

FINANCIAL EMERGENCY.

No. 10 of 1931.

An Act to make necessary Provision for carrying out a Plan agreed on by the Commonwealth and the States for meeting the grave Financial Emergency existing in Australia, re-establishing Financial Stability, and restoring Industrial and General Prosperity.

[Assented to 17th July, 1931.]

WHEREAS at a conference between Ministers of the Commonwealth and Ministers of the States convened in Melbourne on the 25th day of May 1931 to devise measures for meeting the grave financial emergency existing in Australia and thereby averting disastrous consequences, a plan was agreed upon for re-establishing the financial stability of the Commonwealth and States and restoring industrial and general prosperity by means involving a common sacrifice, including amongst other things certain reductions in the expenditure of the Commonwealth and State Governments and the conversion of the internal public debts of the Commonwealth and States on the basis of a reduction of the interest payable : And whereas for carrying out a part of the plan certain legislation by the Commonwealth is necessary :

Preamble.

BE it therefore 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.

1. This Act may be cited as the *Financial Emergency Act 1931*. Short title.
2. The several Parts and sections of this Act, other than Part I. and the sections contained therein, shall commence on such dates as are respectively fixed by Proclamation and Part I. and the sections contained therein shall commence on the date on which this Act receives the Royal assent. Commencement.
3. This Act is divided into Parts, as follows :— Parts.
 - Part I.—Preliminary.
 - Part II.—Salaries and Wages.
 - Part III.—Pensions to Officers.
 - Part IV.—Maternity Allowances.

Part V.—Invalid and Old-age Pensions.

Part VI.—War Pensions.

Part VII.—Judiciary.

Part VIII.—Bounties.

Part IX.—Miscellaneous.

Administration. 4. The several Parts and sections of this Act shall be administered by such Ministers as are respectively specified by the Governor-General by order published in the *Gazette* or by such other Ministers or members of the Executive Council as are, for the time being, acting for or on behalf of any Ministers so specified.

PART II.—SALARIES AND WAGES.

Repeal. 5. The *Income Tax (Salaries) Act 1930* and the *Income Tax (Salaries) Assessment Act 1930* are repealed.

Definitions. 6. In this Part, unless the contrary intention appears—

“authority under the Commonwealth” means any authority constituted by the Commonwealth, or by or under any Act, but does not include the Commonwealth Bank of Australia, the Commonwealth Savings Bank of Australia or any corporation any shares in which are held by or on behalf of the Commonwealth;

“by or under any Act” includes by or under any Ordinance of any Territory being part of the Commonwealth and by or under any regulation under an Act or any such Ordinance;

“index-numbers” means the index-numbers published from time to time by the Commonwealth Statistician as indicating the purchasing power of money;

“officers and employees” means—

(a) officers and employees of the Commonwealth or of any authority under the Commonwealth, and includes—

(b) any persons constituting, or being members of, any such authority and any persons holding official positions whose salaries are paid by the Commonwealth,

who are required to devote the whole of their time to the duties of their offices or positions;

“parliamentary office” means any of the following offices, namely, Presiding Officer, Chairman of Committees and Leader of the Opposition in either House of the Parliament;

“salary”, in the case of an officer or employee, means the total remuneration, whether by way of salary, wage, pay, fees or allowance, payable to him in respect of the performance of the duties of the office or position occupied by him or in respect of the work upon which he is employed and, in the case of any officer or employee who, as a regular condition of his employment, is supplied with rations, board or lodging in addition to salary, includes an amount equal to the annual value, as determined by the Minister of the Department to which the officer or employee is attached, of such rations, board or lodging ;

“the Committee” means the Committee constituted under this Part.

7. Section four of the *Ministers of State Act 1917* is amended by omitting the words “Fifteen thousand three hundred pounds” and inserting in their stead the words “Eleven thousand eight hundred and fifty-seven pounds ten shillings”.

Amendment of
*Ministers of
State Act 1917.*

8. Where a senator or member of the House of Representatives holds any parliamentary office, the allowance received by him as senator or member shall, for the purposes of this Act, be included with the salary or allowance received by him in respect of that office, and reductions, in accordance with this Act, shall be made from the total amount of the allowances, or of the salary and allowances, received annually by him as senator or member and in respect of that office.

Aggregation of
salaries and
allowances of
holders of
parliamentary
offices.

9.—(1.) Notwithstanding anything contained in any Act, the total amount of allowances, or of salary and allowances, which would, but for this Act, have been received annually by any senator or member of the House of Representatives (including any senator or member who holds a parliamentary office) shall be reduced as follows :—

Reduction of
Parliamentary
salaries and
allowances.

- (a) where the amount does not exceed One thousand pounds—by twenty per centum of that amount ;
- (b) where the amount exceeds One thousand pounds but does not exceed Two thousand pounds—by twenty-two and one-half per centum of that amount ; and
- (c) where the amount exceeds Two thousand pounds—by twenty-five per centum of that amount :

Provided that the allowance as a senator or member which would, but for this Act, have been received annually by any Minister of State shall be reduced by twenty-two and one-half per centum.

(2.) Where the application of this section would result in the reduction of the allowances, or salary and allowances, of any senator or member to whom paragraph (b) or (c) of the last preceding subsection applies below the amount to which the allowances, or salary and allowances, of any senator or member receiving the maximum amount

specified in the next preceding paragraph would be reduced, the amount to be deducted from the allowances or salary and allowances of the first-mentioned senator or member shall be reduced to the extent necessary to prevent this result.

General
reduction of
salaries and
wages.

10.—(1.) Notwithstanding anything contained in any other Act or in any regulation, contract or agreement or in any award, determination, order or decision of any authority having power to fix rates of salary, wages, pay or allowances, all salaries of officers and employees, whether such salary is payable under special appropriation or otherwise, shall be reduced by Thirty-four pounds per annum in the case of adult male officers or employees and of married officers or employees who are not adults, by Twenty-eight pounds per annum in the case of adult female officers, and by Seventeen pounds per annum in the case of unmarried officers or employees who are not adults:

Provided that—

- (i) the annual salary of any officer or employee which is less than Two hundred and fifty-one pounds shall not be reduced under this section by an amount which is greater than eighteen per centum of that salary; and
- (ii) the annual salary of an adult male officer or employee or of a married male officer or employee who is not an adult shall not be reduced under this section below One hundred and eighty-two pounds per annum.

(2.) For the purpose of calculating the amount of reduction to be made under this section in the salary of an officer or employee, his annual salary shall be deemed to be the amount which would have been payable to him at the commencement of this section had there been no decrease in his salary on or subsequent to the first day of July One thousand nine hundred and thirty in consequence of a variation in the index-numbers, and the amount of any such decrease shall be included as part of the reduction to be made in pursuance of this section.

Percentage
reduction of
salary and
wages.

11. The salaries of all officers and employees shall, after the reductions as provided in the last preceding section have been effected be further reduced by the deduction of an amount to be ascertained in accordance with the method set out in the First Schedule to this Act:

Provided that—

- (i) the annual salary of any officer or employee which, after reduction in accordance with section ten of this Act is less than Two hundred and seventeen pounds, shall not be reduced under this section by an amount which, together with the amount of reduction made in pursuance of that section, is greater than eighteen per centum of the salary of that officer or employee, as ascertained in accordance with sub-section (2.) of that section; and

- (ii) the annual salary of an adult male officer or employee or of a married male officer or employee who is not an adult shall not be reduced under this section below One hundred and eighty-two pounds.

12.—(1.) The last two preceding sections shall not apply to officers and employees to whom this section applies and the salaries of such officers and employees shall be subject to reduction as follows :—

Variations in reductions.

- (i) the salaries of members of the permanent Naval, Military or Air Forces shall be reduced in such manner as the Minister directs :

Provided that any reduction so determined shall approximate as nearly as practicable to the amounts by which salaries (corresponding in amount to the salaries of members of the Forces) of officers and employees are respectively reduced under the last two preceding sections ;

- (ii) where the Commonwealth Court of Conciliation and Arbitration has made an award prescribing the rates of pay, salary or wages payable to any class of employee specified in the award and that or any other award of that Court provides for reductions in rates of pay, salary or wages based upon the index-numbers, and for a further reduction in rates of pay, salary or wages at the rate of ten per centum per annum, the salary of any employee of that class to whom the award is applicable shall be adjusted in accordance with the provisions of the award, and no further reduction of the salary of the employee shall be effected under this Act except to such extent, if any, as the Minister, upon the receipt of a recommendation of the Committee, directs :

Provided that the salary of an adult male employee, or of a married male employee who is not an adult, shall not be reduced under this sub-paragraph below the equivalent of One hundred and eighty-two pounds per annum unless the Minister so directs ; and

- (iii) where the salary of an officer or employee is fixed by an award of the Commonwealth Court of Conciliation and Arbitration, and is not adjusted as provided in the last preceding paragraph, or where the salary of an officer or employee is paid at a rate prescribed by any award, determination, order or decision of an industrial tribunal constituted by or under any law of a State or of a Territory being part of the Commonwealth or by an Industrial Agreement or by a determination of the Public Service Arbitrator which provides for adjustment of salary or wages quarterly based on the index-numbers, or where the salary of any officer or employee is paid at a rate less than One hundred and fifty-six pounds per annum and that rate

is not prescribed in any Act or regulation, or in any award of the Commonwealth Court of Conciliation and Arbitration, or in any determination of the Public Service Arbitrator, the salary of the officer or employee shall be reduced by such amount, (if any), and from such date, as the Minister, upon the receipt of a recommendation of the Committee, directs.

(2.) For the purposes of this section the salary of a member of the Naval, Military or Air Force shall, in addition to the remuneration specified in the definition of "salary" contained in section six of this Act, include the value, as assessed by the Minister, of such allowances received by the member, whether in money or in any other form, as the Minister directs.

Committee to inquire into special cases.

13.—(1.) For the purposes of this Part there shall be a Committee which shall consist of a member of the Commonwealth Public Service Board of Commissioners, the Public Service Arbitrator and a person appointed by the Governor-General.

(2.) The person appointed under the last preceding sub-section shall hold office during pleasure.

(3.) The member of the Commonwealth Public Service Board of Commissioners shall be the Chairman of the Committee.

(4.) The Minister shall refer to the Committee—

- (a) the cases of any classes of officers and employees and of other persons rendering service to the Commonwealth; and
- (b) any other matter,

in relation to which he has power under this Part to give a direction upon the receipt of a recommendation of the Committee.

(5.) The Committee shall inquire into any cases referred to it under the last preceding sub-section, and shall make a report and recommendation to the Minister specifying the reductions (if any) in the salary or remuneration of the officers, employees or persons concerned which, in view of the purposes of this Act as expressed in the Preamble thereto, and of the reductions otherwise effected by this Part, it deems just.

Calculation of annual salary.

14. Where salary is payable to an officer or employee—

- (a) at an hourly rate—the amount of the annual salary of the officer or employee shall, for the purposes of this Part, be ascertained by multiplying the hourly rate by the number of hours constituting a week's work for the officer or employee, and by multiplying the result so obtained by fifty-two and one-sixth;
- (b) at a daily rate based on six days per week—the amount of the annual salary of the officer or employee shall be ascertained by multiplying the daily rate by three hundred and thirteen;

(c) at a daily rate based on seven days per week—the amount of the annual salary shall be ascertained by multiplying the daily rate by three hundred and sixty-five; and

(d) at a weekly rate—the amount of the annual salary of the officer or employee shall be ascertained by multiplying the weekly rate by fifty-two and one-sixth.

15. Where the annual salary remaining, after making reductions and deductions in pursuance of this Part, includes a fraction of One pound that fraction, if it is less than Ten shillings, shall be disregarded, and if it is Ten shillings or over, shall be treated as being One pound.

Calculations
resulting in
fractions of a
pound.

16. Where in pursuance of this Part any salary, allowance or amount payable under any contract or agreement is reduced, the payment of the reduced salary, allowance or amount shall be a full and complete discharge of all liability under the contract or agreement in respect of the payment of the salary, allowance or amount provided for therein.

Payments
under
contracts.

17.—(1.) Where the amount of any payment, fee or allowance (to which this Part does not otherwise apply) in respect of the performance for the Commonwealth or for any authority under the Commonwealth of the services of the Chairman or of any member of any Board, committee or other authority, is fixed by or under any Act, the payment, fee or allowance shall be reduced by twenty per centum of the amount which would otherwise be payable.

Reduction
of fees and
allowances.

(2.) Where by or under any Act provision is made for any payment (to which this Part does not otherwise apply) to any person of any amount in respect of any services rendered by him to the Commonwealth or to any authority under the Commonwealth (not being services under contracts for the conveyance of mails or such other services as are prescribed), the amount shall be reduced to such extent, if any (not exceeding twenty per centum), and from such date, as the Minister, upon the receipt of a recommendation of the committee, directs.

(3.) Where the total amount received by any person in any year by way of payments, fees or allowances to which either of the last two preceding sub-sections applies exceeds One thousand pounds, that amount shall be reduced by such percentage, additional to any percentage by which it is reduced under either of those sub-sections, as the Minister directs, but so that the total reduction under this section shall not in any case exceed twenty-five per centum.

(4.) Where by or under any Act the maximum amount of expenditure in respect of any payments, fees or allowances to which sub-section (1.) of this section applies is fixed, that amount shall be reduced by twenty per centum.

(5.) Any allowances fixed by or under any Act or by any award, determination, order or decision of an industrial tribunal constituted by or under any Act or State Act, and payable to officers and employees, or to the Chairman or to any member of any Board,

committee or other authority to which this Part does not otherwise apply, shall be reduced by such amount (if any), and from such date, as the Minister, upon the receipt of a recommendation of the Committee, directs, but not exceeding in any case twenty per centum of the amount so fixed :

Provided that, where travelling allowances are fixed by the Governor-General, the amount of the reduction (if any) shall be such as the Governor-General directs, but not exceeding in any case twenty-five per centum of the amount so fixed.

(6.) The preceding provisions of this section shall not apply to—

(a) the pay and allowances of members of that part of the Defence Force of the Commonwealth which is known as the Citizen Forces ; or

(b) allowances (not being allowances in the nature of salary) payable to members of the permanent Naval, Military or Air Forces,

and that pay and those allowances shall be reduced by such amounts (if any), and from such dates, as the Minister directs.

Governor and
Directors of
Commonwealth
Bank.

18. For the purposes of this Part the Governor, Deputy Governor and each Director of the Commonwealth Bank of Australia shall be deemed to be officers and employees, and the remuneration by way of salary respectively paid to them shall, notwithstanding anything contained in the *Commonwealth Bank Act* 1911-1931, be reduced in accordance with sections ten and eleven of this Act.

State taxation.

19.—(1.) The allowances, or salary and allowances, of any senator or member of the House of Representatives (including any senator or member who holds a parliamentary office) and of any Minister of State and the salary of any officer or employee, after reduction in accordance with this Part, shall not be subject under the law of any State to taxation at a higher rate or percentage or to a greater extent than the prescribed rates or percentages of that salary in addition to any tax imposed on that salary under any law in force in that State on the thirtieth day of June One thousand nine hundred and thirty.

(2.) For the purposes of this section “prescribed rates or percentages” means such rates or percentages as are fixed, from time to time, by the Governor-General and notified in the *Gazette*.

(3.) Nothing in this section shall be construed as empowering the Governor-General to fix different rates or percentages in respect of different States or parts of the Commonwealth.

(4.) The Governor-General may arrange with the Governor-in-Council of any State that the taxation, under the law of that State, of the salaries and allowances of any persons whose salaries and allowances are reduced under this Part, to the extent to which such taxation is permitted by or under this section, shall be deducted from

the periodical payments of the salary and allowances of those persons and shall be paid to the State in such manner and at such times as are provided by the arrangement.

20. Where—

- (a) a taxpayer holds any office under the Commonwealth or a State the salary of which—
- (i) is fixed by law and payable out of the General Revenue of the Commonwealth or the State ; and
 - (ii) is not reduced by the law of the Commonwealth or of the State relating to the financial emergency ; and
- (b) the taxpayer has agreed with the Treasurer of the Commonwealth or of the State as the case may be that the taxpayer will, in any year, for the purpose of assisting to relieve the financial stringency of the Commonwealth or the State, as the case may be, and to reduce the expenditure of the Government thereof, accept, instead of the salary so fixed, some smaller sum, and allow the Treasurer to retain the balance in aid of the General Revenue of the Commonwealth or the State,

Exemption
from taxation
on salary
voluntarily
relinquished.

the following provisions shall apply :—

- (1) In the case of any such taxpayer holding office under the Commonwealth, the sum actually paid to the taxpayer in pursuance of any such agreement shall, for the purposes of any Act of the Commonwealth or a State relating to taxation based on income, be deemed to be the salary of the taxpayer derived from that office, and the sum retained by the Treasurer of the Commonwealth shall not be taken into account for the purpose of calculating the taxable income of the taxpayer under any law of the Commonwealth or a State ; and
- (2) In the case of any such taxpayer holding office under a State, the sum actually paid to the taxpayer in pursuance of any such agreement shall, for the purposes of any Act of the Commonwealth relating to taxation based on income, be deemed to be the salary of the taxpayer derived from that office, and the sum retained by the Treasurer of the State shall not be taken into account for the purpose of calculating the taxable income of the taxpayer under any law of the Commonwealth.

21. Notwithstanding anything contained in the *Income Tax Collection Act 1923-1924*, or in any agreement made in pursuance of that Act, any officer or employee transferred to the service of a State in pursuance of that Act or of any such agreement shall be subject, under the law of the State to the service of which he is transferred, to such reduction in salary as other officers of the State with corresponding salaries are subject.

Officers
transferred
under *Income
Tax Collection
Act 1923-1924*.

PART III.—PENSIONS TO OFFICERS.

Pensions payable under certain Acts.

22.—(1.) All payments of pensions under—

- (a) section forty-eight A of the *Judiciary Act* 1903–1927 ;
- (b) section fourteen B of the *Commonwealth Conciliation and Arbitration Act* 1904–1930 ; and
- (c) section eighteen c of the *Bankruptcy Act* 1924–1930,

shall be reduced by twenty per centum of the amount which would, but for this section, be payable.

(2.) All payments of pensions or retiring allowances payable by the Commonwealth under section eighty-four of the Constitution to any person who, having been transferred from the public service of a State to the public service of the Commonwealth, is entitled to retire, or has retired, from office on the pension or retiring allowance permitted by the law of the State as if his service with the Commonwealth were a continuation of his service with the State, shall be reduced by such percentages or amounts as are provided, from time to time, by or under any law of the State from the public service of which he was transferred to the public service of the Commonwealth, which would have been applicable to him if his service with the Commonwealth had been a continuation of his service with the State.

Citation.

23. The *Superannuation Act* 1922–1930, as amended by this Act, may be cited as the *Superannuation Act* 1922–1931.

Reduction of payments under Superannuation Act.

24. All contributions payable by the Commonwealth under the *Superannuation Act* 1922–1930 shall be reduced by twenty per centum, and the amount of any pension or other payment payable under that Act shall be reduced by the amount by which the Commonwealth contribution to that pension or payment is reduced in pursuance of this section.

25. Section fifteen of the *Superannuation Act* 1922–1930 is repealed and the following section inserted in its stead :—

Employee reduced in salary.

“ 15. Where the salary of a contributor is or has been reduced from one salary group to another salary group, the Board may, upon application by the contributor, reduce the number of units in respect of which he shall contribute to the number appropriate to the salary group to which his salary has been reduced, and any contributions paid by him, prior to such reduction, in respect of units in excess of the reduced number shall be credited as payments for paid-up pension to be actuarially calculated or be refunded to him, as the Board determines.”.

State taxation of pensions.

26. The provisions of section nineteen of this Act shall extend to any pension which is reduced in accordance with this Part, and that section shall apply to any such pension in the same manner as it applies to the allowances and salaries of the persons specified in that section.

PART IV.—MATERNITY ALLOWANCES.

27.—(1.) The *Maternity Allowance Act 1912–1927* is in this Part referred to as the Principal Act. Citation.

(2.) The Principal Act, as amended by this Act, may be cited as the *Maternity Allowance Act 1912–1931*.

28.—(1.) Section four of the Principal Act is amended by omitting the word “Five” and inserting in its stead the word “Four”. Grant of maternity allowance.

(2.) The amendment made by this section shall apply in relation to any claim made in respect of any birth occurring after the commencement of this section.

29. Section six of the Principal Act is amended by adding at the end thereof the following sub-sections :— Who may be claimants.

“(3.) A maternity allowance shall not be payable unless the claimant produces evidence satisfactory to the Commissioner or to a Deputy Commissioner—

(a) that the total income of the claimant and her husband for the period of twelve months preceding the date of the birth did not exceed Two hundred and sixty pounds ; or

(b) in the case of a posthumous or ex-nuptial child—that the total income of the claimant for the period of twelve months preceding the date of the birth did not exceed Two hundred and sixty pounds.

“(4.) For the purposes of this section “income” includes any moneys, valuable consideration or profits earned, derived or received by the claimant or her husband for her or his own use or benefit from any source whatever, whether in or out of the Commonwealth.”.

30. After section six of the Principal Act the following section is inserted :—

“6A. Every claim under this Act for a maternity allowance shall be supported by such evidence as to the income of the claimant and of her husband as is prescribed.”. Evidence as to income.

31. After section seven of the Principal Act the following section is inserted :—

“7A.—(1.) The Commissioner or a Deputy Commissioner may cause to be made such investigations as appear to him to be desirable in order to ascertain the circumstances of any claimant or her husband and the truth of the statements contained in the claim, and may require any person, whom he believes to be in a position to do so, to furnish to him a confidential report as to the income of the claimant or her husband. Investigation of claims.

“(2.) Any person who, on being required under this section to furnish a report, fails to furnish the report within a reasonable time, or furnishes a report containing any statement which is untrue in any particular, shall be guilty of an offence.

Penalty : Ten pounds, or imprisonment for one month.”.

32. After section eleven of the Principal Act the following section is inserted :—

Summary
punishment.

“ 11A. All offences against this Act shall be punishable on summary conviction.”.

PART V.—INVALID AND OLD-AGE PENSIONS.

Citation.

33.—(1.) The *Invalid and Old-age Pensions Act* 1908–1928 is in this Part referred to as the Principal Act.

(2.) The Principal Act, as amended by this Act, may be cited as the *Invalid and Old-age Pensions Act* 1908–1931.

Definitions.

34. Section four of the Principal Act is amended—

(a) by omitting from paragraph (d) of the definition of “ Income ” the word “ or ” (last occurring) ; and

(b) by omitting from the definition of “ Income ” paragraphs (e), (f), (g) and (h).

Limit of
pensions.

35. Section twenty-four of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “ Fifty-two pounds ” (wherever occurring) and inserting in their stead the words “ Forty-five pounds ten shillings ” ; and

(b) by omitting from sub-section (1.) the words “ Eighty-four pounds ten shillings ” and inserting in their stead the words “ Seventy-eight pounds ”.

Recommendation
by
Magistrate.

36. Section thirty-one of the Principal Act is amended by omitting from sub-section (2.) the words “ the rate of Five shillings and sixpence ” and inserting in their stead the words “ a rate calculated in accordance with this Act but not in any case exceeding Five shillings ”.

37. After section thirty-eight of the Principal Act the following section is inserted :—

Recovery of
amounts
improperly
paid.

“ 38AA.—(1.) Where a pensioner acquires any property or income of such value or to such extent that, had he been possessed thereof at the time his claim for pension was determined, he would have been ineligible to receive pension at the rate paid to him, he shall forthwith cease to be entitled to receive pension to the extent of that ineligibility.

“(2.) Where, in consequence of any false statement or representation or otherwise, any amount has been paid by way of pension under this Act which would not have been paid but for the false statement or representation or otherwise, the amount so paid shall be recoverable in any court of competent jurisdiction from the person to whom or on whose account the amount was paid, or from the estate of that person, as a debt due to the Commonwealth.”.

Suspension of
pension while
pensioner in
asylum.

38. Section forty-five of the Principal Act is amended by omitting from the proviso thereto the words “ the rate of Five shillings and sixpence ” and inserting in their stead the words “ a rate calculated in accordance with this Act but not in any case exceeding Five shillings ”.

39. Section forty-seven of the Principal Act is amended by omitting the words "the rate of Five shillings and sixpence" and inserting in their stead the words "a rate calculated in accordance with this Act but not in any case exceeding Five shillings".

Benevolent
asylum inmates.

PART VI.—WAR PENSIONS.

40.—(1.) The *Australian Soldiers' Repatriation Act 1920-1930* is in this Part referred to as the Principal Act.

Citation.

(2.) The Principal Act, as amended by this Act, may be cited as the *Australian Soldiers' Repatriation Act 1920-1931*.

41. For the purposes of this Part "pensions" means pensions as defined in section twenty-two of the Principal Act and includes payments under section thirty-two and the Second Schedule of that Act.

Definition.

42.—(1.) Notwithstanding anything contained in the Principal Act, pensions payable under that Act to persons included in the following classes shall subject to this section be reduced by twenty-two and one-half per centum:—

Reduction of
war pensions.

Parents of members of the Forces ;

Children of members of the Forces in receipt of pensions under the Principal Act ;

Wives of members of the Forces in receipt of such pensions ;

Brothers and sisters of deceased members of the Forces or members who are in receipt of such pensions ;

Other persons who are dependants within the meaning of the Principal Act and who are not elsewhere referred to in this sub-section.

(2.) The last preceding sub-section shall not apply—

(a) to the widowed mother of any deceased unmarried member of the Forces ; or

(b) to the widow or children of any deceased member of the Forces,

where the death of the member resulted from an occurrence happening during the period he was such member.

(3.) Notwithstanding anything contained in the Principal Act, the Governor-General may take such action as is necessary to give effect to any recommendation made by the committee constituted in pursuance of section forty-three of this Act, in relation to the cancellation or reduction of the pensions payable under the Principal Act to any class of persons whose pensions are reduced in accordance with the provisions of sub-section (1.) of this section.

43.—(1.) The Regulations may provide for the constitution of a committee which shall have power to inquire into the pensions payable under the Principal Act to any classes of persons and to make recommendations to the Minister as to the reductions, additional to any reduction effected by this Part, which should be made in those pensions and as to the cancellation of the pensions of any such class.

Committee to
inquire into
classes of
cases.

(2.) The conditions of appointment of any member of a committee constituted for the purposes of this section and the duration of any such committee shall be as prescribed.

Definition of
"Child" and of
"Dependants".

44. Section twenty-two of the Principal Act is amended—

(a) by adding, at the end of the definition of "Child", the words "but does not include any step-son, step-daughter or adopted child who becomes a dependant after the first day of July One thousand nine hundred and thirty-one"; and

(b) by adding at the end of the definition of "Dependants" the words "but does not include any wife married, or child born, to a member of the Forces after the first day of October One thousand nine hundred and thirty-one:

Provided that any such child born after that date whose father dies from the results of an occurrence happening during the period he was a member of the Forces shall be deemed to be a dependant".

Pensions upon
death or
incapacity.

45. Section twenty-three of the Principal Act is amended—

(a) by omitting from the proviso to sub-section (1.) the words "but in such cases arrears of pension shall not be granted for any period exceeding six months"; and

(b) by adding at the end thereof the following sub-section:—

"(3.) Notwithstanding anything contained in this Act, no pension shall, after the commencement of this sub-section, be payable under this Act in respect of any period prior to the date upon which a claim for payment of pension is made in accordance with this Act."

46. After section twenty-seven of the Principal Act the following sections are inserted:—

Pension
granted on
re-application.

"27A. Where a claim for pension has been rejected and upon subsequent application or appeal to the Commission a pension is granted to the claimant, the pension shall not be payable in respect of any period prior to the period of three months immediately preceding the date of the application or appeal upon which the pension was granted.

Re-grant of
cancelled
pension.

"27B.—(1.) Where a pension has been cancelled and the pensioner, upon an application for re-instatement of his pension, is again granted a pension, payment of the pension so granted shall not be made in respect of any period prior to the date of the application for re-instatement.

"(2.) Where a pension has been voluntarily relinquished either wholly or in part and the pensioner applies for the restoration of the pension or part thereof so relinquished, the pension or part thereof shall, subject to this Act, be restored, but the restoration shall not operate in respect of any period prior to the date of the application."

47. Section thirty-three of the Principal Act is amended by omitting the words “, or after the expiration of two years from the date of the commencement of the pension, whichever occurs later”.

Pensions payable for limited period in certain cases.

48. Section thirty-four of the Principal Act is amended by omitting all the words after the word “continued” and inserting in their stead the words “after her marriage or re-marriage”.

Pensions to female dependants to cease upon marriage or re-marriage.

49. Section forty-five p of the Principal Act is amended—

(a) by inserting, after the word “increase”, the word “, reduce”;

Decision of appeals.

(b) by omitting the words “assessment of” (second occurring).

50. Section forty-five x of the Principal Act is amended by omitting the words “unless it has satisfactory evidence that the condition of the appellant during that period was such as to justify such operation”.

Appeal Tribunal may specify date from which decision operates.

PART VII.—JUDICIARY.

51. Notwithstanding anything contained in the *Judiciary Act* 1903–1927, or in the *High Court Procedure Act* 1903–1925, sittings of a Full Court of the High Court shall not be held at any place or places specified, from time to time, by the Governor-General by notice in the *Gazette*, so long as that notice has not been revoked.

Place of sittings of High Court.

PART VIII.—BOUNTIES.

52. All amounts payable by way of bounty under any Act specified in the Second Schedule to this Act shall be reduced by twenty per centum of the amounts which would but for this section be payable :

Reduction of bounties.

Provided that this sub-section shall not apply to any bounty payable, but not paid, before the commencement of this section.

53.—(1.) Notwithstanding anything contained in the Act, the amount of bounty which shall be paid and distributed in accordance with the Act in respect of fine gold produced during any period shall be calculated in accordance with this section.

Bounty under Gold Bounty Act 1930.

(2.) The amount of bounty which shall be paid and distributed in accordance with the Act in respect of the year ending on the thirty-first day of December One thousand nine hundred and thirty-one shall be calculated as follows :—

(a) In respect of fine gold produced during the half-year ending on the thirtieth day of June One thousand nine hundred and thirty-one, bounty shall be calculated on the basis of One pound Australian currency for each ounce of fine gold produced during that period in excess of half of the average number of ounces ; and

(b) In respect of fine gold produced during the half-year ending on the thirty-first day of December One thousand nine hundred and thirty-one, bounty shall, subject to this section, be calculated on the basis of Ten shillings

Australian currency for each ounce of fine gold produced during that period in excess of half of the average number of ounces.

(3.) In respect of fine gold produced during the year commencing on the first day of January One thousand nine hundred and thirty-two and during any subsequent calendar year, the bounty which shall be paid and distributed in accordance with the Act shall, subject to this section, be calculated on the basis of Ten shillings Australian currency for each ounce of fine gold produced during that year in excess of the average number of ounces.

(4.) The bounty calculated under paragraph (b) of sub-section (2.) of this section and under the last preceding sub-section in respect of fine gold produced during any period to which those provisions apply, shall be increased by One shilling Australian currency per ounce of that gold in respect of each decrease of three per centum in the average rate of exchange per centum during that period below thirty per centum but such bounty shall not, in any event, exceed One pound Australian currency for each ounce of fine gold upon which bounty is calculated under this section.

(5.) For the purposes of this section—

- (a) “average number of ounces” means the average number, ascertained in accordance with the Act, of ounces of fine gold produced annually during the years One thousand nine hundred and twenty-eight, One thousand nine hundred and twenty-nine and One thousand nine hundred and thirty;
- (b) “rate of exchange” means the rate of exchange for telegraphic transfers from Australia to London;
- (c) “the Act” means the *Gold Bounty Act* 1930;
- (d) the provisions of the Act shall apply for the purposes of ascertaining the number of ounces of fine gold produced during any period;
- (e) the average rate of exchange during any period shall be such as is certified in writing to the Treasurer by the Governor of the Commonwealth Bank of Australia.

PART IX.—MISCELLANEOUS.

Date from which various reductions operate.

54.—(1.) Where any payment, the reduction of which is authorized by any section contained in Part II., III., V. or VI. of this Act, is of a periodical nature (not being—

- (a) a payment in respect of a period the whole of which had accrued prior to the commencement of that section; or
- (b) a payment the reduction of which is authorized to be made from such date as the Minister directs),

and is made after the date fixed for the commencement of that section, it shall be subject to reduction to the extent to which it would have been so subject if the whole of the period in respect of which it is made had accrued after the commencement of that section.

(2.) Where any payment, the reduction of which is authorized by any section contained in Part II. of this Act, is not of a periodical nature, (not being a payment the reduction of which is authorized to be made from such date as the Minister directs), and is made after the date fixed for the commencement of that section, it shall, in so far as it relates to services performed on or after that date, be subject to reduction in accordance with that section.

55. The Governor-General may make regulations, not inconsistent with this Act, prescribing all matters which by this Act are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Act. Regulations.

SCHEDULES.

THE FIRST SCHEDULE.

METHOD OF ASCERTAINING DEDUCTIONS EFFECTED UNDER SECTION 11 OF THIS ACT.

| --- | Method to Follow to Ascertain Percentage Rate of Deduction. | Method to Follow to Ascertain Amount of Deduction. |
|---|---|--|
| | % | £ |
| 1. In the case of salaries of officers or employees who are not adults | 18 — (1394 ÷ Salary) | 18 x Salary — 1394 <hr style="width: 50%; margin: 0 auto;"/> 100 |
| 2. In the case of adult officers or employees or married officers or employees who are not adults | | |
| (i) Salary not exceeding £216 | 18 — (2788 ÷ Salary) | 18 x Salary — 2788 <hr style="width: 50%; margin: 0 auto;"/> 100 |
| (ii) Salary exceeding £216 but not exceeding £966 | 20 — (2720 ÷ Salary) | 20 x Salary — 2720 <hr style="width: 50%; margin: 0 auto;"/> 100 |
| (iii) Salary exceeding £966 but not exceeding £1,966 | 22½ — (2635 ÷ Salary) | 22½ x Salary — 2635 <hr style="width: 50%; margin: 0 auto;"/> 100 |
| (iv) Salary exceeding £1,966 | 25 — (2550 ÷ Salary) | 25 x Salary — 2550 <hr style="width: 50%; margin: 0 auto;"/> 100 |

Where the application of the method specified in this Schedule would result in the reduction of the salary of an officer or employee below the amount to which the salary of an officer or employee at the upper limit of a lower salary group specified in the first column of this Schedule would be reduced, the amount to be deducted from the salary of the first-mentioned officer or employee shall be reduced to the extent necessary to prevent this result.

For the purposes of this Schedule "salary" means salary or allowance after reduction in accordance with section ten of this Act.

THE SECOND SCHEDULE.

Cotton Industries Bounty Act 1930.
Flax and Linseed Bounties Act 1930.
Iron and Steel Products Bounty Act 1922-1929.
Papua and New Guinea Bounties Act 1926.
Power Alcohol Bounty Act 1926.
Sulphur Bounty Act 1923.
Wine Export Bounty Act 1930-1931.