

1934-35-36.

THE PARLIAMENT OF THE COMMONWEALTH.

HOUSE OF REPRESENTATIVES.

Read 1° 16th September, 1936.

(Brought in by the Treasurer, the Honorable R. G. Casey.)

A BILL

FOR

AN ACT

To amend laws relating to Financial Emergency,
and for other purposes.

BE it enacted by the King's Most Excellent Majesty, the Senate,
and the House of Representatives of the Commonwealth of
Australia, as follows :—

PART I.—PRELIMINARY.

5 1.—(1.) This Act may be cited as the *Financial Relief Act (No. 2)* Short title
and citation.
1936.

(2.) The *Financial Emergency Act 1931-1935**, as amended by
this Act, may be cited as the *Financial Emergency Act 1931-1936*.

2. This Act is divided into Parts, as follows :— Parts.

- 10 Part I.—Preliminary.
Part II.—Invalid and Old-age Pensions.
Part III.—Maternity Allowances.
Part IV.—Salaries and Wages.
Part V.—War Pensions and Service Pensions.
15 Part VI.—Relief in respect of Primary Production.

PART II.—INVALID AND OLD-AGE PENSIONS.

3.—(1.) The *Invalid and Old-age Pensions Act 1908-1935†* is in Citation.
this Part referred to as the Principal Act.

20 (2.) The Principal Act, as amended by this Part, may be cited
as the *Invalid and Old-age Pensions Act 1908-1936*.

4.—(1.) Section

* Act No 10, 1931, as amended by No 47, 1931; No 35, 1932, No 6, 1933; No 17, 1933,
No. 16 1934, and Nos. 35 and 36, 1935.

† Act No. 17, 1908, as amended by Nos. 3 and 21, 1909; No. 27, 1912, No. 32, 1916;
No. 22, 1917, No. 22, 1919; No. 53, 1920, No. 15, 1923; No. 27, 1925; No. 44, 1926, No. 31,
1928; Nos. 10 and 46, 1931, Nos. 35 and 64, 1932, Nos. 17 and 56, 1933, and No. 1, 1935

Limit of
pension.

- 4.—(1.) Section twenty-four of the Principal Act is amended—
- (a) by omitting from sub-section (1.) the words “ exceed the rate of Forty-five pounds ten shillings per annum in any event ” and inserting in their stead the words “ in any event exceed the maximum rate of pension for the time being determined by the Commissioner under sub-section (1A.) of this section ” ; 5
- (b) by omitting from sub-section (1.) the words “ Seventy-eight pounds ” and inserting in their stead the words “ Seventy-nine pounds six shillings ” ; 10
- (c) by omitting from the first proviso to sub-section (1.) the words “ (not exceeding Forty-five pounds ten shillings per annum) ” and inserting in their stead the words “ (not exceeding the maximum rate of pension for the time being determined by the Commissioner under sub-section (1A.) of this section) ” ; 15
- (d) by omitting from the first proviso to sub-section (1.) the words “ Two hundred and twenty-one pounds ” and inserting in their stead the words “ Two hundred and twenty-two pounds six shillings ” ; and 20
- (e) by omitting the table contained in sub-section (1A.) and inserting in its stead the following table :—

“ Price Index Number.					Maximum Rate of Pension per Annum.			
					£	s.	d.	
Under 1340	46	16	0	25
1340 to 1439	48	2	0	
1440 to 1539	49	8	0	
1540 to 1639	50	14	0	
1640 and over	52	0	0”.	

(2.) The Commissioner of Pensions shall, forthwith after the commencement of this Part, review the maximum rate of pension payable under the Principal Act as amended by this Part, and shall determine the maximum rate which shall apply from and including the payment of the first fortnightly instalment of pension payable after the commencement of this Part up to and including the payment of the last fortnightly instalment of pension during the financial year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven. 30 35

(3.) The provisions of sub-section (1B.) of section twenty-four of the Principal Act shall apply in respect of any increase or decrease in the maximum rate of pension effected in pursuance of the last preceding sub-section. 40

Pension on
recommendation
by
Magistrate.

5. Section thirty-one of the Principal Act is amended by inserting in sub-section (2.), after the words “ Five shillings ”, the words “ and sixpence ”. 45

6. Section

1936.

Financial Relief (No. 2).

No.

3

6. Section forty-five of the Principal Act is amended by inserting in the proviso thereto, after the words "Five shillings", the words "and sixpence". Pension while pensioner in hospital, &c.

7. Section forty-seven of the Principal Act is amended by inserting 5 after the words "Five shillings" the words "and sixpence". Benevolent asylum inmates.

PART III.—MATERNITY ALLOWANCES.

8.—(1.) The *Maternity Allowance Act* 1912–1934* is in this Part referred to as the Principal Act. Citation.

(2.) The Principal Act, as amended by this Part, may be cited as 10 the *Maternity Allowance Act* 1912–1936.

9. Section four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words "Four pounds", the words "ten shillings"; and Grant of maternity allowance.

(b) by omitting sub-section (2.) and inserting in its stead the 15 following sub-section:—

“(2.) Where a woman, to whom an allowance becomes payable under the last preceding sub-section in respect of a birth, is the mother of at least one child under the age of fourteen years living at the date of that birth, there shall be payable to that woman, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, an additional allowance of Ten shillings.”

10. Section six of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (3.) the words 25 “Two hundred and eight” and inserting in their stead the words “Two hundred and twenty-one”;

(b) by omitting from paragraph (b) of sub-section (3.) the words “Two hundred and eight” and inserting in their stead the words “Two hundred and twenty-one”; and

(c) by omitting from paragraph (b) of sub-section (3.) the words 30 “Two hundred and ninety-nine” and inserting in their stead the words “Three hundred and twelve”.

Who may be claimants.

PART IV.—SALARIES AND WAGES.

11.—(1.) The *Financial Emergency Act* 1931–1935 is in this Part 35 referred to as the Principal Act. Citation.

(2.) The *Ministers of State Act* 1935†, as amended by the *Financial Relief Act* 1935‡ and by this Part, may be cited as the *Ministers of State Act* 1935–1936.

12. Section

* Act No. 8, 1912, as amended by No 48, 1926, No 34, 1927, Nos. 10 and 47, 1931, No. 35, 1932; and No. 16, 1934
 † Act No. 35, 1935.
 ‡ Act No. 36, 1935.

Definitions.

12. Section six of the Principal Act is amended by omitting all the definitions contained therein except the definition of "parliamentary office".

Parliamentary salaries and allowances

13. Section nine of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words "fifteen per centum of that amount" and inserting in their stead the words "five per centum of that amount; and"; 5
- (b) by omitting from paragraph (b) of sub-section (1.) the words "but does not exceed Two thousand pounds—by seventeen and one-half per centum of that amount; and" 10 and inserting in their stead the words "—by seven and one-half per centum of that amount:";
- (c) by omitting paragraph (c) of sub-section (1.);
- (d) by omitting from the proviso to sub-section (1.) the words "seventeen and one-half per centum" and inserting in 15 their stead the words "seven and one-half per centum"; and
- (e) by omitting from sub-section (2.) the word and letter "or (c)".

Repeal of certain sections of *Financial Emergency Act 1931-1935*

14. Sections ten, eleven, twelve, twelve A, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of the Principal Act are repealed. 20

Salaries of Ministers

15. Section four of the *Ministers of State Act 1935*, as amended by the *Financial Relief Act 1935*, is amended by omitting the words "Thirteen thousand nine hundred and eighty-four pounds" and inserting in their stead the words "Fifteen thousand six hundred and seventy-eight pounds fifteen shillings". 25

Payments under contracts.

16. Where, in pursuance of the *Financial Emergency Act 1931*, or of that Act as subsequently amended, any salary, allowance or amount payable under any contract or agreement has been reduced, any payment made in accordance with that Act, or with that Act as subsequently amended, of any such salary, allowance or amount, 30 shall be a complete discharge of all liability under the contract or agreement in respect of the payment as provided for therein.

Commencement of variation of salaries, &c.

17.—(1.) The provisions of this Part (other than sections thirteen and fifteen of this Act) to the extent to which they vary, or authorize the variation of any periodical payment, shall have effect in respect of any periodical payment made after the commencement of this Part. 35

(2.) The provisions of sections thirteen and fifteen of this Act, to the extent to which they vary, or authorize the variation of, the payment of any salary or allowance, shall have effect as on and from 40 the commencement of this Part.

(3.) For the purpose of this section, "periodical payment" means any payment by way of salary, wage, fee or allowance which is ordinarily made at regular weekly, fortnightly, semi-monthly or monthly intervals, but does not include any payment which is made 45 after the commencement of this Part and which relates wholly to a period the last date of which was prior to such commencement.

PART V.—WAR PENSIONS AND SERVICE PENSIONS.

18.—(1.) The *Australian Soldiers' Repatriation Act 1920-1935** Citation
is in this Part referred to as the Principal Act.

(2.) The Principal Act, as amended by this Part, may be cited as
5 the *Australian Soldiers' Repatriation Act 1920-1936*.

19. Section forty-two of the *Financial Emergency Act 1931-1935* Pensions to
is amended by omitting from paragraph (a) of sub-section (3.) the children of
word "twelve" and inserting in its stead the word "fifteen". incapacitated
members.

20. Section forty-five AD of the Principal Act is amended by Grant of
10 omitting the word "thirty-six" and inserting in its stead the word service
"thirty-eight". pensions.

21. Section forty-five AE of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word "Thirty-six" Service
and inserting in its stead the word "Thirty-eight"; and pension in
15 (b) by omitting from sub-section (1.) the word "Thirty" respect of a
(wherever occurring) and inserting in its stead the word member
"Thirty-two". unemployed
or suffering
from
pulmonary
tuberculosis.

22. Section forty-five AG of the Principal Act is amended by Limit of
20 omitting from sub-section (1.) the words "Seventy-nine pounds pension and
six shillings" and inserting in their stead the words "Eighty-one income.
pounds eighteen shillings".

23. The variations in the rates of pension effected by sections Commencement
nineteen, twenty and twenty-one of this Act shall have effect from of variations
and including the payment of the first fortnightly instalment of of pension.
25 pension payable after the commencement of this Part.

PART VI.—RELIEF IN RESPECT OF PRIMARY PRODUCTION.

24. In this Part, unless the contrary intention appears— Definitions
"artificial manure" means any substance—

(a) which contains nitrogen, phosphoric acid or potash;
30 (b) which has been manufactured, produced or prepared in
any manner for the purpose of fertilizing the soil
or supplying nutriment to plants; and
(c) in respect of which, if used in a State, the laws of
35 that State in relation to the preparation and sale of
that substance as a fertilizer have been complied
with,

but does not include—

(d) any animal or vegetable matter which has not been
subjected to process or manufacture;
40 (e) agricultural lime or other soil amendment; or

(f) any

* Act No. 6, 1920, as amended by No. 34, 1921; No. 23, 1922, No. 14, 1929; No. 74, 1930;
No. 10, 1931, No. 47, 1931; No. 32, 1934; and No. 58, 1935.

(f) any product prepared primarily for supplying lime to the soil ;

“ Territory ” means a Territory of the Commonwealth situated within the Commonwealth.

Appropriation
for relief to
primary
producers

25. Subject to this Part there shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purposes of financial assistance to the States in the provision of relief to primary producers in respect of the production of primary produce other than wheat. 5

Amount
payable to
each State

26. The amount which may be paid under the last preceding section to any State shall be such as represents payments made by the State to primary producers in respect of the production of primary produce other than wheat, in that State, at the rate of ten shillings for each ton of artificial manure used in that State, in respect of that production, by primary producers during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven : 10 15

Provided that, in calculating the amount which may be paid to a State under this section in respect of artificial manure used by any primary producer during that year, fractions of a ton less than one-half of a ton shall be excluded and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton. 20

Conditions of
payment.

27. No payment made by a State to a primary producer shall be taken into account in calculating the amount which may be paid to that State under this Part unless— 25

(a) the primary producer has obtained, upon application lodged by him with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date, a certificate in writing from the Secretary of that Department stating that the primary producer has furnished satisfactory evidence that he has used in that State, during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven, in the production of primary produce other than wheat, the quantity of artificial manure stated in the certificate ; 30 35

(b) the amount of the payment is calculated at the rate of ten shillings for each ton of artificial manure stated in the certificate ; and

(c) in the case of artificial manure obtained by the primary producer from a State, the artificial manure was obtained by way of purchase. 40

Payments to
primary
producers in
Territories.

28. There shall be payable, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each primary producer in respect of the production of primary produce other than wheat, in any Territory, an amount representing ten shillings for each 45

each ton of artificial manure used by that primary producer in that Territory during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven :

Provided that—

- 5 (a) in calculating the amount which may be paid to a primary producer under this section in respect of artificial manure used by him during that year, fractions of a ton less than one-half of a ton shall be excluded and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ; and
- 10 (b) no amount shall be paid under this section to a primary producer unless an application therefor has been lodged by him with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date.
- 15 29. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each State, by way of financial assistance, an amount representing ten shillings for each ton of artificial manure used by that State, or supplied by that State (otherwise than by way of sale) for use, in respect of the
- 20 production of primary produce other than wheat during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven :
- Provided that—
- 25 (a) in calculating the amount that may be paid to a State under this section in respect of artificial manure used by that State during that year, fractions of a ton less than one-half shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ;
- 30 (b) no amount shall be paid under this section to a State unless an application therefor has been lodged by that State with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date.
30. A person shall not—
- 35 (a) obtain any payment under this Part by means of any false or misleading statement ; or
- (b) present, to any officer or other person doing duty in relation to this Part or the regulations made under this Part, any document, or make to any such officer or person any
- 40 statement, which is false in any particular.
- Penalty : Five hundred pounds, or imprisonment for two years.
- 31.—(1.) The Minister, or any person thereto authorized in writing by him, may, by notice in writing, call upon any person to furnish to him, within such time as is specified in the notice, such books, documents and information as the Minister or that authorized person
- 50 thinks

Payments to States

Offences

Minister may require information.

thinks necessary for the purposes of, or in relation to compliance with, this Part or the regulations made under this Part, or any suspected contravention thereof.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him), fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence. 5

Penalty : One hundred pounds, or imprisonment for six months.

Validation

32. Where any amount paid to a State in purported pursuance of— 10

- (a) section thirty of the *Financial Relief Act 1932-1935* ;
- (b) section nineteen of the *Financial Relief Act 1934-1936* ; or
- (c) section three of the *Primary Producers Relief Act 1935-1936*,

comprises or includes a sum representing fifteen shillings for each ton of artificial manure used by that State, or supplied by that State (otherwise than by way of sale) for use, in respect of the production of primary produce other than wheat during the year ended on— 15

- (d) the thirtieth day of November, One thousand nine hundred and thirty-three ;
- (e) the thirtieth day of June, One thousand nine hundred and thirty-five ; or 20
- (f) the thirtieth day of June, One thousand nine hundred and thirty-six,

respectively, that sum shall be deemed to have been lawfully paid.

Regulations.

33. The Governor-General may make regulations, not inconsistent with this Part, prescribing all matters which by this Part are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Part, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations. 25 30