

“(10.) In this section, ‘continuing candidate’ means a candidate not already elected or excluded from the count.

“(11.) In any case to which sub-section (2.) of section one hundred and twenty-three of this Act applies, a vote indicated on a ballot-paper opposite the name of a deceased candidate shall be counted to the candidate next in the order of the voter’s preference, and the numbers indicating any subsequent preference shall be deemed to be altered accordingly.

“(12.) Each Divisional Returning Officer shall—

- (a) make out and sign a statement setting out, in respect of the Division for which he is Divisional Returning Officer, the number of votes counted to each candidate at each count and the number of informal ballot-papers, and shall forward the statement, together with the copy of the writ (indorsed in the prescribed manner) to the Commonwealth Electoral Officer for the State;
- (b) place in a separate parcel all the ballot-papers which have been rejected as informal;
- (c) place in a separate parcel all the unrejected ballot-papers; and
- (d) seal up the parcels and indorse on each parcel a description of the contents thereof, and permit any scrutineers present, if they so desire, to countersign the indorsement.”

Amendment
of Senate
Elections Act.

4. Section nine of the *Senate Elections Act* 1903–1922 is amended by omitting sub-section (2.) and inserting in its stead the following sub-section :—

“(2.) Where a long casual vacancy is to be filled, the vacancy shall, subject to this section, be filled by the continuing candidate who, next after the periodical vacancies have been filled in accordance with section one hundred and thirty-five of the *Commonwealth Electoral Act* 1918–1948, first receives, at the scrutiny conducted in accordance with that section, a number of votes equal to or greater than the quota determined under that section, and if more long casual vacancies than one are to be filled they shall be filled successively in the same way.”

SUPPLY AND DEVELOPMENT.

No. 18 of 1948.

An Act to amend the *Supply and Development Act* 1939–1944.

[Assented to 18th May, 1948.]

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

Short title and
citation

1.—(1.) This Act may be cited as the *Supply and Development Act* 1948.

(2.) The *Supply and Development Act 1939-1944** is in this Act referred to as the Principal Act.

(3.) The Principal Act, as amended by this Act, may be cited as the *Supply and Development Act 1939-1948*.

2. This Act shall come into operation on the day on which it Commencement. receives the Royal Assent.

3. The title of the Principal Act is amended by omitting the Title. word "Munitions" and inserting in its stead the words "War Materiel".

4. Section three of the Principal Act is amended by omitting the Parts. words "Part III.—Aircraft Assembly."

5. Section four of the Principal Act is amended—

Definitions.

(a) by omitting the definitions of "factory" and "munitions";

(b) by inserting after the definition of "goods" the following definition:—

" 'long range weapons' means weapons which are capable of, or intended for, use in warfare and are controlled, directed or released in flight by external or internal means or both, and includes prototypes used in the development of such weapons;";

(c) by inserting after the definition of "time of war" the following definition:—

" 'undertaking' means a building, depot, establishment, factory, laboratory, experimental station, magazine, range, observation post, store or works maintained or operated by or on behalf of the Commonwealth for the purposes of research, design or development in relation to war materiel or for the procurement, supply, manufacture, testing or storage of war materiel;"; and

(d) by adding at the end thereof the following definition:—

" 'war materiel' means armaments, weapons (including long range weapons), ammunition, engines, magazines, aircraft, vehicles, merchant ships and other marine craft, equipment, supplies, baggage and other things needed in war and includes any goods, components, parts, accessories or plant necessary for, or incidental to, the testing, development, production or supply of any of those things."

6.—(1.) Section five of the Principal Act is amended—

Functions of Department.

(a) by omitting from sub-section (1.) the words "shall be" and inserting in their stead the words "shall include";

* Act No. 6, 1939, as amended by Nos. 40 and 71, 1939; and No. 9, 1944.

(b) by omitting from sub-section (1.) the word "munitions" (wherever occurring) and inserting in its stead the words "war materiel";

(c) by omitting from paragraph (d) of sub-section (1.) the word "and" (second occurring);

(d) by inserting after paragraph (e) of sub-section (1.) the following word and paragraph:—

" ; and (f) research, design and development in relation to war materiel. " ; and

(e) by omitting sub-section (2.) and inserting the following sub-section in its stead:—

"(2.) The Governor-General may from time to time—

(a) add to or vary the matters to be administered by the Department ; and

(b) determine the extent to which, or the conditions upon which, any matter may be administered by the Department."

(2.) The amendments effected by paragraphs (a) and (e) of the last preceding sub-section shall be deemed to have come into operation on the sixth day of April, One thousand nine hundred and forty-eight.

Information.

7. Section six of the Principal Act is amended by omitting from sub-section (1.) the word "undertakings" and inserting in its stead the word "activities".

Powers of Governor-General in relation to undertakings.

8. Section nine of the Principal Act is amended by omitting the words "factories for or in relation to the provision or supply of munitions" and inserting in their stead the word "undertakings".

Employment of persons in connexion with undertakings.

9. Section ten of the Principal Act is amended by omitting sub-section (1.) and inserting in its stead the following sub-section:—

"(1.) The Minister, any officer, or officer included in a class of officers, authorized in that behalf by the Minister, or any prescribed officer or any officer included in a prescribed class of officers, may engage persons in employment in connexion with any undertaking established, or deemed to have been established, by the Governor-General in pursuance of this Act, not being employment on work of such nature as the Public Service Board, constituted under the *Commonwealth Public Service Act 1922-1947*, directs shall be performed by an officer or employee appointed or employed under that Act."

Existing officers and employees.

10.—(1.) Section eleven of the Principal Act is amended—

(a) by omitting sub-section (2.) and inserting in its stead the following sub-section:—

"(2.) A person who, immediately prior to the commencement of this sub-section, was employed in the Department of Munitions under or by virtue of the National Security (Munitions) Regulations or the National Security

(Shipbuilding) Regulations, and who is a person or one of a class of persons specified for the purpose of this sub-section by the Minister by notice published in the *Gazette*, shall, upon the date of the publication of the notice, cease to be employed in that Department, and shall be deemed to be employed under this Act.”; and

- (b) by omitting from sub-section (4.) the words “or, as the case may be, if this Act had continued in force and he had remained an officer or employee of the Department.” and inserting in their stead the words “or the Department of Munitions, as the case may be.”.

(2.) The amendment effected by paragraph (a) of the last preceding sub-section shall be deemed to have come into operation on the sixth day of April, One thousand nine hundred and forty-eight.

11. Section twelve of the principal Act is amended by omitting sub-section (2.) and inserting in its stead the following sub-section:— Transfer of establishments.

“(2.) All factories established or deemed to be established under the National Security (Munitions) Regulations, and operated or maintained under those Regulations immediately prior to the commencement of this sub-section, shall be deemed to have been established under this Act.”.

12. Section thirteen of the Principal Act is amended—

- (a) by inserting after sub-section (1.) the following sub-section:— Continuance of existing Regulations.

“(1A.) The National Security (Munitions) Regulations and the National Security (Shipbuilding) Regulations, as in force by virtue of the *Defence (Transitional Provisions) Act 1946-1947* immediately prior to the commencement of this sub-section, shall cease to be in force by virtue of that Act and shall be in force by virtue of this Act.”; and

- (b) by adding at the end thereof the following sub-section:—

“(3.) Any board established by, or appointed in pursuance of, any of the Regulations specified in sub-section (1A.) of this section shall, as constituted immediately prior to the commencement of this sub-section, be deemed to be a Board established by, or appointed in pursuance of, those Regulations as in force by virtue of this Act.”.

13. Part III. of the Principal Act is repealed.

Repeal of Part III.

14. Section twenty-five of the Principal Act is amended—

- (a) by inserting after the word “committee” the words “or of a Board”; and Officers and employees to observe secrecy

- (b) by inserting after the word “Act,” (first occurring) the words “a person performing any duty or function in relation to any matter specified in or arising under this Act or any regulation made under, or in force by virtue of, this Act”.

15. After section twenty-five of the Principal Act the following section is inserted :—

Liability of
officers and
employees.

“ 25A.—(1.) An officer or employee of the Department, a member of a committee or of a Board constituted or deemed to be constituted under this Act or any regulation made under or in force by virtue of this Act, or a person engaged or employed to perform any duty or function in relation to any matter specified in, or arising under, this Act or any such regulation, shall not be under any liability, civil or criminal, in respect of any act or thing done by him in the course of his duty, unless it is shown that he acted negligently or without reasonable care in the doing of that act or thing.

“(2.) Nothing in this section shall prevent any claim being made, or any action or suit being brought, against the Commonwealth which could have been made or brought if this section had not been enacted.”.

Regulations.

16. Section twenty-seven of the Principal Act is amended—

(a) by omitting from paragraph (b) of sub-section (1.) the words “ factories for or in relation to the provision or supply of munitions ” and inserting in their stead the word “ undertakings ” ;

(b) by inserting after that paragraph the following paragraphs :—

“(ba) the appointment of boards for the administration of undertakings established or deemed to be established in pursuance of this Act, and the powers and functions of any such board ;

(bb) the taking of safety measures against risks arising from the operation of any undertakings ;

(bc) the taking of measures in relation to any undertaking for the protection of property of the Commonwealth including search of persons entering, or seeking to enter, or being within the premises assigned to any undertaking ;

(bd) the entry upon and the use on behalf of the Commonwealth of any area of land or water (including any area owned or held in right of the Commonwealth or of a State) for the purpose of any undertaking ;

(be) the declaration as a prohibited area of any place (including any place owned or held in right of the Commonwealth or of a State) used or intended to be used for the purpose of an undertaking and the prohibition of any person entering, being or remaining in the prohibited area without permission and the removal of any such person from the area ;

(bf) the carrying out of such work and the making and execution of such contracts and agreements as are necessary or expedient in the interests of defence ;

- (bg) the requisitioning or compulsory acquisition of any minerals or other goods required for purposes of defence ;
- (bh) the building, repair and maintenance of merchant ships and the building, extension, operation, repair and maintenance of shipyards, dry-docking and repair facilities for merchant ships ;
- (bj) the payment of compensation for any loss, injury or damage suffered by any person by reason of anything done in pursuance of regulations providing for the matters specified in paragraphs (bd), (be) and (bg) of this sub-section ;” ; and
- (c) by inserting after sub-section (1.) the following sub-section :—
- “ (1A.) Regulations made under the last preceding sub-section may amend or repeal any regulations in force by virtue of this Act.”.

17. Section twenty-eight of the Principal Act is repealed.

Duration of Act.

SUPERANNUATION.

No. 19 of 1948.

An Act to amend the *Superannuation Act 1922-1947* and for other purposes.

[Assented to 18th May, 1948.]

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.—(1.) This Act may be cited as the *Superannuation Act 1948*. Short title and citation.
- (2.) The *Superannuation Act 1922-1947** is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Superannuation Act 1922-1948*.
- (4.) The *Superannuation Act 1947*†, as amended by this Act, may be cited as the *Superannuation Act 1947-1948*.

2. Subject to this Act, this Act shall commence on a date to be **Commencement** fixed by Proclamation.

* Act No. 33, 1922, as amended by No. 45, 1924 ; No. 2, 1930 ; No. 10, 1931 ; No. 45, 1934 ; No. 28, 1937 ; No. 53, 1942 ; No. 18, 1943 ; Nos. 15 and 30, 1945 ; No. 2, 1946 ; and No. 35, 1947.

† Act No. 35, 1947.