
FINANCIAL AGREEMENTS ENFORCEMENT
(NO. 4).

No. 10 of 1932.

An Act to amend the *Financial Agreements
Enforcement Acts 1932.*

[Assented to 11th May, 1932.]

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 *Financial Agreements
Enforcement Act (No. 4) 1932.*

Short title
and citation.

(2.) The *Financial Agreements Enforcement Act 1932**, as amended
by the *Financial Agreements Enforcement Act (No. 2) 1932†*, and
the *Financial Agreements Enforcement Act (No. 3) 1932‡*, is in this
Act referred to as the Principal Act.

(3.) Sub-section (4.) of section one of the *Financial Agreements
Enforcement Act (No. 3) 1932* is repealed.

(4.) The Principal Act, as amended by this Act, may be cited as
the *Financial Agreements Enforcement Acts 1932.*

* Act No. 3, 1932. † Act No. 7, 1932. ‡ Act No. 8, 1932.

Definitions.

2. Section four of the Principal Act is amended by inserting in sub-section (2.), after the word "purpose", the words "or to make charges for services rendered to the public,".

Application of Part to State in case of urgency.

3. Section six of the Principal Act is amended—

- (a) by inserting in sub-section (3.), after the word "Parliament," the words "or after a further certificate has been given by the Auditor-General pursuant to sub-section (2.) of section thirteen of this Act,";
- (b) by omitting from sub-section (3.) the word "thereafter," and inserting in its stead the words "after the passing of the resolution or the date of the further certificate (as the case may be)," ; and
- (c) by inserting in sub-section (3.), after the word "resolution," (last occurring), the words "or in the further certificate (as the case may be),".

Payments during currency of Proclamation.

4. Section ten of the Principal Act is amended—

- (a) by inserting in paragraph (a) of sub-section (2.), after the word "class" (last occurring), the words "or portion" ;
- (b) by inserting after sub-section (2.) the following sub-sections :—

"(2A.) The Treasurer may direct that payment of those moneys, or any part of those moneys, shall be made or tendered by bank draft, crossed cheque or money order, made payable to the person or account specified by the Treasurer, or in such other manner as is specified by him, and any payment made in accordance with the Treasurer's directions shall, to the extent of the amount actually paid, and, in the case of payment by cheque, upon the cheque being honoured, be a good discharge of the liability of the person making the payment, and any payment made otherwise than in accordance with such directions shall not be a good discharge of the liability of that person and shall be a contravention of this Act.

"(2B.) Any officer or employee of a State who refuses or fails to accept a payment made or tendered in accordance with the Treasurer's directions shall be guilty of a contravention of this Act." ; and

- (c) by omitting from sub-section (3.) the words "the last preceding sub-section" and inserting in their stead the words "sub-section (2.) of this section".

Moneys held by banks on behalf of State.

5. Section fifteen of the Principal Act is amended by inserting after sub-section (5A.) the following sub-sections :—

"(5B.) The Treasurer may, if he thinks fit, at any time and from time to time during the currency of any Proclamation—

- (a) cancel or vary the terms of any notice served in pursuance of sub-section (1.) of this section, and
- (b) refund to the Chief Executive Officer of any corporation by whom any moneys were paid in pursuance of any such notice, the whole or part of any such moneys.

“(5c.) Any refund made in pursuance of the last preceding sub-section shall be a good discharge to the Commonwealth in respect of all claims in relation to the moneys refunded or in relation to or arising from the application of this Act to those moneys.

“(5D.) In making any refund under sub-section (5B.) of this section, the Treasurer may specify the particular fund, account or purpose in respect of which the refund is made.

“(5E.) Sub-sections (1.) to (5A.) inclusive of this section shall not apply in relation to any account which, with the approval of the Treasurer, is opened by or on behalf of the State with any corporation carrying on the business of banking, so long as the account is operated upon only for the purposes specified by the Treasurer at the time when he approves of the opening of the account.”.

6. After section twenty A of the Principal Act the following section is inserted :—

“20B.—(1.) A person shall not dismiss an officer or employee of a State, or injure him in his employment, or alter his position to his prejudice, or recommend or threaten such dismissal, injury or alteration, by reason of the officer or employee—

Protection of
State officers
complying with
Commonwealth
laws.

- (a) having complied or indicated his intention of complying with any direction or notice issued in pursuance of this Act ; or
- (b) having refused or failed to comply with any provision of any State law, or any direction, instruction or order issued in pursuance of any such law, compliance with which in the circumstances would have involved a contravention of a direction or notice issued in pursuance of this Act.

“(2.) In any proceeding for an offence against this section, if all the facts and circumstances constituting the offence, other than the reason for the defendant’s action, are proved, it shall lie upon the defendant to prove that he was not actuated by the reason alleged in the charge.

“(3.) The Treasurer may direct that the whole or any part of any pecuniary penalty recovered under this section shall be paid to the person injured by the offence.

“(4.) For the purposes of this section officers and employees of a public authority which has, in pursuance of sub-section (2.) of section four of this Act, been declared to be a public authority for the purposes of this Act, shall be deemed to be officers and employees of the State.”.

7. Any resolution, certificate, regulation, proclamation, notice, requirement or direction purporting to have been passed, made, issued or given in pursuance of the *Financial Agreements Enforcement Act 1932*, or in pursuance of that Act as amended at any time prior to the commencement of this section, shall be deemed to be valid and effectual for all purposes.

Validation of
regulations,
notices, &c.