

Under the law now in force Courts of Referees decide whether unemployed persons are, or are not entitled to unemployment benefit. From their decision an appeal may lie to the Umpire. Where the Court is unanimous and refuses leave to appeal, the claimant himself has no right of appeal. But if he is a member of an association of employed persons, such association may appeal on his behalf.

In effect, therefore, a right of appeal is given to an unemployed person who is a member of a Trade Union but denied to one who is not, although every claimant is obliged by law to subscribe to the Unemployment Funds in precisely the same way. Clause 11 is designed to alter this situation, not by taking away any existing right of appeal, but by providing that any claimant may apply in writing to the Umpire for leave to appeal and that the Umpire himself may give leave.

Clause 12 seeks to protect persons employed by public authorities from being dismissed from their employment or otherwise penalized on the ground that they are, or are not members of any Trade Union or other organization or association representing employees. It also prohibits public authorities from making it a condition of any person's employment that he shall or shall not be a member of any such Trade Union, organization or association as aforesaid.

Until 1933 any person, whatever his nationality, who was within the jurisdiction of the English Courts and who believed himself to be unlawfully confined or imprisoned, might seek his freedom by means of the Writ of Habeas Corpus. In that year, however, the first permanent exception to this general rule was made by the Visiting Forces (British Commonwealth) Act 1933, 23 and 24 Geo. V, c. 6. The Act deals with the discipline of Dominion forces stationed in this country and the effect of Section (3) is that, if a Dominion Soldier is in custody in this country under what purports to be a sentence or order of a Service Court of that part of the Commonwealth to which he belongs, the Writ of Habeas Corpus will not avail him. Clause 13 provides, that for the purpose of proceedings instituted by Writ of Habeas Corpus, the law shall be the same as before the passing of the Act of 1933.

PRESERVATION OF THE RIGHTS OF THE SUBJECT BILL

Arrangement of clauses

Clause

1. Provision for amendment of Statutory Instruments.
2. Validity of Statutory Instruments.
3. Power of Minister to amend or modify Acts.
4. Appeals.
5. Public local inquiries.
6. Authority for entry into buildings.
7. Suppression of publications.
8. Marketing Schemes.
9. Application of Limitation Act, 1939, to public authorities and provision as to costs of actions.
10. Assistance Board.
11. Amendment of s. 43 of National Insurance Act, 1946.
12. Trade Unions.
13. Amendment of s. I of Visiting Forces (British Commonwealth) Act, 1932.
14. Interpretation.
15. Short title.