

Interstate Destitute Persons Relief Act. 5 GEO. V. No. 9,

as one with "*The Local Authorities Acts, 1902 to 1913*,"* herein referred to as the Principal Acts.

Contributions
to Patriotic
Funds, &c.,
authorised,
1 Edw. VII.
No. 27, s. 9.

2. Notwithstanding the provisions of the Principal Acts, it shall be deemed and taken to be lawful for any Local Authority, during the continuance of the present War, to have applied and to apply out of its Local Fund any sum or sums of money approved by such Local Authority as and by way of contribution to any patriotic or other public fund established in Queensland in connection with the prosecution of the present War or the succour, relief, or assistance of the officers and soldiers of His Majesty or of any of His Majesty's Allies engaged therein, or of the dependants of any such officers or soldiers.

MARRIAGE AND DIVORCE.

5 Geo. V.
No. 9.
THE
INTERSTATE
DESTITUTE
PERSONS
RELIEF
ACT OF 1914.

An Act for the Relief of Persons whose Relatives liable to support them Reside in another State of the Commonwealth, and for other purposes.

[ASSENTED TO 13TH OCTOBER, 1914.]

BE it enacted by the King's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

PART I.—
PRELIMINARY.
Short title.

PART I.—PRELIMINARY.

1. This Act may be cited as "*The Interstate Destitute Persons Relief Act of 1914*."

Commence-
ment of Act.

2. This Act shall come into operation on a day to be fixed by the Governor in Council by proclamation in the *Gazette*.

Division of
Act.

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

PART I.—PRELIMINARY ;

PART II.—SUMMONS FOR MAINTENANCE AGAINST
PERSON IN ANOTHER STATE ;

PART III.—ENFORCING ORDER FOR MAINTEN-
ANCE MADE IN ANOTHER STATE ;

PART IV.—MISCELLANEOUS.

* 2 Edw. VII. No. 19 and amending Acts, *supra*, pages 1860 *et seq.*, 5653, and 5918.

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PRELIMINARY.

4. In this Act, unless the context otherwise indicates, the following terms have the meanings set against them respectively, that is to say:—

- “Adjudged”—Adjudged, ordered or directed;
- “Collector”—In this State, the collector appointed under this Act; in another State, an officer whose duties, or part of whose duties, are similar to those of the collector appointed under this Act;
- “Justice”—Justice of the peace;
- “Justices Acts”—“*The Justices Acts, 1886 to 1909,*”* and any Act amending or in substitution for the same;
- “Order”—A judgment or order whereby any person is adjudged to pay money (whether in one sum or by instalments, or periodically), or otherwise to make provision, for or towards the support of any person;
- “Prescribed”—Prescribed by this Act or by regulation;
- “Regulations”—Regulations made under this Act;
- “State”—In Part II., any State in the Commonwealth of Australia concerning which a proclamation under subsection one of the next succeeding section is in force; in Part III., any State in the Commonwealth of Australia concerning which a proclamation under subsection two of the next succeeding section is in force;
- “Summons for relief”—A summons to show cause why a person should not support, or should not contribute towards the support of, another person;
- “This Act” includes regulations made under this Act.

5. (1.) When in another State of the Commonwealth an Act is in force containing provisions substantially similar to those contained in, or for carrying out objects substantially similar to the objects of, section six, the Governor in Council may, by proclamation in the *Gazette*, declare that Part II. of this Act is in force as regards that State, and that State shall thereafter be a State within the meaning of Part II.

* 50 Vic. No. 17 and amending Acts, *supra*, pages 1132 *et seq.*

(2.) When in another State of the Commonwealth an Act is in force containing provisions substantially similar to those contained in, or for carrying out objects substantially similar to the objects of Part III. and sections eighteen to twenty, both inclusive, the Governor in Council may, by proclamation in the *Gazette*, declare that Part III. of this Act is in force as regards that State, and that State shall thereafter be a State within the meaning of Part III.

(3.) Notwithstanding anything in this section, if at any time after the publication of any proclamation under this section neither the provisions in consequence of which such proclamation was published nor any similar provisions are in force in the State regarding which such proclamation was published, such proclamation shall cease to be in force upon the publication in the *Gazette* of a proclamation by the Governor in Council revoking the former proclamation, and such State shall thereupon cease to be a State within the meaning of Part II. or Part III., as the case may be.

(4.) A proclamation under subsection one or subsection two shall be deemed to be in force until a proclamation revoking the same is proved.

(5.) Proclamations under subsections one and two or proclamations under subsection three, regarding the same State, may be in the same or separate documents.

(6.) The *Gazette* purporting to contain a proclamation under this section shall be sufficient evidence of the validity, contents, and publication of such proclamation, and shall be conclusive evidence of the existence of all conditions precedent to the valid making thereof.

PART II.—
SUMMONS FOR
MAINTENANCE
AGAINST
PERSON IN
ANOTHER
STATE.

Summons for
relief issued in
another State
may be
served in this
State.

PART II.—SUMMONS FOR MAINTENANCE AGAINST
PERSON IN ANOTHER STATE.

6. Whenever in another State—

- (a) (i.) Any husband leaves his wife ; or
- (ii.) Any parent leaves his or her child under the age of eighteen years, whether legitimate or illegitimate ; or
- (iii.) Any child over the age of twenty-one years leaves his or her parent ; or

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PART II.—
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PERSON IN
ANOTHER
STATE.

- (iv.) Any person liable to support, or contribute towards the support of, another person leaves such other person,
in any such case without adequate means of support ; or
- (v.) An order has been made by any justice or justices or by any court, not being a court of record, and such order remains unsatisfied wholly or in part ;
and in any such case—

- (b) Such husband, parent, child, or person, or the person by such order adjudged to pay or make provision (each of whom is hereinafter referred to as “ the defaulter ”) comes to reside or resides, either temporarily or permanently, in Queensland,

any summons for relief or any process to enforce such order, granted or issued in such other State by any justice or justices or by or out of any court (not being a court of record) upon application by or on behalf of the wife, child, parent, or person so left, or by or on behalf of the person for whose support such order was made, and against or directed to the defaulter, may be served in Queensland.

7. (1.) Whenever in Queensland—

- (a) (i.) Any husband leaves his wife ; or
(ii.) Any parent leaves his or her child under the age of eighteen years, whether legitimate or illegitimate ; or
(iii.) Any child over the age of twenty-one years leaves his or her parent ; or
(iv.) Any person liable to support, or contribute towards the support of, another person leaves such other person,
in any such case without adequate means of support ; or
(v.) An order has been made by any justice or justices or by any court, not being a court of record, and such order remains unsatisfied wholly or in part ;
and in any such case—

- (b) Such husband, parent, child, or person, or the person by such order adjudged to pay or make provision (each of whom is hereinafter

Summons for
relief against
defaulter in
another State.

PART II.—
SUMMONS FOR
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ANOTHER
STATE.

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referred to as “the defaulter”) goes to reside or resides, either temporarily or permanently, in another State,

any justice for Queensland may, upon application by or on behalf of the wife, child, parent, or person so left, or by or on behalf of the person for whose support such order was made (each of whom is hereinafter referred to as “the complainant”), sign and issue a summons directed to the defaulter, to show cause why he or she should not support or should not contribute towards the support of the complainant, or should not pay any moneys due and to become due under such order, as the case may require.

Time and
place for
hearing
summons.

(2.) Such summons shall state a place and a time after service for the hearing thereof, which shall be fixed by the justice issuing it, regard being had in fixing the length of time to the distance of the alleged place of residence of the defendant from the place fixed for the hearing.

Evidence in
support of
application
for summons.

[Sch. I.]

(3.) No such summons shall be issued unless the application is supported by an affidavit or declaration made by or on behalf of the complainant, in the form contained in the First Schedule or to the like effect, and stating the matters indicated in the said Schedule.

(4.) The justice issuing such summons shall retain the aforesaid affidavit or declaration and, as soon as practicable, deliver or send it to the nearest clerk of petty sessions, who shall file it in the office of his court.

(5.) An affidavit for the purposes of this section shall be sworn before a commissioner for taking affidavits in the Supreme Court of Queensland, and a declaration for such purposes may be made before a justice.

Service of
summons
and proof
thereof.

8. (1.) A summons issued under the last preceding section may be served either in Queensland or any other State.

(2.) Service of such summons, or the steps taken in attempting to serve it, shall be proved by affidavit sworn before a commissioner for taking affidavits in the Supreme Court of Queensland or of the State wherein service was effected or attempted, or by declaration made before a justice for Queensland or for the State wherein the service was effected or attempted.

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PART II.—
SUMMONS FOR
MAINTENANCE
AGAINST
PERSON IN
ANOTHER
STATE.

9. (1.) Subject to the Justices Acts, a summons issued as last aforesaid may be heard and determined by any justice or justices for Queensland.

Who may hear summons.

(2.) If at the hearing or any adjournment thereof—

(a) Service of the summons is proved ; or

(b) It is proved to the satisfaction of the court that a reasonable attempt has been made to serve the summons, and that the defendant has intentionally evaded service thereof,

Powers of justices hearing the summons.

the court may proceed to hear and may determine the summons, and may, if satisfied that the defendant is able to support or contribute towards the support of the complainant, make an order for the payment to or on behalf of the complainant of—

(i.) Such sum (if any) as the court deems proper for past maintenance, by instalments or otherwise ; and

(ii.) Such periodical sums as the court deems proper for future maintenance ; and

(iii.) Costs, to be fixed by the court.

PART III.—
ENFORCING
ORDER FOR
MAINTENANCE
MADE IN
ANOTHER
STATE.

PART III.—ENFORCING ORDER FOR MAINTENANCE MADE IN ANOTHER STATE.

10. (1.) The Governor in Council shall appoint a collector for the purposes of this Act, and may appoint such assistant collectors and other officers as he deems necessary for such purposes.

Collector for interstate destitute persons.

(2.) The official title of the collector shall be “Collector for Interstate Destitute Persons,” and the official title of an assistant collector shall be “Assistant Collector for Interstate Destitute Persons.”

11. (1.) The collector, upon receiving from a collector appointed in another State the following documents, namely :—

a Application for making order for relief enforceable in this State.

(i.) The original or a duplicate of an order made by a justice or justices for such State signed by him or them, or a copy of such order, certified as correct under the hand or hands of the justice or justices by whom such order was made, or a certificate of an order made by a court of such State (not being a court of record) under the hand of the clerk or other proper official of such court and the seal thereof, such order, in any case, being made in favour of any person resident in such State ;

PART III.—
ENFORCING
ORDER FOR
MAINTENANCE
MADE IN
ANOTHER
STATE.
[Sch. II.]

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- (ii.) An affidavit in the form in the Second Schedule, or to the like effect, and stating the particulars indicated in the said Schedule, sworn by such collector before a commissioner for taking affidavits in the Supreme Court of such State ; and
- (iii.) A request that the order be made enforceable in Queensland ;

shall attend before a justice and apply to have such original or duplicate order, certified copy, or certificate endorsed as next hereinafter provided.

(2.) A document purporting to be such a document as mentioned in subsection one, and to be signed or signed and sealed as thereby required, shall, for the purposes of this Act, without proof of any signature or seal appearing thereon, be deemed to be what it purports to be, and to be duly signed or signed and sealed, until the contrary is proved.

To be endorsed
if defaulter
resident in
this State.

12. Upon such application being made to a justice and upon production of the original or duplicate order, certified copy, or certificate and the affidavit referred to in the last preceding section, the justice, if satisfied that the person against whom the order was made is resident, either temporarily or permanently, in Queensland, shall endorse such original or duplicate order, certified copy, or certificate with a fiat directing that the order be enforced in Queensland, and shall sign such endorsement.

Collector to
serve copy of
endorsed
order.

13. (1.) Upon obtaining the endorsement aforesaid, the collector shall serve, or cause to be served, a copy of such order, certified copy, or certificate, and of the endorsement thereon, certified as correct under his hand, upon the person against whom the order was made ; and such order shall thereupon be and continue to be enforceable in Queensland.

(2.) The service required by this section may be effected by delivering the document to the person to be served, or by posting the same by registered letter addressed to him at his last known place of residence.

After service,
all moneys to
be payable to
the collector.

14. When an original or duplicate order, certified copy, or certificate has been duly endorsed, and a copy thereof has been duly served as aforesaid, all moneys by the order adjudged to be paid shall be payable to the collector, who is hereby authorised to collect and receive the same, and to take all such steps for the recovery thereof as

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ORDER FOR
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ANOTHER
STATE.

might be taken by the person in whose favour the order was made ; and the receipt of the collector for any such money shall be a valid discharge of the liability to pay the same.

15. In addition to the powers and duties herein- before conferred and imposed, it shall be the duty of the collector—

Other powers
and duties of
collector.

- (i.) To collect all moneys payable to him as provided by the last preceding section, and give receipts for the sums so collected ;
- (ii.) To keep proper accounts of all moneys collected and received by him and of all moneys remitted and paid by him ;
- (iii.) To file in his office, and keep proper records of, all documents received by him as mentioned in section eleven ;
- (iv.) Once at least in every fortnight, or as often as prescribed, to remit to the collectors appointed in the various States all moneys collected and received by him in respect of orders received from such States respectively, less the costs and expenses of collection and remittance, together with proper accounts showing in respect of what orders the various moneys were collected and received and the costs and expenses deducted in respect of such various moneys ;
- (v.) To pay the various moneys received by him from the collectors appointed in other States to the persons on whose behalf such moneys are respectively received, less any costs and expenses connected with the receipt and payment thereof respectively ; and
- (vi.) To exercise such other powers and discharge such other duties as are conferred or imposed upon him by regulation.

16. When an order has been made and signed by a justice or justices for Queensland, or an order has been made by a court of Queensland, not being a court of record, in favour of any person resident in Queensland, and the person against whom the same is made goes to reside or is resident, either temporarily or permanently, in another State, the collector shall, upon application made by or on behalf of the person in whose favour such

Collector to
forward orders
for relief for
service in
other States.

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MADE IN
ANOTHER
STATE.

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order was made, send to a collector appointed in such other State the following documents, namely:—

- (i.) The original or a duplicate of the said order made by a justice or justices signed as aforesaid, or a copy of such order certified as correct under the hand or hands of the justice or justices by whom such order was made, or a certificate of the said order made by a court under the hand of the clerk or other proper officer of such court and the seal thereof;
- (ii.) An affidavit in the form in the Second Schedule, or to the like effect, and stating the particulars indicated in the said Schedule, sworn by the collector before a commissioner for taking affidavits in the Supreme Court of Queensland;
- (iii.) A statement of such information as the collector is able to obtain for the purpose of enabling the collector to whom the documents are sent to identify and discover the whereabouts of the person against whom the order was made; and
- (iv.) A request that the order be made enforceable in such other State.

Affidavit or certificate of collector sufficient proof of payment.

17. (1.) A certificate under the hand of the collector or of a collector appointed in another State, or an affidavit sworn by either of such collectors, stating that any sum or sums therein specified has or have been paid in respect of an order therein mentioned, shall be sufficient evidence of such payment in any proceedings before any court, justice, or other tribunal.

(2.) Upon production of such certificate or affidavit to the clerk of the court in which such order was made, such clerk shall enter up satisfaction of such order to the extent of the amount by such certificate or affidavit stated to have been paid.

PART IV.—
MISCELLANEOUS.

Onus of proof of identity of person served.

PART IV.—MISCELLANEOUS.

18. (1.) Subject to subsection two, when—

- (i.) A summons or other process by this Act made servable; or
- (ii.) A summons issued under this Act; or

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MISCEL-
LANEOUS.

- (iii.) A copy of an original or duplicate order, or of a certified copy of an order, or of a certificate of an order,

is served upon any person in the prescribed manner, such person shall be deemed to be the person upon whom the same was to be served, until the contrary is shown to the satisfaction of the court, justice, or justices before whom the question is in issue.

(2.) This section does not apply unless the person by whom the document was so served states in his affidavit or declaration of service, or otherwise on oath, affirmation, or declaration, that he believes the person upon whom such document was served to be the person upon whom the same was to be served: Provided that nothing in this section shall prevent such identity being proved by any evidence deemed sufficient by the court, justice, or justices before whom the question is in issue.

19. (1.) Any order made under this Act, and any order made enforceable in Queensland by virtue of this Act, may be enforced in the same manner as an order requiring the payment of a sum of money is enforceable under the Justices Acts. How orders made under, or made enforceable under, this Act to be enforced.

(2.) All moneys which, by any order made under this Act or by any order so made enforceable, are adjudged to be paid may be raised and levied, or payment thereof may otherwise be enforced, in the same manner as the sum which is required to be paid by an order requiring the payment of a sum of money may be raised and levied, or as payment thereof may otherwise be enforced under the Justices Acts:

Provided that—

- (i.) An order made under this Act may be enforced, and any money thereby adjudged to be paid may be raised and levied, or payment thereof may be otherwise enforced, at the instance of any person in whose favour such order was made or of any other person in his behalf; and
- (ii.) An order made enforceable in Queensland by virtue of this Act shall be enforced, and any money thereby adjudged to be paid shall be raised and levied, or payment thereof shall be otherwise enforced, only at the instance of the collector or of an assistant collector.

PART IV.—
MISCELLANEOUS.

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Form and
manner of
making
affidavit

20. If any affidavit or other document or writing required for the purposes of this Act complies, as to the form and the manner of making thereof, either with the law of the State where the same was made or with the law of Queensland, such affidavit or other document or writing shall, as to the form and the manner of making thereof, be deemed sufficient in all proceedings under this Act and for all the purposes of this Act.

Audit of
collector's
accounts.

21. (1.) The collector's accounts shall, once at least in every year, and also whenever directed by the Governor in Council, be audited by the Auditor-General.

(2.) The Auditor-General shall, in respect of such accounts, have all the powers conferred upon him by "*The Audit Acts, 1874 to 1906.*"*

Salaries and
expenses paid
out of moneys
provided by
Parliament.

22. The salaries of officers appointed under this Act, and the other expenses of administering this Act, shall be paid out of moneys provided by Parliament.

Regulations.

23. (1.) The Governor in Council may from time to time make regulations not inconsistent with this Act prescribing all matters and things which by this Act are contemplated, required, or permitted to be prescribed, and prescribing, amongst others, the following matters and things :—

- (i.) The duties of the collector and other officers appointed under this Act ;
- (ii.) The methods to be adopted by the collector and other officers in the exercise and discharge of their powers and duties ;
- (iii.) The accounts, records, and books to be kept by the collector and other officers, and the methods of keeping the same ;
- (iv.) The collection, remittance, and payment of moneys by the collector ;
- (v.) Generally, such matters and things as may be necessary or convenient to enable the collector and other officers to exercise and discharge their powers and duties ;
- (vi.) The forms of any documents to be used for the purposes of this Act, either in addition to or in variation of or substitution for the forms in the Schedules to this Act ; and

* 38 Vic. No. 12 and amending Acts, *supra*, pages 74 *et seq.*

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LANEOUS.

(vii.) All such other matters and things as may be necessary or convenient for giving effect to this Act, or for carrying out its objects.

(2.) Any regulation so made may impose a penalty not exceeding twenty pounds for any breach of the same or any other regulation.

(3.) All regulations so made shall—

(a) Be published in the *Gazette* ;

(b) Take effect from the date of such publication, or from a later date to be specified herein ; and

(c) Be laid before both Houses of Parliament within fourteen days after publication, if Parliament is in session, and, if not, then within fourteen days after the commencement of the next session of Parliament.

(4.) Notwithstanding any publication thereof, no regulation so made shall continue to have any force or effect if the same is disapproved by resolution of either House of Parliament within thirty sitting days after such regulation has been laid before Parliament, if Parliament is so long in session : Provided that if either House of Parliament is not in session for thirty sitting days after such regulation has been laid before it, then such regulation shall not continue to have any force or effect if disapproved by such House of Parliament within thirty sitting days after the commencement of the next session of Parliament.

Disapproval
by
Parliament.

24. (1.) All proceedings in respect of offences against this Act shall be by complaint.

Procedure for
offences.

(2.) Such complaint shall be heard and determined in a summary way under the Justices Acts.

(3.) The adjudicating court may make any order as to costs which it thinks fit.

(4.) All convictions and orders made by such court may be enforced as provided in the Justices Acts.

(5.) An appeal shall lie from any conviction under this Act, or from any order dismissing any complaint for any offence against this Act, or any other order made on any such complaint ; and the Justices Acts shall apply to any such appeal.

Appeals.

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Section 7.

FIRST SCHEDULE.

Form of Affidavit (or Declaration) in support of Summons for Relief for Service out of the Jurisdiction.

Queensland.

[Full Christian name and surname of Complainant]

Complainant,

against

[Full Christian name and surname of Defaulter]

Defendant.

I [full Christian name and surname] of [address and occupation] hereby make oath and say (or solemnly and sincerely declare) as follows :—

1. The abovenamed defendant is [here state relation of defendant to complainant]. (or On the day of an order was made by [here state name of justice or court] whereby the above-named defendant was ordered to [here state effect of the order made for or towards the support of the complainant]).

2. To the best of my knowledge and belief the said defendant is now residing at in the State of and has been residing there since about [here state the time so far as known or believed].

3. The said defendant left me without adequate means of support. (or There is now due and unpaid under the said order the sum of).

4. The said defendant [here state, so far as known or believed, what means the defendant has and whether employed or not, and, if employed, how employed].

5. I desire to avail myself (or I desire that the complainant may have the benefit) of "The Interstate Destitute Persons Relief Act of 1914."

Sworn (or declared) at , }
the day of 19 ; }
before me

Sections 11
and 16.

SECOND SCHEDULE.

Form of Affidavit to support Application to enforce Order outside the Jurisdiction.

[Name of State where Affidavit sworn.]

[Full Christian name and surname of person in whose favour the order was made]

Complainant,

against

[Full Christian name and surname of person against whom the order was made]

Defendant.

I, of in the State of hereby make oath and swear as follows :—

1. I am the collector for interstate destitute persons [or as the official title may be] appointed for the said State under [short or other title of Act].

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2. On the . . . day of an order was made by [state by whom or by what court] whereby the abovenamed defendant was ordered to [state effect of the order and how payments were ordered to be made].

3. The period for appealing against the said order has expired, and the said order is still in force.

4. The following amount has been paid under the said order, namely [state the amount (if any) paid, and when paid, and, in case payable by instalments or periodically, up to what time payments have been made] (or No amount has been paid under the said order).

5. There is now remaining due and unsatisfied under the said order the sum of . . . being for . . . weeks [or as the case may be] at . . . per week [or as the case may be].

6. To the best of my knowledge and belief the said defendant is now residing at . . . in the State of . . . and has been residing there since about [state the time so far as known or believed].

Sworn at . . . in the) State of . . . day of . . . 19) the . . . before me

MEAT SUPPLY FOR IMPERIAL USES.

See STOCK.

MERCANTILE.

An Act to Make Provision against Undue Restriction of the Supply of Goods or Undue Raising of the Prices of Goods during War.

5 Geo. V.
No. 3.
THE
CONTROL OF
TRADE
ACT OF 1914.

[ASSENTED TO 26TH AUGUST, 1914.]

BE it enacted by the King’s Most Excellent Majesty, by and with the advice and consent of the Legislative Council and Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows :—

1. This Act may be cited as “*The Control of Trade Act of 1914.*” Short title.

2. (1.) This Act shall come into operation on a day to be named by the Governor in Council by proclamation published in the *Gazette*, and shall remain in force during such period or extended period as the Governor in . . . Commence-
ment and
duration of
Act.