

FAMILY ENDOWMENT (AMENDMENT) ACT.

Act No. 11, 1930.

An Act to amend the Family Endowment Act, George V.
No. 11, 1930.
1927-1929, in certain respects. [Assented to,
17th April, 1930.]

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 Endow- Short title.
ment (Amendment) Act, 1930.”

(2) The Family Endowment Act, 1927-1929, is in this Act referred to as the Principal Act.

(3) The Principal Act, as amended by this Act, may be cited as the Family Endowment Act, 1927-1930.

2. (1) The Principal Act is amended—

Amendment
of Act No. 3,
1927.

(a) (i) by omitting from section three the defini- Sec. 3.
tion of “Employee” and by inserting in
lieu thereof the following definition :—

“Employee” means person employed whose wages are regulated by an award or industrial agreement made under the Industrial Arbitration Act, 1912, as amended by subsequent Acts, whether such employment is on salary or wages or piece-work rates or as a member of a butty gang, or whether such employment is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements

implements of production, or any vehicle used in the delivery of goods, or whether such employment is as insurance or time-payment canvassers or collectors paid wholly or in part by commission, or timber-getters whether paid by wages or at piece-work rates.

The term "employee" includes any such person who is employed by or on behalf of—

- (a) the Crown in right of the State of New South Wales in connection with any prescribed industrial undertaking; or
- (b) any prescribed statutory body.

The term "employee" does not include—

- (a) a member of a family in the employment of a parent;
- (b) any person employed in domestic service otherwise than in connection with his employer's trade or business;
- (c) any person whose employment is casual or intermittent and who is employed otherwise than for the purposes of his employer's trade or business;
- (d) any person employed by or on behalf of the Crown in right of the State of New South Wales otherwise than in connection with a prescribed industrial undertaking or with a prescribed statutory body;
- (e) 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

wage calculated according to the practice of the Commonwealth Court of Conciliation and Arbitration; or

- (f) 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.

- (ii) by omitting from the same section the definition of "employer" and by inserting in lieu thereof the following definition:—

"Employer" means person, firm, company, or corporation (including the Crown in right of the State of New South Wales) employing persons, whether on behalf of himself or itself or any other person.

Where an employer is resident out of the State the term shall be deemed to include a person to whom the management of the affairs of the employer relating to his employees within the State is for the time being committed.

- (iii) by inserting in the same section after the definition of "prescribed" the following new definitions:—

"Prescribed statutory body" means (subject to the regulations) the councils of all municipalities, the councils of all shires, all county councils, the Municipal Council of Sydney, the Railway Commissioners for New South Wales, the Sydney Harbour Trust Commissioners, the Metropolitan Water, Sewerage, and Drainage Board, the Hunter District Water Supply and Sewerage Board, the Metropolitan

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Metropolitan Meat Industry Board, the Newcastle District Abattoir Board, the Main Roads Board of New South Wales, and the Board of Fire Commissioners of New South Wales.

“Prescribed industrial undertaking” means (subject to the regulations) the Government Dockyard at Walsh Island, Newcastle, the Government Insurance Office of New South Wales, the State Metal Quarries, the Building Construction Branch of the Public Works Department, the State Monier Pipe and Reinforced Concrete Works, the State Brick Works, and the Government Tourist Bureau and Tourist Resorts.

Sec. 48 (1).

(b) by inserting next after subsection one of section forty-eight the following new subsections:—

(1A) The regulations may amend the definition of “prescribed statutory body” by omitting the name of any body therein appearing (whether by force of this Act or the regulations) or by inserting therein the name of any statutory body or authority not therein comprised whether representing the Crown in right of the State of New South Wales or otherwise.

(1B) The regulations may also amend the definition of “prescribed industrial undertaking” by omitting the name of any industrial undertaking therein appearing (whether by force of this Act or the regulations) or by inserting therein the name of any undertaking not therein comprised that is carried on by or on behalf of the Crown in right of the State of New South Wales.

Repeal of Act
No. 58, 1929,
s. 2.

(2) Section two of the Family Endowment (Further Amendment) Act, 1929, is repealed.

(3) This section shall be deemed to have commenced upon the twentieth day of December, one thousand nine hundred and twenty-nine.

3. (1) (a) Within fourteen days after the date upon which His Majesty's Assent to this Act is signified every employer within the meaning of the Family Endowment Act, 1927-28, shall furnish to the Commissioner of Taxation in the form sixteen prescribed by regulation made under the said Act and published in the Gazette on the twenty-first day of June, one thousand nine hundred and twenty-nine, a return of wages paid by him to his employees during the period which commenced on the first day of October, one thousand nine hundred and twenty-nine, and ended on the thirty-first day of December, one thousand nine hundred and twenty-nine, showing—

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- (i) the wages paid to his employees within the meaning of the Family Endowment Act, 1927-28, for the period which commenced on the first day of October, one thousand nine hundred and twenty-nine, and ended on the nineteenth day of December one thousand nine hundred and twenty-nine, both days inclusive; and
- (ii) the wages (if any) paid to his employees within the meaning of the Family Endowment Act, 1927-1929, as amended by this Act, for the period which commenced on the twentieth day of December, one thousand nine hundred and twenty-nine, and ended on the thirty-first day of December, one thousand nine hundred and twenty-nine, both days inclusive.

(b) Any return made by an employer in respect of the period which commenced on the first day of October, one thousand nine hundred and twenty-nine, and ended on the thirty-first day of December, one thousand nine hundred and twenty-nine, in pursuance of the notification by the Commissioner of Taxation calling for returns of wages paid during that period, may be accepted by the Commissioner as a compliance with this subsection, or if sufficient information does not appear therein he may require a further return within a time specified in the notice requiring such further return.

(2) (a) Within fourteen days after the date upon which His Majesty's Assent to this Act is signified every employer

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employer within the meaning of the Family Endowment Act, 1927-1929, as amended by this Act, shall furnish to the Commissioner of Taxation in the form sixteen prescribed by regulation made under the said Acts and published in the Gazette on the fourteenth day of March, one thousand nine hundred and thirty, a return of wages paid by him to his employees within the meaning of the Family Endowment Act, 1927-1929, as amended by this Act, during the period which commenced on the first day of January, one thousand nine hundred and thirty, and ended on the thirty-first day of March, one thousand nine hundred and thirty.

(b) Any return made by an employer in respect of the period which commenced on the first day of January, one thousand nine hundred and thirty, and ended on the thirty-first day of March, one thousand nine hundred and thirty, in pursuance of the notification by the Commissioner of Taxation calling for returns of wages paid during that period, may be accepted by the Commissioner as a compliance with this subsection, or if sufficient information does not appear therein he may require a further return within a time specified in the notice requiring such further return.

(3) Subject to the provisions of this section the regulations made under the Family Endowment Act, 1927-28, shall apply in all respects to returns made under this section.

(4) Any person failing to furnish a return under this section or failing to furnish such further return as may be required by the Commissioner shall be liable to a penalty not exceeding fifty pounds which penalty may be recovered as if it were a penalty imposed by the regulations made under the Principal Act.