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FINANCIAL RELIEF (NO. 2).

No. 29 of 1936.

An Act to amend laws relating to Financial  
Emergency, and for other purposes.

[Assented to 21st September, 1936.]

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

PART I.—PRELIMINARY.

1.—(1.) This Act may be cited as the *Financial Relief Act (No. 2)*  
1936.

Short title  
and citation.

(2.) The *Financial Emergency Act 1931-1935\**, as amended by this Act, may be cited as the *Financial Emergency Act 1931-1936*.

2. This Act is divided into Parts, as follows :—

Parts.

- Part I.—Preliminary.
- Part II.—Invalid and Old-age Pensions.
- Part III.—Maternity Allowances.
- Part IV.—Salaries and Wages.
- Part V.—War Pensions and Service Pensions.
- Part VI.—Relief in respect of Primary Production.

PART II.—INVALID AND OLD-AGE PENSIONS.

3.—(1.) The *Invalid and Old-age Pensions Act 1908-1935†* is in this Part referred to as the Principal Act. Citation.

(2.) The Principal Act, as amended by this Part, may be cited as the *Invalid and Old-age Pensions Act 1908-1936*.

4.—(1.) Section twenty-four of the Principal Act is amended—

Limit of pension.

- (a) by omitting from sub-section (1.) the words “exceed the rate of Forty-five pounds ten shillings per annum in any event” and inserting in their stead the words “in any event exceed the maximum rate of pension for the time being determined by the Commissioner under sub-section (1A.) of this section”;
- (b) by omitting from sub-section (1.) the words “Seventy-eight pounds” and inserting in their stead the words “Seventy-nine pounds six shillings”;
- (c) by omitting from the first proviso to sub-section (1.) the words “(not exceeding Forty-five pounds ten shillings per annum)” and inserting in their stead the words “(not exceeding the maximum rate of pension for the time being determined by the Commissioner under sub-section (1A.) of this section)”;
- (d) by omitting from the first proviso to sub-section (1.) the words “Two hundred and twenty-one pounds” and inserting in their stead the words “Two hundred and twenty-two pounds six shillings”; and
- (e) by omitting the table contained in sub-section (1A.) and inserting in its stead the following table :—

“ Price Index Number.	Maximum Rate of Pension per Annum.
	£ s. d.
Under 1340 .. .. .	46 16 0
1340 to 1439 .. .. .	48 2 0
1440 to 1539 .. .. .	49 8 0
1540 to 1639 .. .. .	50 14 0
1640 and over .. .. .	52 0 0”.

\* Act No. 10, 1931, as amended by No. 47, 1931; No. 35, 1932; No. 6, 1933; No. 17, 1933; No. 16, 1934; and Nos. 35 and 36, 1935.

† Act No. 17, 1908, as amended by Nos. 3 and 21, 1909; No. 27, 1912; No. 32, 1916; No. 22, 1917; No. 22, 1919; No. 53, 1920; No. 15, 1923; No. 27, 1925; No. 44, 1926; No. 31, 1928; Nos. 10 and 46, 1931; Nos. 35 and 64, 1932; Nos. 17 and 56, 1933; and No. 1, 1935.

(2.) The Commissioner of Pensions shall, forthwith after the commencement of this Part, review the maximum rate of pension payable under the Principal Act as amended by this Part, and shall determine the maximum rate which shall apply from and including the payment of the first fortnightly instalment of pension payable after the commencement of this Part up to and including the payment of the last fortnightly instalment of pension during the financial year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven.

(3.) The provisions of sub-section (1B.) of section twenty-four of the Principal Act shall apply in respect of any increase or decrease in the maximum rate of pension effected in pursuance of the last preceding sub-section.

Pension on  
recommenda-  
tion by  
Magistrate.

5. Section thirty-one of the Principal Act is amended by inserting in sub-section (2.), after the words "Five shillings", the words "and sixpence".

Pension while  
penaloner in  
hospital, &c.

6. Section forty-five of the Principal Act is amended by inserting in the proviso thereto, after the words "Five shillings", the words "and sixpence".

Benevolent  
asylum  
inmates.

7. Section forty-seven of the Principal Act is amended by inserting after the words "Five shillings" the words "and sixpence".

### PART III.—MATERNITY ALLOWANCES.

Citation.

8.—(1.) The *Maternity Allowance Act 1912-1934\** is in this Part referred to as the Principal Act.

(2.) The Principal Act, as amended by this Part, may be cited as the *Maternity Allowance Act 1912-1936*.

Grant of  
maternity  
allowance.

9. Section four of the Principal Act is amended—

(a) by inserting in sub-section (1.), after the words "Four pounds", the words "ten shillings"; and

(b) by omitting sub-section (2.) and inserting in its stead the following sub-section :—

"(2.) Where a woman, to whom an allowance becomes payable under the last preceding sub-section in respect of a birth, is the mother of at least one child under the age of fourteen years living at the date of that birth, there shall be payable to that woman, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, an additional allowance of Ten shillings."

Who may be  
claimants.

10. Section six of the Principal Act is amended—

(a) by omitting from paragraph (a) of sub-section (3.) the words "Two hundred and eight" and inserting in their stead the words "Two hundred and twenty-one";

\* Act No. 8, 1912, as amended by No. 48, 1926; No. 34, 1927; Nos. 10 and 47, 1931; No. 35, 1932; and No. 16, 1934.

- (b) by omitting from paragraph (b) of sub-section (3.) the words "Two hundred and eight" and inserting in their stead the words "Two hundred and twenty-one"; and
- (c) by omitting from paragraph (b) of sub-section (3.) the words "Two hundred and ninety-nine" and inserting in their stead the words "Three hundred and twelve".

PART IV.—SALARIES AND WAGES.

11.—(1.) The *Financial Emergency Act 1931–1935* is in this Part referred to as the Principal Act. Citation

(2.) The *Ministers of State Act 1935\**, as amended by the *Financial Relief Act 1935†* and by this Part, may be cited as the *Ministers of State Act 1935–1936*.

12. Section six of the Principal Act is amended by omitting all the definitions contained therein except the definition of "parliamentary office". Definitions.

13. Section nine of the Principal Act is amended—

- (a) by omitting from paragraph (a) of sub-section (1.) the words "fifteen per centum of that amount" and inserting in their stead the words "five per centum of that amount; and";
- (b) by omitting from paragraph (b) of sub-section (1.) the words "but does not exceed Two thousand pounds—by seventeen and one-half per centum of that amount; and" and inserting in their stead the words"—by seven and one-half per centum of that amount:";
- (c) by omitting paragraph (c) of sub-section (1.);
- (d) by omitting from the proviso to sub-section (1.) the words "seventeen and one-half per centum" and inserting in their stead the words "seven and one-half per centum"; and
- (e) by omitting from sub-section (2.) the word and letter "or (c)".

Parliamentary salaries and allowances.

14. Sections ten, eleven, twelve, twelve A, thirteen, fourteen, fifteen, sixteen, seventeen and eighteen of the Principal Act are repealed. Repeal of certain sections of *Financial Emergency Act 1931–1935*.

15. Section four of the *Ministers of State Act 1935*, as amended by the *Financial Relief Act 1935*, is amended by omitting the words "Thirteen thousand nine hundred and eighty-four pounds" and inserting in their stead the words "Fifteen thousand six hundred and seventy-eight pounds fifteen shillings". Salaries of Ministers.

16. Where, in pursuance of the *Financial Emergency Act 1931*, or of that Act as subsequently amended, any salary, allowance or amount payable under any contract or agreement has been reduced, any payment made in accordance with that Act, or with that Act as subsequently amended, of any such salary, allowance or amount, shall be a complete discharge of all liability under the contract or agreement in respect of the payment as provided for therein. Payments under contracts.

\* Act No. 35, 1935.

† Act No. 36, 1935.

Commencement  
of variation of  
salaries, &c.

17.—(1.) The provisions of this Part (other than sections thirteen and fifteen of this Act) to the extent to which they vary, or authorize the variation of any periodical payment, shall have effect in respect of any periodical payment made after the commencement of this Part.

(2.) The provisions of sections thirteen and fifteen of this Act, to the extent to which they vary, or authorize the variation of, the payment of any salary or allowance, shall have effect as on and from the commencement of this Part.

(3.) For the purpose of this section, "periodical payment" means any payment by way of salary, wage, fee or allowance which is ordinarily made at regular weekly, fortnightly, semi-monthly or monthly intervals, but does not include any payment which is made after the commencement of this Part and which relates wholly to a period the last date of which was prior to such commencement.

#### PART V.—WAR PENSIONS AND SERVICE PENSIONS.

Citation.

18.—(1.) The *Australian Soldiers' Repatriation Act 1920-1935\** is in this Part referred to as the Principal Act.

(2.) The Principal Act, as amended by this Part, may be cited as the *Australian Soldiers' Repatriation Act 1920-1936*.

Pensions to  
children of  
incapacitated  
members.

19. Section forty-two of the *Financial Emergency Act 1931-1935* is amended by omitting from paragraph (a) of sub-section (3.) the word "twelve" and inserting in its stead the word "fifteen".

Grant of  
service  
pensions.

20. Section forty-five AD of the Principal Act is amended by omitting the word "thirty-six" and inserting in its stead the word "thirty-eight".

Service  
pension in  
respect of a  
member  
permanently  
unemployed  
or suffering  
from  
pulmonary  
tuberculosis.

21. Section forty-five AE of the Principal Act is amended—

(a) by omitting from sub-section (1.) the word "Thirty-six" and inserting in its stead the word "Thirty-eight"; and

(b) by omitting from sub-section (1.) the word "Thirty" (wherever occurring) and inserting in its stead the word "Thirty-two".

Limit of  
service  
pension and  
income.

22. Section forty-five AG of the Principal Act is amended by omitting from sub-section (1.) the words "Seventy-nine pounds six shillings" and inserting in their stead the words "Eighty-one pounds eighteen shillings".

Commencement  
of variations  
of pension.

23. The variations in the rates of pension effected by sections nineteen, twenty and twenty-one of this Act shall have effect from and including the payment of the first fortnightly instalment of pension payable after the commencement of this Part.

\* Act No. 6, 1920, as amended by No. 31, 1921; No. 23, 1922; No. 14, 1929; No. 74, 1930; No. 10, 1931; No. 47, 1931; No. 32, 1934; and No. 58, 1935.

## PART VI.—RELIEF IN RESPECT OF PRIMARY PRODUCTION.

24. In this Part, unless the contrary intention appears—

Definitions.

“artificial manure” means any substance—

- (a) which contains nitrogen, phosphoric acid or potash ;
- (b) which has been manufactured, produced or prepared in any manner for the purpose of fertilizing the soil or supplying nutriment to plants ; and
- (c) in respect of which, if used in a State, the laws of that State in relation to the preparation and sale of that substance as a fertilizer have been complied with,

but does not include—

- (d) any animal or vegetable matter which has not been subjected to process or manufacture ;
- (e) agricultural lime or other soil amendment ; or
- (f) any product prepared primarily for supplying lime to the soil ;

“Territory” means a Territory of the Commonwealth situated within the Commonwealth.

25. Subject to this Part there shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, such sums as are necessary for the purposes of financial assistance to the States in the provision of relief to primary producers in respect of the production of primary produce other than wheat.

Appropriation for relief to primary producers.

26. The amount which may be paid under the last preceding section to any State shall be such as represents payments made by the State to primary producers in respect of the production of primary produce other than wheat, in that State, at the rate of ten shillings for each ton of artificial manure used in that State, in respect of that production, by primary producers during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven :

Amount payable to each State.

Provided that, in calculating the amount which may be paid to a State under this section in respect of artificial manure used by any primary producer during that year, fractions of a ton less than one-half of a ton shall be excluded and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton.

27. No payment made by a State to a primary producer shall be taken into account in calculating the amount which may be paid to that State under this Part unless—

Conditions of payment.

- (a) the primary producer has obtained, upon application lodged by him with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date, a certificate in writing from the Secretary of that Department stating that the primary producer has furnished satisfactory evidence that he has used in that State,

during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven, in the production of primary produce other than wheat, the quantity of artificial manure stated in the certificate ;

- (b) the amount of the payment is calculated at the rate of ten shillings for each ton of artificial manure stated in the certificate ; and
- (c) in the case of artificial manure obtained by the primary producer from a State, the artificial manure was obtained by way of purchase.

Payments to  
primary  
producers in  
Territories.

28. There shall be payable, out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each primary producer in respect of the production of primary produce other than wheat, in any Territory, an amount representing ten shillings for each ton of artificial manure used by that primary producer in that Territory during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven :

Provided that—

- (a) in calculating the amount which may be paid to a primary producer under this section in respect of artificial manure used by him during that year, fractions of a ton less than one-half of a ton shall be excluded and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ; and
- (b) no amount shall be paid under this section to a primary producer unless an application therefor has been lodged by him with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date.

Payments to  
States.

29. There shall be payable out of the Consolidated Revenue Fund, which is hereby appropriated accordingly, to each State, by way of financial assistance, an amount representing ten shillings for each ton of artificial manure used by that State, or supplied by that State (otherwise than by way of sale) for use, in respect of the production of primary produce other than wheat during the year ending on the thirtieth day of June, One thousand nine hundred and thirty-seven :

Provided that—

- (a) in calculating the amount that may be paid to a State under this section in respect of artificial manure used by that State during that year, fractions of a ton less than one-half shall be excluded, and fractions of a ton greater than one-half of a ton shall be excluded to the extent by which they exceed one-half of a ton ;
- (b) no amount shall be paid under this section to a State unless an application therefor has been lodged by that State with the Secretary of the Department of Commerce of the Commonwealth on or before the prescribed date.

30. A person shall not—

Offences.

- (a) obtain any payment under this Part by means of any false or misleading statement ; or
- (b) present, to any officer or other person doing duty in relation to this Part or the regulations made under this Part, any document, or make to any such officer or person any statement, which is false in any particular.

Penalty : Five hundred pounds, or imprisonment for two years.

31.—(1.) The Minister, or any person thereto authorized in writing by him, may, by notice in writing, call upon any person to furnish to him, within such time as is specified in the notice, such books, documents and information as the Minister or that authorized person thinks necessary for the purposes of, or in relation to compliance with, this Part or the regulations made under this Part, or any suspected contravention thereof.

Minister may require information.

(2.) Any person who, without reasonable excuse (proof whereof shall lie upon him), fails, after receipt of a notice under the last preceding sub-section, to comply with the requirements of the notice, shall be guilty of an offence.

Penalty : One hundred pounds, or imprisonment for six months.

32. Where any amount paid to a State in purported pursuance of—

Validation.

- (a) section thirty of the *Financial Relief Act* 1932–1935 ;
- (b) section nineteen of the *Financial Relief Act* 1934–1936 ; or
- (c) section three of the *Primary Producers Relief Act* 1935–1936,

comprises or includes a sum representing fifteen shillings for each ton of artificial manure used by that State, or supplied by that State (otherwise than by way of sale) for use, in respect of the production of primary produce other than wheat during the year ended on—

- (d) the thirtieth day of November, One thousand nine hundred and thirty-three ;
- (e) the thirtieth day of June, One thousand nine hundred and thirty-five ; or
- (f) the thirtieth day of June, One thousand nine hundred and thirty-six,

respectively, that sum shall be deemed to have been lawfully paid.

33. The Governor-General may make regulations, not inconsistent with this Part, prescribing all matters which by this Part are required or permitted to be prescribed, or which are necessary or convenient to be prescribed, for carrying out or giving effect to this Part, and in particular for prescribing penalties not exceeding Fifty pounds or imprisonment for a period not exceeding three months for any breach of the regulations.

Regulations.