

*Hon. Mr. Skinner*

## REHABILITATION AMENDMENT

### ANALYSIS

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### A BILL INTITULED

AN ACT to amend the Rehabilitation Act, 1941.

Title.

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

1. This Act may be cited as the Rehabilitation Amendment Act, 1944, and shall be read together with  
and deemed part of Part I of the Rehabilitation Act, 1941 (hereinafter referred to as the principal Act).

Short title.

1941, No. 25

Extension  
of term  
"serviceman".

2. (1) The definition of the term "serviceman" contained in subsection one of section two of the principal Act is hereby amended as follows:—

(a) By inserting in paragraph (a), after the word "forces", the words "or as a member of any of the armed forces of any of His Majesty's Allies in the present war, or served outside New Zealand with any of those forces as a war correspondent or as a member of any voluntary aid or other voluntary organization";

(b) By adding the following words:—

" or

" (e) Served in any capacity in any ship of the mercantile marine of any of His Majesty's Allies in the present war;

" and includes—

" (f) Any person who, not being ordinarily resident in New Zealand, has at any time during the present war served outside New Zealand as a member of any of His Majesty's Forces established in New Zealand; and

" (g) Any persons or members of a class of persons, whether ordinarily resident in New Zealand or not, who are declared by the Governor-General by Order in Council to be servicemen for the purposes of this Part of this Act: "

(2) Subsection one of section two of the principal Act is hereby consequentially amended by repealing the definition of the term "discharged serviceman", and substituting the following definition:—

" "Discharged serviceman" means a serviceman who, whether before or after the passing of this Act, has lawfully ceased to serve as a serviceman: "

(3) For the purposes of Part I of the principal Act the date of the discharge of a discharged serviceman shall be the date when he lawfully ceased to serve as a serviceman.

- (4) For the purposes of the Small Farms Act, 1932-33, unless the context otherwise requires, the terms "serviceman" and "discharged serviceman" shall have the same meanings as in Part I of the principal Act. 1932-33, No. 43
- (5) Section two of the Servicemen's Settlement and Land Sales Act, 1943, is hereby amended by repealing the definitions of the terms "discharged serviceman" and "serviceman", and substituting the following definitions:— 1943, No. 16
- "Discharged serviceman" has the same meaning as in Part I of the Rehabilitation Act, 1941: "
- "Serviceman" has the same meaning as in Part I of the Rehabilitation Act, 1941: "
- (6) Subsection two of section two of the principal Act and section twenty-eight of the Statutes Amendment Act, 1943, are hereby repealed. Repeals.  
1943, No. 20
- 3.** Subsection one of section two of the principal Act is hereby further amended by omitting from the definition of the term "serviceman's widow" the words "while a member of any of His Majesty's forces", and substituting the words "while serving". Extension  
of term  
"serviceman's  
widow".
- 4.** (1) Subsection five of section two of the principal Act is hereby amended as follows:— Extending  
power to assist  
children.
- (a) By omitting the words "child of any man", and substituting the words "child of any person":
- (b) By omitting from paragraph (a) the words "while a member of any of His Majesty's forces", and substituting the words "while serving":
- (c) By omitting the words "if the child's mother is deceased".
- (2) The Rehabilitation Emergency Regulations 1943 are hereby revoked. Serial No.  
1943/178
- 5.** (1) There may from time to time be appointed an officer of the Public Service to be called the Director of Rehabilitation. Director of  
Rehabilitation.
- (2) The person holding office as Director of Rehabilitation on the passing of this Act shall be deemed to have been appointed pursuant to this section.

Constitution  
and quorum of  
Rehabilitation  
Board altered.

(3) For the purposes of the principal Act, unless the context otherwise requires, " Director " means the Director of Rehabilitation.

6. (1) Section four of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:— 5

" (2) The Board shall consist of—

"(a) The Minister, who shall be the Chairman of the Board:

"(b) The Director: 10

"(c) The Secretary to the Treasury:

"(d) One of the Joint Managing Directors of the State Advances Corporation:

"(e) The Under-Secretary for Lands:

"(f) The Under-Secretary of the Native Department: 15

"(g) Such other persons, not exceeding four in number, as the Governor-General may from time to time appoint either by name or as the holder for the time being of any office."

(2) The Joint Managing Directors of the State Advances Corporation shall from time to time decide between themselves which of them shall be the member of the Board and shall advise the Director accordingly. In the absence of the Joint Managing Director who is the member of the Board from any meeting of the Board, the other Joint Managing Director may attend the meeting in his stead, and while so doing he shall be deemed for all purposes to be a member of the Board, and if neither of the Joint Managing Directors is present at any meeting of the Board an officer of the State Advances Corporation authorized by the Joint Managing Directors or either of them may attend the meeting, and while so doing he shall be deemed for all purposes to be a member of the Board. 20 25 30

(3) Section six of the principal Act is hereby amended by omitting from subsection three the word " three ", and substituting the word " five ". 35

(4) Section seventeen of the principal Act is hereby amended by inserting in subsection one, at the beginning thereof, the words " The Director on behalf of ". 40

7. (1) Section three of the principal Act is hereby amended by repealing subsection two, and substituting the following subsection:—

Constitution of Council amended.

5 “ (2) The Council shall consist of the members for the time being of the Board and such other persons as the Governor-General from time to time appoints to be members of the Council either by name or as the holder for the time being of any office. The Minister shall be the Chairman of the Council.”

10 (3) Section six of the principal Act is hereby amended by omitting from subsection one the words “ or Deputy Chairman ”.

15 8. (1) There may be paid to all or any of the members of the Board appointed by the Governor-General, such remuneration by way of salary as the Minister of Finance approves in each case.

Remuneration of full-time members of Board.

(2) The provisions of the Public Service Act, 1912, shall not apply to any such members of the Board.

See Reprint of Statutes, Vol. VII, p. 523

20 9. (1) In the exercise of its powers and functions under the principal Act, the Board shall have regard to any representations that may be made by the Minister in respect thereof, and shall give effect to any decision of the Government in relation thereto conveyed to the Board in writing by the Minister.

Board to give effect to policy of the Government.

25 (2) Subsection two of section nine of the principal Act is hereby repealed.

Repeal.

30 10. Without limiting the generality of section nine of the principal Act, the Board shall, subject to the provisions of the principal Act (including this Act), have the following powers and functions, namely:—

Extent of assistance.

35 (a) To determine from time to time the nature and extent of the assistance that may be granted to any class or classes of servicemen or servicemen's widows, the purposes for which, and the terms and conditions on or subject to which, the assistance may be granted:

(b) To approve the granting of assistance of any kind or amount to servicemen or servicemen's widows in special cases, for special purposes, or on or subject to special terms and conditions not covered by general determinations under the *last preceding* paragraph.

Decisions of Board binding on agencies acting for Board.

**11.** Any body corporate or other agency authorized by the Board pursuant to section thirteen of the principal Act to exercise on behalf of the Board any of the powers conferred on the Board by Part I of the principal Act shall be subject in relation thereto to the control of the Board, and shall act in accordance with all directions, general or special, given to it by the Board. 5

Section 13 of principal Act (as to agencies of Board) amended.

**12.** Section thirteen of the principal Act is hereby amended by adding thereto the following words:— 10

“ In any case where a body corporate or other agency is authorized to exercise on behalf of the Board any of the powers of the Board, this Part of this Act shall, unless the context otherwise requires, apply in respect of the exercise of those powers and all matters incidental thereto as if the references therein to the Board included references to the body corporate or other agency aforesaid.” 15

Extended powers to grant assistance.

**13.** (1) Section ten of the principal Act is hereby amended by omitting from subsection two the words “ or other chattels ”, and substituting the words “ shares, or other property or rights of any nature whatsoever ”. 20

(2) The power to grant financial assistance to discharged servicemen or to servicemen’s widows conferred on the Board by section eleven of the principal Act shall include the power to grant assistance to companies or other bodies, corporate or unincorporate, in which any discharged serviceman or serviceman’s widow has any share or interest, or to any other person in any case where the Board is satisfied that a discharged serviceman or serviceman’s widow will benefit thereby. 25 30

(3) Any financial assistance may be made by means of a loan, secured or unsecured, a guarantee, the provision of security, or otherwise howsoever, and the Board may take shares or other interests in, or be concerned in the formation or management of, any company or other body aforesaid. 35

Protection of Board where licenses, &c., are affected.

**14.** (1) In any case where financial assistance is granted under Part I of the principal Act to any person who is the holder of any license, permit, or certificate from, or is registered with, any authority, governmental 40

or otherwise, in connection with any business or undertaking and all or any of the assets of that business or undertaking are mortgaged or charged to secure any moneys advanced under the said Part I, it shall be  
 5 lawful for the Board to give written notice of the mortgage or charge to the authority by which the aforesaid license, permit, or certificate has been issued, or with which the person is registered.

(2) In any case where notice of a mortgage or  
 10 charge has been given to any authority under this section and the authority serves any notice on the holder of the license, permit, certificate, or registration relating to any act or omission on the part of the holder which might affect the same, the authority shall forthwith  
 15 thereafter serve a copy of the notice on the Board.

(3) In any case where the holder of any license, permit, certificate, or registration by doing or omitting any act has, in the opinion of the Board, rendered the license, permit, certificate, or registration liable to be  
 20 suspended, revoked, withdrawn, or cancelled or not to be renewed, it shall be lawful for the Board on behalf of the holder to do any act which in the opinion of the Board is necessary or expedient for keeping the license, permit, certificate, or registration subsisting.

(4) Where pursuant to the *last preceding* subsection the Board has done or caused to be done any act necessary to comply with the provisions of any license, permit, certificate, or registration such compliance shall be deemed to be compliance by the holder thereof.

15. (1) In any case where financial assistance is  
 30 granted under Part I of the principal Act to any person on the security of chattels situated in any premises, or used in any business carried on in any premises, it shall be lawful for the Board to give written notice of the  
 35 mortgage or charge to the landlord or lessor of the premises.

Notices concerning tenancy of premises when security given over chattels.

(2) In any such case as aforesaid it shall be lawful for the Board to do on behalf of the tenant or lessee any act which in the opinion of the Board is necessary or  
 40 expedient for the purpose of keeping the tenancy or lease subsisting.

(3) In any case where notice of a mortgage or charge has been given under subsection *one* of this section and the landlord or lessor serves any notice in respect of the tenancy or lease he shall forthwith thereafter serve a copy of the notice on the Board. 5

Training schemes.  
See Reprint of Statutes, Vol. III, p. 939  
Ibid., Vol. V, p. 576

**16.** (1) Nothing in any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1925, or in any order governing apprenticeship under the Apprentices Act, 1923, shall operate to prevent the carrying out of any scheme established by the Board for the training of discharged servicemen for any industry. 10

(2) Before the Board establishes any scheme for the training of discharged servicemen for any industry the Minister or the Board shall consult the organizations (if any) of the workers and of the employers engaged in that industry. 15

Contracts of infants as to assistance.

**17.** Notwithstanding any enactment or rule of law to the contrary, in any case where financial or other assistance has, whether before or after the passing of this Act, been granted to an infant under Part I of the principal Act, any contract, deed, or other document relating to the assistance shall be as valid and effectual as if the infant at the time of receiving the assistance and executing the contract, deed, or other document had been a person of full age. 25

Execution of instruments on behalf of Board.

**18.** (1) The Governor-General may, pursuant to a request by the Board, by notice in the *Gazette* from time to time authorize officers of the Public Service to execute on behalf of the Board deeds or documents of any class or classes specified in the notice. Any such authority may in like manner be varied or revoked. 30

(2) Section sixteen of the principal Act is hereby amended by adding to subsection four the words "or by any officer of the Public Service who is for the time being authorized by the Governor-General by notice in the *Gazette* to execute on behalf of the Board deeds or documents of a class to which the deed or document required to be executed belongs." 35

Extending power to make regulations.

**19.** In addition to the matters specified in section nineteen of the principal Act, and without in any way limiting the generality of the authority to make 40



regulations conferred by that section, regulations may be made thereunder for all or any of the following purposes, namely:—

- 5 (a) Prescribing covenants, conditions, and powers to be implied in all or any securities given to secure any moneys advanced under Part I of the principal Act:
- 10 (b) Prescribing covenants, conditions, and powers to be implied in any other documents given or executed for the purposes of Part I of the principal Act:
- 15 (c) Providing, in respect of the registration of companies which are required to be incorporated as a condition of the granting of any assistance under Part I of the principal Act, and in respect of any debenture given by a company to secure any moneys advanced under the said Part I, for the modification of the provisions of section twenty-eight and subsection one of section eighty-nine of the  
20 Companies Act, 1933, and the exclusion of the application of section ninety-three thereof.

1933, No. 29

25 **20.** All acts done before the passing of this Act that by virtue of this Act would have been valid and lawful if this Act had been in force when they were done shall be deemed to have been validly and lawfully done under the authority of this Act.

Validation of acts done in anticipation of Act.