

FAMILY ENDOWMENT (AMENDMENT) ACT.

Act No. 54, 1931.

An Act to amend the Family Endowment Act, 1927-1930, in certain respects. [Assented to, 7th October, 1931.] George V,
No. 54, 1931.

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 (Amendment) Act, 1931." Short title.

(2) The Family Endowment Act, 1927-1930, 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, 1927-1931.

(4) This Act shall be deemed to have commenced on the first day of July, one thousand nine hundred and thirty-one. Commence-
ment.

2. (1) The Principal Act is amended—

(a) (i) by omitting from section three the definition of "employee" and by inserting in lieu thereof the following definition:— Amendment
of Act No. 39,
1927, s. 3.
(Interpreta-
tion.)

"Employee" means person employed, whether on salary or wages or piece-work rates, or as member of a butty gang, and includes any such person who is employed by or on behalf of the Crown in right of the State of New South Wales, or by or on behalf of a statutory authority representing the

the Crown in such right, and the fact that a person is working under a contract for labour only, or substantially for labour only, or as lessee of any tools or other implements of production, or any vehicle used in the delivery of goods, shall not in itself prevent such person being held to be an employee.

“Employee” also includes insurance and time-payment canvassers or collectors paid wholly or in part by commission, and timber-getters, whether paid by wages or at piece-work rates.

The term “employee” does not include—

- (a) any person whose wages are paid by the Government of the Commonwealth of Australia;
 - (b) a member of a family in the employment of a parent;
 - (c) any person employed in domestic service otherwise than in connection with his employer's trade or business;
 - (d) any person whose employment is casual or intermittent and who is employed otherwise than for the purposes of his employer's trade or business.
- (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 and any statutory authority representing the Crown in such right) employing persons, whether on behalf of himself or itself or any other person.

Where

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 omitting from the same section the definitions of "prescribed statutory body" and "prescribed industrial undertaking";
- (b) by omitting subsections (1A) and (1B) of section forty-eight; Sec. 48.
(Regulations.)
- (c) by inserting in subsection 1A of section 40A after the words "Assistant Commissioner of Taxation" the words "or any other person"; Sec. 40A.
(Collection.)
- (d) (i) by omitting from subsection five of section forty-five the words "not exceeding six months from the time when the facts first came to the knowledge of the Commissioner of Taxation"; Sec. 45.
(Proceedings.)
- (ii) by omitting from the same subsection the words "taken by him" and by inserting in lieu thereof the words "taken by the Commissioner of Taxation."

(2) Notwithstanding any omission or repeal enacted by this Act the provisions omitted or repealed shall continue to apply to and in respect of any matter arising prior to the commencement of this Act, and returns of wages paid prior to such commencement may be demanded and assessments based thereon made in accordance with such omitted or repealed provisions.

Nothing in this subsection shall be taken to limit the effect of section eight of the Interpretation Act of 1897, in its application to any such omission or repeal.

(3) Any regulation made in pursuance to any provision omitted or repealed by this Act shall continue in force until repealed by regulation made under the Principal Act.