

THE SCHEDULE—*continued.*

5. Where a person, resident within Australia, applies to the Commonwealth for an invalid pension and that person is disqualified from receiving the pension—

- (a) on account of failure to comply with the condition of residence, or
- (b) by reason of the fact that he did not become permanently incapacitated whilst in Australia,

or on both grounds, the Commonwealth will, in dealing with the application, treat residence within New Zealand as if it were residence within Australia and will treat permanent incapacity arising in New Zealand as if it had arisen in Australia.

6. Where a person, resident within New Zealand, applies to the Dominion for an invalids' benefit and that person is disqualified from receiving the benefit—

- (a) on account of failure to comply with the condition of residence, or
- (b) by reason of the fact that he did not become permanently incapacitated whilst in New Zealand,

or on both grounds, the Dominion will, in dealing with the application, treat residence within Australia as if it were residence within New Zealand and will treat permanent incapacity arising in Australia as if it had arisen in New Zealand.

7. A pension or benefit as hereinbefore mentioned shall not be granted by either of the Contracting Governments to any person in pursuance of the foregoing provisions of this Agreement unless that Government is satisfied that the person complies with the more restrictive conditions of the laws, whether as to residence or otherwise of both countries in respect of the grant of that pension or benefit, and the amount of any pension or benefit so granted shall not exceed the maximum rate of old-age pension or age benefit or invalid pension or invalids' benefit (as the case may be) payable under the law of the country which provides the lower maximum rate.

8. A person who, in either Australia or New Zealand, is a British subject shall for the purposes of the foregoing provisions of this Agreement be accepted as a British subject by the Government of the other country.

9. Where an aboriginal native of New Zealand, resident within Australia, applies to the Commonwealth for an old-age pension or an invalid pension, that person shall not be disqualified from receiving pension by reason only of the fact that he is such an aboriginal native.

10. Any pension or benefit payable in Australia or in New Zealand in pursuance of this Agreement shall be paid in accordance with the conditions and practice from time to time in force in Australia or New Zealand as the case may be in relation to the payment of pensions or benefits of a similar nature.

11. This agreement may be terminated by either Government upon six months' notice to the other Government.

DAIRYING INDUSTRY ASSISTANCE.

No. 37 of 1943.

An Act to provide for the granting of Assistance to the Dairying Industry with the object of aiding the Prosecution of the War, and for other purposes.

[Assented to 3rd July, 1943.]

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 *Dairying Industry Assistance Act* Short title.
1943.

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

Definitions. 3. In this Act—

“dairy produce” means cows’ milk, or any produce derived from cows’ milk, which is to be processed at a factory into butter, cheese, dried milk (not being skimmed milk powder), condensed milk or concentrated milk;

“factory” means premises registered under any law of a State for the processing of dairy produce into butter, cheese, dried milk, condensed milk or concentrated milk, or, in accordance with the provisions of any law of the Commonwealth in relation to the exportation of those commodities or any of them, but does not include a factory which processes dairy produce into butter or cheese in respect of which the Minister is not satisfied that the requisite contribution has been made to an equalization scheme approved by the Minister;

“primary producer” means a person who produces dairy produce, and, where dairy produce is produced in pursuance of a share-farming agreement, includes every party to the agreement.

Assistance to primary producers.

4. There shall be applied, in accordance with the Regulations, in respect of each year ending on the thirty-first day of March, in making payments to primary producers, such amounts as are appropriated by the Parliament for the purpose.

Terms and conditions of employment in the dairying industry.

5.—(1.) With the object of ensuring an adequate supply of dairy produce during the war, the Minister or the Attorney-General may request the Commonwealth Court of Conciliation and Arbitration to determine any matters with respect to the terms and conditions of employment to be observed in relation to persons employed in the dairying industry or any part thereof.

(2.) Upon a request to the Court under this section in respect of any matter, the Court may, notwithstanding that an industrial dispute within the meaning of the *Commonwealth Conciliation and Arbitration Act 1904–1934* affecting the matter does not exist, proceed to hear and determine the matter in like manner as if it were such an industrial dispute.

(3.) Any award, order or determination made by the Court in pursuance of the powers conferred by this section shall have the like force and effect, and the provisions of the *Commonwealth Conciliation and Arbitration Act 1904–1934* shall apply, in relation thereto, in like manner, as if it were made in pursuance of the powers conferred by that Act.

6. If the Minister finds that the rates of wages paid to, or the conditions of employment, or any of them, observed in respect of the persons employed by any primary producer in the production of dairy produce, were less favorable to those persons than the rates and conditions prescribed by any award, order or determination of the Commonwealth Court of Conciliation and Arbitration applicable to those persons, he may direct that of any amount (specified by the Minister) which, but for this section, would be payable under this Act to that primary producer shall not be payable, and that amount shall thereupon not be payable.

Assistance
may be
withheld in
certain cases.

7. A person shall not—

Offences.

- (a) obtain any payment under this Act by means of any false or misleading statement ; or
- (b) present, to any officer or other person doing duty in relation to this Act or the regulations, any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds, or imprisonment for two years.

8. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act 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, and in particular for prescribing—

Regulations.

- (a) the manner of allocating the moneys appropriated by the Parliament for the purposes of this Act ;
- (b) the primary producers to whom payments may be made under this Act ;
- (c) the conditions subject to which payments shall be made to primary producers ;
- (d) persons who may make inquiries and investigations for the purposes of this Act or determine matters arising in relation to the allocation of moneys under this Act, the powers, authorities, rights, immunities and privileges of those persons and the obligations, liabilities and protection of persons called upon to give or giving evidence in connexion with any such inquiries, investigations or determinations ;
- (e) the obligations of manufacturers of butter, cheese, dried milk, condensed milk or concentrated milk to furnish returns in connexion with this Act ; and
- (f) penalties not exceeding a fine of Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.