

FINANCE (No. 2) BILL

EXPLANATORY NOTE

Clause 1 sets out the Short Title to the Bill.

Clause 2 provides that where any contributor to the Government Superannuation Fund receives an increase in salary as a result of a general increase granted consequent on a recommendation of the Advisory Committee on Higher Salaries in the State Services (being a general increase effective as to part from 1 April 1967 and as to the balance from 1 April 1968), he may elect to contribute to the Fund as if the whole of the general increase had been effective from 1 April 1967.

Clause 3: Section 7 of the Parliamentary Commissioner (Ombudsman) Act 1962 provides that the Ombudsman shall be paid a salary at a rate to be fixed by the Governor-General by Order in Council made pursuant to a recommendation of a Royal Commission appointed pursuant to section 27 of the Civil List Act 1950. Subsection (2) of the said section 27 is to apply to any such Order in Council, which may therefore be made retrospective to the first day of April next before the date of the Order. On 4 April 1967 the Royal Commission on Parliamentary Salaries and Allowances 1967 recommended that the Ombudsman's salary be increased to £4,235 effective as from 1 April 1966. (See Parliamentary Paper H. 50.) The Ombudsman's Salary Order 1967 (S.R. 1967/123) makes provision in accordance with the recommendation for the period commencing on 1 April 1967, but legislation is necessary to cover the position for the previous 12 months. The clause gives effect to the recommendation in respect of the said 12 months.

Clause 4 provides that Air New Zealand Limited is to make an annual report to the Minister of Civil Aviation accompanied by a copy of its audited accounts. The report and accounts are to be laid before Parliament.

This clause gives effect to a recommendation in the report of the Public Expenditure Committee 1967 (Parliamentary Paper I. 12).

Clause 5 authorises the taking pursuant to the Public Works Act 1928 of part of the closed cemetery in Wellington known as the Bolton Street Cemetery for the purposes of the Ngauranga - Basin Reserve Motorway. Construction of the motorway will be carried out by the National Roads Board and will necessitate the prior removal of some of the graves situated in the closed cemetery. Provision is made in the clause for the reinterment in other parts of the cemetery or in any other cemetery controlled by the Wellington City Corporation or in any place approved by the Minister of Health of any human remains in those graves. The clause also provides for the removal of headstones, tablets, monuments, and grave surrounds. The removal of human remains will be subject to such directions as the Minister

of Health may specify to the Wellington City Council, which is to arrange for the reinterment and certain other matters relating to the remains. No compensation is to be paid to the Corporation for the land taken under the clause. A record of the persons whose remains are removed is to be compiled, and suitable memorials (including a memorial grave) inscribed with the names of those persons is to be erected on any of the land taken not required for the motorway or in part of the cemetery not taken as aforesaid.

Clause 6: Section 15 (3) of the Local Government Commission Act 1961 provides that where any request or recommendation is made to the Governor-General under any other enactment asking for or recommending any action to be taken for the purpose of or with a view to giving effect to any proposal which could be provided for in a reorganisation scheme under that Act, the request or recommendation must be referred to the Local Government Commission and no such action may be taken under that other enactment unless the Commission so recommends. Similar provisions appeared in section 15 (2) of the Local Government Commission Act 1953 and in section 24 (1) of the Local Government Commission Act 1946.

Milk Authorities under the Milk Act 1944 are local authorities for the purposes of the Local Government Commission Act 1961 and were also local authorities for the purposes of the 1953 Act and the 1946 Act. Many Orders in Council have been made under the Milk Act 1944 making provision for matters that could have been provided for in a reorganisation scheme, but the matter was not referred to the Local Government Commission as required by the Local Government Commission Act 1961 and former Acts.

Doubts have now arisen as to the validity of those Orders in Council, and it does not appear that the failure to comply with the Local Government Commission Act in force at the time was an irregularity that could be validated by an Order in Council under section 116 of the Milk Act 1944. This clause validates all Orders in Council under the Milk Act 1944 that would have been valid if the provisions of the Local Government Commission Act in force at the time had been complied with.

Clause 7 authorises territorial local authorities to make grants to Societies for the Prevention of Cruelty to Animals.

Clause 8 repeals the Electricity Advisory Council Act 1962.

Clause 9: The Master and Apprentice Act 1908 now applies only to apprentices employed in the Post Office and the Government Railways Department and to soldiers in the New Zealand Army who are being taught certain trades and are apprenticed to the Quartermaster-General. Since special provision is being made for matters relating to apprentices in amendments to the Post Office Act 1959 and to the Government Railways Act 1949 and in an amendment to the New Zealand Army Act 1950, the Master and Apprentice Act 1908 and its amendments are being repealed. In addition, certain obsolete regulations made under the Master and Apprentice Amendment Act 1920 (which Act was repealed by the Apprentices Act 1948) are being revoked.

Hon. Mr Muldoon

FINANCE (No. 2)

ANALYSIS

Title	
1. Short Title	6. Validating certain Orders in Council under Milk Act 1944
2. Superannuation contributions by certain contributors to Government Superannuation Fund	7. Empowering certain local authorities to make grants to Societies for the Prevention of Cruelty to Animals
3. Salary of Ombudsman	8. Electricity Advisory Council Act 1962 repealed
4. Annual report and accounts of Air New Zealand Limited to be presented to Parliament	9. Master and Apprentice Act 1908 repealed
5. Authorising the taking for a motorway of part of the Bolton Street Cemetery situated in the City of Wellington	Schedules

A BILL INTITULED

An Act to make provision with respect to public finance 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 (No. 2) 1967.

2. Superannuation contributions by certain contributors
10 **to Government Superannuation Fund**—(1) This section shall apply to any contributor to the Government Superannuation Fund who receives an increase in salary effective on and from the first day of April, nineteen hundred and

sixty-seven, as a result of a general increase granted consequent upon a recommendation by the Advisory Committee on Higher Salaries in the State Services established under section 17 of the State Services Act 1962, being a general increase effective as to part thereof on and from the first day of April, nineteen hundred and sixty-seven, and as to the remaining part thereof on and from the first day of April, nineteen hundred and sixty-eight. 5

(2) If any question arises as to whether or not any increase in salary was received as a result of any such general increase, that question shall be determined by the Minister of Finance. 10

(3) Any contributor to whom this section applies may, by notice in writing addressed to the Superintendent of the said Fund, elect to contribute to the Fund as if the whole of the said general increase had been effective on and from the first day of April, nineteen hundred and sixty-seven. 15

(4) Every election under this section shall be made before the first day of April, nineteen hundred and sixty-eight, or before such later date as the Minister of Finance may determine in any particular case or class of cases. 20

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

3. Salary of Ombudsman—The salary of the Ombudsman for the period of twelve months that ended with the thirty-first day of March, nineteen hundred and sixty-seven, shall be at the rate of four thousand two hundred and thirty-five pounds a year. 25

4. Annual report and accounts of Air New Zealand Limited to be presented to Parliament—(1) As soon as may be reasonably practicable after the thirty-first day of March in every year, Air New Zealand Limited shall furnish to the Minister of Civil Aviation a report of its operations for its financial year that ended with that date, together with a copy of its audited balance-sheet and profit and loss account for that year. 30 35

(2) A copy of the report and of such balance-sheet and profit and loss account shall be laid before Parliament within twenty-eight days after their receipt by the Minister of Civil Aviation if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session. 40

5. Authorising the taking for a motorway of part of the Bolton Street Cemetery situated in the City of Wellington—

Whereas the land described in subsection (5) of this section (in this section referred to as the said land) is part of the closed cemetery known as Bolton Street Cemetery (in this section referred to as the Cemetery) situated in the City of Wellington: And whereas by Order in Council made pursuant to the Cemeteries Act 1882 on the twenty-eighth day of July, eighteen hundred and ninety-one, and published in the *Gazette* on the thirtieth day of that month at page 869, the Cemetery was declared closed and vested in the Mayor, Councillors, and Citizens of the City of Wellington (in this section referred to as the Corporation): And whereas section 43 of the Burial and Cremation Act 1964 prevents the said land from being sold or leased or otherwise disposed of or diverted to any purpose other than a closed cemetery: And whereas the said land is required for the Ngauranga - Basin Reserve Motorway (in this section referred to as the motorway): And whereas it is desirable that special provision be made to authorise the taking of the said land pursuant to the Public Works Act 1928 for the motorway: And whereas it is desirable that suitable provision be made for the reinterment of human remains removed in preparation for the construction of the motorway and for certain other matters relating to those human remains: Be it therefore enacted as follows:

(1) The Governor-General is, pursuant to the powers conferred on him by the Public Works Act 1928, hereby empowered to take the said land or any part of it for the motorway, freed and discharged from all trusts, reservations, and restrictions.

(2) Notwithstanding anything to the contrary in the Public Works Act 1928 or any other enactment or in any rule of law, no compensation shall be payable to the Corporation by the Crown or any other person in respect of the taking of the said land or any part of it in accordance with subsection (1) of this section.

(3) Notwithstanding anything to the contrary in the Burial and Cremation Act 1964 or any other enactment or in any rule of law, the National Roads Board established under the National Roads Act 1953 may construct a motorway on any part of the said land, and may carry out ancillary works—

(a) Resulting from the construction of the motorway; and

(b) Associated with the restoration and the landscaping of any portion of the said land not required for the motorway and of any adjacent land vested in the Crown or the Corporation.

(4) Notwithstanding anything to the contrary in the Burial and Cremation Act 1964 or any other enactment or in any rule of law, where the construction of the motorway requires the prior removal of any human remains from the said land, the Wellington City Council (in this subsection referred to as the Council) shall, with the concurrence of and at the expense of the National Roads Board, but subject to such directions as may be notified to it by the Minister of Health,—

(a) Arrange for the excavation of any grave and the removal of any headstone, tablet, monument, or surround of any such grave, and provide for the re-erection or disposal in a respectful and fitting manner of any such headstone, tablet, monument, or surround in such manner as it may consider appropriate, having regard to such wishes as may have been made known to the Council by any relative or legal personal representative of the deceased person buried in the grave:

(b) Arrange for the removal of the remains of any such deceased person and, having regard to such wishes as may have been made known to the Council by any surviving relative or legal personal representative of the deceased, cause the remains to be re-interred in a respectful and fitting manner in any part of the said land not required for the motorway or any cemetery under the control of the Corporation or in such other place as may be approved by the Minister of Health:

Provided that the Council, having regard to any wishes that the deceased person or any relative or legal personal representative of the deceased person may have expressed, may authorise the remains of that deceased person to be cremated:

(c) Cause to be compiled as complete a record as practicable of the names of all persons whose remains are removed as aforesaid and of the names of the persons who were their next of kin at their deaths:

(d) Cause to be designed and erected on any part of the said land not required for the motorway, or, if it is not practicable to do so, on any part of the Cemetery adjacent to the said land, suitable
5 memorials (including a memorial grave) inscribed with the names of the persons whose remains have been removed as aforesaid.

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

10 All that area of land in the Wellington Land District situated in the City of Wellington containing five acres and twenty-eight perches, more or less, being part Lot 1 on Deposited Plan numbered 8370, being part Public Cemetery No. 1 and part Church of England Cemetery No. 2, and
15 being part of the land comprised and described in certificate of title, Volume 403, folio 203, Wellington Land Registry; as more particularly shown on S.O. Plan 26952 lodged in the office of the Chief Surveyor at Wellington, and thereon coloured blue.

20 **6. Validating certain Orders in Council under Milk Act 1944**—Whereas under the Milk Act 1944 the Governor-General is authorised, by Order in Council, to constitute, unite, alter the boundaries of, and abolish milk districts, and to constitute and alter the Milk Authority for any milk
25 district: And whereas by section 15 (3) of the Local Government Commission Act 1961 it is provided that where a request or recommendation is made under any enactment other than that Act to the Governor-General asking for or recommending that any action be taken for the purpose of or
30 with a view to giving effect to any proposal which could be provided for in a reorganisation scheme under that Act, the request or recommendation shall be referred to the Local Government Commission and no such action shall be taken under the enactment unless the Commission so recommends,
35 and corresponding provisions formerly appeared in section 15 (2) of the Local Government Commission Act 1953 and in section 24 (1) of the Local Government Commission Act 1946: And whereas many Orders in Council have been made under the Milk Act 1944 making provision for matters that
40 could have been provided for in a reorganisation scheme, but the provisions of section 15 (3) of the Local Government Commission Act 1961, or, as the case required, the said corresponding former provisions, were not complied with:

And whereas doubts have arisen as to the validity of those Orders in Council and it is expedient that they should be validated: Be it therefore enacted as follows:

Every Order in Council under the Milk Act 1944 made before the passing of this Act making provision for any matter that could have been provided for in a reorganisation scheme under the Local Government Commission Act 1961 or, as the case may require, the Local Government Commission Act 1953 or the Local Government Commission Act 1946, which would have been valid if the provisions of section 15 (3) of the Local Government Commission Act 1961 or, as the case may require, section 15 (2) of the Local Government Commission Act 1953 or section 24 (1) of the Local Government Commission Act 1946, had been complied with and the Local Government Commission had recommended that provision for that matter be made by Order in Council under the Milk Act 1944 is hereby validated and declared to have been lawfully made on and from the date of the making thereof.

7. Empowering certain local authorities to make grants to Societies for the Prevention of Cruelty to Animals—It shall be lawful and be deemed always to have been lawful for any County Council, Borough Council, or Town Council or the Waiheke Road Board to expend money out of its general fund or account to make grants to the bodies known as Societies for the Prevention of Cruelty to Animals.

8. Electricity Advisory Council Act 1962 repealed—The Electricity Advisory Council Act 1962 is hereby repealed.

9. Master and Apprentice Act 1908 repealed—(1) The enactments specified in the First Schedule to this Act are hereby repealed.

(2) The regulations specified in the Second Schedule to this Act are hereby revoked.

SCHEDULES

FIRST SCHEDULESection 9 (1)

ENACTMENTS REPEALED

- 1908, No. 115—The Master and Apprentice Act 1908. (1957 Reprint, Vol. 9, p. 409.)
- 1918, No. 10—The War Legislation and Statute Law Amendment Act 1918: Section 39. (1931 Reprint, Vol. VIII, p. 1078; 1957 Reprint, Vol. 9, p. 416.)
- 1941, No. 26—The Statutes Amendment Act 1941: Section 52. (1957 Reprint, Vol. 9, pp. 412 and 419; Vol. 15, p. 146.)
- 1954, No. 71—The Labour Department Act 1954: Subsection (3) of section 17 and so much of the First Schedule as relates to the Master and Apprentice Act 1908. (1957 Reprint, Vol. 6, p. 836.)
- 1961, No. 43—The Crimes Act 1961: So much of the Third Schedule as relates to the Master and Apprentice Act 1908.
- 1962, No. 132—The State Services Act 1962: Subsection (4) of section 70.

SECOND SCHEDULESection 9 (2)

REGULATIONS REVOKED

Title or Description of Statutory Regulations	Gazette Reference or Serial Number
Regulations under the Master and Apprentice Amendment Act 1920 made by Order in Council on the 23rd day of March 1925	1925, Vol. I, p. 927.
Regulations under the same Act made by Order in Council on the 19th day of December 1932	1932, Vol. III, p. 2768.
The Master and Apprentice Amendment Regulations 1937	S.R. 1937/169.