iron Industry Control Act 1946-1950
The Department of Commerce and Agriculture—continued.	Trade Surveys for specific commodities	Iron Industry Control Act 1946-1950
	Whaling activities in Australian and adjacent waters	Iron Industry Control Act 1946-1950
The Postmaster-General's Department	Broadcasting	Broadcasting Act 1942-1950
	Postal and Telecommunication Services	Commonwealth Broadcasting Stations (Licence Fees) Act 1942
The Department of the Interior	Accommodation for Commonwealth Departments	On-leave Telecommunications Act 1940
	Agricultural Loans and Allowances under R.-S.-S. Act 1918	Parliamentary Press-Boards Act 1914
The Department of the Interior	Antisecurity	Post and Telegraph Act 1931-1950
	Australian Capital Territory, development planning and administration of, with the exception of Health and Justice	Post and Telegraph Act 1931-1950
The Department of the Interior	Australian Official War History 1930-1945	Post and Telegraph Act 1931-1950
	Australian War Memorial	Post and Telegraph Act 1931-1950
The Department of the Interior	Civil Defence	Post and Telegraph Act 1931-1950
	Commonwealth Observatory	Post and Telegraph Act 1931-1950
The Department of the Interior	Convoys of Members of Parliament and others	Post and Telegraph Act 1931-1950
	Elections and Franchise	Post and Telegraph Act 1931-1950
The Department of the Interior	Financial Assistance to States for War Service Land Settlement	Post and Telegraph Act 1931-1950
	Forestry and Timber	Post and Telegraph Act 1931-1950
The Department of the Interior	Geodesy	Post and Telegraph Act 1931-1950
	Land for Commonwealth purposes, acquisition and leasing of	Post and Telegraph Act 1931-1950
The Department of the Interior	Mapping, Topographical and Geographical, including Rural Information Bureau—Publicity, Australia and Overseas	Post and Telegraph Act 1931-1950
	National Film Board	Post and Telegraph Act 1931-1950
The Department of the Interior	National Mapping Council	Post and Telegraph Act 1931-1950
	News and Information Bureau—Publicity, Australia and Overseas	Post and Telegraph Act 1931-1950
The Department of the Interior	Police (Australian Capital Territory)	Post and Telegraph Act 1931-1950
	Property, Commonwealth, management of	Post and Telegraph Act 1931-1950
The Department of the Interior	Rural training under Re-establishment and Employment Act 1915	Post and Telegraph Act 1931-1950
	Soil Conservation	Post and Telegraph Act 1931-1950
The Department of the Interior	Supply of information services for overseas posts	Post and Telegraph Act 1931-1950
	Surveying, Land, Engineering, Topographical and Geodesic	Post and Telegraph Act 1931-1950
The Department of the Interior	War Graves	Post and Telegraph Act 1931-1950
	Channel of communication between the Government and industrial organization of employers and workers	Post and Telegraph Act 1931-1950
The Department of the Interior	Cool Industry Act 1916 (Part V)	Post and Telegraph Act 1931-1950
	Cool Industry (Transients) Act 1949 (Part V)	Post and Telegraph Act 1931-1950
The Department of the Interior	Conciliation and Arbitration Act 1904-1950, Sections 61 and 109	Post and Telegraph Act 1931-1950
		Post and Telegraph Act 1931-1950

THE SCHEDULE—continued.

First Column Name of Department.	Second Column Matters dealt with by each Department.	Third Column Acts Administered by the Minister of each Department.
The Department of Labour and National Services—continued.	Control of the registration, exemption and deferment, medical examinations, selection, allocation and call-up of persons liable for National Service Co-ordination of industrial conferences and related matters Co-ordination of Commonwealth and State regulation of industrial conditions Regulation and control of storeworking operations and industrial matters connected therewith Conditions of employment in the maritime industry Supervision of matters arising under the <i>Tradesmen's Rights Regulation Act 1910-1917</i> including the operation of Trade Committees Regulation of matters concerning the Central and Local Coal Reference Boards Long service leave in the coal-mining industry Consideration of amendments to New South Wales legislation affecting pensions for coal and oil shale mine workers Co-ordination of industrial matters affecting Commonwealth departments and agencies Advice and information on awards and industrial matters and production of Industrial Information Bulletin Organization and maintenance of the Commonwealth Employment Service (including research and vocational guidance facilities) Employment re-establishment of discharged servicemen and servicewomen and of the physically handicapped Receipt, investigation and payment of claims for unemployment and sickness benefit under Part VII of the <i>Social Services Consolidation Act 1917-1919</i> (as agent for the Department of Social Services) Receipt, investigation and payment of claims for re-employment allowances under Division 2 of Part VI of the <i>Re-establishment and Employment Act 1915</i> (as agent for the Repatriation Commission) Placement of migrants and supervision of employment contract of Displaced Persons Provision of a reference authority for Commonwealth and State departments and agencies and industry in general on good personnel practice Provision of a reference authority on standards of physical working conditions for Commonwealth and State departments and agencies and industry in general and in relation to buildings in which the Commonwealth is interested (not involving detailed planning which is performed by the Department of Works and Housing) Technical advice and assistance to factories about the setting up or operation of food services, provision of a reference authority on the operation of canteens and food services in Commonwealth establishments and for State departments and agencies and operation of waterfront canteens and other Commonwealth food services and hotels Control and supervision of vocational training (other than University type) of discharged members of the Forces and civilians under the Commonwealth Reconstruction Training Scheme Control and supervision of correspondence instruction (other than University type) of members of the Forces within the Services Education Scheme Control and supervision of pre-vocational and vocational training of physically-handicapped persons and other persons for whom the Commonwealth has training responsibilities Control and supervision of technical training of enlisted personnel for technical units of the Forces Provision of a reference authority for State Technical Education authorities, Commonwealth departments and agencies, and industry generally on techniques and methods of technical and vocational training Provision, operation and maintenance of hostels and forms of accommodation for the housing of migrant workers and other dependants Administration of the reinstatement in civil employment and the apprenticeship provisions of the <i>Re-establishment and Employment Act 1915</i> Liaison with International Labour Organization and other international and external authorities in relation to labour, employment and industrial matters Investigation and research into problems affecting employer-employee relationships Control and administration of inspectors under the <i>Commonwealth Conciliation and Arbitration Act 1904-1950</i> Provision of information services and technical assistance to Commonwealth industrial tribunals as required	<i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to— National Security (Maritime Industry) Regulations National Security (Coal Mining Industry Employment) Regulations National Security (Industrial Peace) Regulations <i>National Service Act 1951</i> <i>Re-establishment and Employment Act 1915</i> (Part II, Divisions 1, 2 and 3) <i>State Grants (Coal Mining Industry Long Service Leave) Act 1910-1950</i> <i>Stevedoring Industry Act 1940</i> <i>Tradesmen's Rights Regulation Act 1910-1917</i>

THE SCHEDULE—continued.

First Column Name of Department.	Second Column Matters dealt with by each Department.	Third Column Acts Administered by the Minister of each Department.
The Department of Labour and National Services—continued.	Examination of man-power aspects of Defence Policy and planning of man-power measures to meet an emergency	
The Department of Shipping and Transport.	Shipping, including the best utilization of the Australian Coastal Fleet, the chartering of ships, the operation of Commonwealth-owned and chartered ships Shipbuilding and the repair and maintenance of ships (other than naval vessels) Movement of Commonwealth explosives Provision of facilities at Australian ports for handling Commonwealth explosives Commonwealth Hauling Equipment Pool Control and maintenance of coastal lights and other aids to navigation on the sea routes around the Australian coastline Control of marine services, such as surveys of ships, inspection of ships' gear, safe loading of ships, accommodation for ships' crews, engagement and discharge of seamen, examinations of masters, mates and engineers, licensing of ships to engage in coasting trade, wrecks and salvage, Courts of Marine Enquiry, Seamen's Compensation Collection of Colonial Light Dues and remission of collection to United Kingdom Commonwealth Railway Administration of Standardization of Railways agreements Commonwealth aid for roads and works Australian Transport Advisory Council	<i>Bêche, Fishing Grounds and Sea Route Protection Act 1932</i> (except Section 3) <i>Brisbane to Leigh Creek North Cont.-H. Railway Act 1950</i> <i>Colonial Light Dues Collection Act 1932-1936</i> <i>Colonial Light Dues (Bêche) Act 1932-1936</i> <i>Commonwealth Aid Roads Act 1950</i> <i>Commonwealth Railway Act 1917-1950</i> <i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to the following Regulations— National Security (General) Regulations 66 National Security (Medical Benefits for Seamen) Regulations National Security (Shipping Co-ordination) Regulations <i>Orphan to South Brisbane Railway Act 1924-1930</i> <i>Kalbarrie to Port Augusta Railway Act 1911-1950</i> <i>Kalbarrie to Port Augusta Railway Lands Act 1918-1929</i> <i>Lighthouses Act 1911-1919</i> <i>Navigation Act 1912-1950</i> <i>Northern Territory Railway Extension Act 1923-1950</i> <i>Obanadatta to Alice Springs Railway Act 1920-1950</i> <i>Pine Creek to Katherine River Railway Act 1913-1950</i> <i>Port Augusta to Alice Springs Railway (Allocation of Route) Act 1950</i> <i>Port Augusta to Port Pine Railway Act 1935-1950</i> <i>Railway Standardization (South Australia) Agreement Act 1949</i> <i>Sea-Carriage of Goods Act 1924</i> <i>Seamen's Compensation Act 1911-1919</i> <i>Seamen's War Pensions and Allowances Act 1916-1950</i> (except pensions and allowances provisions administered by the Repatriation Department) <i>Seal of Government Railway Act 1925</i>
The Department of Works and Housing	The design, estimate of cost, supervision and execution of all architectural and engineering works (both capital and maintenance) for the Commonwealth Government and such other works as may be requested by a State or an authority of the Commonwealth or of a State The formulation of town planning proposals in areas controlled by the Commonwealth in collaboration with other responsible Departments The investigation, planning and development of such works of national importance as are referred to the Department by the Commonwealth Government The submission to the Defence Services of Works proposals or works plans (other than Defence Works) for which the Commonwealth is wholly or partially responsible, and which the Department considers may have strategic significance River Murray Commission	<i>River Murray Works Act 1916-1950</i>
The Department of Civil Aviation	Civil aviation, including— The safety of civil aviation (preparation of rules and regulations for) The licensing of air-service operations The licensing of pilots, navigators, radio operators, flight engineers and aircraft maintenance engineers and the supervision of the work of licensed personnel The issue of air worthiness certificates for aircraft and the supervision of operations of airline operators The creation and administration of contracts for carriage of mails by air and payments for air transport services The functional design, operation and maintenance of aerodromes The provision, operation and maintenance of aeradio stations for radio aids to navigation, and radio communications between aircraft in flight and the ground, and from point to point The supervision of aircraft maintenance and aircraft design The promotion of civil aviation The promotion of training of pilots and ground staff for civil air transport The licensing and supervision of flying schools The provision of air traffic control organization The keeping of statistics relating to civil aviation	<i>Air Navigation Act 1920-1950</i> <i>Australian National Air Lines Act 1915-1947</i> <i>British Commonwealth Pacific Airlines Agreement Act 1947</i> <i>Carriage by Air Act 1953</i> <i>Defence (Transitional Provisions) Act 1916-1950</i> , insofar as it relates to National Security (Supplementary) Regulation 68

THE SCHEDULE—continued.

First Column Name of Department	Second Column Matters dealt with by each Department	Third Column Acts Administered by the Minister of each Department.
The Department of Civil Aviation— <i>contd.</i>	Liaison with international civil aviation organizations and representation thereon The negotiation and administration of international air transport agreements	
The Department of Social Services	Age Pensions Allowance for wives and children of invalid pensioners Child Endowment Compassionate allowances to persons ineligible for Age, Invalid and Widows' Pensions, Child Endowment and Maternity Allowances Compensation or pensions to, or in respect of— (a) Ex-members of the Civil Construction Corps; (b) Ex-Civil Defence Workers; and (c) Civilians who suffered a war injury Evacuees and ex-internees—reception and after-care of Funeral Benefits for age and invalid pensioners Invalid Pensions Maternity Allowances Payment of— All benefits granted under the Social Services Consolidation Act Allowances to ex-members of Parliament and their dependants Allowances to sufferers from tuberculosis Commonwealth Literary Fund allowances Financial assistance to University students Imperial pensions (other than war pensions) Judiciary pensions Living allowances to ex-members of the Forces undergoing reconstruction training at a University Pensions to retired members of the Commonwealth Defence Forces Pensions and retiring allowances under Section 84 of the Commonwealth Constitution, the <i>Transferred Officers' Pensions Act 1934</i> and the <i>Transferred Officers' Allowances Act 1948</i> Pensions to war widows payable by cheque Special annuities granted by the Commonwealth Superannuation to retired Commonwealth employees Reciprocity with New Zealand in relation to Age Pensions, Invalid Pensions, Widows' Pensions, Child Endowment, Unemployment Benefits and Sickness Benefit and Age Benefits, Invalids' Benefits, Widows' Benefits, Family Benefits, Unemployment Benefits and Sickness Benefits Rehabilitation of ex-members of the Forces not eligible for Repatriation benefits Rehabilitation of physically handicapped persons Sickness Benefits Social Service proposals and activities generally Social Work and Research Unemployment Benefits Vocational training of physically handicapped persons Widows' Pensions Provision of homes for Australian soldiers who served during the 1914-1918 war and during any war in which His Majesty became engaged on or after 3rd September, 1939; also for female dependants of Australian soldiers and other classes of eligible persons as defined in the <i>War Service Homes Act 1918-1949</i>	<i>Defence (Transitional Provisions) Act 1916-1930</i> (Section 13) <i>Re-establishment and Employment Act 1915</i> (Part IV.) <i>Social Services Consolidation Act 1917-1930</i> <i>War Service Homes Act 1918-1949</i> <i>War Service Homes (South Australia) Agreement Act 1934</i>
The Department of Repatriation	Functions—For Members of Forces— Determination of applications for the acceptance of disabilities as war-caused Provision of in-patient and out-patient treatment in general hospitals, special institutions, sanatoria and hostels War pensions and living allowances (including acting as agent for British and Dominion pensions authorities) Artificial replacements and surgical aids for members whose accepted incapacities necessitate the use of such aids Administration of members' trust funds (pensions and war gratuities) Service pensions Funeral benefits in certain circumstances Placement in employment of problem cases Supplementation of apprenticeship wages Repatriation Vocational Training Scheme—Special training of problem cases which cannot be trained by normal methods Issue of books, requisites, equipment to trainees under the Commonwealth Reconstruction Training Scheme by arrangement with Universities Commission	<i>Interim Forces Benefits Act 1947-1950</i> , except sections 5 and 8 <i>Re-establishment and Employment Act 1915</i> ; Part I.; Part II.—Division 4, and Sections 43 and 44 of Division 3; Parts III., V., VI., except Divisions 3 and 4, and Part XL <i>Repatriation Act 1929-1950</i> <i>Repatriation Fund (Battlers Gift) Act 1937</i> <i>Seaman's War Pensions and Allowances Act 1919-1950</i> ; Parts III. and IV. (also Parts I., II. and VI. to the extent to which they apply to Parts III. and IV.)

THE SCHEDULE—continued.

First Column Name of Department.	Second Column Matters dealt with by each Department.	Third Column Acts Administered by the Minister of each Department.
The Department of Repatriation— <i>contd.</i>	Functions—For Members of Forces— <i>continued.</i> Provision of grants by way of gift and under hire-purchase agreement for tools of trade to members and widows to enable them to engage in their calling or in a remunerative occupation Provision of grants to provide immediate relief for members in necessitous circumstances Provision of free passages to Australia for the wives, widows and children of members of the Forces still on active service or who have been discharged who married during the period of their active service outside Australia Provision of grants by way of loan for small businesses and prescribed occupations Provision of gifts for the purchase in certain cases of furniture for totally and permanently incapacitated or blinded members Provision of free passages from the Commonwealth for incapacitated members and their wives and children; and for the widows and children of deceased members who desire to return to relatives or friends living outside the Commonwealth Payment of fares in certain cases of a member and his family Sustenance allowances Payment of seaman's war pensions and allowances For Dependents War and service pensions, medical benefits and living allowances Provision of grants by way of business loans under certain conditions Gifts for the purchase in certain cases of furniture for widows with children whose husbands' deaths were due to war service Provision of funeral benefits in certain cases Administration of soldiers' children education scheme Administration of soldiers' trust funds (pensions and gratuity) Payment of seaman's war pensions and allowances War Pensions Entitlement Appeal Tribunals War Pensions Assessment Appeal Tribunals	
The Department of Immigration	The formulation and general application of immigration policy The control and organization in Australia and overseas of all assisted migration, including British Free and Assisted Passages, Child Migration, Empire and Allied Ex-servicemen, Dutch, Free and Displaced Persons Schemes Assimilation, education and welfare of migrants, liaison with voluntary organizations engaged in assimilation activities Publication of newspapers in foreign languages Issue of landing permits authorizing admission of aliens to Australia Registration of aliens Deportation of aliens Admission of non-European labour for service in the mining industry Control, entry and residence in Australia of restricted and prohibited immigrants Emigration of children and aborigines Registration of Immigration Agents Nationality, Naturalization and Citizenship Passports and travel documents Repatriation of destitute Australians Control and operation of Reception and Training and of Holding Centres for migrants Planning and research into all aspects of immigration, including the absorption of migrants into the Australian community Secretariat, research and statistical services for the Immigration Planning Council and Immigration Advisory Council	<i>Aliens Act 1917</i> <i>Aliens Registration Act 1948</i> <i>Emigration Act 1910</i> <i>Immigration Act 1901-1949</i> <i>Immigration (Guardianship of Children) Act 1916-1948</i> <i>Nationality and Citizenship Act 1948-1950</i> <i>Nationality and Citizenship (Barneet) Act 1950</i> <i>Pacific Island Labourers Act 1901-1950</i> <i>Passports Act 1928-1948</i> <i>People's Service Trust Fund Act 1940</i> <i>War-time Refugee Removal Act 1940</i>
The Department of Health	Administration of any subsidies by the Commonwealth for the assistance of efforts by State Governments or public authorities for the eradication, prevention or control of disease in man and animals Administration of the Nuffield Trust for Crippled Children Administration of pharmaceutical benefits Hospital benefits Therapeutic substances Assistance to the States in relation to tuberculosis Australian Institute of Anatomy, Canberra Collection of sanitary data and the investigation of all factors affecting health in industries	<i>Acoustic Laboratories Act 1918</i> <i>Australian Institute of Anatomy Agreement Acts 1923-1933</i> <i>Beaches, Fishing Grounds and Sea Routes Protection Act 1932</i> (Section 3) <i>Hospital Benefits Act 1945-1948</i> <i>Medical Research Endowment Act 1937</i> <i>Mental Institutions Benefits Act 1918</i> <i>National Fitness Act 1941</i> <i>National Health Service Act 1948-1949</i> <i>Pharmaceutical Benefits Act 1947-1950</i> <i>Quarantine Act 1903-1950</i> <i>States Grants (Milk for School Children) Act 1950</i>

THE SCHEDULE—continued.

First Column Name of Department	Second Column Matters dealt with by each Department.	Third Column Acts Administered by the Minister of each Department.
The Department of Health—continued.	Commonwealth Acoustic Laboratories and distribution and maintenance of hearing aids Commonwealth Bureau of Dental Standards Commonwealth Serum Laboratories and the commercial distribution of the products manufactured in those laboratories Commonwealth X-ray and Radium Laboratory, Melbourne Conducting of campaigns of prevention of disease in which more than one State is interested Control of Health at Migrant Centres Discharge of refuse into the sea Education of the public in matters of health International hygiene matters affecting the Commonwealth Investigation of causes of disease and death, and the establishment and control of laboratories for this purpose Medical examination of migrants under the Immigration Act Medical examinations of seamen and inspection of vessels under the Navigation Act and Seamen's Compensation Act Medical examination under the Invalid and Old-age Pensions Act, Commonwealth Public Service Act, Commonwealth Employees Compensation Act and other relevant Acts Medical Research and National Health and Medical Research Council Mental Institutions Benefits Methods of prevention of disease Munitions Medical Service National Fitness and Commonwealth Council for National Fitness National Health Campaign and the Lady Gowrie Child Centres for pre-school children Public Health and Medical Services in the Northern Territory Public Health and Animal Health Administration in the Australian Capital Territory Quarantine, including quarantine of animals and plants School of Public Health and Tropical Medicine, Sydney Supervision of broadcast advertising of patent Medicines and talks on medical matters	<i>Therapeutic Substances Act 1937-1938</i> <i>Tuberculosis Act 1948</i>
The Department of Territories	Administration of Territories, viz.— Ashmore and Cartier Islands New Guinea Northern Territory Papua Australian New Guinea Production Control Board Australian School of Pacific Administration British Phosphate Commissioners Christmas Island Phosphate Commission Expropriated Properties (New Guinea) Shipping services to certain Pacific Islands Shipping services within the Territories of Papua and New Guinea Transfer of prisoners from the External Territories and the Northern Territory	<i>Ashmore and Cartier Islands Acceptance Act 1933-1938</i> <i>Christmas Island Agreement Act 1949</i> <i>New Guinea Agreement Act 1910</i> <i>New Guinea Agreement Act 1932</i> <i>Norfolk Island Act 1912-1913</i> <i>Northern Territory Acceptance Act 1910-1919</i> <i>Northern Territory (Administration) Act 1910-1949</i> <i>Northern Territory Representation Act 1922-1949</i> <i>Papua and New Guinea Act 1919-1950</i> <i>Removal of Prisoners (Territories) Act 1923-1950</i> <i>Treaty of Peace (Germany) Act 1919-1920</i> (Section 2, and Part II, Treaty of Peace Regulations)
Department of Supply	Manufacture, acquisition, provision and supply of services and goods other than "Munitions" (that is to say, food-stuffs, textiles, clothing, fibres, canvas, goods, woodwork, hardware, boats, kitchenware and other like supplies) as demanded by the Departments of Navy, Army, Air, Defence Production or other Departments and authorities requiring such goods Research and scientific development in relation to war material, including the operation of the joint United Kingdom-Australia Long Range Weapons Organization and Australian research and development through the Electronics Laboratory, the Aeronautical Research Laboratory, Defence Research Laboratory and associated establishments Design and associated technical development, and inspection as arranged with the Service Departments Planning for, and procurement of, strategic materials Planning for the production of goods other than munitions and the establishment of manufacturing facilities therefor Formation of Industry Advisory Committees to advise the Minister for Supply in respect of the production and procurement matters administered by the Department of Supply	<i>Aluminium Industry Act 1944</i> <i>Atomic Energy (Control of Materials) Act 1940</i> <i>Supply and Development Act 1939-1948</i>

THE SCHEDULE—continued.

First Column Name of Department.	Second Column Matters dealt with by each Department.	Third Column Acts Administered by the Minister of each Department.
Department of Supply—continued.	Appropriate liaison with the Higher Defence Machinery, the Service Departments, and the Department of Defence Production Arranging contracts for the performance of services and the supply of goods Operation and management of Government Clothing Factories Acquisition, maintenance and disposal of stocks of goods and materials required in connection with the matters administered by the Department of Supply Sale or disposal of all surplus or un-serviceable property (except buildings and land), war material, goods, and things as are approved for disposal by any competent authority Production in Australia of ingot aluminium by the Australian Aluminium Production Commission Provision of transport facilities for Commonwealth Departments Control of materials which are or may be used in producing atomic energy Security Service in respect of matters administered by the Department of Supply and the Department of Defence Production Arrangements for ascertaining costs and the control and limitation of profits in connection with the production of goods arranged by the Department Co-ordinating the estimates, allocation and commitment of resources for Defence Supply needs (including munitions) and liaison with the National Security Resources Board in this connection	
Department of National Development	Survey of immediate shortages in basic commodities and planning of improvements by increased production or import Promotion of decentralization and regional development throughout the Commonwealth and the Territories of the Commonwealth Surveys of natural resources and development Planning the development of national resources generally, and in particular the development of primary and manufacturing industries and the stimulation of housing and building construction Administration of Commonwealth-State Housing Agreements Housing—Finance Development planning in conjunction with the various States and, where necessary, co-ordination of such development planning, including the investigation of such national works as are referred to the Department by the Government In conjunction with Treasury and other interested Departments, to make agreements with the respective States and other Governmental authorities with regard to the cost and execution of development projects To control funds required for the approved programme of development work Government relations with Commonwealth Oil Resources Ltd. Production, importation and distribution of coal Importation, sale and use of liquid fuels and petroleum products, including distribution of petroleum products and substitute and synthetic fuels Mining of oil shale and refining and distribution of shale oil products Refining and distribution of locally produced petroleum products Promotion and production of liquid fuels	<i>Cool Industry Act 1940</i> (except Part V.) <i>Cool Industry (Tasmania) Act 1910</i> (except Part V.) <i>Cool Production (War-time) Act 1914</i> <i>Commonwealth and State Housing Agreement Act 1945</i> <i>Geophysical Survey Act 1928</i> <i>Liquid Fuel (Defence Stocks) Act 1919</i> <i>National Oil Proprietary Limited Agreement Act 1927-1930</i> <i>Oil Agreements Act 1929</i> <i>Oil Agreement Act 1924</i> <i>Oil Agreement Act 1926</i> <i>Section 63 of the Land Acquisition Act 1906-1938</i> , insofar as it relates to the disposal to private industry of land acquired or used by the Commonwealth in connection with the defence of the Commonwealth <i>Its establishment and Employment Act 1915</i> (Part VIII.) <i>Snowy Mountains Hydro-Electric Power Act 1934</i> <i>Wool Tar Promotion Act 1945</i> (Section 14)
The Department of Defence Production	Manufacture, acquisition, provision and supply of munitions for the defence forces, that is to say, armaments, aircraft, arms, ammunition, weapons, machine tools, war chemicals, radar (and such other items as may be mutually agreed with the Department of Supply as falling within the definition of "munitions"), including the materials and plant necessary for the production of those things and all matters incidental thereto including— The receipt from the Service Departments, and other authorities or Departments, of orders and forecasts of requirements of Munitions Appropriate liaison with the Higher Defence Machinery Service Department and the Department of Supply to deal with Service Munitions programmes Operation and management of factories, workshops, and undertakings concerned in the production of munitions	<i>Supply and Development Act 1939-1948</i>

THE SCHEDULE—continued.

First Column. Name of Department.	Second Column. Matters dealt with by each Department.	Third Column. Act administered by the Minister of each Department.
The Department of Defence Production—continued.	<p>Arrangements and allocation necessary to secure the manufacture, processing and delivery of Munitions</p> <p>Investigations and development of Australian sources of Munitions production including the establishment of annexes or special capacity in industry for that purpose</p> <p>Acquisition by the Commonwealth and the establishment of factories and workshops for the purpose of producing munitions</p> <p>Provision and maintenance of stocks of materials and goods for the purpose of producing munitions</p> <p>Employment and training of technicians, workmen and others for purpose of producing munitions</p> <p>Formation of Industry Advisory Committees to advise the Minister of Defence Production regarding:—</p> <p>The allocation to industry of production programmes of munitions</p> <p>The establishing of additional munitions production facilities, including annexes and undertakings</p> <p>The obtaining of appropriate details of Australian industrial capacity required by the Department of Defence Production in allocating munitions production to industry</p> <p>Any other matters associated with munitions production as specified by the Minister</p> <p>Precision and control of stores, magazines and similar undertakings required in connection with production of munitions and for other purposes as required</p> <p>Arrangements for ascertaining costs and the control and limitation of profits in connection with the production of munitions</p> <p>Development of inventions originating in Government factories, in the interests of Defence production</p>	

Given under my Hand and the Seal of the Commonwealth of Australia this twenty-first day of June, One thousand nine hundred and fifty-one

(L.S.)

By His Excellency's Command,

ROBERT G. MENZIES,
Prime Minister.

W. J. McKELL
Governor-General.

[Extract from Commonwealth Gazette, No. 43, dated 19th June, 1952, page 2833.]

Commonwealth of Australia.

ADMINISTRATIVE ARRANGEMENTS.

ORDERED BY HIS EXCELLENCY THE GOVERNOR-GENERAL.

I, SIR WILLIAM JOHN MCKELL, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby approve of an alteration to the Schedule to the Administrative Arrangements Order dated the twenty-first day of June, One thousand nine hundred and fifty-one, as set out in the Schedule hereunder:—

THE SCHEDULE.

The Department of Supply.

To be included in the Second Column:—

Provision and control of stores required for or in connexion with matters administered by the Department of Supply. General storage for other Departments as required and to the extent facilities are available.

Given under my Hand and the Seal of the Commonwealth of Australia this thirteenth day of June, One thousand nine hundred and fifty-one

W. J. McKELL
Governor-General.

By His Excellency's Command,

A. FADDEN
Acting Prime Minister.

APPENDIX C.

COMMONWEALTH OF AUSTRALIA.

Acting Solicitor-General.

Canberra, A. T.

18 May, 1952.

53/3083.

Dear Mr. Chairman,

ADMINISTRATIVE ARRANGEMENTS ORDER.

The Secretary of your Committee has forwarded to me a copy of the statement prepared in the Prime Minister's Department on the Administrative Arrangements Order. He informs me that you desire any comment I wish to make on that statement and on the question whether any improvements could be made in the Order.

2. Before proceeding to the substantial matters involved, there is one preliminary matter I think I should mention to avoid misunderstanding. In your Secretary's letter of 10 March, 1952, to the Secretary of the Prime Minister's Department it is stated that "the Committee has heard a good deal of the Administrative Arrangements Order as the authority for functions on which Commonwealth money may be spent". I presume that you are here concerned with the authority for the functions of Departments. The authority for expenditure of Commonwealth funds can, of course, only be found in an Act of Parliament (Constitution, s. 83). My comments are, therefore, confined to the legal basis for the exercise of Commonwealth functions by Ministers and their Departments.

3. It seems to me that the fundamental question asked by your Committee is "in what event the matters dealt with by a Department require statutory backing". This is not an easy question to answer in simple or clear-cut terms. A statute is required if obligations or duties are to be imposed or rights or powers are to be conferred; for example, only a statute can give the Government the power to acquire land compulsorily or to provide for the protection of trade marks. On the other hand, the Executive power of the Commonwealth is very wide. In my view the Executive Government of the Commonwealth can, without statutory backing, do anything which the federal legislative power, conducted service departmentally, enter into contracts, and perform similar functions involving compulsion of individuals, subject to two main limitations, namely:—

- before it makes any payment, the necessary funds must be appropriated by Parliament; and
- the action taken must not be contrary to any relevant statutory provision.

Within these limits, the answer to your Committee's question is, therefore, that the matters dealt with by a Department do not require statutory backing.

4. The following are some examples, taken from the present Administrative Arrangements Order, of activities which are validly carried out by particular Departments without statutory authority:

- Prime Minister's Department.
Economic Policy—Planning and Co-ordination.
- Department of the Treasury.
Government Printing.
- Attorney-General's Department.
Reporting of proceedings of Commonwealth tribunals.
- Department of the Interior.
Conveyance of Members of Parliament.

5. Section 61 of the Constitution provides as follows:

"61. The executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth."

6. Section 62 establishes the Federal Executive Council and section 64 empowers the Governor-General to establish departments and appoint ministers. These three sections, in my view, provide the "legal background" of the Administrative Arrangements Order. It follows from these sections that the Governor-General may make arrangements for the exercise of the executive power of the Commonwealth, and for the execution and maintenance of the Constitution and of the laws of the Commonwealth.

7. The Prime Minister's Department has pointed out that some broad division of functions is inherent in any exercise by the Governor-General of his powers under s. 64 to establish Departments of State and to appoint Ministers to administer them. Whether the Government in Council has adopted the appointment of Ministers are, in themselves, sufficient for all legal purposes would seem to be unnecessary to consider. As a matter of administrative convenience, and in order to avoid confusion, the Governor-General in Council has adopted the practice of issuing, and publishing in the Gazette, Admin-

istrative Arrangements Orders setting out the division of the executive functions of the Government made by him among the various Ministers of State. The Order is, of course, issued on the advice of the Prime Minister.

8. The Constitution does not specify the manner in which the Governor-General should divide the executive functions of the Government amongst his Ministers. It appears that the original division was announced by the first Prime Minister, Sir Edmund Barton, in January, 1901, without the issue of an Order by the Governor-General. (See Harrison-Moore "Commonwealth of Australia", second edition, p. 172.)

9. In my view, any method adopted by the Governor-General to divide the executive functions of the Government among his Ministers would be effective for the purpose. No particular formality is required. For obvious reasons, including the need for a definite division of the main functions of the Government, and the desirability of making this division publicly known, the method of making an Administrative Arrangements Order and publishing it in the Gazette has been adopted as the principal method of exercise of the powers to determine the functions of Ministers and their Departments.

10. It is important to consider the form of the operative words used in an Administrative Arrangements Order. They are as follows:—

"I, the Governor-General in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council, do hereby approve of the Administrative Arrangements specified in the Schedule hereto, and do order that, until further Order herein, all Acts of the Commonwealth Parliament relating to the matters specified in the second column of the Schedule opposite to the name of a Department (including the Acts specified in the third column opposite to the name of a Department) shall, unless the contrary intention appears in the Act, be administered by the Minister of State for the Commonwealth administering that Department."

11. I do not think that, in the light of the operative words, it could be said that the order does not have any legal force or effect. In relation to the administration of laws made by the Parliament, the operative words of the Order should be read with the definition of "The Minister" in s. 17 of the Acts Interpretation Act and with s. 19A of that Act. The definition of "The Minister" is as follows:—

"The Minister" shall mean the Minister for the time being administering the Act or enactment in which or in respect of which the expression is used."

Section 19A reads as follows:—

"19A. Where in any Act it is provided that the Act shall be administered by a specified Minister of State of the Commonwealth, or shall be administered, controlled or carried into effect by a specified Department of State of the Commonwealth:—

- the reference to that Minister shall be read as a reference to any Minister to whom the administration of the Act is allotted by order of the Governor-General and shall be deemed to include any Minister or Member of the Executive Council for the time being acting for and on behalf of the Minister to whom the administration of the Act is so allotted; and
- the reference to that Department shall be read as a reference to any Department to which the administration of the Act is allotted by any such order."

In my view, in order to apply the definition of "the Minister" in section 17 in relation to a particular Act, reference should be made to the Administrative Arrangements Order to ascertain the Minister to whom the administration of the Act has been allotted by the Order.

12. Other important consequences flow from the form of the Order. In the first place, it should be noted that the Governor-General specifically approves of "the Administrative Arrangements specified in the Schedule", which include the subject matters dealt with in the second column. In the second place one part of the Order covers "all Acts of the Commonwealth Parliament relating to the matters specified in the second column of the Schedule". If, after the making of the Order, an Act is passed which relates to a matter so specified opposite the name of a department, the Minister administering that department would, by force of the Order, be the Minister administering that Act. For both these reasons, it is important that a constant and comprehensive statement of the matters dealt with by a department appear in the second column.

13. The example quoted in the statement by the Prime Minister's Department, namely "arrangements" illustrates both these points. One of the heads of legislative power conferred on the Commonwealth by section 61 of the Constitution is

"marriage". This subject-matter is assigned in the second column of the Administrative Arrangements Order to the Attorney-General's Department. That department would make the necessary investigations and report if legislation were under consideration. If legislation were enacted on this subject, the legislation would, without any amendment of the Order, be administered by the Attorney-General.

14. On this view, the importance of the Administrative Arrangements Order can be seen. It is the authoritative statement of the field of functions of each department. The Minister in charge of each department is charged with the responsibility of administering all the matters referred to in the second column of the Order opposite his department, and all the Acts referred to in the third column.

15. I do not think that a last and first rule can be laid down as to the period after which a new Order should be issued. Much would depend on the nature of the alterations in the meantime. In some circumstances, a new Order might be advisable after the lapse of a few months; in other cases, a period of one or more years might pass between Orders.

16. The only other matter on which I think I should comment is the last question asked by your Committee, as to the effect of an item in an Appropriation Act. Parliament may provide by an Appropriation Act for expenditure for any purpose which is a "purpose of the Commonwealth", whether or not that purpose is mentioned in the Administrative Arrangements Order. The Act would authorize the expendi-

ture of the amount in question for the specified purpose. It would not, in itself, operate as the bestowal of a function on a department and it would be open for the Governor-General to make arrangements for another department to administer the function.

17. In my view, the present practice, under which Parliament does not attempt in an Act to prescribe what Minister shall administer the enactment, is the preferable practice. In the case of an Appropriation Act, in view of section 54 of the Constitution, no intention to bestow a function on a department can be imputed to the Parliament. The estimates of expenditure would, however, have been recommended to the House of Representatives by a message of the Governor-General pursuant to section 50 of the Constitution and this message might perhaps be taken to indicate that the Governor-General intended that the new function for which the funds were provided should be performed by the department under which the estimate of expenditure appeared.

Yours faithfully,

J. Q. EWENS.

Professor F. A. Bland, M.P.,
Chairman,
Joint Parliamentary Committee of Public Accounts,
Parliament House,
Canberra, A.C.T.

APPENDIX D.

ADMINISTRATIVE ARRANGEMENTS IN THE UNITED KINGDOM AND THE AUSTRALIAN STATES.

	Method.	Formal Order.	Legislation
United Kingdom	See Cable No. 1490 of 20th April, 1953, copy hereunder
New South Wales	Governor in Council by Executive Council Minute notified in <i>Gazette</i>	No formal consultation except in State Departmental Guide and Telephone Directory	New administrative functions invariably created by legislation
Victoria	..	Information not available.	..
Queensland	The Governor with the advice of the Executive Council and notice in the <i>Gazette</i>	Formal record of functions by Departments is published periodically in the <i>Queensland Government Gazette</i> (latest, 25th September, 1952)	State Government does not normally have legislative authority for all executive functions, e.g., Agent-General, London State Stores Board
South Australia	Government Departments are created, abolished or altered in name by proclamation under Section 25, Public Service Act	No requirement of a record of functions. Customary for Departments to state their functions in their annual reports	Legislation is not obtained for all functions, e.g., Printing and Stationery, Tourist Bureau
Western Australia	Governor approves disposition of Departments and votes under Ministers	List published in <i>Government Gazette</i>	Advice from State Solicitor-General that may function for ordinary and well reorganized functions without legislation
Tasmania	(Not given)	(No formal record)	Functions imposed principally by legislation with some few cases relying on the Appropriation Act

DEPARTMENT OF EXTERNAL AFFAIRS CABLEGRAM.

From: Australian High Commissioner's Office,
LONDON.

1400.
Secretary, Public Accounts Committee.
Your 1095.

United Kingdom have no equivalent of our administrative arrangements order. Each Department's activities are covered by domestic directory, known as "Blue Notes" which have very limited distribution inside the service and are not published or circulated for general information. These "Blue Notes" comprise three large volumes and show the functions and organization of each Department and the Acts Administered. Copies are not obtainable. Some Departments, such as the Board of Trade, in frequent contact with the Public, have local directory covering their activities.

United Kingdom functions are generally covered by existing legislation or Royal prerogative. Any new functions not covered by legislation or precedent would require fresh legislation and even the exercise of Royal prerogative, which involve funds, would require Appropriation Act to prove funds. A civil contingency fund which is similar to our Treasurer's advance covers emergency expenditure pending Parliamentary approval.

Royal prerogative examples are distribution of armed forces, passports, relations with Foreign States. In fact the Foreign Office powers are mainly based on Royal prerogative and not on Statute.

Brochure which may be helpful forwarded by air mail to-day. See also "How the Civil Service Works" by Bosworth Monck available National Library.

1st May, 1953.

TREASURY MINUTE

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SECOND REPORT OF JOINT COMMITTEE OF PUBLIC ACCOUNTS 1952-53.

The Treasury has examined the Second Report of the Joint Committee on Public Accounts 1952-53 on Variations in Annual Appropriations under section 37 of the Audit Act, and makes the following comments:—

AUTHORITY TO DEPARTMENTS TO ANTICIPATE TRANSFERS.

2. The Committee has drawn attention to the current practice under which most transfers are initiated by the Treasury after the close of the financial year, departments in the meanwhile being authorized to anticipate authority for transfers under specified votes. The Committee suggests that there might be a better control of expenditure if departments obtained prior approval in such cases.

3. The Treasury agrees that there is scope for improvement in the present procedure. This has now been reviewed and amended instructions have been issued. Apart from the total restriction on transfers under certain votes referred to later, civil departments have been advised that, for the financial year 1952-53 and until further notice, it will be necessary for them to make individual application to the Treasury in each case where the proposed supplementation of an item of a sub-division under which transfers are permitted is in excess of 10 per cent. of the amount of the item, or £10,000 whichever is the less. Application will not, however, be necessary if the amount to be transferred, together with any previous transfer, to the item is less than £100.

4. Departments have been further informed that they are not to assume that a transfer will be approved solely because of the fact that a savings will be made on another item, and the necessity for the additional funds must be clearly demonstrated.

5. The adoption of these procedures will result in a closer scrutiny of departmental expenditure and ensure that any appreciable variation from the original appropriation will receive careful Treasury examination.

6. In view of their special problems, separate instructions will be issued for Post Office and the Defence Services.

SUGGESTED REVISION OF PROCEDURE.

7. The Audit Act and Treasury Regulations impose only very minor restrictions on the transfers that may be made within a sub-division of the Estimates. Having regard to this fact the Committee suggests that the Treasury practice of making transfers might be reviewed with the object of restricting transfers to closely connected items. In considering this suggestion the following points might be borne in mind.

8. Firstly, the Treasury by administrative action has already imposed certain limitations on transfers. The general effect of current restrictions is that transfers are restricted to items within Salaries and General Expenses sub-divisions of Administrative votes.

9. Secondly, the Australian transfer procedure is already much more rigid than that observed in the United Kingdom, where money is voted by Parliament under Divisions only and not under divisions, sub-divisions and items as is the case in Australia.

10. The itemization of votes is not governed by any set rule and the number and description of items in a sub-division are determined by the Treasury in consultation with departments. Regard is then had to the nature of the expenditure, the sum involved, the need for uniformity as between departments and convenient accounting classifications.

11. It is impossible to estimate with precision requirements under each item of Administrative votes, e.g., postage, office rent-tires, travelling expenses and the like. The Treasury has no evidence that the system of section 37 transfers is being abused and it believes that departments should be permitted some flexibility within a sub-division. To lay down a general rule requiring prior Treasury approval in every case would involve departments in a considerable amount of work and expense which it is considered would not be justified by the results achieved.

12. Recent instructions provide, however, that in all cases where the amount is considerable in relation to the provision, prior Treasury approval must be sought. Such requests will then be considered by the Treasury on their merits both as regards the amounts to be transferred and the items from which transfers are proposed.

13. The Treasury feels that these instructions will go a long way towards meeting the points of criticism raised in the Report. In the circumstances it believes the Committee will agree that no further review of transfer procedure is necessary.

REPATRIATION COMMISSION—DIVISION 200c.

14. The Committee's comments in this case are directed at the fact that an amount of £50,000 provided in the Additional Estimates 1951-52, which proved to be in excess of the requirements of the item for which it was appropriated, was used to supplement the provision for another item within the sub-division by means of a section 37 transfer.

15. As a matter of law, section 37 of the Audit Act does not discriminate between amounts appropriated in the Additional Estimates as contrasted with the appropriations in the Original Estimates.

16. Nevertheless the Treasury agrees that in view of their individual character it is undesirable that amounts appropriated in the Additional Estimates should be used to supplement other items. The Treasury Instructions are being amended accordingly.

POSTMASTER-GENERAL'S DEPARTMENT. TRANSFERS
FROM VOTES FOR MOTOR VEHICLES TO VOTES FOR
ENGINEERING STORES AND OTHER PURPOSES.

17. The Treasury has considered the Committee's comments in consultation with the Postmaster-General's Department and a future procedure has been decided upon under which—

- (a) Adjustments to gross appropriations for "Ordinary Votes" will be made either by presenting Additional Estimates or Supplementary Estimates.
- (b) Requirements for section 37 transfers will be submitted to the Treasury for approval at

intervals during the financial year following the periodical reviews of expenditure by the department.

- (c) Section 37 transfers will not be permitted between certain items of Post Office Estimates.

Full details of the proposals, with which the Treasury is in general agreement, have been conveyed to the Committee by the Postmaster-General's Department.

Commonwealth Treasury
18th May, 1953.