

Hon. Mr. Nash

REHABILITATION

ANALYSIS

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A BILL INTITULED

AN ACT to make Provision for the Re-establishment in **Title.**
Civil Life of Persons who have served with His
Majesty's Armed Forces, for the Reconstitution of
5 War-time Industries on a Peace-time Basis, and for
Matters incidental thereto.

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 Rehabilitation Act, 1941.

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PART I.

ESTABLISHMENT OF SERVICEMEN IN CIVIL LIFE.

Interpretation.

2. (1) In this Part of this Act, unless the context otherwise requires,—

“ Board ” means the Rehabilitation Board 10
established under this Part of this Act:

“ Council ” means the National Rehabilitation
Council established under this Part of this
Act:

“ Discharged Serviceman ” means a serviceman 15
who has received his discharge from any of
His Majesty’s forces or, as the case may be,
a serviceman who has ceased to serve in any
British ship (whether before or after the
passing of this Act): 20

“ Minister ” means the Minister for the time
being charged with the administration of this
Part of this Act:

“ Serviceman ” means any person who, while
ordinarily resident in New Zealand, has at 25
any time during the present war (whether
before or after the passing of this Act)—

(a) Served outside New Zealand as a
member of any of His Majesty’s naval,
military, or air forces; or 30

(b) Served in New Zealand as a member
of the training staff of any of His Majesty’s
forces; or

(c) Served in New Zealand as a member
of any of His Majesty’s permanent forces, 35
or as a member of any of His Majesty’s
forces mobilized for continuous service within
New Zealand; or

(d) Served in any capacity in any British
ship which while he was serving therein was 40
damaged or destroyed as a result of enemy
action, or in any other British ship which
was not a home-trade ship or an intercolonial-
trading ship within the meaning of the
Shipping and Seamen Act, 1908: 45

5 “ Serviceman’s widow ” means the widow of any
serviceman who has died, whether before or
after the passing of this Act, while a member
of any of His Majesty’s forces or whose death
was attributable directly or indirectly to his
service; and includes the widow of any
member of any of His Majesty’s forces who,
not being a serviceman, has died while under-
going a course of naval, military, or air force
10 training in New Zealand.

(2) For the purposes of this Part of this Act the
date of the discharge of a discharged serviceman shall,
in the case of a member of any of His Majesty’s forces,
be the date when he received from the proper officer a
15 notice of his discharge therefrom, even though such
notice did not then take effect, and shall, in the case of
a serviceman who has ceased to serve in any British
ship, be the date when he ceased so to serve.

(3) The widowed mother of a serviceman who has
20 died, whether before or after the passing of this Act,
and whose death was attributable directly or indirectly
to his service, and the widowed mother of any member
of any of His Majesty’s naval, military, or air forces
who, not being a serviceman, has died while undergoing
25 a course of naval, military, or air force training in New
Zealand shall be entitled to the same assistance, financial
or otherwise, under this Part of this Act as if she were
a serviceman’s widow.

(4) If any discharged serviceman is, as a direct or
30 indirect result of his service, totally incapacitated for
work his wife shall be entitled to the same assistance,
financial or otherwise, under this Part of this Act as
if she were a serviceman’s widow.

3. (1) There is hereby established for the purposes
35 of this Part of this Act a Council, to be called the
National Rehabilitation Council.

National
Rehabilitation
Council.

(2) The Council shall consist of the Minister, who
shall be the Chairman of the Council, and such other
persons as the Governor-General from time to time
40 appoints to be members of the Council either by name
or as the holder for the time being of any office. One
of those persons shall be so appointed as Deputy
Chairman of the Council.

(3) Every person appointed by the Governor-General under the *last preceding* subsection shall hold office during the pleasure of the Governor-General.

(4) With a view to the appointment of any member or members of the Council, the Minister may invite nominations from associations of persons or bodies comprising or representative of discharged servicemen, or employers or employees in primary industries or in secondary industries, but no person shall be appointed to be a member of the Council as a direct representative of any such association.

Rehabilitation Board.

4. (1) There is hereby established for the purposes of this Part of this Act a Board, to be called the Rehabilitation Board.

(2) The Board shall consist of the Deputy Chairman for the time being of the Council, who shall be the Chairman of the Board, and such other members of the Council, not exceeding five in number, as the Governor-General from time to time appoints to be members of the Board either by name or as the holder for the time being of any office.

(3) Every person appointed by the Governor-General under the *last preceding* subsection shall hold office during the pleasure of the Governor-General.

Members of Council or Board not personally liable.

5. No member of the Council or of the Board shall be personally liable for any act done or omitted by the Council or by any member thereof, or by the Board or by any member thereof, in good faith in pursuance or intended pursuance of the powers and authority of the Council or of the Board, as the case may be.

Meetings of Council and of Board.

6. (1) Meetings of the Council shall be held at such times and places as the Council or the Chairman or Deputy Chairman from time to time determines.

(2) Meetings of the Board shall be held at such times and places as the Board or the Chairman thereof from time to time determines.

(3) At all meetings of the Council one-third, or the number nearest to one-third, of the members thereof shall constitute a quorum. At all meetings of the Board two members shall constitute a quorum.

(4) At any meeting of the Council or of the Board the Chairman of the meeting shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

5 (5) In the absence from any meeting of the Council or of the Board of any member being an officer of any Department of the Public Service, he may authorize any other officer of that Department to attend the meeting in his stead. In the absence from any meeting of any
10 other member, any person authorized by the Minister so to do may attend the meeting in his stead. While any person is attending any meeting pursuant to this subsection he shall be deemed for all purposes to be
15 a member of the Council or of the Board, as the case may be.

(6) Subject to the provisions of this Act and of any regulations made thereunder, the Council and the Board respectively may regulate their procedure in such manner as they think fit.

20 7. There shall be paid to the members of the Council and to the members of the Board who are not officers employed in the service of the Crown such remuneration by way of fees or allowances, and such travelling expenses and allowances, as may from time
25 to time be prescribed by regulations under this Act.

Travelling expenses and allowances.

30 8. (1) The principal function of the Council shall be to make recommendations to the Minister, after inquiry and investigation, in relation to the re-establishment of discharged servicemen in civil life, and, in particular,
35 in relation to the following matters:—

Functions of Council.

- (a) The reinstatement of discharged servicemen in civil employment or occupation:
- (b) The training of discharged servicemen to qualify them for entry into civil employment or occupation:
- 35 (c) The granting of financial assistance to discharged servicemen during any period of training:
- 40 (d) The making of special arrangements for discharged servicemen concerning the passing of examinations, the completion of apprenticeships, or the obtaining of practical experience necessary or desirable for the purpose of qualifying any persons for entrance into
45 any employment or occupation:

(e) The granting of financial assistance to discharged servicemen and to servicemen's widows to enable them to acquire homes and furniture or to acquire land, stock, implements, tools of trade, or other things necessary to enable them to commence any employment or occupation: 5

(f) Such other matters as may be referred to it by the Minister or as may be considered by it of its own motion. 10

(2) In addition to exercising its function as an advisory body under the *last preceding* subsection, the Council may exercise administrative functions in respect of any matters referred to it by the Minister for that purpose. 15

Functions
of Board.

9. (1) The general functions of the Board shall be to promote and to organize the making of, and if necessary to make, every such provision as it may deem necessary for the establishment in civil life of discharged servicemen and of servicemen's widows and for the purpose of enabling those persons to establish themselves in civil employment or occupation, and the Board shall co-ordinate and use the services available in Departments of State and elsewhere for the carrying-out of its functions. 20 25

(2) The Board shall be subject in all things to the control of the Minister, and shall act in accordance with all directions, general or special, given to it by the Minister.

Acquisition
of property
for disposal
to discharged
servicemen.

10. (1) In particular and without limiting the generality of the *last preceding* section, the Board may make arrangements for the setting-aside of suitable areas of unoccupied lands of the Crown, or for the resumption of suitable areas of lands of the Crown held under lease or license, or for the acquisition by the Crown of suitable areas of private land for the purpose of disposing of the same to discharged servicemen or of using the same for the benefit of discharged servicemen. 30 35

(2) The Board may purchase any stock, furniture, tools of trade, or other chattels, and may dispose of the same to or for the benefit of discharged servicemen or servicemen's widows by way of sale or under hire-purchase agreement, or may deliver possession of the 40

same to or for the benefit of discharged servicemen or servicemen's widows whether by way of bailment, license, or otherwise howsoever.

5 (3) For the purposes of any hire-purchase agreement entered into pursuant to this Part of this Act, the Board or any agency acting on behalf of the Board shall be deemed to be a finance corporation within the meaning of section two of the Chattels Transfer Amendment Act, 1931.

See Reprint of Statutes, Vol. I, p. 670

10 11. (1) The Board may also, subject to any regulations made under this Act, grant financial assistance to discharged servicemen or to servicemen's widows by way of loans, secured or unsecured, for the purpose of establishing them in civil life or for the purpose of enabling them to establish themselves in civil employment or occupation.

Financial assistance to discharged servicemen.

15 (2) Subject to any such regulations as aforesaid, the Board may make grants to discharged servicemen during any periods while they may be undergoing any course of training or study to fit themselves for civil employment or occupation or while they may be unemployed for any reason whatsoever.

20 12. The Board may promote, organize, establish, and carry on schemes or institutions for the educational, industrial, or vocational training of discharged servicemen, and for the care and maintenance of discharged servicemen who by reason of wounds or disease incurred during their service are wholly or partially disabled.

Training and care of discharged servicemen.

25 13. The Board may authorize any body corporate or other agency, whether a public body or not, to exercise on behalf of the Board any of the powers conferred on the Board by this Part of this Act either in the name of the Board or in its own name, and any body corporate so authorized shall have 35 the necessary powers to act on behalf of the Board notwithstanding that those powers may not be conferred by its instrument of incorporation.

Delegation of powers of Board.

40 14. Any moneys required for the administration of this Part of this Act and any moneys expended or advanced by or on behalf of the Board may, with the approval of the Minister of Finance, be paid without further appropriation than this section out of the War Expenses Account or out of such other fund or account as that Minister may direct.

Payments out of War Expenses Account.

Modification of requirements for entry into any employment or occupation.

15. For the purpose of re-establishing discharged servicemen in civil life and for the purpose of enabling them to establish themselves in civil employment or occupation, and otherwise for the purposes of this Act, the Governor-General, if satisfied that such a course is necessary in the public interest, may from time to time, by Order in Council, make regulations modifying or suspending wholly or partially, and subject to such conditions as he thinks fit,— 5

(a) The provisions of any Act or regulations in so far as that Act or those regulations may prescribe qualifications by way of training or practical experience for persons desiring to become engaged in any employment or occupation: 10 15

(b) The provisions of any Act or regulations in so far as that Act or those regulations may prescribe qualifications by way of the completion of any courses of study, the passing of any examinations, or the holding of any degrees or diplomas for persons desiring to become engaged in any employment or occupation. 20

Contracts by Board.

16. (1) All contracts made by the Board shall be made on behalf of His Majesty the King. 25

(2) Any contract which, if made between private persons, must be by deed or in writing signed by the parties to be charged therewith shall, if made by the Board, be in writing signed by two members of the Board on behalf of and by direction of the Board. 30

(3) Any contract which, if made between private persons, may be made orally without writing may be similarly made by or on behalf of the Board by any member authorized in that behalf by the Board, but no oral contract shall be made involving the payment by the Board of a sum exceeding *twenty* pounds. 35

(4) Any deed or document required to be executed on behalf of the Board may be signed by two members of the Board on behalf of and by direction of the Board.

(5) Any deed or document required to be executed on behalf of His Majesty in relation to the functions of the Board may be signed on behalf of His Majesty by two members of the Board authorized in that behalf by the Board. 40

(6) Every instrument purporting to have been executed in accordance with the provisions of this section shall, in the absence of proof to the contrary, be deemed for all purposes to have been duly executed.

5 **17.** (1) The Board shall in April of each year or as soon thereafter as practicable, prepare and submit to the Minister a report as to its operations for the year ended on the thirty-first day of March then last past. Annual report
of Board.

10 (2) Every such report shall be laid before Parliament within one month after its receipt by the Minister if Parliament is then in session, and, if not, then within one month after the commencement of the next ensuing session.

15 **18.** The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:— Protection of
discharged
servicemen.

20 (a) Making provision for the protection of discharged servicemen from the enforcement in any manner of their civil obligations or liabilities for a period of six months from the date of their discharge or of the commencement of the regulations, whichever is the later, and for such further period as may be necessary to enable any application for adjustment of those obligations and liabilities to be disposed of:

25 (b) Providing for the adjustment of the civil obligations and liabilities of discharged servicemen who, pursuant to the regulations, make application within six months after their discharge or after the commencement of the regulations, whichever is the later:

30 (c) Making such provisions as he deems just and necessary for the protection of discharged servicemen and others who have received financial or other assistance under or pursuant to the provisions of this Part of this Act from the enforcement in any manner of their civil obligations or liabilities for such period as may be fixed by the regulations not exceeding five years from the date of their discharge or the commencement of the regulations, whichever is the later.

Regulations.

19. (1) The Governor-General may from time to time, by Order in Council, make all such regulations as may in his opinion be necessary or expedient for giving full effect to the provisions of this Part of this Act, and for the due administration thereof. 5

(2) Without limiting the general power conferred by the *last preceding* subsection, it is hereby declared that regulations may be made under this section for all or any of the following purposes:—

(a) Providing for the adjustment of any contracts 10
or liabilities entered into or incurred in
relation to any financial or other assistance
received under this Part of this Act by
discharged servicemen and others, or entered
into or incurred with the State Advances 15
Corporation of New Zealand or under the
Small Farms Act, 1932-33, by any discharged
serviceman for the purposes of this Part of
this Act, if application for adjustment is made
pursuant to the regulations within five years 20
after the first granting of assistance:

(b) Establishing Courts and tribunals, and con-
ferring jurisdiction on any Court or tribunal
(whether established under the regulations or
otherwise) or upon any person holding a 25
judicial office, whether or not such jurisdiction
is exercisable by any other Court, tribunal,
or person:

(c) Exempting documents from stamp duties or
registration fees payable under any Act: 30

(d) Authorizing the Board to make arrangements
with employers for the employment of
discharged servicemen.

(3) The powers to make regulations conferred by
this Part of this Act are in addition to and not in 35
derogation of the powers to make regulations conferred
by the Emergency Regulations Act, 1939.

1939, No. 8

(4) All regulations made under this Part of this
Act shall be laid before both Houses of Parliament 40
within fourteen days of the making thereof if Parlia-
ment is then in session, and, if not, then within fourteen
days after the commencement of the next ensuing
session.

PART II.

INDUSTRIAL RECONSTRUCTION.

20. The purpose of this Part of this Act is to ensure that primary and secondary industries are converted to a peace-time basis with the least possible interference with the welfare of the persons engaged or employed therein.

Promotion of change to peace-time basis.

21. (1) There shall be an account within the Public Account which shall be known as the Reconstruction Account and into which shall be paid any moneys transferred thereto from the National Development Loans Account and any other moneys that may be lawfully payable to the account.

Reconstruction Account.

(2) There shall from time to time be paid out of the account, in accordance with the appropriation of Parliament, all moneys expended or advanced under this Part of this Act.

22. (1) The Minister of Finance on the recommendation of the appropriate Minister may, at any time after the cessation of hostilities in the present war, by notice to any person who has contracted with the Crown for the supply of any goods for the purposes of the war or otherwise howsoever in relation to the war, cancel the contract, and thereupon the contract and all subcontracts in so far as they relate thereto shall be determined.

Termination of war contracts.

(2) Every person who suffers damage by reason of the determination of any contract or subcontract under the provisions of this section shall be entitled to recover compensation therefor.

(3) In the determination of the amount of any such compensation, account shall be taken of any assistance rendered to the claimant or offered to the claimant under this Part of this Act and also of the extent to which any special or extra consideration was given to the claimant under the contract or subcontract by reason of the short period covered thereby or the possibility of the termination thereof before its complete performance.

(4) If any question arises as to the amount to be paid to any person under this section and that person and the Minister of Finance are unable to agree thereon, the question shall be referred to one arbitrator if the parties can agree upon one, and otherwise to two arbitrators, one to be appointed by that person and one by the Minister, under the provisions of the Arbitration Act, 1908, and the obtaining of an award shall be a condition precedent to the commencement of legal proceedings in any Court for the recovery of the amount claimed. 5

See Reprint
of Statutes,
Vol. I, p. 346

Financial
assistance
to enable
war-time
industries to
be converted.

23. For the purpose of enabling or assisting any persons engaged during the war in any special work relating thereto to adapt their businesses to other work, the Minister of Finance on the recommendation of the Minister of Industries and Commerce may do all or any of the following things, namely:— 15

- (a) Make loans or guarantee loans made to any such person:
- (b) Where any such person is a company, acquire and hold shares in the company: 20
- (c) Purchase the whole or any part of the production of any such person, or give guarantees with respect thereto:
- (d) Make grants to any such person. 25

Assistance in
establishment
of new
industries.

24. For the purposes of this Part of this Act, the Minister of Finance, in order to assist in the establishment of any new industry in New Zealand or to assist in the extension of any existing industry, whether by the establishment of new units therein or not, may on the recommendation of the Minister of Industries and Commerce do all or any of the following things, namely:— 30

- (a) Lend moneys or guarantee any loans:
- (b) Acquire and hold shares in any company: 35
- (c) Make arrangements for the supply of any necessary raw materials or machinery or other equipment:
- (d) Purchase the whole or any part of the production of any such new industry or new units in an existing industry or give guarantees with respect thereto: 40
- (e) Make any grants.

25. (1) In any case where a person has at any time been engaged in any special work relating to, or rendered necessary by, the present war, the Minister of Labour may for the purposes of this Part of this Act by notice to that person require him to continue, for such period as may be specified in the notice, to employ all the workers employed by him at the time of the giving of the notice or so many of those workers, or so many of such classes of those workers, as may be specified in the notice.
- (2) Any notice under this section may from time to time be varied or may be revoked.
- (3) The Minister of Finance on the recommendation of the Minister of Labour may from time to time grant a subsidy to any person to whom a notice has been given under this section for the purpose of enabling or assisting that person to comply with the requirements of the notice.
- (4) Any person who fails to comply with any notice under this section commits an offence and shall be liable on summary conviction in the case of an individual to a fine of *twenty* pounds for every day during which the offence continues or in the case of a company or other corporation to a fine of *one hundred* pounds for every day during which the offence continues.

Continued
employment
of workers
engaged in
war industries.