

STATUTORY RULES

1926. No. 153.

REGULATIONS UNDER THE DEFENCE ACT 1903-1918.

I, THE GOVERNOR-GENERAL in and over the Commonwealth of Australia, acting with the advice of the Federal Executive Council hereby amend the following Regulations under the *Defence Act* 1903-1918, to come into operation forthwith, except where otherwise stated.

Dated this third day of November, 1926.

STONEHAVEN,
Governor-General.

By His Excellency's Command,

C. W. C. MARR,
Acting Minister of State for Defence.

REGULATIONS FOR CIVILIAN STAFF (OTHER THAN GOVERNMENT FACTORIES) UNDER DEFENCE ACT, SECTION 63.

After regulation 9 insert new regulation as follows:—

"INSOLVENT OFFICERS OR EMPLOYEES.

10. (1) If the estate of an officer or employee is sequestered either voluntarily or compulsorily for the benefit of his creditors, the officer or employee shall apply, as soon as he may legally do so, to a Court of Bankruptcy or Insolvency for a certificate of discharge.

(2) If it appears to the Court that the applicant has been guilty of fraud, dishonorable conduct, or extravagance, the Court shall direct the Clerk of the Court thereupon to report the same to the Secretary.

(3) In addition to compliance with sub-regulations (1) and (2) hereof, the officer or employee shall within seven days of the date of sequestration give to the Chief Officer written notice thereof, with a statement of the causes of his embarrassment.

(4) The Chief Officer shall forward the notice and statement, with any remarks he desires to make thereon, to the Secretary.

(5) Upon being granted a certificate of discharge by a Court of Bankruptcy or Insolvency, an officer or employee shall submit such certificate to the Chief Officer.

(6) If the officer or employee does not apply as aforesaid for a certificate of discharge, or if he applies, and it appears from the report that the officer or employee has been guilty of fraud, dishonorable conduct, or extravagance, the Secretary may impose a penalty or reduce him to a lower Division, status and/or salary, or punish him in such other manner as the case demands, or the Governor-General, or the Minister, as the case may require, may dismiss him."

C.16195.—PRICE 3d.

After regulation 10 insert the following new regulation:—

“ATTACHMENT OF SALARIES OF OFFICERS OR EMPLOYEES.

10A. (1) Where judgment has been given by any Court against any officer or employee for the payment of any sum of money, the person in whose favour the judgment is given may serve on a Paying Officer a copy of the judgment, certified under the hand of the Registrar or other proper officer of the Court by which the judgment was delivered, and a statutory declaration stating that the judgment has not been satisfied by the judgment debtor, and setting out the amount due by the the judgment debtor under the judgment.

(2) Upon the service upon him of a copy of a judgment and a statutory declaration in pursuance of this section, the Paying Officer shall as soon as practicable notify the judgment debtor in writing of the service of the copy judgment and statutory declaration, and require him to state in writing, within a time to be specified by the Paying Officer, whether the judgment has been satisfied, and, if so, to furnish evidence in support thereof, and, if the judgment has not been satisfied, to state the amount then due under the judgment.

(3) If the officer or employee fails to prove to the satisfaction of the Paying Officer, within the time specified by the Paying Officer, that the judgment has been satisfied the Paying Officer may from time to time deduct from any moneys due to the officer or employee such sums as are in his opinion necessary to enable the judgment to be satisfied, and shall pay those sums to the judgment creditor:

Provided that in no case shall a deduction be made which will reduce the amount to be received by the officer or employee to less than Two pounds per week, or to less than one-third of the amount which would, but for the provisions of this section, be payable to the officer

(4) Where more than one judgment and statutory declaration are served upon a Paying Officer in respect of one judgment debtor, the judgments shall be satisfied in the order in which copies of the judgments are served upon the Paying Officer.

(5) A payment made to a judgment creditor in pursuance of this section shall, as between the Commonwealth and the officer or employee, be deemed to be a payment by the Commonwealth to the officer or employee.

(6) A person to whom any payment has been made in pursuance of this section shall notify the Paying Officer immediately a judgment debt in respect of which the payment was made is satisfied.

Penalty: Fifty pounds or imprisonment for three months.

(7) If any payment made in pursuance of this section exceeds the amount due under the judgment, the excess shall be repayable by the judgment creditor to the judgment debtor, and, in default of payment, may be recovered by the judgment debtor from the judgment creditor in any Court of competent jurisdiction.

(8) The foregoing provisions of this section shall not apply in relation to any officer or employee whose estate the Paying Officer is satisfied has been sequestrated either voluntarily or compulsorily for the benefit of his creditors, and who has not yet obtained a certificate of discharge.

(9) In this section 'the Paying Officer' means the officer of the Department who pays to the officer, in relation to whom the expression is used, the salary or wages due to him by reason of his employment in the Department."

Regulation 74 (1)—Table "A"—is amended—

- (a) by deleting the figures opposite designation "Watchman" and inserting in lieu thereof the figures—

£	£	
" 216	: 239	: 3 of 6
	:	: 1 of 5 "

To take effect from 1st June, 1926.

- (b) by deleting figures opposite designations "Saddler (Senior)", "Canvas Worker (Senior)" and inserting in each case the figures "310".

- (c) by deleting the figures opposite designation "Printer (Senior)" and inserting in column "Maximum" the figures "310".

- (d) by deleting all reference to Armourers, Grade II. and Grade I., Chief Armourer, New South Wales and Victoria and States other than New South Wales and Victoria, and inserting in lieu thereof the following:—

	£	£	£
"Armourer, Grade I.	240	: 264	: 8
" " II.	280	: 296	: 8
Chief Armourer—			
N.S.W. & Victoria	348	: 372	: 12
Qld. & Sth. Aust. ..	312	: 348	: 12
W.A. & Tasmania ..	312	: 336	: 12 "

To take effect from 1st July, 1924.

Amend regulation 91 by inserting after the word "regulations" (second occurring)—"10A".