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*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,*

*23rd April, 1931.*

*Right Hon. Mr. Forbes.*

## FINANCE (No. 2).

### ANALYSIS.

- | Title.  |  |
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| 1. Short Title.   |  |
| <b>PART I.</b>  |  |
| <b>PUBLIC REVENUES AND SERVICES.</b>  |  |
| 2. Increasing authority to borrow on Treasury Bills.  | 20. Restricting right of certain persons to count as time and a half for superannuation purposes service in Cook Islands and Western Samoa.            |
| 3. Reparation-moneys received before 1st April, 1933, may be paid into Consolidated Fund.   | 21. Census and Statistics Act, 1926, to be administered by Minister of Industries and Commerce.  |
| 4. Section 95 of Post and Telegraph Act, 1928, amended.   | 22. Amendments of Marriage Act, 1908, &c.  |
| 5. Payments to the Consolidated Fund from the Public Trustee's Account, the Native Trustee's Account, the Government Insurance Account, the State Fire Insurance Account, and the Government Accident Insurance Account of amount of reduction in salaries effected by Finance Act, 1931. | 23. Section 16 of Births and Deaths Registration Act, 1924, amended.   |
| 6. Section 5 of Greymouth Harbour Board Amendment Act, 1920, amended.   | 24. Recovery from or crediting to appropriate accounts cost of exchanges and premiums on remittances of certain public moneys. Repeals.                |
| 7. Reducing annual grant to New Zealand Institute.  | 25. Land Assurance Deposit Account under section 53 of Finance Act, 1930, abolished.   |
| 8. Repeal.  | 26. Education Purposes Loans Act, 1919, repealed, and special account abolished. Consequential amendment of certain enactments. Consequential repeals. |
| 9. Repeal.  | 27. Railways Improvement Authorization Act 1914 Account abolished. Repeals.  |
| 10. Section 20 of Finance Act, 1928, amended.   | 28. Saving of rights of lenders under loan authorities repealed by two last preceding sections.  |
| 11. Special provisions as to taking and release of securities to the Crown.   |  |
| 12. Governor-General may make regulations regulating the import and export of coined silver.  | <b>PART II.</b>  |
| 13. Governor-General in Council may declare certain payments not to be pay or salary for superannuation purposes.   | <b>EDUCATION AMENDMENT.</b>  |
| 14. National Provident Fund Act, 1926, amended.   | 29. This Part to be part of Education Act, 1914.   |
| 15. Sections 19 and 43 of the National Provident Fund Act, 1926, modified in their application to certain persons.  | 30. Commencement.  |
| 16. Unclaimed moneys payable out of National Provident Fund to become part of Fund.   | 31. Abolishing Council of Education and District Advisory Committees.  |
| 17. Section 3 of Family Allowances Act, 1926, amended.  | 32. Temporary or permanent closing of schools by Minister in certain cases of emergency.   |
| 18. Each Official Assignee to close separate bank accounts for individual estates and to have one bank account for all estates. Consequential amendments of section 119 of Bankruptcy Act, 1908.  | 33. Section 54 of principal Act amended. Consequential repeal.   |
| 19. Public Service Commissioner to control Cook Islands and Samoan Public Services.   | 34. Section 71 of principal Act amended.   |
|   | 35. Abolition of Junior and Senior National Scholarships. Saving of existing scholarships.   |
|   | 36. Minister may establish bursaries for secondary or higher education.  |
|   | 37. Repeal. Combining of secondary and technical schools for purposes of control.  |
|   | 38. Altering constitution of Council of Governors of Nelson College and transferring to it control of Nelson Technical School.                         |
|   | 39. Napier High School Board to be known as Napier Secondary Education Board and to have control of Napier Technical School.                           |

## PART III.

## LOCAL AUTHORITIES AND PUBLIC BODIES.

40. Replacing of lost or destroyed debentures of local authorities. Repeal.
41. Borough Councils to make by-laws *re* design and construction of buildings to resist earthquake shocks.
42. Authorizing remission of additional charge of 10 per cent. on unpaid rates
43. Section 10 of the Hospitals and Charitable Institutions Act, 1926, amended.
44. Fire Boards to be subject to Local Bodies' Finance Act, 1921-22.

## PART IV.

## MISCELLANEOUS.

45. Trustee not liable for continuing to hold investment which has ceased to be an authorized investment.
46. Trustees in certain cases may, with consent of Court, borrow moneys and apply the same for advancement, &c., of persons entitled to capital of trust property.
47. Publication in the *Gazette* to be sufficient compliance with requirement to publish in the *Kahiti*.

## A BILL INTITULED

Title. AN ACT to make Provision with respect to Public Finance and other Matters.

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

Short Title. 1. This Act may be cited as the Finance Act, 1931 (No. 2).

## PART I.

## PUBLIC REVENUES AND SERVICES.

Increasing authority to borrow on Treasury Bills. 2. Subsection one of section forty-one of the Public Revenues Act, 1926, is hereby amended by omitting the words " four million pounds ", and substituting the words " six million pounds ".

Reparation-moneys received before 1st April, 1933, may be paid into Consolidated Fund. 3. (1) Notwithstanding anything contained in subsection two of section one hundred and thirty-five of the Public Revenues Act, 1926, any reparation-moneys received in respect of the Great War at any time before the first day of April, nineteen hundred and thirty-three, may be paid into the Consolidated Fund as a credit in reduction of expenditure out of that fund in accordance with section eleven of the Repayment of the Public Debt Act, 1925.

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and *thirty-one*.

Section 95 of Post and Telegraph Act, 1928, amended. 4. Section ninety-five of the Post and Telegraph Act, 1928, is hereby amended as follows :—

(a) By adding to subsection one as from the first day of April, nineteen hundred and *thirty*, the following new paragraph :—

" (d) Any profits accrued at the end of any financial year in respect of the operations of the Department other than the Post Office Savings-bank " :

(b) By inserting after subsection one the following new subsection :—

" (1A) If at any time during any financial year the Minister of Finance is satisfied that the operations of the Post Office Savings-bank or the other operations of the Department, as the case may be, in respect of any period of that year have resulted in a profit being made for that period, he may authorize and direct payment of the whole or any part of the amount of such profit to be made out of the Post Office Account into the Public Account to the credit of the Consolidated Fund."

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5. Whereas it is provided by law that any deficiency in any of the accounts hereinafter mentioned in this section shall from time to time be met by transfer to such accounts from the Consolidated Fund of such sums as may be required to meet such deficiency: And whereas
- 5 in view of the State guarantee thus afforded, and in view of the economic and financial conditions at present affecting the public revenues of New Zealand, it is deemed equitable that the savings in the amount of salaries payable out of such accounts effected by Part I of the Finance Act, 1931, shall be credited to the Consolidated Fund:
- 10 Be it therefore enacted as follows:—
- There shall during the financial year ending on the thirty-first day of March, nineteen hundred and thirty-two, and in each succeeding financial year thereafter be paid without further appropriation than this section from the Public Trustee's Account, the Native Trustee's
- 15 Account, the Government Insurance Account, the State Fire Insurance Account, and the Government Accident Insurance Account respectively to the Consolidated Fund such amounts and at such times as the Minister of Finance directs, not exceeding in the whole in any year in the case of any such account the total amount by which the salaries
- 20 payable out of such account were reduced as from the first day of April, nineteen hundred and thirty-one, by Part I of the Finance Act, 1931.
6. Subsection two of section five of the Greymouth Harbour Board Amendment Act, 1920, is hereby amended by omitting the words
- 25 "fifteen thousand pounds", and substituting the words "twelve thousand pounds".
7. Subsection one of section seven of the Finance Act, 1925, is hereby amended by omitting the words "one thousand five hundred pounds", and substituting the words "seven hundred and fifty pounds".
- 30 8. Section seven of the Finance Act, 1928, is hereby repealed.
9. Subsection two of section twenty of the Animals Protection and Game Act, 1921-22, is hereby repealed.
10. Section twenty of the Finance Act, 1928, is hereby amended as from the passing of that Act by repealing subsection two thereof, and
- 35 substituting the following subsection:—
- "(2) The amount of all such payments so made in advance of the receipt of the relative amount into the Public Account shall be recovered from the accounts or authorities on behalf of which they were made without taking the steps required to be taken by the Public Revenues
- 40 Act, 1926, in connection with payments or paid vouchers or otherwise in connection with accounting for moneys paid out of the Foreign Imprest Account and when so recovered shall be paid into the Public Account as a credit to the Foreign Imprest Account against such payments."
11. (1) Wherever security is taken in respect of an advance from
- 45 public moneys, unless the statute authorizing the advance provides otherwise, the security shall be given to and taken in the name of His Majesty.

Payment to the Consolidated Fund from the Public Trustee's Account, the Native Trustee's Account, the Government Insurance Account, the State Fire Insurance Account, and the Government Accident Insurance Account of amount of reduction in salaries effected by Finance Act, 1931.

Section five of Greymouth Harbour Board Amendment Act, 1920, amended.

Reducing annual grant to New Zealand Institute.

Repeal.

Repeal.

Section 20 of Finance Act, 1928, amended.

Special provisions as to taking and release of securities to the Crown.

- (2) In connection with—
- (a) Any such security as aforesaid ; and
- (b) Any security given to His Majesty in pursuance of any statutory provision in that behalf now or heretofore or hereafter in force or otherwise ;
- and whether any such security is given—
- (c) Before or after the passing of this Act ; and
- (d) To secure payment of any debt due to the Crown or to secure the discharge of any other liability or obligation (whether absolute or contingent),—
- the following provisions shall have effect, subject to and without derogation from any express statutory provision relating thereto, namely :—
- (e) Any release, discharge, transfer, or assignment of such security shall be sufficient if executed by the Governor-General or the Minister of Finance on behalf of His Majesty.
- (f) Any reconveyance, conveyance, transfer, assignment, demise, or other assurance or alienation of any property comprised in such security, whether upon release or upon the exercise of any powers thereby conferred or thereto annexed by law and exercisable upon default or otherwise, shall be sufficient if executed by the Governor-General or the Minister of Finance on behalf of His Majesty.
- (g) Any variation or modification of the terms of such security that may be effected, any notice, consent, or license that may be given, discretion that may be exercised, contract that may be entered into, application that may be made, or other act, deed, step, matter, or thing that may be made, taken, or done under or in connection with such security shall be sufficient if effected, given, exercised, entered into, made, taken, or done by the Minister of Finance under the authority of this section.
- (h) No party or privy to the security or other person or public officer required to act in respect thereof shall be concerned to inquire into the propriety of any thing done or purporting to be done under the authority of this section or be affected by any information or notice of irregularity attending the doing or purported doing of any thing under the authority of this section.

Governor-General may make regulations regulating the import and export of coined silver.

12. (1) Notwithstanding anything contained in the Banking Act, 1908, or any other Act or in the charter (as defined by the Banking Act, 1908) of any bank carrying on business in New Zealand the Governor-General may from time to time, by Order in Council, make regulations for regulating or prohibiting the importation into or the exportation from New Zealand of coined silver.

(2) Every person committing a breach of any such regulations shall be liable on summary conviction to a fine of *fifty* pounds.

(3) Coined silver imported into or exported from New Zealand in breach of any such regulations shall be forfeited to His Majesty, and the provisions of the Customs Act, 1913, relating to forfeited goods shall apply to such silver in the same manner as in the case of goods forfeited under that Act.

13. The Governor-General may from time to time, by Order in Council, declare that any payments or classes of payments specified in such Order shall not be deemed to be pay within the meaning of section ninety-one of the Government Railways Act, 1926, or salary within the meaning of section two or section sixty-five of the Public Service Superannuation Act, 1927:

Governor-General in Council may declare certain payments not to be pay or salary for superannuation purposes.

Provided that nothing in any such Order in Council shall have any force or effect with respect to any payments which by any Act are expressly declared to be or to be deemed to be pay or salary as aforesaid or to form or to be deemed to form part thereof.

14. (1) The National Provident Fund Act, 1926, is hereby amended as follows:—

National Provident Fund Act, 1926, amended.

(a) By adding to section seventy-one the words "and the amount of all expenses so paid in any year shall from time to time, as the Treasury directs, be repaid out of the Fund to the Consolidated Fund":

(b) By omitting from subsection two of section seventy-four the words "equal to one-fourth", and substituting the words "equal to one-fifth".

(2) This section shall be deemed to have come into force on the first day of April, nineteen hundred and thirty-one.

15. (1) Section nineteen of the National Provident Fund Act, 1926, in its application to any person who becomes a contributor to the National Provident Fund after the passing of this Act shall be read as if the references in subsections one and two of that section to three hundred pounds were references to *two hundred and seventy* pounds, and the amount payable under that section in respect of the birth of a child shall, in the case of any such person as aforesaid, be the sum of *four* pounds instead of the sum of six pounds mentioned in subsection one of that section.

Sections 19 and 43 of National Provident Fund Act, 1926, modified in their application to certain persons.

(2) Section forty-three of the said Act, in its application to any person who becomes a member of an approved friendly society after the passing of this Act and in its application to a person who is a member of a friendly society which becomes an approved friendly society after the passing of this Act, shall be read as if the reference to three hundred pounds in subsection one of that section were a reference to *two hundred and seventy* pounds, and the amount payable under that section (whether paid pursuant to that section or section forty-five or section forty-seven of the said Act) in any case where the claim is based on the membership of any such person as aforesaid shall be the sum of *four* pounds instead of the sum of six pounds mentioned in subsection one of the said section forty-three.

16. All moneys payable out of the National Provident Fund to any person for which no claim or demand has been made by or on behalf of such person within a period of six years after the time when they became so payable shall form part of the Fund, but may at any time after so becoming part of the Fund be paid thereout by the Superintendent to any person establishing a lawful claim thereto.

Unclaimed moneys payable out of National Provident Fund to become part of Fund.

17. Section three of the Family Allowances Act, 1926, is hereby amended by omitting the words "four pounds", and substituting the words "three pounds twelve shillings".

Section 3 of Family Allowances Act, 1926, amended.

Each Official Assignee to close separate bank accounts for individual estates and to have one bank account for all estates.

18. (1) Every separate bank account for the bankrupt estate of any person kept by any Official Assignee in accordance with subsection one of section one hundred and nineteen of the Bankruptcy Act, 1908, shall be closed by him on the *thirtieth* day of April, nineteen hundred and *thirty-one*, and the moneys then standing to the credit of each such account shall be paid into one bank account at the same bank to the credit of the Official Assignee, as from the *first* day of May, nineteen hundred and *thirty-one*, and all moneys thereafter received by him in his official capacity shall be paid into such last-mentioned account. 5

Consequential amendments of section 119 of Bankruptcy Act, 1908.

(2) Section one hundred and nineteen of the Bankruptcy Act, 1908, is hereby consequentially amended as follows as from the *first* day of May, nineteen hundred and *thirty-one* :— 10

(a) By omitting from subsection one the words “ for the bankrupt estate of ” :

(b) By omitting from subsection two the words “ to the credit of such estate ”, and substituting the words “ to the credit of the Official Assignee’s account ”. 15

Public Service Commissioner to control Cook Islands and Samoan Public Services.

19. (1) On and after the *first* day of May, nineteen hundred and *thirty-one*, the Cook Islands Public Service and the Samoan Public Service shall be under the control of the Public Service Commissioner, who shall for such purpose with respect to each such service have the powers and authorities and exercise the duties and functions vested in or imposed on him by the Public Service Act, 1912, with respect to the New Zealand Public Service. 20

(2) The provisions of the Cook Islands Act, 1915, and the Samoa Act, 1921, relating to the Cook Islands Public Service and the Samoan Public Service respectively, shall be read subject to this section. 25

(3) The Governor-General in Council may from time to time, on the recommendation of and for special reasons assigned by the Public Service Commissioner, exempt any officer or class of officers in either of such services from the operation of this section. 30

Restricting right of certain persons to count as time and a half for superannuation purposes service in Cook Islands and Western Samoa.

20. On and after the *first* day of April, nineteen hundred and *thirty-one*, no person shall be entitled to have his length of service in the Cook Islands Public Service or the Samoan Public Service computed for the purposes of any superannuation Act in the manner provided by section twenty-eight of the Cook Islands Act, 1915, or section twenty-three or section forty-three of the Samoa Act, 1921, or subsection four of section forty-seven of the Public Service Superannuation Act, 1927, unless after his having served for ten years in either such Service the Minister for the Cook Islands or the Minister of External Affairs, as the case may require, directs that such person’s length of service shall be so computed : 35 40

Provided that nothing in this section shall affect the right of any person to have computed as aforesaid any period so served by him before the *first* day of April, nineteen hundred and *thirty-one*. 45

Census and Statistics Act, 1926, to be administered by Minister of Industries and Commerce.

21. Section two of the Census and Statistics Act, 1926, is hereby amended by omitting from the definition of the term “ Minister ” the words “ Minister of Internal Affairs ”, and substituting the words “ Minister of Industries and Commerce ”.

22. (1) Section ten of the Marriage Act, 1908, is hereby amended as follows:—

Amendments of Marriage Act, 1908, &c.

5 (a) By omitting from subsection one as amended by paragraph (a) of section two of the Marriage Amendment Act, 1926, the words "Minister of Internal Affairs", and substituting the words "Minister of Justice":

10 (b) By omitting from subsection three as set out in paragraph (b) of section two of the Marriage Amendment Act, 1926, the words "Minister of Internal Affairs", and substituting the words "Minister of Justice".

(2) Subsection one of section two of the Marriage Amendment Act, 1927, is hereby amended by omitting the words "Minister of Internal Affairs", and substituting the words "Minister of Justice".

15 23. Subsection four of section sixteen of the Births and Deaths Registration Act, 1924, is hereby amended by omitting the words "Minister of Internal Affairs", and substituting the words "Minister of Justice".

Section 16 of Births and Deaths Registration Act, 1924, amended.

20 24. (1) The cost of exchange incurred, or the premiums earned, as the case may be, on remittances between the Public Account in Wellington and the New Zealand Public Account in London, shall, without further appropriation than this section, be recovered from or credited to the several appropriate funds and accounts within the Public Account in such proportions as the Minister of Finance from time to time determines.

Recovery from or crediting to appropriate accounts cost of exchanges and premiums on remittances of certain public moneys.

25 (2) Section thirteen of the Appropriation Act, 1926, and section fourteen of the Finance Act, 1929, are hereby repealed.

Repeals.

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and *thirty-one*.

30 25. (1) The deposit account established pursuant to subsection two of section fifty-three of the Finance Act, 1930, is hereby abolished, and all moneys therein at the commencement of this section shall, without further authority than this section, be credited to the Ordinary Revenue Account of the Consolidated Fund.

Land Assurance Deposit Account under section 53 of Finance Act, 1930, abolished.

35 (2) The said section fifty-three is hereby consequentially amended as follows:—

(a) By repealing subsections two, five, and six:

40 (b) By omitting from subsection four all words after the word "shall", and substituting the words "without further appropriation than this section, be paid out of the Consolidated Fund".

(3) This section shall be deemed to have come into force on the first day of April, nineteen hundred and *thirty-one*.

45 26. (1) The Education Purposes Loans Act, 1919, section four of the Finance Act, 1927 (No. 2), section three of the Finance Act, 1929, and subsections one and three of section eleven of the Finance Act, 1930 (No. 2), are hereby repealed.

Education Purposes Loans Act, 1919, repealed, and special account abolished.

50 (2) The Education Loans Account established by section three of the said Education Purposes Loans Act, 1919, is hereby abolished, and all moneys standing to the credit of that account at the commencement of this section shall, without further authority than this section, be transferred to and deemed part of the Public Works Fund, and may from time to time be applied in accordance with appropriations thereof by Parliament:

Provided that during the period of three months ending on the *thirtieth* day of June, nineteen hundred and *thirty-one*, there may, without further appropriation than this section, be issued and paid out of the Public Works Fund, as the Minister of Finance directs, for the purposes for which moneys have heretofore been payable out of the said Education Loans Account an amount not exceeding one-fourth part of the amount of the moneys expended out of that Account during the then preceding year, but all amounts so issued and paid shall be included in the estimates and accounts for the then current financial year. 5

Consequential amendment of certain enactments.

(3) (a) Subsection one of section thirty-five of the Child Welfare Act, 1925, as set out in subsection two of section eleven of the Finance Act, 1930 (No. 2), is hereby amended by omitting the words "the Education Loans Account established under the Education Purposes Loans Act, 1919", and substituting the words "moneys to be appropriated by Parliament for the purpose". 10 15

(b) Subsection one of section six of the Finance Act, 1929, is hereby amended by omitting therefrom the words "the Education Purposes Loans Act, 1919"; and subsection three of that section as amended by section nine of the Finance Act, 1930 (No. 2), is hereby further amended by omitting the words "section five of the Massey Agricultural College Act, 1927". 20

Consequential repeals.

(4) Section five of the Massey Agricultural College Act, 1927, section nine of the Finance Act, 1930 (No. 2), and section thirty-one of the Canterbury Agricultural College Act, 1930, are hereby repealed.

(5) This section shall be deemed to have come into force on the *first* day of April, nineteen hundred and *thirty-one*. 25

Railways Improvement Authorization Act 1914 Account abolished.

27. (1) The separate account within the Public Account known as the Railways Improvement Authorization Act 1914 Account (hereinafter referred to as the separate account) established pursuant to section five of the Railways Improvement Authorization Act, 1914 (hereinafter referred to as the said Act), is hereby abolished, and all moneys standing to the credit of the separate account at the commencement of this section shall, without further authority than this section, be transferred to and deemed part of the Public Works Fund. 30

(2) All moneys which, if this section had not been passed, would be payable into the Public Account to the credit of the separate account shall be paid into the Public Account to the credit of the Public Works Fund. 35

(3) All moneys which, if this section had not been passed, would be payable out of the separate account shall be paid out of moneys from time to time appropriated by Parliament for the purpose: 40

Provided that in respect of expenditure to be met pursuant to this subsection during the period of three months ending on the *thirtieth* day of June, nineteen hundred and *thirty-one*, for the purposes of section forty-seven of the Public Revenues Act, 1926, the vote "Railways Improvement" shall be deemed to be a vote out of the Public Works Fund. 45

(4) This section shall be deemed to have come into force on the *first* day of April, nineteen hundred and *thirty-one*.

Repeals.

(5) The following enactments are hereby repealed, namely:— 50

(a) Sections four and five of the said Act:

(b) Section five of the Finance Act, 1922:



41

(c) Subsections one and two of section three of the Finance Act, 1926:

(d) Section three of the Finance Act, 1927 (No. 2):

(e) Section three of the Finance Act, 1928:

5 (f) Section four of the Finance Act, 1930 (No. 2):

28. The repeal by either of the two last preceding sections of any enactment authorizing the borrowing of moneys shall not affect the validity of the borrowing of any moneys heretofore borrowed pursuant to the authority conferred by such enactment, or in any way affect  
10 the security of the lenders thereof, and all such moneys shall continue to be part of the public debt within the meaning of the Repayment of the Public Debt Act, 1925, and to be subject to all the provisions of the New Zealand Loans Act, 1908, in all respects as if the enactment authorizing the borrowing thereof had not been repealed.

Saving of rights of lenders under loan authorities repealed by two last preceding sections.

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## PART II.

## EDUCATION AMENDMENT.

29. This Part of this Act shall be read together with and deemed part of the Education Act, 1914 (hereinafter in this Part referred to as the principal Act).

This Part to be part of Education Act, 1914.

20 30. Except as otherwise specially provided, the provisions of this Part of this Act shall be deemed to have come into force on the *first* day of April, nineteen hundred and *thirty-one*.

Commencement.

25 31. (1) The General Council of Education constituted under section eight of the principal Act and all District Advisory Committees constituted under section eleven of that Act and in office at the commencement of this section are hereby abolished.

Abolishing Council of Education and District Advisory Committees.

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

30 (a) By omitting the definitions of the terms "District Advisory Committee", "General Council", and "Council" in section two:

(b) By repealing paragraph (b) of subsection one of section six:

(c) By repealing Part II (sections eight to twelve):

35 (d) By omitting from subsection two of section fifty-four the words "on the advice of the Council"; by omitting from subsection three of that section the words "(after consultation, if need be, with the General Council or the District Advisory Committee)"; and by omitting from subsection five of that section the words "upon the advice of the Council":

40 (e) By omitting from subsection two of section eighty-seven the words "on the advice of the Council":

45 (f) By omitting from subsections one, four, and five of section eighty-eight the words "on the advice of the Council"; by omitting from subsection one of that section the words "and on the like advice"; and by omitting from subsection two of that section the words "and the Minister shall at the next opportunity refer such application to the Council for its advice":

(g) By omitting from subsections one and three of section ninety-two the words " on the advice of the Council " :

(h) By repealing subsection four of section ninety-two, and substituting the following subsection :—

" (4) If the scheme so forwarded is not approved by the Minister, or if the governing body fails to comply with such notice, the Minister may draw up a scheme which from a date named by the Minister shall be the scheme for the management of the school." 5

(i) By omitting from subsection one of section one hundred and thirteen of the principal Act, as set out in section thirty-one of the Education Amendment Act, 1920, the words " or on the advice of the Council of Education " . 10

(3) The Education Amendment Act, 1924, is hereby consequentially amended by omitting from subsection one of section ten, from subsection one of section eleven, and from subsection one of section twelve the words " or on the advice of the Council of Education " . 15

Temporary or permanent closing of schools by Minister in certain cases of emergency.

32. (1) Where the buildings or any of them used in connection with any public school, intermediate school, secondary school, technical school, or technical high school are wholly or partially destroyed by earthquake, fire, or flood and the attendance at such school has fallen to such an extent as in the opinion of the Minister to warrant the temporary or permanent closing of the school, the Minister may, notwithstanding anything contained in the principal Act or any other Act, direct that such school shall be temporarily or permanently closed, and the school shall be closed accordingly as from the date of the Minister's direction. 20 25

(2) The appointment of every teacher in any school so closed shall terminate on the expiration of thirty days from the date of the Minister's direction as aforesaid, but every such teacher shall, as soon as may be practicable after the date of the Minister's direction, and without loss of salary, be transferred to another position, and shall be accepted by any Education Board, Secondary School Board, or Technical School Board for temporary or permanent appointment to any other position which in the opinion of the Director he is capable of filling : 30

Provided that the appointment of any such teacher who refuses to accept any appointment or transfer offered to him pursuant to this subsection shall, subject to confirmation by the Minister, be immediately terminated, notwithstanding that the aforesaid period of thirty days from the date of the Minister's decision may not have expired. 35

(3) Any teacher appointed or transferred pursuant to the *last preceding* subsection may, with the approval of the Minister, be paid the actual and reasonable expenses of transfer to his new position and in the case of a married man who satisfies the Director that he will be obliged to live away from home while holding a temporary position, a boarding-allowance at the rate of *forty* pounds per annum. 40 45

(4) The annual grant to the General Fund of an Education Board, or for the incidental expenses of a School Committee, and of a Secondary School Board or a Technical School Board, controlling any school or schools from or to which pupils are temporarily transferred as the result of the total or partial destruction of school buildings as aforesaid or of the temporary or permanent closing of a school under this section may, for such period as the Minister decides, be of such amount as he may determine ; and the staffing of any such school as 50

43

aforesaid and the salaries payable to the teachers employed therein shall, for such period as the Minister deems necessary, be such as he shall determine.

(5) The powers conferred by this section are in addition to, and not in substitution for, any powers with respect to any of the matters aforesaid conferred by or under the principal Act or any other Act.

(6) This section shall be deemed to have come into force on the third day of February, nineteen hundred and thirty-one.

33. (1) Section fifty-four of the principal Act is hereby amended as follows :—

Section 54 of principal Act amended.

(a) By repealing subsection four and substituting the following subsections :—

“ (4) If it appears to the Board that the children attending any school could conveniently attend any other school, and it is expedient that such first-mentioned school should be closed, the Board, with the consent of the Minister, may close the same.

“ (4A) If it appears to the Minister, on the ground mentioned in the *last preceding* subsection, that any school should be closed, he may bring the matter under the notice of the Board, and such school shall thereupon be closed by the Board, unless, within one month after the matter has been brought under its notice, the Board by resolution in that behalf objects to closing the school and transmits a copy of such resolution to the Minister. If the Board so objects, the Minister shall consider the objection, and if he then directs the closing of the school the Board shall take all action necessary for the closing of the school as from a date named by the Minister. After such date no further grants shall be payable on account of the school so directed to be closed.

“ (4B) On the closing of any school under either of the two *last preceding* subsections the Board, if but not unless so directed by the Minister, shall take all necessary action for the conveyance of the children to and from such other school as aforesaid.”

(b) By inserting in subsection six, after the words “ then the Board may ”, the words “ with the approval of the Minister ” :

(c) By repealing paragraph (b) of subsection six, and substituting the following paragraph :—

“ (b) Require the children to receive instruction from any correspondence school established by the Minister for the purpose.”

(d) By repealing subsection seven.

(2) Section eight of the Education Amendment Act, 1920, is hereby consequentially repealed.

Consequential repeal.

34. Section seventy-one of the principal Act is hereby amended by adding to subsection six thereof (as set out in section sixteen of the Education Amendment Act, 1920), after the second proviso (as set out in section twenty-one of the Education Amendment Act, 1924), the following additional proviso :—

Section 71 of principal Act amended.

“ Provided also that, except in the case of a married female teacher who has completed her course of training at a teachers' training college

but has not completed the term of service required by regulations, the Board may, with the approval of the Senior Inspector, refuse to employ any female married teacher."

Abolition of Junior and Senior National Scholarships.

35. (1) Sections one hundred and two to one hundred and seven of the principal Act as from time to time amended and extended are hereby repealed. 5

(2) Sections twenty-six, twenty-seven, and twenty-eight of the Education Amendment Act, 1920, section nine of the Education Amendment Act, 1921-22, section twenty-three of the Education Amendment Act, 1924, and sections eight to thirteen of the Education Amendment Act, 1926, are hereby consequentially repealed. 10

Saving of existing scholarships.

(3) Notwithstanding the repeal of the said enactments, every person holding a Junior National Scholarship or a Senior National Scholarship at the date of the passing of this Act shall be entitled to continue to hold the same in all respects as if this section had not been passed. 15

Minister may establish bursaries for secondary or higher education.

36. (1) For the purpose of enabling qualified persons to pursue courses of secondary or higher education, the Minister may establish bursaries which shall be awarded in accordance with regulations in that behalf, and shall be of such annual value as is prescribed. 20

(2) All payments in connection with such bursaries shall be made out of moneys appropriated by Parliament for the purpose.

Repeal.

37. Section two of the Education Amendment Act, 1924, is hereby repealed, and the following substituted therefor:—

Combining of secondary and technical schools for purposes of control.

"2. The Governor-General may by Order in Council direct that any secondary schools, or any technical schools, or any secondary school or schools and any technical school or schools, whether established under the principal Act or any other Act, shall as from a date to be named in the Order be combined in the manner prescribed in the Order, and shall for the purposes of control be placed under a single governing body as hereinafter set out." 25 30

Altering constitution of Council of Governors of Nelson College and transferring to it control of Nelson Technical School.

38. Whereas secondary schools in the City of Nelson, being Nelson College, founded by the Deed of Foundation set out in the Schedule to the Nelson College Act, 1858, and the Nelson Girls' College, established under the Nelson College Act 1858 Amendment Act, 1882, are governed by a Council of Governors (hereinafter referred to as the Council), the said Governors being incorporated under the said Nelson College Act, 1858: And whereas in the City of Nelson there is also a school known as the Nelson Technical School carried on under a Board of Managers: And whereas it is desirable that the work of the technical school and the work of the aforesaid Nelson College and Nelson Girls' College should be combined: And whereas it is also desirable that other arrangements as hereinafter set out should be carried into effect: Be it therefore enacted as follows:— 35 40

(1) Notwithstanding anything to the contrary in the Acts hereinbefore mentioned, or any other Act, or in the said Deed of Foundation, the Council shall, after the passing of this Act, consist of thirteen Governors appointed or elected as follows:— 45

Five Governors (of whom at least one shall be a woman) appointed by the Governor-General: 50

Two Governors elected by the parents of the children attending the schools under the control and management of the Council:

Two Governors elected by associations of employers in local industries :

Two Governors elected by associations of employees in local industries :

5 One Governor appointed by the Education Board of the District of Nelson :

One Governor appointed by the Nelson Agricultural and Pastoral Association (Incorporated).

10 (2) The Governor-General may by Order in Council prescribe the terms for which the several Governors shall be appointed or elected as aforesaid, and may in such Order fix a shorter or longer term for the first period of office than for the subsequent periods.

15 (3) The Governor-General may from time to time, by Order in Council, fix the dates for the making of appointments or the holding of elections, and prescribe the manner of conducting the elections and the manner in which extraordinary vacancies shall be filled, and any other matters necessary or expedient for giving effect to the provisions of this section.

20 (4) Notwithstanding anything in the foregoing provisions of this section, the Governors in office on the passing of this Act shall continue in office until the appointment or election of their successors under this section, and their term of office shall then be deemed to be terminated.

25 (5) At the first meeting of the new Council constituted as provided in this section a Chairman shall be elected, and thereafter the election shall be held as provided by Order in Council in that behalf.

(6) Five Governors shall constitute a quorum.

30 (7) Any vacancy which may arise in the office of Governor, whether by reason of death, resignation, or otherwise, shall be filled in the same manner as the office was originally filled, and the person appointed or elected to the vacancy shall hold office for the unexpired remainder of the term for which his predecessor was appointed or elected.

35 (8) Notwithstanding the variation of its constitution effected pursuant to this section, the Corporation of Nelson College shall at all times hereafter continue to be the same body corporate as that constituted by the Nelson College Act, 1858.

(9) The Nelson Technical School is hereby placed under the control of the Council, and the Corporation of the Board of Managers of the said technical school is hereby dissolved.

40 (10) All property of the said Board of Managers shall vest in the Corporation of Nelson College, and all rights and liabilities of the Board of Managers shall become the rights and liabilities of that Corporation.

(11) The Governor-General may from time to time by Order in Council make regulations relating to the maintenance, administration, staffing, and salaries of staffs of the schools to which this section relates.

45 (12) The Acts hereinbefore mentioned and every other Act relating to Nelson College and the said Deed of Foundation shall hereafter be read subject to the provisions of this section and any Order in Council and regulations made hereunder.

50 39. Whereas the Napier High School Board constituted under the Napier High School Act, 1882 (hereinafter referred to as the said Act), controls the Boys' High School and the Girls' High School at Napier : And whereas there is also a school known as the Napier Technical School carried on under a Board of Managers : And whereas it is desirable

Napier High School Board to be known as Napier Secondary Education Board and to have control of Napier Technical School.

that the work of the technical school and the work of the aforesaid boys' and girls' high schools should be combined: And whereas it is also desirable that other arrangements as hereinafter set out should be carried into effect: Be it therefore enacted as follows:—

(1) As from the *thirtieth* day of April, nineteen hundred and *thirty-one*, the Napier High School Board shall be known by the name of the Napier Secondary Education Board, and all references in the said Act or any other Act to the Napier High School Board shall be read as references to the Napier Secondary Education Board (hereinafter called the Board). 5

(2) Notwithstanding anything to the contrary in the said Act or any other Act, the Board shall consist of thirteen members appointed or elected as follows:— 10

Four members (of whom at least one shall be a woman) appointed by the Governor-General: 15

Three members elected by the parents of the children attending the schools under the control and management of the Board:

Two members elected by associations of employers in local industries:

Two members elected by associations of employees in local industries: 20

One member appointed by the Education Board of the District of Hawke's Bay:

One member appointed by the Hawke's Bay Agricultural and Pastoral Association (Incorporated). 25

(3) The Governor-General may by Order in Council prescribe the terms for which the several members shall be appointed or elected as aforesaid, and may in such order fix a shorter or longer term for the first period of office than for the subsequent periods.

(4) The Governor-General may from time to time, by Order in Council, fix the dates for the making of appointments or the holding of elections, and prescribe the manner of conducting the elections and the manner in which extraordinary vacancies shall be filled, and any other matters necessary or expedient for giving effect to the provisions of this section. 30

(5) Notwithstanding anything in the foregoing provisions of this section, the members of the Board in office on the *first* day of May, nineteen hundred and *thirty-one*, shall continue in office until the appointment or election of their successors under this section, and their term of office shall then be deemed to be terminated. 40

(6) At the first meeting of the new Board constituted as provided in this section a Chairman shall be elected, and thereafter the election shall be held as provided by the said Act.

(7) Five members of the Board shall constitute a quorum.

(8) Any vacancy which may arise in the office of any member of the Board, whether by reason of death, resignation, or otherwise, shall be filled in the same manner as the office was originally filled, and the person appointed or elected to the vacancy shall hold office for the unexpired remainder of the term for which his predecessor was appointed or elected. 45

(9) Notwithstanding the change of name and the variation of its constitution effected pursuant to this section, the governing body of 50

the said boys' high school and the said girls' high school shall at all times hereafter continue to be the same body corporate as that constituted by the said Act.

(10) The Napier Technical School is hereby placed under the control of the Board, and the Corporation of the Board of Managers of the said technical school is hereby dissolved.

(11) Save in so far as the same are expressly excepted by the Governor-General by Order in Council gazetted, all property of the said Board of Managers shall vest in the Board, and all rights and liabilities of the Board of Managers shall become the rights and liabilities of the Board. All property, rights, or liabilities so excepted as aforesaid shall be vested or otherwise dealt with in such manner as the Governor-General by the same or a subsequent Order in Council directs, and every such Order in Council shall have effect according to its tenor.

(12) The Governor-General may from time to time, by Order in Council, make regulations relating to the maintenance, administration, staffing, and salaries of staffs of the said boys' and girls' high schools and technical school.

(13) The Napier High School Act, 1882, is hereby amended by repealing sections seven and eight and eleven to fifteen thereof. Section twenty of the said Act shall be read subject to any regulations made under the *last preceding* subsection.

### PART III.

#### LOCAL AUTHORITIES AND PUBLIC BODIES.

40. (1) On the loss or destruction in any manner of any debenture during the currency thereof or while it remains unpaid, any local authority issuing the same may, subject to the provisions of any regulations made under the *next succeeding* subsection, issue a new debenture or debentures in the place of the lost or destroyed debenture :

Replacing of lost or destroyed debentures of local authorities.

30 Provided that in no case shall any such new debenture be issued unless and until the applicant therefor gives to the local authority such good and sufficient indemnity as the Audit Office approves against the possible presentation thereafter of the original debenture.

(2) For the purpose of giving full effect to this section the Governor-General may from time to time, by Order in Council gazetted, make regulations for all or any of the following purposes :—

(a) Providing for advertisement of the loss or destruction of the debenture and the intention to issue substituted debentures :

(b) Fixing the maximum charges payable by debenture-holders for the issue of new debentures :

(c) Providing for the proof to be supplied of the loss or destruction of any debenture as aforesaid :

(d) Providing the form of indemnity to be given before a new debenture is issued under the authority conferred by this section :

(e) Making any provision which may be convenient for the administration of this section or which may be desirable or necessary to carry its object into full effect.

Repeal.

(3) Section three of the Wellington City Empowering Act, 1930, is hereby consequentially repealed.

Borough Councils to make by-laws re design and construction of buildings to resist earthquake shocks.

41. (1) In addition to all other powers conferred on it by any Act to make by-laws concerning the construction of buildings, every Borough Council shall have power to make by-laws under the Municipal Corporations Act, 1920, for the purpose of regulating and controlling the design and construction of buildings in relation to their resistance to earthquake shocks. 5

(2) In any case where any Borough Council does not within three months after the passing of this Act make such by-laws, the Governor-General may by Order in Council make regulations for such purpose as aforesaid, and such regulations shall for all purposes be deemed to be and shall have the same force and effect as by-laws made by that Borough Council. 10

Authorizing remission of additional charge of 10 per cent. on unpaid rates.

42. (1) This section shall apply to rates made and levied for the financial year ending on the *thirty-first* day of March, nineteen hundred and *thirty-one*, or for any less period falling within that year in respect of which an additional charge of ten per centum has heretofore been or may hereafter be added pursuant to section seventy-six of the Rating Act, 1925. 15

(2) Any local authority which has added such additional charge to unpaid rates may either remit the payment of such charge or postpone the same for such time as it thinks fit. 20

(3) Any remission of such charge heretofore made by any local authority is hereby validated. 25

(4) The power given by this section may be exercised in respect of all rates or any particular rate or rates, and may be so exercised either generally with respect to all ratepayers liable to pay such charge, or with respect to any particular ratepayer or ratepayers only.

(5) Any local authority which exercises the power given by this section may refund to any person any amount already paid by that person by way of such additional charge. 30

(6) The powers conferred by this section may be exercised by the Minister of Lands in respect of rates made and levied by him under the authority of the Rangitaiki Land Drainage Act, 1910, and the Hauraki Plains Act, 1926. 35

Section 10 of Hospital and Charitable Institutions Act, 1926, amended.

43. Section ten of the Hospitals and Charitable Institutions Act, 1926, is hereby amended by adding thereto the following subsection:—

“(8) Where pursuant to the last preceding subsection the election or appointment of the members of the Board is to take place at any time after the constitution of the hospital district, the Governor-General may, by Warrant under his hand, appoint such number of qualified persons, being not fewer than eight nor more than twenty, as he thinks fit to be members of the Board of the district, to hold office until the coming into office of members of the Board pursuant to such election or appointment as aforesaid. The Governor-General may from time to time in like manner fill any vacancy caused by the death, resignation, or incapacity of any member so appointed by him.” 40 45

Fire Boards to be subject to Local Bodies' Finance Act, 1921-22.

44. Section two of the Local Bodies' Finance Act, 1921-22, is hereby amended by inserting in the definition of the term “local authority”, after the words “a Railway Board”, the words “a Fire Board”. 50



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## PART IV.

## MISCELLANEOUS.

45. A trustee shall not be liable for breach of trust by reason only of his continuing to hold or of his having continued to hold at any time before the passing of this Act an investment which, after the same became vested in him, or in any prior trustee holding under the same trust, ceased to be an investment authorized by the trust instrument or by the general law.

Trustee not liable for continuing to hold investment which has ceased to be an authorized investment.

46. (1) This section applies to any case where trustees under any trust created before or after the passing of this Act are authorized either by the trust instrument or by the general law, and whether at their own discretion or with the consent of any other person, or on obtaining the authority of the Court or any Judge thereof, to apply any capital money subject to the trust for the advancement, or benefit, or maintenance (either separately or as one of a class), of any person entitled to the capital of the trust property or of any share thereof, whether absolutely or contingently on his attaining any specified age, or on the occurrence of any other event, or subject to a gift-over on his death under any specified age or on the occurrence of any other event, and whether in possession or in remainder or reversion, and whether or not the interest of the person for whose advancement or benefit or maintenance such moneys are to be applied is liable to be defeated by the exercise of a power of appointment or revocation, or to be diminished by the increase of the class to which he belongs :

Trustees in certain cases may, with consent of Court, borrow moneys and apply the same for advancement, &c., of persons entitled to capital of trust property.

25 Provided that this section shall apply to any such case as aforesaid only if and in so far as a contrary intention is not expressed in the instrument or instruments creating the trust or in the instrument or instruments under which arises the interest of the person so entitled as aforesaid.

30 (2) In any case to which this section applies, if no such moneys or insufficient moneys are available for application by the trustees as aforesaid, the trustees, with the consent in writing of any person whose consent is required to such an application of capital moneys, and with the consent of the Court, the giving or refusing of which shall be in the absolute discretion of the Court, and subject to such terms and conditions as the Court thinks fit to impose, may borrow moneys on the security of a mortgage of any land or other assets forming part of the trust property, and apply any moneys so borrowed for the advancement, or benefit, or maintenance of any person so entitled as aforesaid, and the trustees may from time to time borrow moneys for the purpose of repaying any moneys borrowed as aforesaid or borrowed for the purpose of repaying such moneys.

45 (3) All sums paid as interest on any moneys so borrowed shall, unless the Court otherwise directs, be brought into account as part of the share of the person so entitled as aforesaid in like manner as the capital moneys advanced.

50 (4) Save for the purpose of borrowing moneys to repay any moneys lawfully borrowed under this section, no moneys shall be borrowed under the authority of this section at any time after the *thirty-first* day of March, nineteen hundred and *thirty-three*.

Publication in the  
*Gazette* to be  
sufficient compliance  
with requirement to  
publish in the  
*Kahiti*.

47. It shall be deemed a sufficient compliance with the provisions of any Act or regulation made thereunder requiring or directing that any notice or matter be published in the *Kahiti* or *Maori Gazette* or in the *Gazette* and *Kahiti* or be published in the Maori language if such notice or matter is published or inserted in the *New Zealand Gazette*, in the English language or the Maori language, as the case may require. 5