

FAMILY ENDOWMENT (AMENDMENT) ACT.

Act No. 20, 1928.

George V.
No. 20, 1928. **An Act to amend the Family Endowment Act, 1927, as amended by the Family Endowment (Amendment) Act, 1927, in certain respects; and for purposes connected therewith. [Assented to, 16th June, 1928.]**

BE it 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. (1) This Act may be cited as the "Family Endowment (Amendment) Act, 1928," and shall be construed with the Family Endowment Act, 1927, as amended by the Family Endowment (Amendment) Act, 1927.

(2) The Family Endowment Act, 1927, as so amended, is hereinafter referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Family Endowment Act, 1927-28.

Amendment
of Act No.
39, 1927.
Sec. 3.
(Interpreta-
tion.)

2. (1) The Principal Act is hereby amended by omitting from the definition of "Employee" in section three the words "domestic service or" and by inserting in lieu thereof the words "domestic service otherwise than in connection with his employer's trade or business or any person."

(2) The amendment made by subsection one of this section shall be deemed to have come into operation at the commencement of the Family Endowment Act, 1927.

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Every employer and other person liable so to do shall within fourteen days from the commencement of this Act, lodge in accordance with the Regulations for the time being in force under the Family Endowment Act, 1927-1928, the returns required by such Regulations for the periods from the twenty-third day of July, one thousand nine hundred and twenty-seven to the thirty-first day of August, one thousand nine hundred and twenty-seven and of the months of September and October, one thousand nine hundred and twenty-seven, in respect of the wages of persons employed in domestic service in connection with the employer's trade or business.

Every employer or other person who fails to lodge any such return as aforesaid within the time hereinbefore limited shall be guilty of an offence against the Regulations made under section forty-one of the Family Endowment Act, 1927-1928, relating to the furnishing of returns.

3. The Principal Act is further amended—

- (a) (i) by omitting from subsection four of section thirteen the words "but only of such a sum as together with the pension will amount to five shillings per week for such child." Further amendment of Act No. 39, 1927, s. 13. (Endowments in special cases.)
- (ii) by inserting at the end of the same section the following new subsection:—
 - (5) A child shall be deemed to be maintained as a member of the family of the claimant notwithstanding the absence of the child from the claimant's home if such absence is a bona fide temporary absence for education or other sufficient reason and the claimant retains control of the child and satisfies the commissioner that the endowment, if granted, will be used for the benefit of the child.
- (b) (i) by inserting at the end of paragraph (b) of subsection one of section fourteen the words: Sec. 14 (4). (Qualifications.)

"A child shall for the purposes of this paragraph be deemed to have been born in New South Wales if at the date of his birth the home of the mother was in New South Wales and her absence from New South Wales was temporary only." (ii)

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Sec. 14 (4).
(Qualifica-
tions.)

(ii) by omitting from subsection four of the same section the letter and words “(b) any endowment under this Act,” and by inserting the following new paragraphs to follow paragraph (g) of the same subsection:—

(h) any endowment under this Act; nor

(i) any payments for the cost of medical, surgical, and hospital treatment under section ten of the Workers' Compensation Act, 1926, as amended or under any law relating to workers or workmen's compensation; nor

(j) any payments by the Department of Education for or in respect of a child's attendance at school.

*Ibid.**(Ibid.)*

(iii) by inserting in and at the end of paragraph (g) of the same subsection the words “or as a child of such a member,” and by inserting in paragraph (f) of the same subsection after the word “employment” the words “up to twenty-six pounds per annum.”

*Ibid.**(Ibid.)*

(iv) by inserting at the end of the same subsection the following new paragraph:—

If the incomes of the spouse and children under the age of fourteen years cannot after due inquiry be ascertained, they may be disregarded in computing the family income.

Sec. 14 (5).

(Ibid.)

(v) by inserting at the end of subsection five of the same section the words “so far as such incomes can after due inquiry be ascertained.”

Sec. 14.

New
sub-sec. (6).*Ibid.*

(vi) by inserting at the end of the same section the following new subsections:—

(6) For the purposes of this section the period of twelve months may be taken by the commissioner to be fifty-two weeks and may where an employee's pay is concerned be taken by him to be the period of fifty-two weeks ending on the last pay day preceding the date of the claim, and the words “appropriate to the case” in subsection two shall be taken to mean in the case of an employer or self employer or an employee

employee where no other living wage is applicable the living wage in force for the time being in the Metropolitan area. No. 20, 1928.

(7) Where a person in receipt of endowment in respect of a child desires to apply for endowment in respect of an additional child such application shall be supplementary to the claim in respect of the first-mentioned child and unless otherwise required by the Commissioner before or after the making of the application the particulars and information supplied or obtained in and in connection with the claim already granted (including the ascertainment of the family income) may be treated as applying to the supplementary application.

4. The Principal Act is further amended—

Further amend-
ment.
Act No. 39, 1927.

- (a) by inserting at the end of section twenty-one the following new subsection :—

Sec. 21.

New sub-
section (5).

(5) Where the child was at the date of lodgment of the claim under fourteen years of age endowment may be granted notwithstanding that the child has attained that age or has died at or before the determination by the commissioner of the claim in respect of that child. (Determination of claim.)

- (b) by inserting the following as subsection (3A) of section twenty-one :—

(3A) When a claim or application is made within six weeks from the birth of the child or such longer period as the Commissioner may, in a special case, allow endowment may be granted in respect of such child from the date of its birth.

- (c) by inserting at the end of section thirty the following new subsection :—

(4) Notwithstanding any other provision of this Act, where an application for endowment for a further period is lodged prior to expiry of the period for which endowment has been granted

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granted the Commissioner may, as regards children in respect of whom the application is made and the endowment has been granted, authorise the continuance of endowment after the expiry of such period until the first mentioned application is determined.

Sec. 16 (1).
(Guardians.)

(d) (i) by omitting from subsection one of section thirty-six the words "is divorced from or is living apart from her husband and";

(ii) by inserting in the same subsection after the word "commissioner" the words "who shall consider the position of the mother (if any)";

New
subsec. 4.

(iii) by inserting at the end of the same section the following new subsection:—

(4) The commissioner may take as the "family income" in respect of any child under this section the incomes of such guardian or person, his spouse and children under the age of fourteen years so far as such incomes can after due inquiry be ascertained.

Sec. 37.
(Death of
child.)

(c) (i) by inserting in section thirty-seven after the words "by a certificate" the words "or a determination of the commissioner"

(ii) by inserting in the same section after the words "which the certificate" the words "or determination"

Certain
amendments
retrospective.

5. The amendments made by paragraph (a) of section three of the Family Endowment (Amendment) Act, 1928, by paragraphs (b) (i) and (b) (ii) of the same section, by that part of paragraph (b) (iii) of the same section which amends paragraph (g) of subsection four of section fourteen of the Principal Act, by paragraphs (b) (iv) and (b) (vi) of section three aforesaid, and by paragraphs (a) (b) (d) and (e) of section four of the Family Endowment (Amendment) Act, 1928, may be applied as if they were in force at the commencement of the Family Endowment Act, 1927.