

1932.

## A BILL

FOR

## AN ACT

To amend the *Financial Agreements Enforcement Act 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. 2) 1932*. Short title and citation.
- (2.) The *Financial Agreements Enforcement Act 1932\** is in this Act referred to as the Principal Act.
- (3.) The Principal Act, as amended by this Act, may be cited as the *Financial Agreements Enforcement Acts 1932*.
2. Section eight of the Principal Act is amended by adding at the end thereof the following words :—“and no fine, penalty, forfeiture or other disability shall be imposed upon the person by reason of the payment to the Treasurer or authorized person, in accordance with this Act, or of the non-payment of the amount in question to the State”. Effect of payment in accordance with direction of Treasurer.
3. After section eight of the Principal Act the following section is inserted :—
- “8A. Where any specified revenue is in the nature of payment for the issue of a licence, certificate or other document, or where any licence, certificate or other document is issuable to any person upon
- Obligation of State officer to issue licences, certificates, &c.

\* Act No. 3 of 1932.

upon payment of any specified revenue, whether with or without compliance with other conditions, any officer or employee of the State whose duty it would be in the ordinary course of business to issue any such licence, certificate or document, is hereby required, upon production to him of a receipt showing that the correct fee, tax or charge has been paid by that person to the Treasurer or an authorized person, in respect of the issue of the licence, certificate or document, to issue the licence, certificate or document to the first-mentioned person, provided all the conditions imposed by the law of the State, other than the payment of the fee, tax or charge, have been complied with." 5 10

Payments during currency of Proclamation.

4. Section ten of the Principal Act is amended by adding at the end thereof the following sub-sections :—

"(2.) Notwithstanding the foregoing provisions of this section, if the Governor-General declares by Proclamation—

(a) that any particular class of specified revenue is of such a nature that it is desirable that payment of moneys included in that class should be made to an officer or employee of the State, and 15

(b) that it is desirable that the officer or employee should be required to deal with those moneys in the manner directed by the Treasurer, 20

payment of those moneys may be made to the proper officer or employee of the State, and in accordance with such directions (if any) as are given by the Treasurer in writing or by notice published in the *Gazette*. 25

"(3.) Any officer or employee of the State who receives moneys in accordance with the last preceding sub-section shall deal with those moneys in such manner as is specified by the Treasurer in writing or by notice published in the *Gazette*."

5. After section thirteen of the Principal Act the following section is inserted in Part II. :— 30

Resolution specifying further classes of revenue.

"13A.—(1.) At any time and from time to time after a resolution has been passed by each House of the Parliament under section five or six of this Act, resolving *inter alia* that the provisions of sections seven to thirteen (inclusive) of this Part should have effect with respect to certain classes of revenue of a State, each House of the Parliament may resolve, upon motion moved in each House by or on behalf of a Minister, that sections seven to thirteen (inclusive) of this Part should have effect with respect to any other class or classes of revenue of that State specified or described in the resolution. 35 40

"(2.) Upon such a resolution being passed by both Houses of the Parliament, the class or classes of revenue so specified or described shall be deemed to have been specified or described in the prior resolution." 45

Moneys held by banks on behalf of State.

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

(a) by inserting in sub-section (1.), after the word "time", the words "and from time to time"; (b) by

(b) by omitting from paragraph (b) of sub-section (1.) the words  
 “ within a period or to an amount ” and inserting in their  
 stead the words “ from time to time, within such period  
 after their receipt as is specified in the notice, or to such  
 amount as is ” ; and

5 (c) by inserting after sub-section (5.) the following sub-section :—  
 “ (5A.) Notwithstanding the foregoing provisions of this section,  
 if the Treasurer is satisfied that any moneys paid to him or to an  
 authorized person in pursuance of this section (not being moneys  
 10 to which sub-section (5.) of this section applies), are in the nature  
 of trust moneys and are not in substance the property of the  
 State, the Treasurer may, if he thinks fit, deal with the moneys in  
 the prescribed manner, and the payment of such moneys as prescribed  
 shall be a good discharge to the Commonwealth of all claims in  
 15 respect of those moneys.”.

(2.) Any notice issued to any corporation in pursuance of section  
 fifteen of the Principal Act shall, notwithstanding the amendments  
 effected by this section, be of full force and effect until the issue to  
 that corporation of a notice in accordance with section fifteen of the  
 20 Principal Act as amended by this section.

