

FINANCIAL EMERGENCY.

22° GEO. V., No. XX.

No. 20 of 1931.

AN ACT to make necessary provision for carrying out a Plan agreed on by the Commonwealth and the States for meeting the grave Financial Emergency existing in Australia, re-establishing Financial Stability, and restoring Industrial and General Prosperity.

[Assented to 18th August, 1931.]

Preamble.

WHEREAS at a conference between Ministers of the Commonwealth and Ministers of the States convened in Melbourne on the twenty-fifth day of May, one thousand nine hundred and thirty-one, to devise measures for meeting the grave financial emergency existing in Australia and thereby averting disastrous consequences, a Plan was agreed upon for re-establishing the financial stability of the Commonwealth and States and restoring industrial and general prosperity by means involving a common sacrifice, including amongst other things certain reductions in the expenditure of the Commonwealth and State Governments and the conversion of the internal public debts of the Commonwealth and States on the basis of a reduction of the interest payable: And whereas, for carrying out a part of the Plan, certain legislation by the State of Western Australia is necessary: Be it therefore enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

Short title.

1. This Act may be cited as the *Financial Emergency Act, 1931.*

2. This Act shall come into operation on a day to be fixed by proclamation, but when proclaimed shall, except as otherwise hereinafter expressly provided, have effect as from and including the tenth day of July, one thousand nine hundred and thirty-one.* Commencement and operation.

3. The Salaries Tax Act, 1930, and the Parliamentary Allowances Amendment Act, 1930, are hereby repealed as from the tenth day of July, one thousand nine hundred and thirty-one. Acts repealed.

4. This Act is divided into Parts as follows:— Parts.

PART I.—SECTION 5.—PRELIMINARY.

PART II.—SECTIONS 6–7.—SALARIES.

PART III.—SECTION 8.—SUPERANNUATION AND RETIRING ALLOWANCES.

PART IV.—SECTION 9.—GRANTS.

PART V.—SECTIONS 10–17.—VARIATION OF CONTRACTS OF SERVICE.

Division 1.—Employers receiving grants.

Division 2.—Employers bound by awards, etc.

Division 3.—Other employers.

PART VI.—SECTIONS 18–22.—REDUCTION OF MORTGAGORS' INTEREST.

PART VII.—SECTIONS 23–26.—MISCELLANEOUS.

THE SCHEDULE.—RATES OF REDUCTION.

PART I.—SCALE.

PART II.—FORMULA FOR ASCERTAINING RATE.

PART I.—PRELIMINARY.

5. In this Act, subject to the context— Interpretation.

“Grant,” except as hereinafter mentioned, means any payment, subsidy, contribution or grant of money which is either directly or indirectly provided for by any Act of Parliament and is payable to any State instrumentality, institution, association, fund, body corporate or incorporate, or person out of public moneys of the State, and whether fixed by any annual or special or permanent appropriation of such moneys.

The term does not include any payment made to a local authority under paragraph (c) of subsection (2) of section thirteen of the Traffic Act, 1919-1931.

*Proclaimed to come into operation on the 19th August, 1931: See *Gazette* of that date.

“Magistrate” means a police or resident magistrate or a magistrate of the Local Court.

“Mortgage,” except as hereinafter mentioned, means any deed, memorandum, instrument, agreement or transaction whereby security for payment of money is granted over any real or personal property or any interest therein, and includes—

- (a) an equitable mortgage by deposit of title deeds;
- (b) any document whereby the duration of a mortgage is extended; and
- (c) an agreement for the sale and purchase of real or personal property, which has not been completed by conveyance or transfer, and under which the purchase money is payable by instalments.

The term shall not include or apply to—

- (a) any mortgage given to or by the Crown, or to or by any State instrumentality; or
- (b) any mortgage given to a bank to secure a bank overdraft, unless the Governor by proclamation made on or after the first day of October, one thousand nine hundred and thirty-one, declares that any such mortgage shall be subject to the provisions of this Act.

“Mortgagor” means the person who is liable under the provisions of a mortgage or entitled to redeem it, or is a purchaser under an agreement for sale and purchase, which is a mortgage within the meaning of this Act.

“Mortgagee” means the person entitled to the benefit of the security of a mortgage, or is a vendor under an agreement for sale and purchase, which is a mortgage within the meaning of this Act.

“Officer,” except as hereinafter mentioned, means every person whomsoever employed by or performing personal service for the State or employed by or performing personal service for any State instrumentality, whether as a member, servant or agent thereof, and any other person including a member of the Legislative Council, and a member of the Legislative Assembly, who is in receipt of salary as defined by this Act.

Wherever the term “officer” is used in Part II. of this Act such term shall not include or apply to any person holding any office mentioned in Schedule IV. to the Constitution Acts Amendment Act, 1899, but otherwise the term shall include such persons.

“Retiring allowance” means any payment other than a superannuation allowance authorised by any Act, regulation, or by-law, and payable to any person out of the public moneys of the State in respect of personal service rendered upon such person retiring from his employment or ceasing to perform such personal service. The term shall not apply to a retiring allowance which had been granted and not paid in full before the commencement of this Act.

“Salary,” except as hereinafter mentioned, means and includes the salary, wages, allowances, fees, commission, and every emolument, whether in one sum or several sums, provided for or fixed by any annual or special or permanent appropriation of the Consolidated Revenue Fund, or the Loan Fund Account, or any trust or special fund made by or under the authority of any Act of Parliament or provided for and paid out of the revenue of any State instrumentality as payment, remuneration, or allowance for personal service rendered, or in relation thereto, and whether such payment, remuneration, or allowance or the amount or rate thereof is prescribed by or specified in any Act as aforesaid or in any regulation or by-law or in any classification, determination, or industrial award or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912-1925, or is fixed indirectly in relation to any such industrial award or industrial agreement, or otherwise howsoever, and whether the person receiving such payment, remuneration, or allowance is employed or performs personal service in one office or position or in several offices or positions.

The term does not include—

- (a) district allowance or travelling allowance and transfer allowance, or any allowance which the Governor may in that behalf determine; or
- (b) superannuation or retiring allowance; or
- (c) any salary prescribed in Schedule IV. to the Constitution Acts Amendment Act, 1899.

“State instrumentality,” except as hereinafter mentioned, means and includes any department, public institution, trust, board, commission, association, body corporate or incorporate, or person created, established or appointed under the authority of any

Act of Parliament, and any State trading concern and any State hotel.

The term does not include any governing body constituted under any law relating to local government, or any body or person aforesaid created, established, or appointed for its or his own private benefit, and which is not subject to the control of a Minister of the Crown in the administration of its or his business.

“Superannuation allowance” means and includes any pension, superannuation allowance or payment as and by way of pension or compensation for previous service payable under the provisions of the Superannuation Act, 1871, or of any other Act or regulation out of public moneys of the State.

PART II.—SALARIES.

Computation of salary.

6. In computing the amount of salary for the purposes of this Act, the value of board and lodging, or of board, or of lodging, or of rent of premises provided free of charge to an officer, or of any other similar privilege, shall be included in the salary of an officer having the benefit thereof. Such value shall be assessed in accordance with the provisions of any relative industrial award or industrial agreement for the time being in force, but otherwise shall be assessed by the Public Service Commissioner or any other person authorised in writing in that behalf by the Treasurer: Provided that, for the purpose of this section, the value of any such privilege as aforesaid shall be assessed at a sum twenty per cent. below the value thereof if assessed and computed as on the thirtieth day of June, one thousand nine hundred and thirty.

Salaries to be reduced.

7. (1.) Notwithstanding anything contained in any Act, regulation, or by-law, or in any State industrial award or State industrial agreement, or in any other award, determination, or agreement to the contrary, but subject as in this section and in this Act hereinafter provided, the rate of salary payable to every officer shall be reduced to a rate which will be either eighteen per cent., twenty per cent., or twenty-two and one-half per cent., as the case may be, in accordance with the scale set forth in Part I. of the Schedule to this Act below the rate of salary prescribed or fixed for the position or for the work as on the thirtieth day of June, one thousand nine hundred and thirty. The rate of reduction to be applied

shall, when necessary, be ascertained in accordance with the provisions of Part II. of the said schedule.

Provided that for the purposes of this section—

(i) (a) If the rate of salary of an officer shall have been reduced at any time during the period between the thirtieth day of June, one thousand nine hundred and thirty, and the date of the commencement of this Act by reason of his transfer to an inferior or lower salaried position, or by reason of the fact that the particular position held by him has been reclassified at a lower salary owing to decreased duties or responsibilities, the rate of salary which is payable at the commencement of this Act shall be the rate of salary to be reduced in pursuance of this section.

(b) If the rate of salary of an officer holding an office or position prior to the thirtieth day of June, one thousand nine hundred and thirty, and continuing to hold such office or position at the commencement of this Act, is reduced by reason of any cause other than those mentioned in paragraph (a) above at any time during the period between the said first mentioned date and the commencement of this Act, the present rate of salary of such officer shall be deemed to be increased by the amount of such reduction, but such amount shall be included as part of the reduction to be made in pursuance of this section.

(c) Where the rate of salary has for any reason been increased since the thirtieth day of June, one thousand nine hundred and thirty, the increased rate of salary shall be the rate of salary to be reduced in pursuance of this section.

(d) When an officer is holding a position which he did not hold on the thirtieth day of June, one thousand nine hundred and thirty, the rate of salary actually received by him at the commencement of this Act, plus any reduction such as is mentioned in paragraph (b) above, shall be the rate of salary to be reduced in pursuance of this section.

(ii) The salary of an officer whose salary exceeds two hundred and fifty pounds per annum shall not be reduced below two hundred and five pounds per

- annum; and the salary of an officer whose salary exceeds one thousand pounds per annum shall not be reduced below eight hundred pounds per annum.
- (iii) The rate of salary of an adult male officer shall not be reduced under this Act below a rate of one hundred and eighty-five pounds per annum, and the rate of salary of an adult female officer shall not be reduced below a rate of £100 per annum.
- (iv) Where the salary consists of fees or commission, the amount of the fee or the rate of the commission shall be reduced by twenty per centum.
- (v) Where the salary of an officer is payable at piece work rates under the provisions of any award or industrial agreement made under the Industrial Arbitration Act, 1912-1925, or under the provisions of any other award, determination or agreement in force at the commencement or during the continuance of this Act, such piece work rates shall be reduced by twenty per centum.
- (vi) No variation in the basic wage shall affect the rate of salary of an officer unless such variation reduces the basic wage by an amount exceeding twenty per centum of the amount of the basic wage declared as at the thirtieth day of June, one thousand nine hundred and thirty.
- (vii) Where in the case of classified officers engaged under the Commissioner of Main Roads grade increments have been withheld or reduction made in salary between the thirtieth day of June, one thousand nine hundred and thirty, and the thirtieth day of June, one thousand nine hundred and thirty-one, solely on account of financial emergency, the present salary shall be deemed to be increased by the amount of such withheld increment or of such reduction for the purpose of computing the salary to be reduced under this Act.
- (viii) The Governor may by notice in the *Government Gazette* exempt any officer from the provisions of this section or vary the rate of reduction prescribed in respect of the salary of any officer where it is shown to his satisfaction that there are special circumstances which warrant such exemption or variation.

(2.) Subject to subsection three of this section, the amount of the reduction shall be distributed as far as may be equally over the periodical payments of salary by which salary is paid to the officer during the year in respect whereof the salary is payable.

(3.) In so far as any periodical payment of salary may have been made to an officer between the tenth day of July, one thousand nine hundred and thirty-one, and the date of the commencement of this Act, the amount by which each of such periodical payments would have been reduced if this Act had been in operation on the first mentioned date shall be a debt owing by such officer to the Crown, and the Treasurer may deduct the amount of such debt either in one sum or several sums as he may determine from the periodical payments of salary payable to such officer after the date of the commencement of this Act; provided that in computing the amount of such debt credit shall be given to the officer for the amount of any salary tax paid by him during the period aforesaid under the provisions of the Salaries Tax Act, 1930, or of any deduction made during the period aforesaid under the provisions of the Parliamentary Allowances Amendment Act, 1930.

PART III.—SUPERANNUATION AND RETIRING ALLOWANCES.

8. (1.) Notwithstanding anything contained in any Act or regulation to the contrary, but subject as in this section and in this Part of this Act hereinafter provided, the amount of every superannuation allowance and every retiring allowance payable, or to become payable, to any person whomsoever under the provisions of any other Act or regulation or by-law, shall be subject to reduction at the rates respectively prescribed in Part I. of the schedule to this Act. For the purposes of ascertaining the rate of such reduction, the superannuation allowance or retiring allowance shall be deemed to be the annual salary:

Superannuation and retiring allowances to be reduced.

Provided that, where any officer retires or otherwise leaves the service during the operation of this Act, and is entitled on such retirement or leaving to a superannuation or retiring allowance, such allowance shall be calculated in accordance with the Act or regulation under which it is granted, save and except that such allowance shall not be calculated in any event at an amount lower than the amount of

such allowance if it had been calculated as on the thirtieth day of June, one thousand nine hundred and thirty-one.

(2.) Subject to subsection three of this section, the amount of the reduction shall be distributed as far as may be equally over the periodical payments by which the superannuation allowance or the retiring allowance is payable during the year in respect whereof the same is payable.

(3.) In so far as any periodical payment of superannuation allowance or retiring allowance may have been made to the person entitled thereto between the tenth day of July, one thousand nine hundred and thirty-one, and the date of the commencement of this Act, the amount by which each of such periodical payments would have been reduced if this Act had been in operation on the said first mentioned date shall be a debt due by such person to the Crown; and the Treasurer may deduct the amount of such debt either in one sum or several sums, as he may determine, from any payments of superannuation allowance or retiring allowance payable to such person after the date of the commencement of this Act.

PART IV.—GRANTS.

Grants may be reduced.

9. (1.) Notwithstanding anything to the contrary contained in any other Act or regulation, it shall be lawful for the Treasurer to reduce the amount of any annual or other grant at a rate not exceeding twenty per centum of the amount which would otherwise be payable, notwithstanding that such amount may have already been appropriated for the purpose of such grant or may have already been credited to the body or person entitled to such grant.

(2.) Subject to subsection three of this section, in the case of any grant which is payable by periodical instalments, the amount of the reduction shall be distributed equally over such periodical instalments.

(3.) In so far as any grant or periodical instalment of a grant may have been paid to the body or person entitled thereto between the tenth day of July, one thousand nine hundred and thirty-one, and the date of the commencement of this Act, the amount by which the grant or each periodical instalment of a grant would have been reduced if this Act had been in operation on the said first mentioned date shall be a debt due by the body or person aforesaid to the Crown, and may be recovered by the Treasurer as follows:—

(a) Where the body or person is a State instrumentality, by deducting the amount of the debt, either in one

sum or several sums as he may determine, from periodical payments of the grant, or from any other moneys in the hands of the Treasurer appropriated for the benefit of or credited or payable to such State instrumentality, or partly from periodical instalments of the grant and partly from the other moneys aforesaid, as he shall think fit.

- (b) Where the body or person is not a State instrumentality, by deducting the debt from any periodical instalments of the grant payable to such body or person, or by an action against such body or person in any court of competent jurisdiction.

PART V.—VARIATION OF CONTRACTS OF SERVICE.

Division 1.

10. This Part of this Act shall have effect only as from and including the day fixed by proclamation under section two of this Act.

Operation of this Part.

11. This Division shall apply only to the particular contracts of service hereinafter mentioned which were existing at the commencement of this Act.

Application of this Division.

12. (1.) In any case where an annual or other periodical grant payable to any body or person is reduced by the Treasurer under the authority of this Act, and there is any contract of service subsisting between such body or person and any employee of such body or person, it shall be lawful for the employer by notice in writing to reduce each periodical payment of salary, wages, or other remuneration payable to such employee under his contract of service by such amount as the employer may determine, but in any event not exceeding an amount which bears to the full amount of such periodical payment the same proportion as the amount of the reduction of the grant made by the Treasurer as aforesaid bears to the full amount of such grant.

Contracts of service may be varied by the employer in certain cases.

(2.) This section shall apply notwithstanding anything to the contrary contained in the contract of service or in any other Act, regulation or by-law, or in any industrial award

or industrial agreement made under the provisions of the Industrial Arbitration Act, 1912-1925, or in any other award, agreement, classification, or determination other than an award or agreement or determination under the law of the Commonwealth:

Provided that no employee shall have his remuneration reduced hereunder below the amount to which it would be reducible if he were an officer in the public service; and provided further, that except with the previous sanction of the Court of Arbitration no reduction in the remuneration of any employee shall be made hereunder which is at variance with any industrial award or agreement applicable to such employee, but it shall be lawful for the employer to make application for such sanction to the said court at any time.

Effect of variation
by employer.

13. (1.) When an employer exercises the power conferred by section twelve of this Act, the contract of service shall be varied accordingly.

(2.) Such variation shall continue during such time as the employer may determine, but shall not in any event continue for any longer period than that during which the grant payable to the employer continues to be reduced by the Treasurer.

(3.) During the continuance of such variation it shall not be lawful for the employee as against the employer to demand, sue for or enforce any payment of salary, wages, or remuneration greater than that fixed by such variation.

Division 2.

Awards and
agreements may
be varied.

14. (1.) Any employer, other than a body or person referred to in section twelve of this Act, who is subject to the provisions of the Industrial Arbitration Act, 1912-1925, and any amendments thereof, or who is bound by any award or industrial agreement made under the provisions of the said Act or any amendment thereof, and who is employing employees at a salary, wage, or remuneration which is fixed either directly or indirectly by any such award or industrial agreement may, notwithstanding any provision of the said Act or any amendment thereof, or of any award or industrial agreement made thereunder to the contrary, at any time within twelve months after the commencement of this Act, and either by himself or through any industrial union or industrial association of employers of which he is a member, by notice in the prescribed form apply to the Arbitration Court

for a variation of the award or industrial agreement by which he is bound as aforesaid as regards the terms and conditions relating to rates of salary, wages, or remuneration prescribed or fixed thereby. For the purpose of this section "industrial agreement" includes an agreement made with any body of workers, and "industrial union" includes any such body of workers:

Provided it shall not be competent for the court to deal with more than one application affecting the same employees during the currency of this Act unless after granted special leave, and in no case shall more than one order for reduction be made.

(2.) A copy of such notice shall be served by the applicant upon the industrial union concerned in such application as prescribed.

(3.) Upon receipt of the notice the court shall appoint a day for hearing the application not less than fourteen days after the receipt of the notice, but otherwise as soon thereafter as possible, having regard only to other specially urgent matters then pending in the Arbitration Court, and shall cause not less than seven days' notice thereof to be given in the prescribed form to the applicant and the respondent.

(4.) On the hearing of the application the parties concerned may appear either personally or by their agents in accordance with the provisions of the Arbitration Act.

(5.) If, on the hearing of the application the court is satisfied that the national emergency with which the State is faced justifies it in making an order for a reduction of rates of salary, wages, or remuneration prescribed in the award or industrial agreement in relation to which the application is made so as to bring them into accord with the reductions made under Part II. of the Act, the court may, notwithstanding the provisions of the Industrial Arbitration Act, 1912-1925, or any amendment thereof, or of any other Act or of any award or industrial agreement made thereunder, or of any declared basic wage to the contrary, make an order that the award or industrial agreement in respect whereof the application is made shall forthwith be varied so that the rates of salary, wages, or remuneration therein prescribed shall be reduced in accordance with the provisions of Part II. of this Act and the rates prescribed in the schedule hereto.

(6.) Where on any application for a variation of an award or industrial agreement as aforesaid the court is of

the opinion that the same principles which have already been applied by it to a previous application under this section may properly be applied to such application, the court may make its order without hearing further evidence or argument.

(7.) No order shall be made for payment of costs.

(8.) Every order made by the court under this Act shall be final and conclusive.

Effect of order.

15. (1.) An order made by the Arbitration Court under the authority of section fourteen of this Act shall have effect according to its tenor.

(2.) When the court has made an order as aforesaid, the award or industrial agreement in relation to which the order is made shall forthwith be varied accordingly, and notwithstanding the provisions of any other Act or regulation, or of the said award or industrial agreement, it shall not be lawful for any employee to whom the said order relates to demand, sue for, or enforce as against the employer in whose favour the order is made payment of salary, wages, or remuneration at a rate in excess of that payable under the award or industrial agreement as varied by the said order whilst the same remains in force.

(3.) Any order made by the Court as aforesaid, and any variation of an award or industrial agreement made thereby shall have effect only during the continuance of this Act: Provided that, by special leave of the court, an industrial union may apply at any time for the cancellation or variation of any such order.

Division 3.

Contracts of service may be varied by a Commissioner.

16. (1.) Any employer other than a body or person referred to in section twelve, or an employer referred to in section fourteen of this Act, who is employing any person or class of persons under a contract of service, or in pursuance of any agreement to which the employer is a party, may at any time within twelve months after the commencement of this Act, by notice in the prescribed form, apply to a Commissioner appointed for the purposes of Part VI. of this Act for an order that the salary, wages, or remuneration payable to the employee or class of employees of such employer may be reduced in accordance with the provisions of Part II. of this Act relating to officers, and in accordance with the rates of reduction prescribed in the schedule to this Act.

(2.) A copy of such notice shall be served as prescribed upon the employee or the other party to the agreement here-

inbefore mentioned, on behalf of the class of employees concerned in the application.

(3.) Upon receipt of the notice the Commissioner shall appoint a day for hearing the application not less than fourteen days after the receipt of the notice, but otherwise as soon thereafter as possible, and shall cause not less than seven days' notice thereof to be given as prescribed to the applicant and the respondent.

(4.) On the hearing of the application the parties concerned may appear either personally or by their agents or solicitors.

(5.) If on the hearing of the application the Commissioner is satisfied that the national emergency with which the State is faced justifies him in making an order for a reduction in the rate of salary, wages, or remuneration payable to the employee or class of employees in relation to which the application is made so as to bring them into accord with the reduction made under Part II. of this Act, the Commissioner may make an order that, notwithstanding the provisions of any other Act or regulation or of any contract of service or agreement to the contrary, the rates of salary, wages, or remuneration of the employee or class of employees to which the application relates may be reduced in accordance with the provisions of Part II. of this Act, and in accordance with the rates of reduction prescribed in the schedule to this Act.

(6.) Every order made by a Commissioner under this Act shall be final and conclusive.

17. (1.) An order made by a Commissioner under the authority of section sixteen of this Act shall have effect according to its tenor. Effect of order.

(2.) When the Commissioner has made an order as aforesaid, the rates of salary, wages, or remuneration of the employee or class of employees to which such order relates shall be reduced accordingly, and it shall not be lawful for any employee to which the said order relates to demand, sue for, or enforce as against the employer in whose favour the order is made, payment of salary, wages, or remuneration in excess of that payable by the employer under the authority of such order whilst the order remains in force.

(3.) Any order made by a Commissioner as aforesaid, and the reduction of the rate of salary, wages, or remuneration of employees allowed thereby, shall have effect only during the continuance of this Act:

Provided that, by special leave of the Commissioner, any order made against any person may, on that person's application be varied or cancelled.

PART VI.—REDUCTION OF MORTGAGORS' INTEREST.

Operation of this Part.

18. This Part of this Act shall have effect only as from and including the day which is fixed by proclamation under section two of this Act.

Application of this Part.

19. This Part of this Act shall apply only to mortgages existing at the commencement of this Part of this Act, and shall have effect notwithstanding any agreement to the contrary heretofore or hereafter made or entered into.

Appointment of Commissioners.

20. (1.) For the purposes of this Part and also of Part V. of this Act, the Governor may appoint such Commissioners as he deems necessary.

(2.) No person shall be qualified for appointment as a Commissioner unless he is a judge of the Supreme Court or a magistrate.

Limitation of interest.

21. (1.) After the commencement of this Act no mortgagee shall be entitled to charge and receive interest under his mortgage at a rate exceeding seventy-seven and one-half per centum of the rate or respective rates provided in the mortgage or five pounds per centum per annum (whichever is the greater) unless and until he has obtained from a Commissioner, appointed by the Governor for the purpose of this part of this Act, an order permitting him to charge interest at a higher rate.

(2.) An application for an order hereunder may be made, in the prescribed manner and after notice given to the mortgagor as provided in the regulations, and on the hearing of the application each party shall be entitled to be represented by any solicitor or agent selected by him, and the Commissioner may either dismiss the application or (if special circumstances are proved to his satisfaction by the mortgagee) make an order permitting the mortgagee to charge such higher rate of interest (not exceeding that provided for in the mortgage) as the Commissioner shall declare to be just and reasonable, having regard to the circumstances and to the economic and financial conditions prevailing in this State.

(3.) Such order shall have effect according to its tenor as from the date of the application.

(4.) An order may be made by the Commissioner for payment by either party of any costs in connection with any such application if the Commissioner shall be of opinion that such party has been guilty of unreasonable conduct in connection with the matter, and any costs so ordered may be recovered as a debt by action in any court of competent jurisdiction.

22. (1.) The obligation of any mortgagor to pay interest, accruing or to accrue due and payable during the operation of this part of this Act, at any higher rate than that allowed by or under this Act is hereby extinguished: Provided that for the purpose of this part of this Act, interest shall be deemed to accrue due and payable from day to day. Effect of order.

(2.) Every order made under the authority of section twenty-one of this Act shall apply only in respect of interest accruing due after the date of the application in pursuance whereof such order is made.

(3.) During the continuance of an order made under the authority of section twenty-one of this Act, it shall not be lawful for the mortgagee to demand, sue for, or enforce payment of interest in respect of any period to which such order relates, at a rate in excess of that allowed by such order.

(4.) In cases where the mortgage, in relation to which an order as aforesaid is made, provides for the periodical payments of a fixed sum which is wholly or partly in payment of interest, the interest on the principal sum due shall be calculated at the rate allowed by such order, and the periodical payments to be made thereafter shall be reduced accordingly.

(5.) For the purposes of the preceding provisions of this section the limitation imposed by section twenty-one shall be deemed to have been imposed by an order of a Commissioner.

(6.) Every order made by a Commissioner under the authority of section twenty-one of this Act shall be final and conclusive, and shall continue in force during the operation of this Act or for such shorter period as may be specified in the order.

PART VII.—MISCELLANEOUS.

23. Judicial notice shall be taken of all orders made under the authority of this Act. Judicial notice of orders.

Financial provision.

24. Any moneys required for the administration of this Act shall be paid out of such moneys as may be appropriated by Parliament for the purpose.

Regulations.

25. The Governor may make such regulations as it may be necessary or convenient to make for prescribing fees to be paid in connection with applications made to a Commissioner under this Act, and all necessary forms, and in order to provide for the effective operation of this Act, or to facilitate the carrying out of the objects thereof.*

Duration of Act.

26. This Act shall continue in force till the end of the year, one thousand nine hundred and thirty-two, and no longer.

**Gazette*, 31st August, 1931.

THE SCHEDULE.

PART I.—RATES OF REDUCTION.

Salary.	Rate of Reduction.
Annual salary not exceeding £250 per annum	Eighteen pounds per centum.
Annual salary exceeding £250 but not exceeding £1,000	Twenty pounds per centum.
Annual salary exceeding £1,000	Twenty-two pounds ten shillings per centum.

PART II.

Where the salary of an officer is calculated at a daily rate, the amount of the daily rate shall be multiplied by three hundred and thirteen, or by two hundred and eighty-seven, according as forty-eight hours or forty-four hours constitute a working week respectively; and where the salary is calculated at a weekly rate, the amount of the weekly rate shall be multiplied by fifty-two and one-sixth, and the result in each case respectively shall be deemed to be the annual salary.

Where the salary of an officer is calculated at a daily rate on the basis of one hundred and twelve working hours per fortnight (of fourteen days) the amount of such daily rate shall be multiplied by three hundred and sixty-five, and the result shall be deemed to be the annual salary.