

1932.

A BILL

FOR

AN ACT

To amend the *Financial Agreements Enforcement Acts 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.

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 of section one of the *Financial Agreements Enforcement Act (No. 3) 1932* is repealed.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

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

3. Section

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

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,”; 5
- (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),” 10

Payments
during currency
of Proclamation.

4. Section ten of the Principal Act is amended by inserting in paragraph (a) of sub-section (2.), after the word “class” (last occurring), the words “or portion” 15

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 20
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 25
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.) Sub-sections (1.) to (5A.) inclusive of this section shall not apply in relation to any account which, with the approval of the 30
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 35
is inserted:—

Protection of
State officers
complying with
Commonwealth
laws.

- “ 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— 40
- (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 45
the circumstances would have involved a contravention of a direction or notice issued in pursuance of this Act.

(2.) In

“ (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
5 in the charge.

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

“ (4.) For the purposes of this section officers and employees of a
10 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,
15 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

