
FINANCIAL AGREEMENTS ENFORCEMENT
(No. 3).

No. 8 of 1932.

An Act to amend the *Financial Agreements
Enforcement Acts 1932.*

[Assented to 5th May, 1932.]

BE it enacted by the King's Most Excellent Majesty, the Senate, and the House of Representatives of the Commonwealth of Australia, as follows :—

Short title
and citation.

1.—(1.) This Act may be cited as the *Financial Agreements Enforcement Act (No. 3) 1932.*

(2.) The *Financial Agreements Enforcement Act 1932*,* as amended by the *Financial Agreements Enforcement Act (No. 2) 1932*,† is in this Act referred to as the Principal Act.

(3.) Sub-section (3.) of section one of the *Financial Agreements Enforcement Act (No. 2) 1932* is repealed.

(4.) The Principal Act, as amended by this Act, may be cited as the *Financial Agreements Enforcement Acts 1932.*

* Act No. 3, 1932.

† Act No. 7, 1932.

2. Section four of the Principal Act is amended—

Definitions.

- (a) by inserting in sub-section (1.), after the definition of "Loan Council", the following definition :—

“ ‘Member of a proclaimed public authority’ means a member of a public authority constituted under the laws of a State, which has, in pursuance of sub-section (2.) of this section, been declared to be a public authority, or one of the persons comprising that authority ; ” ;

- (b) by omitting from sub-section (1.) the definition of "Prescribed moneys" and inserting in its stead the following definition :—

“ ‘Prescribed moneys’ means moneys due by any person to a State, which, but for this Act, would have been payable to the State during the currency of any Proclamation and which, if so payable, would have formed part of the specified revenue of the State ; ” ;

- (c) by omitting from the definition of "Specified revenue" in sub-section (1.) the words "or class of revenue" and inserting in their stead the words " , class of revenue or portion of a class of revenue " ; and

- (d) by adding at the end thereof the following sub-section :—

“(3.) Where in a resolution passed by each House of the Parliament in pursuance of this Act portion of a class of revenue is specified or described, the application of the definition of "Specified revenue" shall extend to so much of that portion of a class of revenue as is fixed from time to time by Proclamation issued under section seven of this Act.”.

3. Section seven of the Principal Act is amended by adding at the end thereof the following sub-section :—

Payment of specified State revenue to Commonwealth.

“(3.) Where in a resolution passed in pursuance of this Act there is specified or described a portion of a class of revenue, it shall not be necessary that the whole of the portion so specified or described shall be included in a Proclamation, but part of that portion may be included in a Proclamation, and the part so included may be varied from time to time by successive Proclamations having effect as from the dates respectively fixed by those Proclamations.”.

4. Section nine of the Principal Act is amended by omitting from sub-section (1.) the words "and payable by any person to the State during the currency of any Proclamation, which, if received by or on behalf of the State" and inserting in their stead the words "by any person to the State, which, but for this Act, would have been payable to the State during the currency of any Proclamation, and”.

Commonwealth may sue for moneys due and payable to a State.

Payments
during currency
of Proclamation.

5. Section ten of the Principal Act is amended—

(a) by omitting from sub-section (1.) the words “owing by the person to the State, which, if received by or on behalf of the State” and inserting in their stead the words “due by the person to the State, which, but for this Act, would have been payable to the State, and”;

(b) by inserting in paragraph (a) of sub-section (2.), after the word “revenue”, the words “or portion of a class of specified revenue”;

(c) by adding at the end of sub-section (3.) the words “, and if, whether in pursuance of any directions given by the Treasurer under this sub-section or otherwise, the moneys come into the hands of any other officer or employee of the State, that officer or employee shall deal with the moneys in such manner as is specified by the Treasurer in writing or by notice published in the *Gazette*”; and

(d) by adding at the end thereof the following sub-section:—

“(4.) For the purposes of the last preceding sub-section, the persons for the time being holding office as members of a proclaimed public authority shall be deemed to be officers of the State, and the officers or employees of the public authority shall be deemed to be officers or employees, as the case may be, of the State.”.

Resolutions
specifying
further
classes of
revenue.

6. Section thirteen A of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the word “revenue” (second occurring), the words “or portion or portions of any other class or classes of revenue”;

(b) by inserting in sub-section (2.), after the word “revenue”, the words “, or the portion or portions of revenue.”.

Moneys held
by banks on
behalf of State.

7. Section fifteen of the Principal Act is amended by omitting from sub-section (5.) the words “refund those moneys, and any refund so made shall, as between the person making the deposit and the State, be deemed to have been made by the State” and inserting in their stead the words “, if he thinks fit, deal with the moneys in the prescribed manner, and the payment of such moneys as prescribed shall be a good discharge to the Commonwealth of all claims in respect of those moneys”.

8. After section twenty of the Principal Act the following section is inserted:—

Power to
require
information.

“20A. The Treasurer or an authorized person may at any time and from time to time by notice in writing served upon any person or published in the *Gazette* require that person, within such period and in such manner as is fixed by the notice, to answer questions and produce documents relevant to any matter arising under or incidental to the carrying out of this Act.”.

9. Section twenty-one of the Principal Act is amended—

Prosecution
of offences.

- (a) by inserting in paragraph (a) of sub-section (3.), after the word "both", the words "or, in the case of a Minister of a State, or a member of a proclaimed public authority, a fine not exceeding Five hundred pounds or imprisonment for a term not exceeding one year, or both; or, in the case of a corporation, a fine not exceeding One thousand pounds";
- (b) by inserting in paragraph (b) of sub-section (3.), after the word "both", the words "or, in the case of a Minister of a State, or a member of a proclaimed public authority, a fine not exceeding One thousand pounds or imprisonment for a term not exceeding three years, or both; or, in the case of a corporation, a fine not exceeding Two thousand pounds:"; and
- (c) by adding at the end of sub-section (3.) the following proviso:—

" Provided that, in the case of a continuing offence, the offender shall, in addition to a fine as provided by the foregoing provisions of this section, be liable, for each day during which the offence continues, to a fine of an amount not exceeding one half of such maximum amount, provided by paragraph (a) or (b) of this sub-section, as is applicable to the case."
