

FINANCE BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

PART I

SUBSTANTIVE PROVISION

Clause 2 re-enacts, with some minor drafting amendments, section 9 of the Rural Housing Amendment Act 1940, which protects the rights of the Crown in respect of buildings it hires to farmers for farm worker accommodation. Section 9 is repealed by *clause 3 (1)*.

PART II

REPEAL OF RURAL HOUSING ACT 1939

Clause 3 repeals the Rural Housing Act 1939 and its amendments, and preserves all existing transactions and arrangements under that Act.

PART III

VALIDATIONS, REPEALS, AND SAVINGS

Clause 4 validates the acquisition by the Minister of Finance of one share in Geothermal Developments and Investments Limited. The Minister has no general power to acquire shares.

Clause 5 relates to fees paid to doctors in respect of certificates, statements, and reports, supplied for the purposes of the Mental Health Act 1969 and the Alcoholism and Drug Addiction Act 1966. Each Act requires the fees payable to be prescribed by Order in Council. The clause also has effect in relation to fees paid in respect of certificates under Part VA of the Criminal Justice Act 1954 or Part VII of the Criminal Justice Act 1985, as the amount of those fees is fixed by reference to the fees paid for certificates under the Mental Health Act 1969.

Fees were prescribed for the purposes of the Mental Health Act 1969 by the Mental Health (Fees and Forms) Regulations 1969, and were several times increased by amendments to those regulations. But the last amendment was in 1978, and since 1979 fees have been paid at an increased rate.

The Alcoholism and Drug Addiction Act 1966 was in 1975 amended to provide for the payment to doctors of prescribed fees; but no fees were ever prescribed.

Fees have now been prescribed by Order in Council coming into force on 1 December 1985.

The clause validates all the payments made before then.

Clause 6 relates to certain production grants made under the Forestry Encouragement Grants Regulations 1983. In 1984 those regulations were amended to provide that no production grants were to be made in respect of claims received after 31 January 1985. A number of grants were made in 1985 in respect of claims received after that date, and in May 1985 the regulations were amended again to provide that no grants are to be made in respect of claims received after 19 December 1985.

The clause validates payments made before 31 May 1985 (the commencement of the second amendment) in respect of claims received after 31 January 1985.

Clause 7 repeals certain spent enactments, and saves the effect of validations effected by the Finance Act 1984.

Hon. R. O. Douglas

FINANCE

ANALYSIS

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2. Buildings hired by Crown to remain property of Crown		5. Validating unlawful payment of fees to doctors
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	REPEAL OF RURAL HOUSING ACT 1939	7. Repeals and savings
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A BILL INTITULED

An Act to make provision with respect to public finances and other matters

BE IT ENACTED by the General Assembly of New Zealand
5 in Parliament assembled, and by the authority of the same, as follows:

1. Short Title—This Act may be cited as the Finance Act 1985.

PART I

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SUBSTANTIVE PROVISION

2. Buildings hired by Crown to remain property of Crown—(1) Notwithstanding anything to the contrary in any enactment or rule of law, any building hired by the Crown to—

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(a) A person—

(i) Whose principal occupation is the carrying out of agricultural, horticultural, or pastoral operations, or the keeping of bees, poultry, or other livestock (whether personally or by a manager or other person

on that person's behalf) on land used exclusively or principally for one or more of those purposes and owned or leased by that person; and

(ii) Whose income, or a substantial part of it, is derived from the use of that land for one or more of those purposes; or 5

(b) The personal representatives of such a person who is deceased,—

for removal to that land for the purpose of providing accommodation for any other person whose principal occupation is working on that land for wages, or of sharemilking or sharecropping on that land, shall remain the property of the Crown until the Housing Corporation of New Zealand or the Rural Banking and Finance Corporation of New Zealand (as the case may be) issues a certificate under its common seal that the Crown's ownership has ceased; and that building may at any time be removed by that Corporation after the termination of the hiring concerned, or otherwise pursuant to that hiring, without liability for payment of compensation to the owner of the land on which it is situated or to any other person, even if it has been so attached to that land as to form part of it. 10 15 20

(2) Nothing in the Hire Purchase Act 1971 shall apply to any such hiring.

Cf. 1940, No. 10, s. 9 25

PART II

REPEAL OF RURAL HOUSING ACT 1939

3. Repeal of Rural Housing Act 1939—(1) The following enactments are hereby repealed:

- (a) The Rural Housing Act 1939 (hereafter in this section referred to as the principal Act): 30
 - (b) The Rural Housing Amendment Act 1940:
 - (c) Sections 20 and 22 of the Finance Act (No. 4) 1940:
 - (d) The Rural Housing Amendment Act 1956:
 - (e) The Rural Housing Amendment Act 1968: 35
 - (f) The Rural Housing Amendment Act 1970:
 - (g) So much of the Third Schedule to the Local Government Amendment Act 1979 as relates to the principal Act.
- (2) The Rural Housing Regulations 1975 are hereby revoked.
- (3) Terms defined in section 2 of the principal Act shall in this section have the meanings there specified. 40
- (4) Notwithstanding **subsections (1) and (2)** of this section,—
- (a) A Council that has before the commencement of this Act agreed to make an advance to a farmer under section 3 of the principal Act may do so; and 45

- (b) A Council that has made such an advance may recover the amount of it and interest on it; and
- (c) Fees shall be charged in respect of the matters referred to in section 5 of the principal Act; and
- 5 (d) A charge in respect of an advance under the principal Act may be registered under the Statutory Land Charges Registration Act 1928 and enforced accordingly; and
- (e) A memorial of a charge so registered shall be recorded; and
- 10 (f) Every advance made, before or after the commencement of this Act, under section 3 of the principal Act shall be a charge, and the amount of it shall, together with interest on it, be recoverable and applicable; and
- 15 (g) The Housing Corporation of New Zealand may recover from a Council the amount of any money lent pursuant to section 9 of the principal Act, and interest on it; and
- (h) Every debenture or other document or instrument of security or charge given by a Council to the said Corporation in respect of money lent or to be lent to that Council under section 9 of the principal Act shall have effect; and
- 20 (i) Every agreement under regulation 5 of the Rural Housing Regulations 1975 shall have effect; and
- 25 (j) Every written agreement entered into before the commencement of this Act pursuant to which the said Corporation agreed to advance money to a Council pursuant to section 9 of the principal Act and that Council agreed to give that Corporation security for that money shall have effect (and in that case that Corporation may advance money under the said section 9 accordingly); and
- 30 (k) A Council may give security for money so advanced; and
- 35 (l) Every charge created, before or after the commencement of this Act, by section 6 of the principal Act shall have priority over any mortgage to the Crown; and
- (m) A trustee who does not object to the making of an advance under section 3 of the principal Act shall not be liable for breach of trust; and
- 40 (n) The existence of a charge under the principal Act shall be taken into account in determining whether or not any mortgage or proposed mortgage of any land is or would be an investment authorised by a trust instrument or by the general law for the investment of trust funds; and
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- (o) A Council that has made an advance under section 3 of the principal Act shall be entitled to receive insurance money; and
- (p) Amounts recoverable in respect of an advance made under section 3 of the principal Act may be recovered from any person from whom rates may be recovered,—
- in the same manner, and to the same extent, as if the enactments specified in **subsection (1)** of this section and the regulations specified in **subsection (2)** of this section were still in force.

PART III

VALIDATIONS, REPEALS, AND SAVINGS

4. Validating acquisition of share by Minister of Finance—The subscription of the Minister of Finance, undertaken on behalf of Her Majesty the Queen, for a share in Geothermal Developments and Investments Limited on the 19th day of November 1985, and the payment of \$1 to that company for that share on that day are hereby validated and deemed to have been lawful.

5. Validating unlawful payment of fees to doctors—

(1) The actions of the Minister of Health in paying fees to medical practitioners in respect of—

(a) Certificates or statements in writing given by them or accepted by a District Court Judge for the purposes of and in accordance with the Mental Health Act 1969; or

(b) Certificates for any of the purposes of Part VA of the Criminal Justice Act 1954 or Part VII of the Criminal Justice Act 1985,—

during the period that commenced on the 13th day of November 1979 and ended with the 30th day of November 1985 (which fees were not prescribed as required by section 119(1) of that first-mentioned Act) are hereby validated and deemed to have been lawful.

(2) The actions of the Minister of Health in paying to medical practitioners in respect of certificates or reports in writing supplied by them to a District Court Judge for the purposes of the Alcoholism and Drug Addiction Act 1966 during the period that commenced on the 9th day of October 1975 and ended with the 30th day of November 1985 (which fees were not prescribed as required by section 38A of that Act) are hereby validated and deemed to have been lawful.

6. Validating certain payments of forestry encouragement grants—All payments of production grants made in respect of claims received after the 31st day of January 1985 and before the 31st day of May 1985 are hereby deemed
 5 to have been as valid and effectual as if the Forestry Encouragement Grants Regulations 1983, Amendment No. 4* had come into force on the 31st day of January 1985.

*S.R. 1985/105

7. Repeals and savings—(1) The enactments specified in the Schedule to this Act are hereby repealed.
 10 (2) The repeal by **subsection (1)** of this section of Part II of the Finance Act 1984 shall not affect the validity of anything validated by that Part.
 (3) The Shorthand Reporters Regulations 1958* are hereby revoked.

*S.R. 1953/63

SCHEDULE

Section 7 (1)

ENACTMENTS REPEALED

- 1908, No. 180—The Shorthand Reporters Act 1908 (R.S. Vol. 4, p. 871).
 1951, No. 16—The Shorthand Reporters Amendment Act 1951 (R.S. Vol. 4, p. 878).
 1970, No. 137—The Age of Majority Act 1970: So much of the First Schedule as relates to the Arms Act 1958, the Domestic Proceedings Act 1968, the Juries Act 1908, the Poisons Act 1960, or the Shorthand Reporters Act 1908; and so much of the Second Schedule as relates to the Arms Regulations 1959, the Coal Mines Regulations 1939, the Government Railways (Staff) Regulations 1953, the Health Inspectors Qualifications Regulations 1958, the Juries Regulations 1964, the Matrimonial Proceedings Regulations 1964, the Post Office Savings Bank Regulations 1944, the Private Savings Banks Regulations 1964, the Shorthand Reporters Regulations 1953, or the Trustee Savings Banks Regulations 1949.
 1984, No. 21—The Finance Act 1984: Part II and the Schedule.