

# New South Wales.



ANNO VICESIMO SECUNDO

## GEORGII V REGIS.

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### Act No. 54, 1931.

An Act to amend the Family Endowment Act, 1927-1930, in certain respects. [Assented to, 7th October, 1931.]

**B**E 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. Commencement.



*Family Endowment (Amendment).*

Amendment  
of Act No. 39,  
1927, s. 3.  
(Interpreta-  
tion.)

**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 :—

“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 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  
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*Family Endowment (Amendment).*

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 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."



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*Family Endowment (Amendment).*

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Saving.

(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.

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By Authority:

ALFRED JAMES KENT, I.S.O., Government Printer, Sydney, 1931.

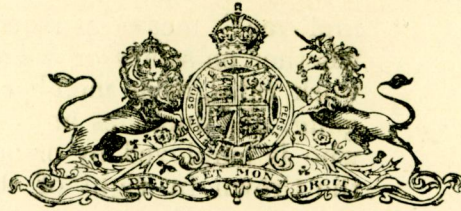
[3d.]



I certify that this PUBLIC BILL, which originated in the LEGISLATIVE ASSEMBLY, has finally passed the LEGISLATIVE COUNCIL and the LEGISLATIVE ASSEMBLY of NEW SOUTH WALES.

W. R. McCOURT,  
Clerk of the Legislative Assembly.  
Legislative Assembly Chamber,  
Sydney, 2 October, 1931.

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An Act to amend the Family Endowment Act, 1927-1930, in certain respects. [Assented to, 7th October, 1931.]

**B**E 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 Short title. Endowment (Amendment) Act, 1931."

(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 Commence- on the first day of July, one thousand nine hundred ment. and thirty-one.

**2.**

*I have examined this Bill, and find it to correspond in all respects with the Bill as finally passed by both Houses.*

H. J. CONNELL,  
Chairman of Committees of the Legislative Assembly.



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*Family Endowment (Amendment).*

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A amendment  
of Act No. 39,  
1927, s. 3.  
(Interpreta-  
tion.)

**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:—

"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 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  
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*Family Endowment (Amendment).*

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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 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."



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*Family Endowment (Amendment).*

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Saving.

(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.

*In the name and on behalf of His Majesty I assent to this Act.*

Government House,  
Sydney, 7th October, 1931.

PHILIP GAME,  
Governor.



FAMILY ENDOWMENT (AMENDMENT) BILL, 1931.

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*SCHEDULE of Amendments referred to in Message of 2nd October, 1931, a.m.*

Pages 2 and 3, clause 2. *Omit* paragraph (a) (i).

Page 3, clause 2, lines 30 to 34. *Omit* paragraph (d) (i).

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JAMES TAYLOR MARY (BARKLEY) TAYLOR

of the County of ... State of ...

do hereby certify that ...

is the true and correct copy of the ...



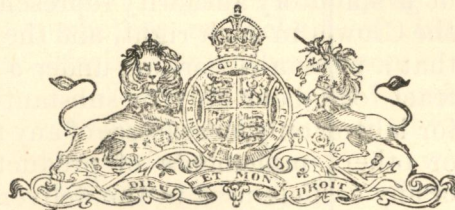
*This PUBLIC BILL originated in the LEGISLATIVE ASSEMBLY, and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

W. R. McCOURT,  
*Clerk of the Legislative Assembly.*  
*Legislative Assembly Chamber,*  
*Sydney, 29 September, 1931.*

*The LEGISLATIVE COUNCIL has this day agreed to this Bill with Amendments.*

W. L. S. COOPER,  
*Clerk of the Parliaments.*  
*Legislative Council Chamber,*  
*Sydney, 2nd October, 1931, A.M.*

## New South Wales.



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*Family Endowment (Amendment).*

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

5 "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 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.

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25 "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—

- 30 (a) any person whose wages are paid by the Government of the Commonwealth of Australia;
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- 35 (c) any person employed in domestic service otherwise than in connection with his employer's trade or business;
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*Family Endowment (Amendment).*

who is employed otherwise than for the purposes of his employer's trade or business.

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15 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.

- 20 (iii) by omitting from the same section the definitions of "prescribed statutory body" and "prescribed industrial undertaking";
- 25 (b) by omitting subsections (1A) and (1B) of section forty-eight; Sec. 48. (Regulations.)
- (c) by inserting in subsection 1A of section 40A Sec. 40A. (Collection.) after the words "Assistant Commissioner of Taxation" the words "or any other person";
- 30 (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.)
- 35 (d) (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 Saving. enacted by this Act the provisions omitted or repealed shall continue to apply to and in respect of any matter arising



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*Family Endowment (Amendment).*

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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.

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- 25 (b) by omitting subsections (1A) and (1B) of section <sup>Sec. 48.</sup> forty-eight; <sub>(Regulations.)</sub>
- (c) by inserting in subsection 1A of section <sup>Sec. 40A.</sup> 40A after the words "Assistant Commissioner of <sub>(Collection.)</sub> Taxation" the words "or any other person";
- 30 (d) (i) by omitting from subsection five of section <sup>Sec. 45.</sup> forty-five the words "not exceeding six <sub>(Proceedings.)</sub> months from the time when the facts first came to the knowledge of the Commissioner of Taxation";
- 35 (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 <sup>Saving.</sup> enacted by this Act the provisions omitted or repealed shall continue to apply to and in respect of any matter arising



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