

INFLUENZA EPIDEMIC RELIEF ACT.

Act No. 45, 1919.

George V, No. 45. An Act to afford relief in respect of certain losses, expenses, and obligations in connection with the influenza epidemic ; to give effect to a certain proclamation published in the Gazette dated the 27th day of February, 1919 ; for that purpose to appoint a Commission with certain powers and duties ; to validate certain payments ; and for purposes consequent thereon or incidental thereto. [Assented to, 23rd December, 1919.]

WHEREAS

WHEREAS the following proclamation was published in the Gazette dated the twenty-seventh day of February, one thousand nine hundred and nineteen:—

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Preamble.

PROCLAMATION.

NEW SOUTH WALES, to wit. (L.S.) W. E. DAVIDSON, <i>Governor.</i>	}	By His Excellency Sir WALTER EDWARD DAVIDSON, Knight Commander of the Most Distinguished Order of Saint Michael and Saint George, Governor of the State of New South Wales and its Dependencies, in the Commonwealth of Australia.
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WHEREAS in order to prevent the spread within the State of New South Wales of the infectious disease Pneumonic Influenza, it has been necessary from time to time since the twenty-eighth day of January last to close in certain parts of the State certain places of business and amusement whereby many persons have been prevented from carrying on their lawful trades and business and have suffered loss and been rendered unable to meet and discharge their lawful debts and obligations; and whereas it is considered just and right that inasmuch as the closing of such places of business and amusement has been for the public welfare the Government should assume responsibility for so much of such debts and obligations, and under such circumstances as it may deem equitable: Now, I, Sir WALTER EDWARD DAVIDSON, the Governor aforesaid, with the advice of the Executive Council, do hereby notify and proclaim that it is the intention of the Government of New South Wales upon the reassembly of the Parliament of the said State to introduce a Bill to adjust the losses caused to persons by the closing of the hereinbefore-mentioned places of business and amusement in the manner following:—

- (1) By properly distributing losses that have accrued between lessor and lessee, mortgagor and mortgagee, and all other parties interested in moneys payable for, or in respect of any premises closed on or after 28th January, 1919, by the Government's proclamation, and by providing for the bearing by the Government of at least one-third of the total losses in all cases, the remaining loss to be shared equally between the parties concerned. The ultimate payment by the Government of one-third to the lessor, mortgagee, or other recipient will be contingent upon the strict observance by such recipient of the conditions that he shall have refrained from any action adversely affecting the lessee or other party in possession where due payments are not made, or are not made punctually consequent upon the action of the Government in closing premises.
- (2) By providing a guarantee by the Government of 50 per cent. of any payments due, as interest, in respect of advances, loans, or overdrafts made for the purposes of any business carried on in any premises so closed, or as interest payable in respect of the purchase of chattels used in connection with such business on such premises, or as hire of any such chattels.

This

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This guarantee will also operate only in cases where proper consideration has been shown by claimants to the persons from whom the payments are due.

- (3) By providing for the State's carrying an equitable proportion of the losses incurred by persons engaged in such businesses, in payments made in respect of contracts of service, where such losses are directly due to the closing of businesses by the action of the Government.

Given under my Hand and Seal, at Sydney, this twenty-seventh day of February, in the year of our Lord one thousand nine hundred and nineteen, and in the ninth year of His Majesty's Reign.

By His Excellency's Command,

GEORGE W. FULLER.

GOD SAVE THE KING!

Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of New South Wales in Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the "Influenza Epidemic Relief Act, 1919."

Interpretation.

2. In this Act, unless the context matter otherwise requires:—

"Commissioner" means the commissioner appointed under this Act.

"Prescribed" means prescribed by regulations made under this Act.

"Proclamation" means the proclamation set out in the preamble hereto.

Appointment of commissioner.

3. (1) The Governor may by letters patent appoint a commissioner to inquire into any claims in connection with losses hereinafter referred to.

Secretary and other officers.

(2) The Governor may appoint a secretary to the commissioner, and such other officers as may be necessary.

Times and places of sitting.

(3) The commissioner shall sit for the purpose of making such inquiries at such times and places as he may appoint.

Applications to commissioner.

4. Subject to section five hereof any person who has suffered any loss, or is unable to meet and discharge his lawful debts or obligations in consequence of the closing of

of the places of business and amusement referred to in George V, the proclamation, may within two months from the No. 45. appointment of the commissioner, make application, in the manner and form prescribed, to the commissioner to determine the amount of any loss so suffered by him.

5. Losses in respect of which applications may be made may include the following matters,— Subject matter of applications

- (a) rent of places of business and amusement so closed as aforesaid ;
- (b) rates and taxes in connection with such places or the business or enterprise therein conducted, but not including Federal taxes ;
- (c) interest on borrowed money used solely in such business or enterprise ;
- (d) the amount of any premium for insurance of such places, or of any stock, furniture, or plant thereon used for the purposes of such business or enterprise ;
- (e) wages of any indispensable employee in any such business or enterprise in respect of each occasion of such closing where such employee's wages do not exceed five pounds per week ;
- (f) claims for personal living expenses of the owner of any such place at a rate not exceeding five pounds per week for the whole time of such closing, provided that such business or enterprise was substantially his sole means of subsistence ;
- (g) charges for lighting ;

but shall not include any other form of loss or claim whether in respect of capital or of profit or of income.

6. (1) The commissioner shall hear all such applications and shall determine the amount of any such loss or claim which is proved to his satisfaction. On the hearing of any such application the applicant shall have the right to be represented by an agent. Commissioner to hear and determine.

(2) Where any such claim for rent, rates, taxes, interest, or premiums is in respect of a period falling partly within and partly without any such occasion of such closing the commissioner in his determination shall allow

George V. allow only such portion thereof as bears to the whole
No. 45. amount the same ratio which the portion of such period during which such closing was in force bears to the whole of such period.

Refund of proportionate amount of payment made in respect of light supplied but not used, &c.

7. (1) Notwithstanding the terms of any contract or agreement, any person by whom light has been supplied to any such place of business or amusement during any period of such closing shall refund to the person supplied a proportionate amount of any payment made in respect of such light supplied but not used, calculated by reference to the period of non-use owing to such closing, and any such person shall not make any claim in respect of any such refund or in respect of the value of light supplied during any period of such non-use.

(2) The amount of any such refund shall be determined by the commissioner.

Commissioner to report to Governor.

8. (1) The commissioner shall forward a report of the result of the inquiry and of his determination to the Governor.

(2) The commissioner shall further report whether in his opinion any applicant as creditor has refrained from any action adversely affecting the debtor where moneys due in respect of the subject matter of his application have not been paid or have not been paid punctually in consequence of the action of the Government in so closing premises as aforesaid, and whether proper consideration has been given by any mortgagee or lessor to his mortgagor or lessee in the like circumstances.

Debtor to be discharged of one-third of liability.

9. Of any debt as so determined the creditor shall forego one equal third part in consideration of the payment by the Colonial Treasurer next hereinafter mentioned, and the debtor shall be deemed to be fully and effectually discharged from liability in respect of such part.

Colonial - Treasurer to pay one-third of debt or claim and to give a guarantee in certain cases.

10. (1) Upon receipt by the Governor of the commissioner's report of his determination of the amount of any claim other than a claim for personal living expenses as aforesaid and that the creditor concerned has so refrained as aforesaid there shall be paid by the Colonial Treasurer to such creditor out of the Consolidated Revenue Fund one equal third part of such debt as so determined.

(2)

(2) Upon receipt by the Governor of the commissioner's report of his determination of the amount of any claim for personal living expenses as aforesaid there shall be paid by the Colonial Treasurer to such owner aforesaid out of the said fund one equal third part of the amount of his claim as so determined.

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(3) Upon receipt by the Governor of the commissioner's report of his determination of the amount of any loss represented by payment of wages to any indispensable employee, there shall be paid by the Colonial Treasurer to the employer concerned one equal half part of such loss as so determined.

(4) Where any such claim consists of payments accrued due as interest payable in respect of advances, loans or overdrafts made or given for the purposes of any business carried on in any premises so closed or in respect of the purchase or hire of chattels used in connection with such business on such premises, any creditor who has received payment from the said fund of such equal one-third part as aforesaid of the debt as settled by the commissioner shall, if he has given such proper consideration as aforesaid, receive from the Colonial Treasurer a guarantee in the form prescribed for the payment by the debtor of one half of the equal third part of such debt as so determined still remaining to be paid by the debtor.

11. All payments purporting to be made under the proclamation before the commencement of this Act are hereby validated, and the amount thereof and of all payments made from any Government fund on account of the closing aforesaid, shall in every case be deducted from any amount to be paid by the Colonial Treasurer to the person concerned.

12. (1) The Governor may make regulations carrying out and giving effect to the provisions of this Act.

(2) Such regulations shall—

- (i) be published in the Gazette ;
- (ii) take effect from the date of publication, or from a later date to be specified in such regulations ; and

(iii)

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- (iii) be laid before both Houses of Parliament within fourteen days after publication if Parliament is in session, and if not, then within fourteen days after the commencement of the next session. If either House of Parliament passes a resolution at any time within fifteen sitting days after such regulations have been laid before such House disallowing any regulation, such regulation shall thereupon cease to have effect.
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