

FAMILY ENDOWMENT (FURTHER AMENDMENT) ACT.

Act No. 58, 1929.

An Act to make further provision with regard to the endowment payable to mothers under the Family Endowment Act, 1927-1928; to amend that Act and certain other Acts; and for purposes connected therewith.
[Assented to, 23rd December, 1929.]

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:—

1. (1) This Act may be cited as the "Family Endowment (Further Amendment) Act, 1929," and shall be read and construed with the Family Endowment Act, 1927-1928, in this Act referred to as the Principal Act.

(2) The Principal Act, as amended by this Act, may be cited as the Family Endowment Act, 1927-1929.

(3) This Act shall commence on the date upon which the Industrial Commission of New South Wales makes a declaration of the living wages for adult male and adult female employees in pursuance of the Industrial Arbitration (Living Wage) Amendment Act, 1929.

2. The Principal Act is amended—

(a) by omitting from section three the definition of "employee" and by inserting in lieu thereof the following definition:—

"Employee" means an employee whose wages are regulated by an award or industrial agreement made under the Industrial

Amendment of
Act No. 39, 1927.

Sec. 3.

Industrial Arbitration Act, 1912, as amended by subsequent Acts, and includes any person employed by or on behalf of the Crown in connection with any industrial undertaking or by or on behalf of any statutory body prescribed by the regulations, but does not include—

- (a) any other person employed directly by or on behalf of the Crown ; or
- (b) a person whose wages are regulated by an award or industrial agreement which the Industrial Registrar certifies to the Commissioner of Taxation is an award or agreement in which the rates of wages are fixed on a basic wage calculated according to the practice of the Commonwealth Court of Conciliation and Arbitration ; or
- (c) a person whose wages are regulated under an award or industrial agreement which the Industrial Registrar certifies to the Commissioner of Taxation is an award or agreement in which provision is made for the payment of a special allowance in respect of children.

(b) by omitting from the definition of "Employer" in the same section the words "the Government of the State or."

3. The Principal Act is further amended—

- (a) (i) by omitting paragraph (a) of subsection two of section fourteen and the word "where" immediately preceding such paragraph ;
- (ii) by omitting subsection three of the same section and by inserting in lieu thereof the following new subsection :—

(3) (a) Where the family income in the determined period did not exceed the amount

Further amendment of Act No. 39, 1927.

See. 14.

amount for the same period of the living wage for an adult male employee in force in such period and appropriate to the case, a certificate for endowment shall, subject to this Act, be issued for the amount of five shillings per week for each child except one in the family.

(b) Where the family income in the determined period exceeded the amount for the same period of the living wage for an adult male employee in force in such period and appropriate to the case, such excess shall be deducted from the amount of endowment which would, if there were no such excess, be granted in respect of a period immediately following the date of claim equal in duration to the determined period, and a certificate for endowment shall, subject to the provisions of this Act, be issued only for the amount, if any, which remains.

(c) For the purposes of this section the determined period shall be such continuous period of one or more quarters not exceeding four, ending on the date of, or in the case of a claimant whose spouse is a wage-earner, the last pay day preceding the date of the claim for endowment as shows the highest average family income; but the determined period shall be four quarters where the spouse of the claimant follows a prescribed occupation of a seasonal character.

- (iii) by inserting in paragraph (c) of subsection four of the same section after the words "five per centum" the words "per annum";
- (iv) by inserting at the end of subsection five of the same section the following words: "and a certificate of endowment may be issued and endowment paid to the institution notwithstanding that the child is the only child in the family";

Sec. 26.
(Statement of
income.)

(v) (a) by omitting from subsection six of the same section the words "subsection two" and by inserting in lieu thereof the words "subsection three";

(b) by omitting from the same subsection the words "for the time being" and by inserting in lieu thereof the words "for the determined period";

(b) (i) by inserting after subsection one of section twenty-six the following new subsection:—

(1A) Each claimant shall at the end of each thirteen weeks after the commencement of the Family Endowment (Amendment) Act, 1929, or the commencement of any endowment granted thereafter, send to the Commissioner a statement, in the prescribed form, of the family income for the prescribed period.

This subsection shall not apply where the spouse of a claimant follows a prescribed occupation of a seasonal character.

(ii) by inserting at the end of subsection two of the same section the words: "The Commissioner may, if any statement of family income is not sent to him in accordance with his request, or at the times prescribed by subsection (1A) of this section, withhold payment of the endowment";

(c) by omitting from subsection four of section thirty-nine the words: "Where such amount includes any wages paid to an employee working under an award made by an Act of Parliament of the Commonwealth of Australia, such amount shall be reduced by a sum equal to ten per centum of the wages so paid to such employee";

(d) by omitting from paragraph (f) of subsection one of section forty-four the words "certificate of."

Claims made
prior to
commencement of this
Act.

4. As from the commencement of this Act the endowment payable thereafter in respect of each claim granted before such commencement shall be reduced by the

the sum of five shillings per week save in the case of endowment payable in respect of a child under the age of fourteen years who is an inmate of a charitable institution.

Where a claim for endowment has been lodged before the commencement of this Act and is granted after such commencement, the amount of endowment payable thereunder in respect of any period prior to such commencement shall be calculated as if this Act had not been passed.

5. The Principal Act is further amended as follows:—

(a) (i) by inserting at the end of subsection one of section 40A the words: “In the event of the absence, incapacity, or suspension of the Commissioner any of his powers, duties, and functions may be exercised and performed during such absence, incapacity, or suspension by the Assistant Commissioner or by an Acting Commissioner, appointed in pursuance of the provisions of the Income Tax (Management) Act, 1928”;

(ii) by inserting after the same subsection the following new subsection:—

(1A) The Commissioner of Taxation may, by writing under his hand, delegate to the Assistant Commissioner of Taxation any powers, duties, and functions conferred or imposed upon him by this Act or the regulations for the time being in force thereunder (except this power of delegation).

Every delegation under this subsection shall be revocable at will, but any delegation shall not prevent the exercise of any power, duty, or function by the Commissioner;

(b) by omitting from subsection two of section forty-one the figures “1912” and inserting in lieu thereof the figures “1928.”