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PERTH : MONDAY, AUGUST 31.

[1931.]

Crown Law Department,
Perth, 31st August, 1931.

HIS Excellency the Administrator in Executive Council has approved of the following Regulations under "The Financial Emergency Act, 1931."

H. G. HAMPTON,
Under Secretary for Law.

FINANCIAL EMERGENCY ACT, 1931.

Regulations.

1. These Regulations may be cited as the Financial Emergency Act Regulations, 1931.
2. In these Regulations, subject to the context—
"The Act" means "The Financial Emergency Act, 1931";
"Commissioner" means a Commissioner appointed for the purposes of the Act;
"Court" means the Court of Arbitration constituted under "The Industrial Arbitration Act, 1912-1925";
and where any term which is defined in Section 5 of the Act is used in these Regulations, such term shall have the same meaning as that given to it in the Act.

Applications Generally.

3. (1.) Every application made under the Act shall be in writing, in accordance with the appropriate form in the Appendix hereto, and shall be signed by the applicant.

(2.) Where the application is required to be made to the Court, notice thereof to the Court shall be given by delivering the application at the office of the Clerk of the Court in Perth; and where the application is required to be made to a Commissioner, notice thereof to the Commissioner shall be given by delivering the application at the office of the Clerk or Associate of the Commissioner.

4. Where notice of the day appointed for hearing an application is required to be given to the applicant and the respondent concerned in such application, such notice shall be given by the Clerk of the Court or the Clerk or Associate of the Commissioner, as the case may be, in accordance with the appropriate form in the Appendix hereto.

Service.

5. (1.) Where any notice is required to be served upon or given to any applicant or respondent, such notice may be served or given by delivering the same personally to the person to be served, or by leaving the same with an adult person at his known address, or by sending the same to him by registered letter addressed to his last known address; or, in the case of an industrial union or association, by leaving the same at the registered office thereof, or posting the same by registered letter addressed to such office.

(2.) Where an industrial union or association is a party to the award or industrial agreement concerned, notice of the application shall be given to and service effected upon such industrial union or association, whereupon all employees who are provided for in such award or industrial agreement shall be deemed to be notified and served. In all other cases notice shall be given to the employee or employees concerned.

Orders.

6. Orders made in pursuance of applications made under the Act shall be in accordance with the appropriate form in the Appendix hereto.

Applications by Employers under Section 12 of the Act.

7. (1.) One application may be made in respect of several employees, if the rates of salary, wages, or other remuneration of all such employees are fixed by the same award or agreement.

(2.) Where the application relates to one employee only, a copy thereof shall be served on such employee. Where the application relates to several employees, a copy thereof shall be served on the industrial union concerned.

(3.) In every case a copy of the application shall be served on the respondent before such application is filed in the Court.

8. On receipt of an application the Court shall appoint a day for hearing the application not less than fourteen days after the receipt of the application, but otherwise, as soon thereafter as possible, having regard only to other specially urgent matters then pending in the Court, and shall cause not less than seven days' notice thereof to be served on the applicant and the respondent.

9. On the hearing of the application the parties concerned may appear, either personally or by their agents, in accordance with the provisions of "The Industrial Arbitration Act, 1912-1925."

Applications by Employees under Sections 14 and 16 of the Act.

10. (1.) One application may be made under Section 14 of the Act in respect of several employees, if the rates of salary, wages, or other remuneration of all such employees are fixed by the same award or agreement.

(2.) One application may be made under Section 16 of the Act in respect of several employees, if all such employees are performing similar work and receiving the same rate of salary, wages, or other remuneration.

Applications by Mortgagees under Section 21 of the Act.

11. Any mortgagee intending to make application to a Commissioner under Section 21 of the Act for an order permitting him to charge interest at a rate higher than that fixed by the Act in relation to his mortgage shall, before making such application, give notice thereof to the mortgagor by serving upon him a copy of his application.

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

13. Where, on the hearing of an application by a mortgagee under Section 21 of the Act the Commissioner makes an order for payment of costs, the Commissioner when making such order shall fix the costs to be paid at such amount as he shall think fair and reasonable.

Procedure.

14. (1.) The hearing of applications by the Court shall be conducted in accordance with the Rules of the Court relating to applications under the provisions of "The Industrial Arbitration Act, 1912-1925."

(2.) The hearing of applications by a Commissioner shall be conducted in accordance with the Rules of the Supreme Court relating to proceedings in Chambers when the Commissioner is a Judge of the Supreme Court, and in accordance with the Rules of the Local Court relating to interlocutory applications in Chambers when the Commissioner is a Magistrate.

Fees.

15. (1.) The fees set forth in the scale of fees contained in the Appendix hereto shall be payable in respect of applications made under the Act by the party filing the document or sealing or entering the order, as the case may be.

(2.) Where the application is made to the Court of Arbitration, the fees payable shall be paid at the office of the Clerk of the Court.

(3.) Where the application is made to a Commissioner, who is a Judge of the Supreme Court, the fees payable shall be paid at the Central Office of the Supreme Court.

(4.) Where the application is made to a Commissioner, who is a Magistrate, the fees payable shall be paid at the office of the Clerk of the Court in which the Commissioner as such Magistrate presides.

APPENDIX.

FORMS.

Form 1.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Application by an Employer under Section 12 of the Act for an order approving a reduction in the rate of salary, wages, or other remuneration of his employee or employees in a manner at variance with an industrial award or industrial agreement applicable to such employee or employees.

In the Court of Arbitration,
Perth.

Between (a).....Applicant
and
(b).....Respondent

TAKE notice that I (a).....the abovenamed applicant of (c).....being a body or person referred to in Section 12 of "The Financial Emergency Act, 1931," and the employer of (d) [or of several employees who are members of (e).....] whose rate (or rates) of salary, wages, or other remuneration are fixed by (f).....being desirous of reducing the rate (or rates) of salary, wages, or other remuneration of such employee (or employees) in accordance with the provisions of the said Act but in a manner at variance with the said award (or industrial agreement) hereby make application to the Court for an order permitting me to make such reduction as aforesaid.

Dated this.....day of.....193...

(g).....

To the Clerk of the Court of Arbitration,
and to the abovenamed (b).....

The address for service of the Applicant is.....

The address of the Respondent is.....

Annexed hereto is a schedule specifying particulars of reductions required.

(a) Full name of applicant. (b) Full name of employee or industrial union, as the case may require. (c) Address of applicant. (d) Full name of employee. (e) Full name of industrial union. (f) Fill in descriptive particulars of award or agreement. (g) Signature of applicant.

Form 2.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Application by an Employer under Section 14 of the Act for an order for a variation of an award or industrial agreement as regards the terms and conditions relating to rates of salary, wages, or remuneration prescribed thereby.

In the Court of Arbitration,
Perth.

Between (a)Applicant
and
(b)Respondent.

TAKE notice that the abovenamed (a).....being an employer [or being a Union or an Association of Employers] referred to in Section 14 of "The Financial Emer:

gency Act, 1931," who is (or are) employing employees at a salary, wage, or remuneration which is fixed either directly or indirectly by (c).....
 hereby make application to the Court for an order that the said award (or industrial agreement) be varied so that the rates of salary, wages, or remuneration therein prescribed in relation to the employees of the said employer (or employers) shall be reduced in accordance with the provisions of Part II. of the said Act and the rates prescribed in the schedule thereto.

Dated the.....day of....., 193.....

(d).....

To the Clerk of the

Arbitration Court,

and to the abovenamed (b).....

The address of Applicant is.....

The address of the Respondent is.....

- (a) Full name of employer or union or association of employees. (b) Full name of union of workers. (c) Fill in descriptive particulars of award or agreement. (d) Signature of applicant.

Form 3.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Application by an Employer under Section 16 of the Act for an order for the reduction of the salary, wages, or remuneration of his employee.

To the Commissioner at.....

Between (a)Applicant

and

(b)Respondent(s).

TAKE notice that I, the abovenamed (a)..... being an employer referred to in Section 16 of "The Financial Emergency Act, 1931," who is employing the abovenamed employee or employees under a contract of service [or in pursuance of an agreement to which I am a party] at a salary, wage, or remuneration which is not fixed by any industrial award or industrial agreement, hereby make application to the Commissioner for an order that the salary, wages, or remuneration payable by me to the said employee (or employees) may be reduced in accordance with the provisions of Part II. of the said Act and in accordance with the rates of reduction prescribed in the schedule thereto.

Dated the.....day of....., 193.....

(c).....

To the Clerk or Associate of the Commissioner, and to the abovenamed (b).....

The address of the Applicant is.....

The address of the Respondent(s) is or are.....

- (a) Full name of applicant. (b) Full name of employee or full names of employees. (c) Signature of applicant.

Form 4.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Application by a Mortgagee under Section 21 of the Act for an order permitting him to charge interest at a higher rate.

To the Commissioner at.....

Between (a)Applicant

and

(b)Respondent

TAKE notice that I (a)..... of (c)..... (d)..... being the (c)..... under or entitled to the benefit as mortgagee under a mortgage being (f)..... wherein or whereunder the abovenamed (b)..... of (g)..... (h)..... is the mortgagor; hereby make application to the Commissioner for an order under the provisions of Section 21 of "The Financial Emergency Act, 1931," permitting me to charge interest at a higher rate than that prescribed by the said Act in relation to the said mortgage.

Dated the.....day of....., 193.....

(i).....

To the Clerk or Associate of the Commissioner, and to the abovenamed (b).....

- (a) Full name of mortgagee. (b) Full name of mortgagor. (c) Address. (d) Occupation. (e) Mortgagee, attorney for the mortgagee or trustee or otherwise, as the case may require. (f) Fill in descriptive particulars of the mortgage instrument. (g) Address of mortgagor. (h) Occupation. (i) Signature of applicant.

Form 5.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Notice of Hearing of an Application in the Court of Arbitration.

In the Court of Arbitration at Perth.

Between (a) Applicant

and

(b) Respondent.

TAKE notice that this application is set down for hearing at this Court on the day the day of 193 at o'clock in the noon.

Dated the day of 193.

Clerk of the Court.

To the Applicant, the abovenamed (a) and to the Respondent the abovenamed (b).

(a) Full name of applicant. (b) Full name of respondent.

Form 6.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Notice of Hearing of an Application by a Commissioner.

Before the Commissioner at.

Between (a) Applicant

and

(b) Respondent(s).

TAKE notice that this application is set down for hearing at the Chambers of the Commissioner at (c) on the day the day of 193 at o'clock in the noon.

Dated the day of 193.

Clerk or Associate to the Commissioner.

To the Applicant, the abovenamed (a) and to the Respondent(s) the abovenamed (b).

(a) Full name of applicant. (b) Full name of respondent or full names of respondents. (c) Place at which chambers are situated.

Form 7.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Order made by the Court of Arbitration in relation to an Application made to the Court.

In the Court of Arbitration at Perth.

Between (a) Applicant

and

(b) Respondent.

WHEREAS the abovenamed applicant, by an application made under Section (e) of "The Financial Emergency Act, 1931," bearing date the (d) day of 193, made application to the Court for an order (e).

and the Court hearing the said application on the day of 193 it is ordered that (f).

Dated the day of 193.

By the Court

Clerk of Court.

(a) Full name of applicant. (b) Full name of respondent. (c) State section of the Act. (d) Date of application. (e) Fill in particulars of the order applied for. (f) Fill in the terms of the order made.

Form 8.

Western Australia.

THE FINANCIAL EMERGENCY ACT, 1931.

Order made by a Commissioner in relation to an Application made to the Commissioner.

Before..... the Commissioner at.....

Between (a)..... Applicant

and

(b)..... Respondent.

WHEREAS the abovenamed applicant, by an application made under Section (c)..... of the Financial Emergency Act, 1931, bearing date the (d)..... day of..... 193... made application to the Commissioner for an order (e)..... and the Commissioner hearing the said application on the (f)..... day of..... 193..... It is ordered that (g).....

Dated the..... day of....., 193.....

By the Commissioner

Clerk or Associate.

- (a) Full name of applicant.
- (b) Full name of respondent.
- (c) State section of the Act.
- (d) Date of application.
- (e) Fill in particulars of the order applied for.
- (f) Date of hearing.
- (g) Fill in the terms of the order made.

Scale of Fees.

The following are the fees payable in respect of applications under the Act, namely:—

1. On applications made to the Court of Arbitration—	s.	d.
On filing application	2	6
On sealing an order	5	0
2. On applications made to a Commissioner—	s.	d.
On filing each application	2	0
On filing each affidavit	2	0
On filing each exhibit	1	0
On entering an order	5	0

Crown Law Department, Perth, 31st August, 1931.

HIS Excellency the Administrator in Executive Council has approved of the following Regulations under "The Reduction of Rents Act, 1931."

H. G. HAMPTON, Under Secretary for Law.

THE REDUCTION OF RENTS ACT, 1931

Regulations.

1. These Regulations may be cited as the Reduction of Rents Act Regulations, 1931.

2. Where in these Regulations terms are used which are defined in "The Reduction of Rents Act, 1931," such terms shall have the same meanings as those given to them in the said Act.

Applications.

3. (1.) Every application made by a lessor to the Commissioner for an order permitting the lessor to charge rent at a rate higher than that prescribed by the Act shall be in writing, in accordance with the appropriate form in the Appendix hereto, and shall be signed by the applicant.

(2.) Notice of the application shall be given to the Commissioner by delivering the application at the office of the Clerk or Associate of the Commissioner. A notice of the application shall be given to the lessee concerned in such application by serving upon him a copy of the application.

(3.) Notice of the application shall be given to the lessee before the notice thereof is given to the Commissioner.

4. (1.) Notice of an application made under Section 3 of the Act may be served on the lessee concerned therein by delivering the same to the lessee personally, or by leaving the same with an adult person at the known address of the lessee, or by sending the same to the lessee in a registered letter addressed to him at his last known address.

(2.) Notice of an application made under Section 5 of the Act may be served on the lessee concerned therein by delivering the same to the lessee personally, or by leaving the same with an adult person at the premises held by the lessee under lease from the lessor, or by sending the same to the lessee by registered letter addressed to him at the premises aforesaid.

5. (1.) On receipt of the application the Commissioner shall appoint a day for hearing the application not less than fourteen days after the receipt of the application, but otherwise, as soon thereafter as possible, and shall cause not less than seven days' notice thereof in the form in the Appendix hereto to be served on the lessor and the lessee.

(2.) Such notice may be served upon the lessee in the manner prescribed in Regulation 4 for the service of notice of application upon the lessee; and may be served upon the lessor by delivering the same to him personally, or by leaving the same with an adult person at the address of the lessor appearing in his application, or by sending the same to the lessor by registered letter addressed to him at his address aforesaid.

Orders.

6. Every order made by a Commissioner in relation to an application made under the Act shall be in accordance with the appropriate form in the Appendix hereto.

7. Where on the hearing of an application the Commissioner makes an order for payment of costs, the Commissioner, when making such order, shall fix the costs to be paid at such amount as he shall think fair and reasonable.

Procedure.

8. The hearing of applications by a Commissioner shall be conducted in accordance with the Rules of the Supreme Court relating to proceedings in Chambers when the Commissioner is a Judge of the Supreme Court, and in accordance with the Rules of the Local Court relating to interlocutory applications in Chambers when the Commissioner is a Magistrate.

Fees.

9. (1.) The fees set out in the scale of fees contained in the Appendix shall be payable in respect of applications made under the Act by the party filing the document or entering the order, as the case may be.

(2.) Where the Commissioner to whom the application is made is a Judge of the Supreme Court, the fees shall be paid into the Central Office of the Supreme Court.

(3.) Where the Commissioner to whom the application is made is a Magistrate, the fees shall be paid into the office of the Clerk of the Court in which the Commissioner as such Magistrate presides.

APPENDIX.

Forms.

Form 1.

Western Australia.

REDUCTION OF RENTS ACT, 1931.

Application by a Lessor under Section 3 of the Act for an order permitting him to reserve, charge, or receive a greater or higher rental under a lease granted since the commencement of this Act.

To the Commissioner at.....

Between (a)Lessor.

and

(b)Lessee.

TAKE notice that I (a).....of (c).....the abovenamed lessor, being about to grant to or enter with (b).....of

(d).....the abovenamed lessee into a lease of all that (e).....
.....
for a period of (f).....
at a rental of (g).....

which said rental is higher than the rental which was permitted by or under "The Reduction of Rents Act, 1931," to be charged or received by me under the lease of the said premises current or in operation at the date of the commencement of the said Act, hereby make application for an order under Section 3 of the said Act permitting me to reserve, charge, and receive such higher rental as aforesaid under the said proposed lease.

Dated the.....day of....., 193.....

(h)
To the Clerk or Associate of the Commissioner, and to the abovenamed lessee (b).....

(a) Full name of lessor. (b) Full name of lessee. (c) Address of lessor. (d) Address of lessee. (e) Particulars of land or premises to be leased. (f) Term of lease. (g) Particulars of rent to be reserved. (h) Signature of lessor.

Form 2.

Western Australia.

REDUCTION OF RENTS ACT, 1931.

Application by a Lessor under Section 5 of the Act for an order permitting him to charge and receive a rent greater or higher than that permitted by the Act.

To the Commissioner at.....

Between (a).....Lessor

and

(b).....Lessee

TAKE notice that I (a).....of (c).....being the lessor named and referred to in the lease dated the (d).....day of.....19... granted to or entered into with (b).....of (e).....the abovenamed lessee of or in respect to all that (f).....which said lease is granted for a term of (g).....at a rental of (h).....hereby make application for an order under Section 5 of "The Reduction of Rents Act, 1931," for an order permitting me to charge and receive from the said lessee under the said lease a rental greater or higher than that permitted by or under the said Act, namely, a rental of (i).....

Dated the.....day of.....193.....

(j)
To the Clerk or Associate of the Commissioner, and to the abovenamed lessee (b).....

(a) Full name of lessor. (b) Full name of lessee. (c) Address of lessor. (d) Date of lease. (e) Address of lessee. (f) Particulars of land or premises leased. (g) Term of lease. (h) Particulars of rent reserved by the lease. (i) Fill in particulars of rental in respect of which the order is applied for. (j) Signature of lessor.

Form 3.

Western Australia.

REDUCTION OF RENTS ACT, 1931.

Notice of Hearing of an Application.

Before the Commissioner at.....

Between (a).....Lessor

and

(b).....Lessee.

TAKE notice that this application is set down for hearing at the Chambers of the Commissioner at (c).....on.....day the.....day of.....193..... at.....o'clock in the.....noon.

Dated the.....day of.....193.....

.....
Clerk or Associate to the Commissioner.

To the Lessor, the abovenamed (a).....
and to the Lessee, the abovenamed (b).....

(a) Full name of lessor. (b) Full name of lessee. (c) Place where Chambers are situated.

Form 4.

Western Australia.

REDUCTION OF RENTS ACT, 1931.

Order in relation to an Application made under Section 3 of the Act.

Before.....
the Commissioner at.....

Between (a).....Lessor

and

(b).....Lessee.

WHEREAS the abovenamed lessor, being about to grant to or enter with the abovenamed lessee into a lease of all that (c)..... for a period of (d)..... at a rental of (e)..... which said rental is higher than the rental which was permitted by or under the said Act to be charged or received by the lessor under the lease of the said premises current or in operation at the date of the commencement of the said Act, by an application made under Section 3 of "The Reduction of Rents Act, 1931," bearing date the (f).....day of19....., made application to the Commissioner for an order permitting the said lessor to reserve, charge, and receive such higher rental as aforesaid under the said proposed lease, and the Commissioner hearing the said application on the (g).....day of.....193....., it is ordered that (h).....

Dated the.....day of.....193.....

By the Commissioner,

Clerk or Associate.

(a) Full name of lessor. (b) Full name of lessee. (c) Particulars of land or premises to be leased. (d) Term of lease. (e) Particulars of rent proposed to be reserved. (f) Date of application. (g) Date of hearing of application. (h) Fill in the terms of the order made.

Form 5.

Western Australia.

REDUCTION OF RENTS ACT, 1931.

Order in relation to an Application made under Section 5 of the Act.

Before.....
the Commissioner at.....

Between (a).....Lessor

and

(b).....Lessee.

WHEREAS the abovenamed lessor, being the lessor named and referred to in the lease dated the (c).....day of....., 19.....granted to or entered into with the abovenamed lessee of or in respect to all that (d)..... which said lease is granted for a term of (e).....at a rental of (f)..... by an application made under Section 5 of "The Reduction of Rents Act 1931," bearing date the (g).....day of....., 193....., made application to the Commissioner for an order permitting the said lessor to charge and receive from the said lessee under the said lease a rental greater or higher than that permitted by or under the said Act, namely a rental of (h)....., and the Commissioner hearing the said application on the (i).....day of....., 193..... and special circumstances having been proved to the satisfaction of the Commissioner by the lessor [or the lessor having failed to prove special circumstances to the satisfaction of the Commissioner] it is ordered that (j).....

Dated the.....day of....., 193.....

By the Commissioner,

Clerk or Associate.

(a) Full name of lessor. (b) Full name of lessee. (c) Date of lease. (d) Particulars of land or premises leased. (e) Term of lease. (f) Particulars of rent reserved by the lease. (g) Date of application. (h) Particulars of rental in respect of which order was applied for. (i) Date of hearing application. (j) Fill in terms of order made.

SCALE OF FEES.

The following are the fees payable in respect of applications made under the Act, namely :—

Table with 4 columns: Fee description, three dots, and amount. Rows include: On filing application (2/-), On filing each affidavit (2/-), On filing each exhibit (1/-), On entering an order (5/-).