

THE TERRITORY FOR THE SEAT OF GOVERNMENT.

No. 1 of 1928.

AN ORDINANCE

To amend the Provisional Government Ordinance
1911-1927 and for other purposes.

BE it ordained by the Governor-General of the Commonwealth of Australia, with the advice of the Federal Executive Council, in pursuance of the powers conferred by the *Seat of Government Acceptance Act* 1909 and the *Seat of Government (Administration) Act* 1910, as follows:—

1.—(1.) This Ordinance may be cited as the *Provisional Government Ordinance* 1928. Short title and citation.

(2.) The *Provisional Government Ordinance* 1911-1926, as amended by the *Provisional Government Ordinance* 1927, the *Provisional Government Ordinance (No. 2)* 1927, and the *Provisional Government Ordinance (No. 3)* 1927, is in this Ordinance referred to as the Principal Ordinance.

(3.) Sub-section (4.) of section one of the *Provisional Government Ordinance (No. 3)* 1927 is repealed.

(4.) The Principal Ordinance, as amended by this Ordinance, may be cited as the *Provisional Government Ordinance* 1911-1928.

2. Section eight of the Principal Ordinance made by the *Provisional Government Ordinance (No. 3)* 1927 is renumbered "7A". Special powers of Federal Capital Commission.

3. After section nine of the Principal Ordinance the following section is inserted:—

"10.—(1.) Where judgment has been given by any Court against any employee of the Commission for the payment of any sum of money, the person in whose favour the judgment is given may serve on the Paying Officer of the Commission a copy of the judgment, certified under the hand of the Registrar or other proper officer of the Court by which the judgment was delivered, and a statutory declaration stating that the judgment has not been satisfied by the judgment debtor, and setting out the amount due by the judgment debtor under the judgment. Attachment of salaries or wages of employees of Commission.

"(2.) Upon the service upon him of a copy of a judgment and a statutory declaration in pursuance of this section, the Paying Officer shall as soon as practicable notify the judgment debtor in writing of the service of the copy of the judgment and statutory declaration, and require him to state in writing, within a time to be specified by

the Paying Officer, whether the judgment has been satisfied, and, if so, to furnish evidence in support thereof, and, if the judgment has not been satisfied, to state the amount then due under the judgment.

“(3.) If the employee fails to prove to the satisfaction of the Paying Officer, within the time specified by the Paying Officer, that the judgment has been satisfied, the Paying Officer, may from time to time deduct from any moneys due to the employee such sums as are in his opinion necessary to enable the judgment to be satisfied, and shall pay those sums to the judgment creditor :

Provided that in no case shall a deduction be made which will reduce the amount to be received by the employee to less than Two pounds per week, or to less than one-third of the amount which would but for the provisions of this section, be payable to the employee.

“(4.) Where more than one judgment and statutory declaration are served upon a Paying Officer in respect of one judgment debtor, the judgments shall be satisfied in the order in which copies of the judgments are served upon the Paying Officer.

“(5.) A payment made to a judgment creditor in pursuance of this section shall, as between the Commission and the employee be deemed to be a payment by the Commission to the employee.

“(6.) A person to whom any payment has been made in pursuance of this section shall notify the Paying Officer immediately a judgment debt in respect of which payment was made is satisfied.

Penalty : Fifty pounds or imprisonment for three months.

“(7.) If any payment made in pursuance of this section exceeds the amount due under the judgment, the excess shall be repayable by the judgment creditor to the judgment debtor, and in default of payment, may be recovered by the judgment debtor from the judgment creditor in any Court of competent jurisdiction.

“(8.) The foregoing provisions of this section shall not apply in relation to any employee of the Commission whose estate the Paying Officer is satisfied has been sequestrated either voluntarily or compulsorily for the benefit of his creditors, and who has not yet obtained a certificate of discharge.

“(9.) In this section—

‘ the Commission ’ means the Federal Capital Commission ; and
‘ the Paying Officer ’ means the Officer or employee of the Commission who pays to the employee in relation to whom the expression is used the salary or wages due to him by reason of his employment by the Commission ”.

Dated this seventeenth day of January One thousand nine hundred and twenty-eight.

STONEHAVEN

Governor-General.

By His Excellency’s Command,

C. W. C. MARR

Minister of State for Home and Territories.

By Authority: H. J. GREEN, Government Printer, Canberra.