

This PUBLIC BILL originated in the HOUSE OF REPRESENTATIVES, and, having this day passed as now printed, is transmitted to the LEGISLATIVE COUNCIL for its concurrence.

House of Representatives,

10th February, 1922.

Right Hon. Mr. Massey.

FINANCE.

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Title. AN ACT to make Provision with respect to certain Matters relating to Finance.

Short Title. 1. This Act may be cited as the Finance Act, 1921-22.

PART I.

5

PUBLIC REVENUES.

Repeals. 2. Section forty-seven of the Public Revenues Act, 1910, and subsection two of section two of the Public Revenues Amendment Act, 1912, are hereby repealed.

Section 65 of Public Revenues Act, 1910, amended. 3. Section sixty-five of the Public Revenues Act, 1910, is hereby amended by omitting from subsection three thereof, as set out in section eighteen of the Public Revenues Amendment Act, 1913, the word "fraudulently"; and by inserting, after the word "moneys" wherever that word occurs in the same subsection, the words "or stores."

Section 67 of Public Revenues Act, 1910, amended. 4. Section sixty-seven of the Public Revenues Act, 1910, is hereby amended by omitting the words "three months," and substituting the words "one month; and by omitting the words "of his Department."

As to application of public moneys by imprestees. 5. The application by an imprestee under section fifty-three of the Public Revenues Act, 1910, or by any public officer in whose favour a credit has been established under that section, as amended by section nine of the Public Revenues Amendment Act, 1914, of any moneys in his Imprest Account or placed to his credit as aforesaid, for any purpose other than the proper purposes for which such moneys are available, shall be deemed to be a misappropriation of public moneys, and every such person shall be liable accordingly.

High Commissioner may delegate authority to sign cheques drawn on Foreign Imprest Account. 6. Section seventy-five of the Public Revenues Act, 1910, as amended by section three of the Public Revenues Amendment Act, 1912, is hereby further amended by omitting from the proviso to subsection three the words "in case of the absence from London or other temporary incapacity of the High Commissioner."

7. Section thirty-two of the Public Revenues Amendment Act, 1913, is hereby amended by omitting the words "Accountant in the Treasury," and substituting the words "Assistant Secretary to the Treasury."
- 5 8. Section nine of the State Supply of Electrical Energy Act, 1917, is hereby amended as follows:—
- (a.) By repealing paragraph (b) of subsection one:
- (b.) By repealing subsection three.
- 10 9. (1.) There shall be payable in respect of the grant of letters of naturalization under the Aliens Act, 1908, or in respect of the endorsement under that Act of any certificate or letters of naturalization obtained out of New Zealand, or in respect of certified copies of any certificates or letters of naturalization, such fees as may from time to time be prescribed by the Governor-General by Order in
- 15 Council.
- (2.) Subsection three of section nine of the Aliens Act, 1908, is hereby repealed.
- 10 10. Notwithstanding anything to the contrary in the Death Duties Act, 1921, no gift duty shall be payable in respect of the discharge in whole or in part of any debt existing at the commencement of this Act and then secured by a mortgage or charge, whether at law or in equity, over any land or interest in land if it is proved to the satisfaction of the Commissioner of Stamp Duties that the donor and beneficiary are not connected by ties of blood or marriage and if
- 25 *bona fide* a reduction of the mortgage debt or charge made with the object of enabling the beneficiary to continue in possession of the property mortgaged or charged and not for the purpose of evading gift duty.
- 30 11. The Death Duties Act, 1921, is hereby amended as from the passing thereof by omitting from the Second Schedule thereto the reference to Part IV of the Finance Act, 1915, and substituting a reference to Part V of that Act.
- 35 12. (1.) All moneys received as Customs duties in respect of rubber tires, rubber tiring, and inner tubes of rubber for pneumatic tires, n.e.i. (as specified in Class VI of the Tariff, set out in the First Schedule to the Customs Amendment Act, 1921), imported into New Zealand or entered for home consumption on or after the first day of January, nineteen hundred and twenty-two, shall be paid into a special account in the Public Account, to be known as the Main
- 40 Highways Account.
- (2.) The moneys for the time being in the Main Highways Account shall be expended in such amounts as may from time to time be appropriated by Parliament for the construction, reconstruction, or maintenance of roads, and not otherwise.
- 45 13. (1.) The Minister of Finance is hereby empowered, without further appropriation than this section, to issue and pay from time to time, out of the Consolidated Fund into a special account, to be known as the Advances to other Governments Account, such amount as he deems necessary, not exceeding in any year the sum of one
- 50 hundred thousand pounds.
- (2.) Any moneys in the Advances to other Governments Account may from time to time be applied, without further appro-

Section 32 of Public Revenues Amendment Act, 1913, amended.

Section 9 of State Supply of Electrical Energy Act, 1917, amended.

Authorizing Governor-General to prescribe fees to be payable in respect of grant of letters of naturalization, and certified copies thereof.

Repeal.

Exemption from gift duty in certain cases of voluntary discharge of mortgage debt.

Correcting clerical error in Second Schedule to Death Duties Act, 1921.

Customs duties received on motor-tires, &c., to be paid into special account.

Constituting an account to be available for temporary advances to other Governments.

priation than this section, for the purpose of making payments on behalf of the Government of any other part of His Majesty's dominions, including British protectorates and territories for the time being subject to a mandate conferred on His Majesty by the League of Nations.

(3.) All moneys recovered in respect of any advances made under this section, including recoveries in respect of any advances that may have been made before the passing of this Act, shall be paid into the Advances to other Governments Account in addition to any moneys paid into that account pursuant to subsection *one* hereof.

(4.) Any moneys for the time being standing to the credit of the Advances to other Governments Account and not required for the purposes of that account may be at any time, without further appropriation than this section, transferred to the Ordinary Revenue Account of the Consolidated Fund.

Authorizing transfer of certain moneys to Board appointed for administration of certain regimental funds.

14. The sum of six hundred and thirty-three pounds fourteen shillings and sixpence (being the amount standing to the credit of a deposit account in the Public Account known as the New Zealand Expeditionary Force Relief Account) may, without further appropriation than this section, be paid to the Board appointed by the Minister of Defence to administer and distribute the regimental and other funds to which section twenty-one of the Finance Act, 1920, relates.

Proceeds of rate levied under Hauraki Plains Amendment Act, 1911, to be paid into Hauraki Plains Settlement Account.

15. (1.) The proceeds of all rates made and levied pursuant to section three of the Hauraki Plains Amendment Act, 1911, shall be paid into the Hauraki Plains Settlement Account.

(2.) Payments in respect of the maintenance of works carried out under the authority of the Hauraki Plains Act, 1908, may from time to time, without further appropriation than this section, be made out of moneys standing to the credit of that account.

Authorizing cancellation of certain securities representing investment of public moneys under Discharged Soldiers Settlement Loans Act, 1919.

16. (1.) The authority contained in section eight of the Discharged Soldiers Settlement Loans Act, 1920, to cancel certain securities issued under the Discharged Soldiers Settlement Loans Act, 1919, in respect of the investment of certain moneys in the Ordinary Revenue Account of the Public Account is hereby extended to authorize the cancellation of any other securities issued under section three of that Act in respect of the investment of public moneys.

(2.) The moneys in respect of which any securities are cancelled under this section shall not be deemed to be part of the public debt of New Zealand.

Application of revenues of State coal mines and depots.

17. (1.) In the case of each mine worked and of each depot for the sale of coal established under Part II of the Coal-mines Act, 1908 (hereinafter in this section referred to as the said Act), full provision shall be made for all outgoings, losses, depreciation, and liabilities for the year (including interest on securities created and issued in respect of moneys raised under that Part of that Act, and on moneys paid out of the Consolidated Fund and not recouped), and the resulting balance of the Profit and Loss Account shall be deemed to be the net profit or net loss for the year, as the case may be. The net profit or net loss shall be transferred to a General Profit and Loss Account against which shall be charged all losses not chargeable against the mines or depots.

(2.) A sinking fund in respect of debentures issued or moneys to be recouped to the Consolidated Fund as aforesaid shall be established out of net profits by an annual setting-aside, commencing with the year ending the thirty-first day of March, nineteen hundred and twenty-two, of an amount equal to two per centum of the total loan capital outstanding at the end of each year.

(3.) All such moneys set aside shall be invested in such securities as the Minister of Finance may direct.

(4.) All net profits, after providing for the sinking fund aforesaid, shall be utilized for the purpose of establishing a reserve, and any available cash balance may be used for any of the purposes of Part II of the said Act:

Provided that if the profit shown in the General Profit and Loss Account in any one year is insufficient to cover the sinking-fund contribution, the deficiency shall be made good from, and shall be a first charge against, the reserve aforesaid.

(5.) All moneys which at the commencement of this Act are standing to the credit of the sinking fund established under section one hundred and twenty-two of the said Act shall be deemed to form part of the sinking fund to be established under this section.

(6.) This section is in substitution for section one hundred and twenty-two of the said Act, and that section is hereby accordingly repealed.

Repeal.

(7.) Section one hundred and twenty-three of the said Act is hereby amended by omitting the word "surplus" wherever that word occurs in that section, and by omitting the words "computed as aforesaid."

Section 123 of Coal-mines Act, 1908 consequentially amended.

18. Section thirteen of the Customs Amendment Act, 1921 (relating to the imposition of special duty on goods imported from countries having a depreciated currency), is hereby amended as from the passing of that Act by repealing subsection two, and substituting the following subsections:—

Section 13 of Customs Amendment Act, 1921 (relating to special duty on goods from countries having depreciated currencies), amended.

"(2.) The special duty hereinbefore in this section provided for shall be charged only in respect of goods of a class or kind of which the importation into New Zealand is deemed by the Minister to prejudicially or injuriously affect an industry established in New Zealand or in some other part of the British dominions.

"(3.) Any person aggrieved by the importation of any goods of a class or kind on which the special duty aforesaid is not imposed may, by complaint in the prescribed form, require the Minister to determine whether or not the importation of such goods will prejudicially or injuriously affect any specified industry established in New Zealand or in any other part of the British dominions as aforesaid, and in any such case the determination of the Minister shall be final.

"(4.) There shall from time to time be published in the *Gazette* a list of the classes or kinds of goods in respect of the importation of which the special duty as aforesaid is made payable in accordance with the determination of the Minister under this section.

"(5.) If in the opinion of the Minister it is difficult, inequitable, or impracticable to carry out the provisions of this section with respect to any goods, either because the said goods are sold to the

purchaser in New Zealand in British currency at a price which is greater than the fair market value in the country of origin or because the price in the country of origin is not readily ascertainable, or because the goods have, through being sold by auction in an intermediate country, acquired a new market value when purchased from such intermediate country, or because of any other circumstances which make it, in the opinion of the Minister, desirable that the special duty imposed by this section should be remitted in whole or in part, he may, by order under his hand, exempt any such goods either in whole or in part from the payment of such duty, notwithstanding that such goods may be of a class or kind in respect of which such special duty has been made payable." 5 10

PART II.

AS TO LOANS FOR PUBLIC WORKS AND OTHER PURPOSES.

Increased authority to borrow money on security of Treasury bills.

19. (1.) The authority to borrow money on the security of Treasury bills conferred on the Minister of Finance by section thirty-nine of the Public Revenues Act, 1910, as from time to time amended, is hereby extended from three million pounds to four million pounds and the said section is hereby further amended accordingly. 15 20

(2.) Subsection three of the said section thirty-nine is hereby amended by omitting the words "not exceeding five per centum per annum."

Fixing date from which interest on certain loans has commenced to accrue.

20. (1.) Interest at such rate as may have been agreed on may be paid as from the first day of August, nineteen hundred and twenty-one, in respect of a loan of five million pounds raised by the Minister of Finance during the current financial year for certain public works under the authority of the Electric-power Works Loan Act, 1919, section fifteen of the Finance Act, 1920, the Finance Act, 1921, and the Railways Improvement Authorization Act, 1914, respectively, notwithstanding that the moneys so borrowed had not been paid into the Public Account at that date. 25 30

(2.) All interest paid under this section shall be deemed to have been paid under the authority of the New Zealand Loans Act, 1908.

Authorizing issue of debentures in respect of acquisition of Trounson's Park.

21. Whereas the land hereinafter in this section described has been acquired by the Crown for the purpose of a national park: And whereas the vendor has agreed to accept debentures for an amount of forty thousand pounds in satisfaction of the purchase-money agreed to be paid for the said land: And whereas it is desired to authorize the issue of such debentures accordingly: Be it therefore enacted as follows:— 35 40

(1.) The Minister of Finance is hereby empowered, without further authority than this section, to issue to or on behalf of the vendor debentures for an amount of forty thousand pounds in satisfaction of the purchase-money agreed to be paid in respect of the aforesaid land. 45

(2.) The said debentures shall be issued for a term of ten years from the first day of January, nineteen hundred and twenty-one, and shall bear interest at the rate of four and a half per centum per annum. 50

(3.) The said debentures shall be charged upon the public revenues of New Zealand, and shall, save as herein otherwise provided, be issued under and subject to the provisions of the New Zealand Loans Act, 1908.

5 (4.) All debentures issued pursuant to this section shall be deemed to have been issued under section twelve of the Scenery Preservation Act, 1908, and the amount of such debentures shall be in excess of any amount which the Minister of Finance is for the time being authorized to borrow under that section.

10 (5.) The land to which this section relates is particularly described as follows:—

All that area, comprising nine hundred and seven acres three roods, more or less, situated in Block XI, Waipoua Survey District, North Auckland Land District, as the same is more particularly
15 delineated on the Auckland Conservation Region Plan No. 7/2 deposited in the Head Office of the State Forest Service, at Wellington, and thereon bordered green.

22. (1.) The Electric-power Works Loan Act, 1919, is hereby amended, as from the passing thereof, as follows:—

Moneys borrowed for electric-power works to be available in accordance with appropriations.

20 (a.) By adding to subsection one of section three the words “and may from time to time be applied accordingly in accordance with appropriations by Parliament”:

(b.) By repealing subsection two of the said section:

(c.) By repealing the Schedule thereto.

25 (2.) The Finance Act, 1920, is hereby amended, as from the passing thereof, as follows:—

(a.) By omitting from subsection four of section fifteen the words “for the purposes specified in Part I of the
30 Schedule hereto in such amounts as may from time to time be appropriated by Parliament for those purposes,” and substituting the words “accordingly in accordance with appropriations by Parliament”:

(b.) By repealing Part I of the Schedule thereto.

35 23. The authority conferred on the Minister of Finance by the several enactments mentioned in the Schedule hereto, as from time to time extended, to borrow moneys for the several purposes specified in the said enactments, is hereby extended so as to authorize the borrowing of such further amounts as may be required for those purposes, not exceeding in the aggregate in any case the amount
40 specified in the third column of the said Schedule and set opposite the reference therein to the authorizing Act.

Increased power to borrow money for certain specified public purposes.

24. (1.) The Minister of Finance is hereby empowered, without further appropriation than this section, to redeem before maturity any debentures or other securities issued by the Minister of Finance
45 and charged upon the public revenues of New Zealand.

Minister of Finance may redeem debentures before maturity.

(2.) All securities so redeemed shall forthwith be cancelled by the Minister of Finance, and the liabilities represented thereby shall thereupon cease to form part of the public debt.

50 25. Whereas by section six of the Finance Act, 1918 (No. 2), provision is made for the establishment of a War Loans Sinking Fund into which the Minister of Finance is required to pay annually an amount equal to one per centum of the total capital moneys

Provision for utilizing annual payments into War Loans Sinking Fund for reduction of war debt.

borrowed and paid into the War Expenses Account and outstanding on the thirty-first day of March in the preceding year: And whereas of the moneys borrowed for the purposes of the War Expenses Account and now outstanding the sum of twenty-six million three hundred and forty thousand two hundred and forty-five pounds has been borrowed from the Imperial Government: And whereas it is deemed desirable that the amount of one per centum payable into the War Loans Sinking Fund should, by agreement with the Imperial Government, be used for the redemption of securities in lieu of being accumulated as a sinking fund: Be it therefore enacted as follows:—

Notwithstanding anything to the contrary in the Finance Act, 1918 (No. 2), the Minister of Finance may, in any year, in lieu of paying any amount into the War Loans Sinking Fund, pay that amount to the Imperial Government as a sinking fund to be applied towards the extinction of the liability of the New Zealand Government to the Imperial Government as hereinbefore recited, in accordance with such terms as may be mutually agreed on.

Minister of Finance may borrow moneys for purpose of making advances to Samoan Treasury.

26. (1.) For the purpose of providing moneys to enable the Minister of Finance to make payments by way of loan to the Samoan Treasury, pursuant to clause thirty-four of the Samoa Constitution Order or the corresponding provisions contained in section thirty-three of the Samoa Act, 1921, the said Minister is hereby empowered to borrow, on the security of and charged upon the public revenues of New Zealand, such sums as may from time to time be required, not exceeding in the aggregate the sum of one hundred thousand pounds.

(2.) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

(3.) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

(4.) All moneys borrowed under the authority of this section shall be paid into a Suspense Account, and shall from time to time as required be paid to the Samoan Treasury as if they had been appropriated by Parliament for the purpose of making loans to the Samoan Treasury.

PART III.

SUPERANNUATION FUNDS.

Salaries and expenses of administration to be paid out of Public Service Superannuation Fund.

27. (1.) The Secretary and other officers of the Public Service Superannuation Board shall be and be deemed at all times to have been members of the Public Service within the meaning of the Public Service Classification and Superannuation Act, 1908.

(2.) The salaries of all such officers and all contingent expenses connected with the administration of the said Act and of the fund shall, as from the first day of April, nineteen hundred and *twenty-one*, be paid out of moneys to be from time to time appropriated by Parliament for the purpose out of the Public Service Superannuation Fund Account.

(3.) All other moneys payable out of the said account shall be paid without further appropriation than the said Act.

28. (1.) While this section remains in force every male contributor to the Public Service Superannuation Fund shall, subject to the provisions of this section, be entitled on his compulsory retirement from the Public Service through no fault of his own to receive from the fund an annual retiring-allowance, at a rate computed in the manner prescribed by section thirty-five of the Public Service Classification and Superannuation Act, 1908,—

(a.) Whose age is not less than *fifty-seven* years; or

(b.) Whose age is not less than *fifty-two* years, if his length of service is not less than *twenty-seven* years; or

(c.) Whose length of service is not less than *thirty-two* years.

(2.) The right to receive a retiring-allowance by virtue of this section shall be subject to such conditions as to payment into the fund or otherwise as the Board, with the approval of the Minister of Finance, may in any case prescribe.

(3.) No retiring-allowance granted by virtue of this section shall exceed an annual rate of *three hundred* pounds.

(4.) This section shall be deemed to have come into operation on the first day of July, nineteen hundred and *twenty-one*, and shall continue in force until the thirty-first day of December, nineteen hundred and *twenty-two*, and no longer, save that the expiry of this section shall not affect the continuance of any retiring-allowance granted thereunder.

29. Whereas by the High Commissioner Act, 1908, provision is made for the appointment by the Governor-General in Council of officers required in the execution of that Act: And whereas by the said Act it is further provided that officers so appointed shall not be subject to the laws in force in New Zealand relating to Civil servants: And whereas it has been deemed expedient that such officers should, so far as practicable, be appointed subject to conditions analogous to conditions applicable to officers appointed to the Public Service of New Zealand: And whereas, owing to a misapprehension of the law relating to the appointment of such last-mentioned officers, certain officers on the staff of the office of the High Commissioner have been required to serve a probationary period of five years before being permanently appointed: And whereas the said requirement has been a cause of undue hardship in so far as it has affected the rights and benefits of the said officers under Part II of the Public Service Classification and Superannuation Act, 1908: And whereas it is desired to remove such hardship: Be it therefore enacted as follows:—

(1.) Every person to whom this section relates may, within one year after the commencement of this Act, elect, by notice in writing addressed to the Secretary of the Public Service Superannuation Board, that the period during which he was continuously employed on the staff of the office of the High Commissioner immediately prior to his appointment as a permanent officer thereof be computed as part of his service for the purposes of Part II of the Public Service Classification and Superannuation Act, 1908.

(2.) Every person who makes such election shall, within such time not exceeding three years, and in such manner as the Public Service Superannuation Board may allow and prescribe, pay into

Temporary extension of provisions as to grant of retiring-allowances out of Public Service Superannuation Fund.

Special provisions with respect to certain officers appointed to the High Commissioner's Office.

the fund an amount equal to the amount that would have been payable into the fund as contributions in respect of the salary received by him for the period aforesaid (together with simple interest thereon at the rate of five per centum per annum) if he had become a contributor to the fund at the commencement of that period. 5

(3.) On the making of an election as aforesaid the contributor shall for all purposes be deemed to have been a contributor to the fund as from the commencement of his period of probationary service.

(4.) For the purpose of giving effect to this section the Board shall make all necessary adjustments in the rates of contributions of any contributors to the fund to whom this section applies; and all contributions paid in excess by a contributor before the commencement of this Act shall be refunded to the contributor, or shall be credited by the Board to the contributor on account of the amount payable by him to the fund pursuant to subsection *two* hereof. 10 15

(5.) This section applies to all persons who have before the commencement of this Act been appointed pursuant to section nine of the High Commissioner Act, 1908, or the High Commissioner Act, 1904, and who immediately prior to the date of their appointment were continuously employed on the staff of the office of the High Commissioner. 20

Enabling Miss Jane Graham Ralston to count as part of her Education service a period during which she served at the request of the Government as a teacher in a military concentration camp in South Africa.

30. Whereas Miss Jane Graham Ralston (hereinafter referred to as the contributor) was first appointed to the New Zealand Education Service in the year eighteen hundred and eighty-seven and served continuously therein until the year nineteen hundred and two, when she was selected by the New Zealand Government for teaching service in the concentration camps established in South Africa after the termination of the Boer War, and served as a teacher in South Africa accordingly from the year nineteen hundred and two till the year nineteen hundred and seven, when she returned to New Zealand and was temporarily reappointed to the Education Service: And whereas such temporary appointment continued until the year nineteen hundred and nine, when the contributor was again permanently appointed to the Education Service, and has since that date been continuously employed therein: And whereas it is desired to enable the contributor to count for purposes of superannuation her whole period of Education service, as if that service had not been interrupted by reason of her service in South Africa as aforesaid: Be it therefore enacted as follows:— 25 30 35 40

(1.) The contributor may within six months after the passing of this Act, by notice in writing delivered to the Secretary of the Teachers' Superannuation Board, elect that the period of her service in South Africa as hereinbefore recited, including any period thereafter pending her permanent reappointment to the Education Service, shall for the purposes of the Teachers' Superannuation Fund be deemed to have formed part of her Education service within the meaning of Part I of the Public Service Classification and Superannuation Amendment Act, 1908. 45

(2.) On the making of such election there shall be payable to the fund by the contributor such amount as the Board may determine, computed in the manner prescribed by regulations; and the Board 50

shall determine what portion of the amount so paid shall be deemed to be contributions to the fund within the meaning and for the purposes of Part I of the Public Service Classification and Superannuation Amendment Act, 1908.

- 5 (3.) On payment of the amount determined as aforesaid, within one month after the date of election, or within such extended time as the Board may allow, the service of the contributor shall, for the purposes of Part I of the Public Service Classification and Superannuation Amendment Act, 1908, be deemed to be continuous as
10 from the date of her original appointment.

31. Section twenty-eight of the Public Service Classification and Superannuation Amendment Act, 1908, is hereby amended by adding the following further proviso to paragraph (b) of subsection three:—

- 15 “ Provided further that the Board may, in the case of any contributor who served beyond New Zealand as a member of an Expeditionary Force under the Expeditionary Forces Act, 1915, grant any extension it deems fit in respect of any interval elapsing between the date at which such contributor was discharged from the Expeditionary Force and the date on which he resumed employment in the
20 Education Service, notwithstanding that an application for such extension has not been made within the time prescribed.

32. Where any person has, whether before or after the passing of this Act, paid into the Teachers' Superannuation Fund any sum
25 as a condition on which he has been or may hereafter be deemed to have become a contributor as from a date antecedent to the date on which he did in fact become a contributor, or as a condition under which he has been or may hereafter be allowed to count, for the purpose of computing a retiring-allowance, service prior to the date
30 on which he became a contributor, the Teachers' Superannuation Board shall determine what portion of the sum so paid or to be paid by the contributor into the said fund shall be deemed to be contributions for the purposes of Part I of the Public Service Classification and Superannuation Amendment Act, 1908.

Authorizing Teachers' Superannuation Board to extend time during which members of Expeditionary Forces may remain unemployed in Education Service without ceasing to be contributors to fund.

As to contributions to cover periods of broken service, &c.

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PART IV.

LOCAL AUTHORITIES AND PUBLIC BODIES.

33. The authority conferred by section one hundred and twenty-one of the Public Revenues Act, 1910 (relating to the unauthorized expenditure of County Councils, Town Boards, River Boards,
40 Drainage Boards, and Road Boards), is hereby extended in the case of Road Boards in counties wherein the Counties Act, 1920, is suspended or not in force, as if the reference in the said section to “ fifteen pounds ” were a reference to “ fifty pounds.”

34. Section thirty-five of the Town Boards Act, 1908, is hereby
45 amended by omitting from the proviso the words “ three half-pence,” and substituting the word “ twopence ”; and by inserting, after the words “ two shillings,” the words “ and sixpence.”

35. Whereas the Clutha River Board (hereinafter in this section called “ the Board ”) was authorized by section twenty-four of the
50 Appropriation Act, 1916, to borrow, by way of bank overdraft, such

Extending amount of unauthorized expenditure allowed in the case of certain Road Boards.

Increasing rating-powers of Town Boards.

Special provisions as to bank overdraft of Clutha River Board.

sum as it might require, not exceeding in the aggregate the sum of five thousand pounds, at a rate of interest not exceeding six per centum per annum: And whereas it was by such section provided that such section should remain in operation until the thirty-first day of March, nineteen hundred and twenty-one, or until specifically repealed before that date: And whereas the overdraft limit prescribed by the aforesaid section was increased to seven thousand pounds, and the operation of such section was extended to the thirty-first day of March, nineteen hundred and twenty-six, by section thirty-three of the Appropriation Act, 1919: And whereas by section twenty-six of the Appropriation Act, 1920, the Board was empowered to issue debentures charged upon the endowments of the Board for the purpose of securing any moneys theretofore or thereafter borrowed by the Board by way of bank overdraft pursuant to section twenty-four of the Appropriation Act, 1916, as amended by section thirty-three of the Appropriation Act, 1919: And whereas doubts have arisen as to the construction of the aforesaid sections which it is desirable to settle: And whereas it is desirable to empower the Board to pay a higher rate of interest than six per centum per annum on its overdraft: Be it therefore enacted as follows:—

(1.) The Board is hereby authorized from time to time prior to the thirty-first day of March, nineteen hundred and twenty-six, to overdraw its bank account for the time being to such limit not exceeding seven thousand pounds as it may require, notwithstanding that such limit may be in excess of any limit fixed with respect to River Boards by any Act.

(2.) It shall be the duty of the Board, on or before the thirty-first day of March, nineteen hundred and twenty-six, to reduce its bank overdraft to the limit prescribed by the general law relating to River Boards then in force, but no bank dealing with the Board shall be concerned to inquire as to the Board's ability or be affected by notice of the Board's inability to comply with this subsection.

(3.) The Board may contract to pay and may pay interest on its overdraft at any rate not exceeding seven per centum per annum.

(4.) The Board may create a series of debentures for an aggregate amount not exceeding seven thousand pounds, such debentures to provide for repayment on a date not later than the thirty-first day of March, nineteen hundred and twenty-six, and to bear interest at a rate not exceeding six per centum per annum, and such debentures shall confer a charge upon the endowments of the Board to secure the payment of principal and interest.

(5.) The charge conferred by the said debentures shall be enforceable in manner provided by the Local Bodies' Loans Act, 1913, and sections forty-two to fifty-one of that Act shall apply accordingly in so far as the same may be applicable.

(6.) The Board may hypothecate or mortgage such debentures to its bankers for the time being to secure the repayment of all advances made by such bankers to the Board and the payment of interest thereon.

(7.) Any debentures which may be released by the Board's bankers from their security may be sold by the Board:

Provided, however, that after any such sale the overdraft limit hereinbefore prescribed shall be reduced by the amount of the debenture or debentures so sold and remaining unpaid.

(8.) Section twenty-four of the Appropriation Act, 1916, section 5 thirty-three of the Appropriation Act, 1919, and section twenty-six of the Appropriation Act, 1920, are hereby repealed, and subsections *one to seven* inclusive of this section shall be deemed to have been in force since the eighth day of August, nineteen hundred and sixteen, (being the date of the passing of the Appropriation Act, 1916). Repeals.

10 (9.) The seventy debentures, each of one hundred pounds, bearing date the twenty-fourth day of June, nineteen hundred and twenty-one, issued under the seal of the Board and delivered by the Board to the Bank of New Zealand, and the deed of mortgage or hypothecation thereof, bearing date the twenty-fourth day of June, nineteen 15 hundred and twenty-one, executed by the Board in favour of the Bank of New Zealand, shall be deemed to have been executed under the authority of the provisions of this section, and shall take effect accordingly.

20 36. (1.) The Minister of Finance is hereby empowered to make advances to the Council of the University of Otago in respect of the revenues derivable from the endowment reserves administered by the Otago Land Board pursuant to section two of the Otago University Reserves Act, 1904. Authorizing Minister of Finance to make advances to Otago University Council in respect of revenues derivable from University reserves.

(2.) All amounts so advanced by the Minister of Finance shall 25 be paid out of the Consolidated Fund without further appropriation than this section, and shall be repaid by the Council at such times and in such manner as may be agreed on between the Minister of Finance and the Council, and in the meantime shall bear interest at such rate as may be fixed by the Minister.

30 37. In computing for the purposes of section seven of the Greymouth Harbour Board Amendment Act, 1920, the amount of the moneys due and payable by the Board to His Majesty as at the commencement of that Act, there shall be deducted from the gross liability of the Board the sum of twenty-nine thousand three 35 hundred and forty-two pounds, being the accumulated proceeds in the Public Account derived from the special rate paid, pursuant to section twelve of the Greymouth Harbour Board Act, 1884, in respect of coal brought for shipment in the harbour, and the said sum shall be applied accordingly, without further appropriation than 40 this section, in reduction of the gross liability of the Board. Computation of liability to Crown of Greymouth Harbour Board.

38. (1.) In any Order in Council under section four of the Hospitals and Charitable Institutions Amendment Act, 1920 (providing for an apportionment of property, contracts, debts, and liabilities between the Otago Hospital Board and the South Otago 45 Hospital Board), the Governor-General may provide for the payment by the Otago Hospital Board to the South Otago Hospital Board of such sum as may be specified in that Order, not exceeding thirteen thousand nine hundred and fifty-eight pounds, in satisfaction or partial satisfaction, in accordance with the tenor of the Order in 50 Council, of all or any claims of the last-mentioned Board arising under or by virtue of the said section. Authorizing payment by Otago Hospital Board to South Otago Hospital Board in satisfaction of claim for apportionment of property.

(2.) Any amount so specified as being payable by the Otago Hospital Board to the South Otago Hospital Board shall be deemed to be a debt due by the Otago Hospital Board to the South Otago Hospital Board, and shall be recoverable by the last-mentioned Board accordingly:

Provided that the Otago Hospital Board may, with the approval of the Minister and subject to such conditions as he may impose, pay any amount due by it under this section to the South Otago Hospital Board, by yearly or other periodical instalments, extending over a period to be fixed by the Minister, not exceeding four years from the date of the Order in Council aforesaid.

(3.) The moneys payable by the Otago Hospital Board pursuant to this section may be raised by that Board by way of contribution from its contributory local authorities, but the said Board shall not be entitled to receive any moneys by way of subsidy in respect of any such contributions:

Provided that the Minister of Finance may pay to the Otago Hospital Board, without further appropriation than this section, a sum not exceeding one-half of the amount payable by that Board pursuant to this section. Such payment may be made by yearly instalments extending over a period not exceeding four years from the date of the Order in Council aforesaid.

Local authorities may borrow moneys to discharge existing liabilities for acquisition of land.

39. Where a local authority, as defined by the Local Bodies' Finance Act, 1921-22, is at the commencement of this Act liable to pay the purchase-price of or compensation for any lands acquired or agreed to be acquired, whether such liability exists under contracts now binding upon such local authority or by reason of the compulsory taking of such lands, and whether in the case of lands acquired or agreed to be acquired the amount of compensation payable in respect thereof has or has not been heretofore ascertained, such local authority may from time to time, with the consent of the Governor-General in Council, for the purpose of paying such purchase-moneys or compensation, borrow moneys in the manner provided by the Local Bodies' Loans Act, 1913, without taking the steps defined in sections eight to twelve of that Act.

Appointment of Commission to inquire as to loss of revenue suffered by local authorities from operation of Forests Act.

40. A Commission shall be appointed under the Commissions of Inquiry Act, 1908, to inquire and report upon the extent to which local authorities may incur loss of revenue from royalties consequent on the passing of the Forests Act, 1921-22, and upon the provision which should consequently be made from the revenues of the State Forest Service or otherwise.

PART V.

GENERAL.

41. (1.) Where on application by any party to a contract entered into before the first day of March, nineteen hundred and *twenty-one*,—

- (a.) For the construction of any building or work; or
- (b.) For the supply of any materials for any building or work; or
- (c.) By which the construction of any building or work is made a condition precedent of any right under the contract or

Consolidating provisions as to variation of contracts affected by the war.

otherwise affects the rights or obligations of the parties to the contract ; or

(d.) Entitling any person to cut timber on any land or to remove timber from any land,—

5 the Supreme Court, or a Judge thereof, is satisfied that, owing to the prevention or restriction of, or the delay in, the supply or delivery of materials, or the diversion or insufficiency of labour, or the disorganization of the markets, or financial stringency occasioned by or consequent upon the war with Germany, the
10 enforcement of the contract according to its terms, or its expiry by effluxion of time, would be the cause of serious hardship, the Court or Judge may, after considering all the circumstances of the case and the position of all the parties to the contract and any offer which may have been made by any party for a variation of the
15 contract or extension of the term thereof, suspend, vary, or annul the contract, or extend the term thereof, or stay any proceedings for the enforcement of the contract or any rights arising thereunder on such conditions (if any) as the Court or Judge may think fit.

(2.) The provisions of the *last preceding* subsection shall
20 apply and shall be deemed to have applied at all times since the thirty-first day of October, nineteen hundred and seventeen (being the date of the passing of the War Legislation Act, 1917), to any contract entitling any person to cut timber on or to remove timber from any Native land, and the Court or Judge may exercise in
25 respect of any such contract the powers conferred by that subsection, notwithstanding that the exercise of such powers would or might affect or involve an alienation of such land within the meaning of the Native Land Act, 1909, or any other Act relating to Native land.

(3.) This section is in substitution for section seventeen of the War Legislation Act, 1917, as amended by section thirty-one of the War Legislation and Statute Law Amendment Act, 1918, and by section four of the Mortgages Extension Amendment Act, 1921, and those sections are hereby accordingly repealed.

Consequential repeals.

42. Notwithstanding anything to the contrary in the Howard Estate Act, 1919, the Public Trustee may from time to time expend, out of the revenues derived by him from the administration of the Howard Estate, such sums as he thinks fit for the purpose of maintaining in good order the grave of the late Josiah Howard.

Authorizing necessary expenditure for maintaining in good order the grave of the donor of the Howard Estate.

43. Section seventeen of the Waihou and Ohinemuri Rivers Improvement Act, 1910, is hereby amended by repealing paragraph (e) of subsection four thereof.

Repeal.

44. (1.) Section eighteen of the Savings-banks Act, 1908 (hereinafter in this section referred to as the said Act), is hereby amended
45 by omitting from subsection two the words "one hundred pounds" wherever they occur, and substituting the words "two hundred pounds."

Limit of interest-bearing deposits in savings-banks.

(2.) Section twenty-one of the said Act is hereby amended by omitting the words "one hundred pounds" where they first occur in subsection one, and substituting the words "two hundred pounds."

(3.) Section twenty-four of the said Act is hereby amended by omitting the words "one hundred pounds," and substituting the words "two hundred pounds."

Savings-bank trustees may make provision for superannuation of employees.

Additional power to make regulations under Naval Defence Act, 1913.

45. The trustees of any savings-bank constituted under the Savings-banks Act, 1908, shall be deemed to be a local authority within the meaning of the Local Authorities Superannuation Act, 1908, and the National Provident Fund Amendment Act, 1914.

46. (1.) The Governor-General may from time to time, by Order in Council, make regulations under section twenty-five of the Naval Defence Act, 1913— 5

- (a.) Authorizing the discharge of officers and seamen during their periods of service:
- (b.) Providing for the enlistment of persons as members of the New Zealand Royal Naval Reserve: 10
- (c.) Prescribing terms of service in the Reserve, and regulating the training of officers and men therein:
- (d.) Prescribing rates of payments to members of the Reserve while on service therein, or by way of retaining fees or gratuities: 15
- (e.) Providing for the discharge of members of the Reserve.

(2.) The said Act is hereby consequentially amended as follows:—

- (a.) By repealing paragraph (b) of section fourteen thereof: 20
- (b.) By adding to subsection one of section twenty-one thereof the words "and of other persons who enlist for service in the Reserve."

Special provision for recognition of educational attainments of certain military cadets.

47. Whereas the services of certain New Zealand military cadets at the Royal Military College at Duntroon, in the Commonwealth of Australia, have recently been dispensed with through no fault of their own, and it is desirable that provision should be made for the recognition, so far as practicable, of their educational qualifications: Be it therefore enacted as follows:— 25

(1.) It shall be lawful for the Senate of the University of New Zealand to confer upon and award to any of the military cadets aforesaid such degrees, diplomas, or other certificates of educational attainment as the Senate may in its discretion from time to time determine, or to declare that any such cadets have passed in any section or sections, or subject or subjects, with or without having kept terms or otherwise complied with the statutes or regulations of the University of New Zealand or of any college affiliated to it. 35

(2.) For the purposes of this section the Senate may apply such tests or require the production of such certificates as it may, in its discretion, from time to time deem sufficient. 40

Limiting right to discharge tailings and mining debris into watercourse.

48. (1.) Section one hundred and twenty-six of the Mining Act, 1908 (hereinafter in this section referred to as the said Act), is hereby amended by adding the following proviso:—

"Provided that the exercise of the right to discharge tailings, debris, or waste water into any such watercourse, and of the right to carry on mining operations in or on the banks thereof, shall be subject to such conditions and restrictions as may be set out in the Proclamation." 45

(2.) Paragraph (a) of subsection one of section one hundred and twenty-seven of the said Act is hereby amended by omitting the word "and" after the word "made"; and by inserting, after the 50

word "relates," the words "and the conditions and restrictions (if any) to be set out in the Proclamation."

(3.) Section one hundred and thirty-five of the said Act is hereby amended by inserting, after the words "the Proclamation shall" in paragraph (b), the words "subject to such conditions and restrictions (if any) as may be therein specified."

(4.) Every person who, in the discharge of any tailings, debris, or waste water into any watercourse proclaimed under section one hundred and twenty-six of the said Act, or in carrying on any mining operations in or on the banks of such watercourse, makes default in complying with any restrictions or conditions that may be specified in the Proclamation constituting such watercourse, shall be liable to a fine of *fifty* pounds for every day during which such default continues.

49. Section one hundred and twenty-three of the Mining Act, 1908, is hereby amended by inserting, after the words "incumber or transfer the same" in paragraph (l), the words "to any person other than His Majesty."

Authorizing transfer to Crown of mining privileges in respect of water.

50. (1.) Section twenty-four of the State Advances Act, 1913 (hereinafter in this section referred to as the said Act), is hereby amended by omitting from subsection one the words "of such sum, not being less than fifty thousand pounds, as the Governor from time to time by Order in Council directs," and substituting the words "of the whole of the net profits from time to time arising from that branch after appropriating therefrom such amount as may be required in respect of that branch for the repayment to the Consolidated Fund to be made pursuant to the proviso to subsection one of section twenty-six hereof."

Reserve funds in State Advances Account.

(2.) Section twenty-five of the said Act is hereby amended by adding to subsection one the words "after appropriating therefrom such amount as may be required in respect of that branch for the repayment to the Consolidated Fund to be made pursuant to the proviso to subsection one of section twenty-six hereof."

(3.) Section twenty-six of the said Act is hereby amended by repealing paragraph (c) of subsection three thereof.

SCHEDULE.

Schedule.

Authorizing Enactment.	Limit of Loan Authority as fixed by prior Enactments.	Limit of Loan Authority as fixed by this Act.
1. The Scenery Preservation Act, 1908: Section 12	£ 100,000	£ 125,000
2. The Hauraki Plains Amendment Act, 1913: Section 2	400,000	450,000
3. The Rangitaiki Land Drainage Amendment Act, 1913: Section 2	350,000	450,000

By Authority: MARCUS F. MARKS, Government Printer. Wellington.—1922.