

THE SCHEDULE.

AMENDMENT TO THE SCHEDULE TO THE EXCISE
TARIFF 1921-1924.

EXCISE DUTIES.

Excise Item.	Rate of Duty.
2. By omitting the whole of sub-item (p) and inserting in its stead the following sub-item :— “(p) Absolute Alcohol and White Spirit for use in universities for scientific purposes, subject to Regulations -	Free”

DEVELOPMENT AND MIGRATION.

No. 29 of 1926.

An Act relating to Development and Migration.

[Assented to 21st July, 1926.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

1. This Act may be cited as the *Development and Migration Act* Short title.
1926.
2. This Act shall commence on a date to be fixed by Proclamation. Commencement.
3. In this Act, unless the contrary intention appears— Definitions.
 “Commissioner” means a member of the Commission ;
 “the Chairman” means the Chairman of the Commission ;
 “the Commission” means the Commission appointed under this Act ;

“the Minister” means the Minister of State or member of the Federal Executive Council designated by the Governor-General as the Minister for the purposes of this Act ;

“the Vice-Chairman” means the Vice-Chairman of the Commission ;

“the principal Migration Agreement” means the Agreement dated the eighth day of April One thousand nine hundred and twenty-five made between the Secretary of State for the Colonies and the Government of the Commonwealth of Australia in relation to the migration of suitable persons from the United Kingdom to Australia, and includes any amendments to that Agreement which are agreed to between the parties thereto ;

“a supplementary Migration Agreement” means an agreement made between the Commonwealth and a State for the purpose of carrying out the objects for which the principal Migration agreement was made, and includes any amendments to any such agreement which are agreed to between the parties thereto.

Establishment
of Commission.

4.—(1.) For the purposes of this Act there shall be a Development and Migration Commission which shall be charged with the general administration of this Act.

(2.) The Commission shall be a body corporate, with perpetual succession, and a common seal, and may acquire, hold and dispose of real and personal property, and shall be capable of suing and being sued.

(3.) All Courts, Judges and persons acting judicially shall take judicial notice of the seal of the Commission affixed to any document or notice, and shall deem that it was duly affixed.

Members
of Commission.

5.—(1.) The Commission shall consist of four members who shall be appointed by the Governor-General.

(2.) The Governor-General shall appoint one of the Commissioners to be Chairman of the Commission, and another of the members to be Vice-Chairman of the Commission.

(3.) Each member of the Commission shall devote the whole of his time to the duties of his office except when he is absent on leave granted by the Governor-General.

(4.) In the case of the illness or absence from Australia of any Commissioner, or in the event of the office of a Commissioner becoming vacant, the Governor-General may, if he thinks fit, appoint a person to act during the illness or absence of the Commissioner, or until the appointment of a Commissioner, as the case may be, and the person so acting shall have all the powers and perform all the duties of a Commissioner.

(5.) Meetings of the Commission shall be summoned—

(a) by the Minister ; or

(b) by the Chairman, or, if the Chairman is absent from Australia, by the Vice-Chairman.

(6.) In the absence of the Chairman from any meeting, the Vice-Chairman shall preside.

(7.) At any meeting of the Commission two Commissioners shall form a quorum.

(8.) At any meeting of the Commission at which the Chairman is present, he shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

(9.) At any meeting of the Commission at which the Vice-Chairman presides, he shall have a deliberative vote, and, in the event of an equality of voting, a second or casting vote.

6.—(1.) The remuneration of the members of the Commission shall be determined by the Governor-General.

Remuneration and expenses of Commissioners.

(2.) The Chairman, the Vice-Chairman and the other members of the Commission shall severally receive, in reimbursement of their travelling and other expenses, such sums as, or sums calculated at such rates as, the Governor-General approves.

(3.) The Consolidated Revenue Fund is, to the extent necessary to provide for payment of the remuneration of the members of the Commission, hereby appropriated accordingly.

7.—(1.) Of the members of the Commission the Chairman shall be appointed for a term not exceeding seven years, the Vice-Chairman for a term not exceeding six years, and each of the other members for a term not exceeding five years.

Period of office of Commissioners.

(2.) Every person who is appointed a member of the Commission shall, on the expiration of his term of office, be eligible for re-appointment.

(3.) Upon the happening of a vacancy in the office of a Commissioner, the Governor-General may appoint a person to the vacant office, and the person so appointed shall, subject to this Act, hold office until the expiration of the term for which his predecessor was appointed.

8. A Commissioner shall not be removed from office except by the Governor-General on the grounds of proved misbehaviour or incapacity.

Removal of Commissioner from office.

9. A Commissioner, or an Acting Commissioner, shall be deemed to have vacated his office if—

Office of Commissioner, how vacated.

(a) he becomes bankrupt or insolvent, or applies to take the benefit of any Act or State Act for the relief of bankrupt or insolvent debtors, or compounds with his creditors or makes an assignment of his salary for their benefit; or

(b) he, in any way, otherwise than as a member, and in common with the other members, of an incorporated company consisting of more than twenty-five persons—

(i) becomes concerned or interested in any contract or agreement made by or on behalf of the Commission; or

- (ii) participates, or claims to be entitled to participate, in the profit of any such contract or agreement or in any benefit or emolument arising therefrom.

Uncertificated insolvent not to be Commissioner or Acting Commissioner.

10. A person who is an uncertificated bankrupt or insolvent shall be incapable of being appointed a Commissioner or an Acting Commissioner.

Commissioners not subject to *Commonwealth Public Service Act 1922-1924.*

11.—(1.) The Commissioners shall not, in respect of their services as Commissioners, be subject to the *Commonwealth Public Service Act 1922-1924.*

(2.) If an officer of the Public Service of the Commonwealth is appointed a member of the Commission, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth, and, if an officer of the Public Service of a State is appointed a member of the Commission, his service as Commissioner shall, for the purpose of determining his existing and accruing rights, be taken into account as if it were service in the Public Service of the Commonwealth and as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

Borrowing of moneys for purposes of Migration Agreements.

12.—(1.) The Treasurer may, from time to time, under the provisions of the *Commonwealth Inscribed Stock Act 1911-1918*, or under the provisions of any Act authorizing the issue of Treasury Bills, borrow such moneys as are necessary for the purpose of making loans to the States in pursuance of the principal Migration Agreement and any supplementary Migration Agreement.

(2.) The amount borrowed shall be issued and applied only for the expenses of borrowing and for making loans to the States for the purposes of agreed undertakings certified as such under the principal Migration Agreement.

(3.) Pending the borrowing of moneys in pursuance of this Act, the Treasurer may, from time to time, advance to the States with which supplementary Migration Agreements have been made, out of any moneys in the Commonwealth Public Account, sums not exceeding the moneys which may be borrowed in pursuance of this Act.

(4.) Any moneys so advanced shall be repayable to the Commonwealth from the proceeds of any loan raised in pursuance of this Act after the moneys have been advanced.

Powers and functions of Commission.

13.—(1.) The powers and functions of the Commission shall include the following :—

(a) In relation to the development of Australia—

- (i) the consideration of matters in relation to the development of the resources of the Commonwealth, whether by co-operation between the Commonwealth and the several States, or otherwise ;

- (ii) the investigation of the condition and development of existing industries, whether primary or secondary, in the Commonwealth, and of the possibility of establishing new industries therein ;
- (iii) the conduct of negotiations, whether within or beyond Australia, for the establishment of new industries in Australia and the development of existing industries therein ;
- (iv) the making of reports and recommendations to the Minister upon matters dealt with by the Commission in pursuance of any of the last three preceding sub-paragraphs ;
- (v) the exercise of the prescribed powers of control and supervision of works ; and
- (vi) such other powers and functions as are prescribed ; and

(b) In relation to migration to Australia—

- (i) the examination and investigation of any undertaking or scheme proposed by a State under the principal Migration Agreement or any supplementary Migration Agreement, and the making of recommendations thereon to the Commonwealth ;
- (ii) the framing and submission to the Commonwealth of other undertakings or schemes in relation to migration which appear to be of advantage to Australia ;
- (iii) the control of the staff employed by the Commonwealth in connexion with migration ; and
- (iv) such other powers and functions as are prescribed.

(2.) The Commission shall not undertake the consideration or investigation of any matters under paragraph (a) of the last preceding sub-section until the approval of the Minister thereto has been given.

14.—(1.) Subject to the next succeeding sub-section, the Commonwealth shall not approve of any undertaking or scheme proposed by a State under the principal Migration Agreement or any supplementary Migration Agreement which has not been recommended by the Commission for approval.

Restriction on approval of migration proposals.

(2.) The Commonwealth may approve of any such undertaking or scheme if each House of the Parliament by resolution approves of the undertaking or scheme.

15.—(1.) Subject to the next succeeding sub-section, the Commission may appoint such officers as are required for the purposes of this Act.

Appointment of officers.

(2.) The Commission shall not, without the sanction of the Minister—

- (a) appoint any person to be an officer at a salary in excess of Five hundred pounds per annum ; or

(b) increase the salary of any officer to an amount exceeding Five hundred pounds per annum, or of any officer whose salary is in excess of Five hundred pounds per annum.

(3.) Any officer appointed in pursuance of this Act shall not be subject to the *Commonwealth Public Service Act* 1922-1924, but shall be engaged upon such terms and conditions as are prescribed.

(4.) An officer shall not be appointed for a longer period than five years, but shall be eligible for re-appointment.

(5.) An officer shall not be entitled to compensation for any termination of his employment howsoever arising.

(6.) An officer of the Commonwealth Public Service or of the Public Service of a State, who becomes an officer under this Act, shall retain all his existing and accruing rights.

(7.) An officer appointed under this Act shall be deemed to be an "employee" within the meaning of section four of the *Superannuation Act* 1922-1924 unless the Commission, at the time of the appointment of the officer, notifies him in writing that he is not to be deemed such an employee.

Engagement
of experts.

16.—(1.) The Commission may engage experts for such purposes as the Commission thinks fit.

(2.) The provisions of sub-sections (2.), (3.), (4.) and (5.) of the last preceding section shall apply in relation to experts in like manner as they apply in relation to officers :

Provided that in the application of those sub-sections any reference to appointment shall be read as a reference to engagement.

Audit.

17. The books and accounts of the Commission shall be subject to inspection and audit by the Auditor-General.

Annual
Report.

18.—(1.) The Commission shall, once in every year, make to the Minister a report upon the work of the Commission during the preceding year.

(2.) The Minister shall cause a copy of the report of the Commission to be laid before each House of the Parliament within thirty days after the receipt thereof, if the Parliament is then sitting, and if not, within thirty days after the next meeting of the Parliament.

Regulations.

19. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act.