

# STATUTES AMENDMENT BILL

## EXPLANATORY NOTES

### *Administration.*

*Clause 2:* State Fire Insurance General Manager may enter into administration bonds.—The purpose of this amendment is to authorize the Supreme Court to accept bonds from the State Fire and Accident Insurance Department for the due administration of estates by administrators in the same manner as it may accept such bonds from Accident Insurance Companies.

### *Auckland University College.*

*Clause 3:* Appointment of lecturers to Professorial Board.—At the present time the lecturers at the Auckland University College have only two representatives on the Professorial Board. The purpose of this amendment is to enable the Council of the College to increase the number of lecturers on the Professorial Board.

### *Bankruptcy.*

*Clause 4:* Abolishing lien over bankrupt's books.—The purpose of this clause which follows similar legislation in Australia and the United Kingdom is to abolish an accountant's lien over the books of a bankrupt. The existence of the lien at present hampers the Official Assignee in his investigation of the bankrupt's business affairs.

### *Child Welfare.*

*Clause 5:* Extension of power to regulate the employment of children.—The purpose of this clause is to confer on the Governor-General comprehensive powers to make regulations with respect to the employment of children, the attendance of children at places of public entertainment, and kindred matters. Certain aspects of these matters are already dealt with by other Acts, and by local by-laws, and those enactments will continue to operate except so far as they may be superseded by regulations made under the powers proposed to be conferred by this clause. It is realized that provisions suitable for urban conditions may not be suitable in country districts, and the clause is wide enough to permit of any necessary differentiation.

### *Companies.*

*Clause 6:* Vesting shares of deceased member without requiring probate or letters of administration.—The purpose of this clause is to enable steps to be taken to have shares or debentures registered in the names of deceased persons transferred to the names of their beneficiaries in order to avoid in the case of small estates the expense of applying to the Court for probate or letters of administration.

### *Cook Islands.*

*Clause 7:* Appointment of Commissioners of Native Land Court, Cook Islands.—Owing to the very large number of cases to be dealt with by the Judge of the Native Land Court of the Cook Islands, it has been found impossible to carry on the work of the Court with reasonable despatch. Considerable relief can be afforded the Judge, however, by the appointment of a Commissioner or Commissioners to deal with the numerous routine matters coming before the Court, thus releasing the Judge to handle the more important cases. This amendment is designed accordingly to provide for the appointment of Commissioners and for the limitation of their jurisdiction by Order in Council.

*Counties.*

*Clause 8:* Payment of Wages from Imprest Accounts.—Under the relative sections of the governing statutes of local authorities relating to Imprest Accounts, the wages which may be paid out of Imprest are casual wages only. Under present award conditions permanent employees may and do elect to receive their wages weekly, and considerable difficulty is experienced by local-body officials in obtaining weekly the necessary signatures of members to cheques drawn on the General Fund for payment of such wages. In view of this fact local authorities have sought approval to the payment of both permanent and casual wages out of the Imprest Account, but such approval cannot be given except by an amendment of the law. The purpose of this clause is to amend section 7 of the Counties Amendment Act, 1925, so as to remove the restriction imposed by that section that casual wages only may be paid out of Imprest.

*Education.*

*Clause 9:* This section and next two sections to form part of Education Act, 1914.

*Clause 10:* Procedure for payment by Education Boards of salaries and allowances of teachers.—The purpose of this clause is to validate arrangements of long standing that have been made by Education Boards for the payment of teachers' salaries. A strict reading of the Education Act, 1914, might be held to require that payment to individual teachers should, in every case, be made by cheque drawn by a Board on its Education Board Account. As a matter of convenience, the usual practice is for the Board to make provision for the payment of teachers in any locality by payment of a lump sum into a convenient bank, and by authorizing the individual teachers to withdraw, on presentation to the bank of a special cheque, the amounts to which they are severally entitled. The existing practice is a very convenient one, and does not lend itself in any way to the misapplication of funds.

*Clause 11:* Restriction upon transfer of teachers within two years after receiving permanent appointment.—Under the present law teachers in public schools are obliged, except in special circumstances, to remain for at least thirteen months in one position before they can apply for or accept a new appointment. The purpose of the present clause is to extend the period of restriction from thirteen months to two years, and, further, to apply the restriction to all teachers in the education service instead of, as at present, to teachers in public schools only.

*Electoral.*

*Clause 12:* This section and next five sections to form part of Electoral Act, 1927.

*Clause 13:* Consent to nomination of persons outside New Zealand.—This clause will enable persons who are outside New Zealand to consent to their nomination as candidates for Parliament in any manner approved by the Chief Electoral Officer. Sections 110 (2) and 186 (1) (n) of the principal Act prescribe the methods of signifying the consent of European and Maori candidates respectively—i.e., by letter or ordinary telegram—but those methods may not be convenient for candidates who are outside New Zealand.

*Clause 14:* Extending provisions as to postal voting.—The introduction of Saturday as polling-day for an election has caused difficulties in that the members of certain religious bodies are, by reason of their beliefs, precluded from attending a polling-booth on that day. The amendment contained in this clause will enable such persons to vote by the postal-voting system, and, in addition, will allow the Chief Electoral Officer discretionary authority to deal with any unusual situation which might arise in the future.

*Clause 15:* Applying provisions as to absent voters and postal voting to Maoris.—This clause will enable Maori electors to vote as absent voters or by postal vote in the same manner as Europeans.

*Clause 16:* Voting at elections and licensing polls by members of Forces who are serving continuously in New Zealand.—The Electoral Amendment Act, 1940, allowed for two classes of members of the Forces—namely, those who at the time of the election are overseas and those who have been overseas. It is, however, necessary to cater for members of the Forces in New Zealand, and the amendment contained in this clause will enable all such persons who are of age to record a vote in the same manner as soldiers overseas. This will cause the least possible interference with the performance of their duties and, in addition, will accord men encamped for a long period the privilege of voting without prior registration as electors.

*Clause 17:* Voting by seamen in ships outside New Zealand waters.—This clause will enable the votes of seamen who are in ships outside New Zealand waters (and accordingly cannot vote in the usual ways provided for seamen) to be taken in the same way as the votes of members of the forces who are overseas.

#### *Electric-power Boards.*

*Clause 18:* This section and next five sections to form part of Electric-power Boards Act, 1925.

*Clause 19:* Deputy Chairman of Board.—This clause authorizes the appointment by any Electric-power Board of a Deputy Chairman to act whenever the Chairman may be absent or unable to act.

*Clause 20:* Cost of load surveys in areas beyond jurisdiction of Boards.—This clause authorizes local authorities to pay for load surveys made for the purpose of ascertaining whether the time has arrived for supplying any area with electricity. If the area is included within three years in any electric-power district the Board of that district is required to refund the cost of the survey.

*Clause 21:* Deposit of money at interest.—At the present time Electric-power Boards have no authority to make temporary investments of their funds, and, as they frequently hold for part of each year moneys in excess of their immediate requirements, this clause gives authority to place such moneys on deposit.

*Clause 22:* Boards may insure members against personal accident while engaged in duties.—The purpose of this clause is to give to Electric-power Boards the same authority to insure their members as is possessed by a number of local authorities and other public bodies.

*Clause 23:* Payment of wages from Imprest Accounts.—This clause makes a similar alteration in relation to payment of wages from the Imprest Accounts of Electric-power Boards as is made, in respect of Imprest Accounts of County Councils, by clause 4.

*Factories.*

*Clause 24:* Section 14 of Factories Amendment Act, 1936 (as to wages payable for holidays), amended.—This is a redraft of an existing subsection and is intended merely to overcome any ambiguity that may exist as to the intention of the Legislature that payment for any of the eight holidays prescribed by the Factories Act, 1921–22, is to be made to every person who has been employed in a factory at any time during the fortnight ending on the day on which the holiday occurs.

*Forests.*

*Clause 25:* This section and next three sections to form part of Forests Act, 1921–22.

*Clause 26:* Requisition of assistance to extinguish fires.—At present a Forest officer can require the assistance of male persons over the age of sixteen years residing or working within the fire district or within a radius of five miles of the outbreak. The purpose of paragraph (a) of this clause is to extend the area from which helpers may be drawn to include the whole of the State forest or fire district, as the case may be, and any land within five miles of the boundaries of the State forest or fire district. This will improve the machinery for combating the outbreak of forest fires. At present no time is stipulated for compliance with the requirements of a Forest officer, and the purpose of the amendment contained in paragraph (b) of this clause is to make it an offence to fail to comply immediately with any such requirements.

*Clause 27:* Power to make regulations extended.—The amendment contained in subclause (1) will enable regulations to be made to control traffic into, in, or through State forests. The existing power is not wide enough to enable trespass to be dealt with, and this amendment will enable more effective control to be exercised. The new paragraphs set out in subclause (2) provide additional authority to make regulations to ensure more adequate supervision over forests and to assist in the prevention or suppression of fires.

*Clause 28:* Regulations as to the control and eradication of diseases affecting trees or timber.—This clause authorizes the making of regulations with a view to controlling and eradicating diseases that attack trees or timber materials.

*Friendly Societies.*

*Clause 29:* Contracts for assurance of gross amount of £500.—The purpose of this clause is to increase from £300 to £500 the gross amount for which Friendly Societies may enter into contracts for assurance with any person.

*Health.*

*Clause 30:* Provisions for effectual isolation of persons likely to spread infectious disease.—This clause amplifies the powers contained in section 84 of the Health Act, 1920, as amended by section 8 of the Health Amendment Act, 1940. The clause gives authority for the ordering in to hospital of any person considered to be likely to spread any infectious disease. Difficulty has been experienced in the past in that it has not been possible so to deal with cases suspected to be suffering from infectious disease and with persons who were close contacts of dangerous infectious diseases. Previously under section 84 it has been considered that it was not obligatory for the medical

officer or other person in charge of the institution to admit the person concerned and place him in isolation. It is considered advisable to place this obligation on the hospital authorities and provision is made in the clause accordingly. Also there was no authority under which a person admitted pursuant to an order could be detained in an institution while in an infectious condition. Cases have arisen where such cases have left the institution against the instructions of the hospital authorities thus endangering the health of the community. Power is therefore given in the clause under which a person in such circumstances may be detained by the hospital staff by force if necessary. Further provision is contained in this clause for control of infectious patients by providing authority under which a person who is placed in isolation may, if he leaves the place of isolation, be arrested and returned thereto.

#### *Hospitals and Charitable Institutions.*

*Clause 31:* Hospital Boards may dedicate endowment lands for street purposes in certain cases.—A Borough Council pursuant to section 192 of the Municipal Corporations Act, 1933, may make building-line by-laws which forbid the erection, rebuilding, or re-erection, or the substantial rebuilding or re-erection, of buildings on lands referred to in the by-laws. Section 192 also provides that, subject to certain conditions, the owner of any such land may, when the land is clear of buildings, dedicate it to the Corporation for street purposes and claim compensation under the Public Works Act, 1928. If the land affected is a Hospital Board's endowment land, however, the Board is unable to dedicate the land as section 71 of the Hospitals and Charitable Institutions Act, 1926, precludes a Hospital Board from selling land granted by the Crown as an endowment. The purpose of this clause is to authorize a Hospital Board to dedicate endowment land for street purposes pursuant to section 192 of the Municipal Corporations Act, 1933. The effect of applying sections 92 and 93 of the Public Works Act, 1928, will be to require the compensation to be paid to the Public Trustee to be applied in accordance with the provisions of those sections. This will ensure that the purposes of the original trust attaching to the endowment lands are preserved.

#### *Impounding.*

*Clause 32:* Authorizing local authorities jointly to provide public pounds.—The purpose of this clause is to enable local authorities to combine to establish a pound which may be used by them all. As the Impounding Act, 1908, is at present framed local authorities have no power to combine for such a purpose as all moneys which are collected in respect of the pound must go to the local authority of the district in which it is situated. In a place like Christchurch, where there are a number of local authorities, it is often more convenient for them to have a joint arrangement for one of them to provide a pound which can be used by them all, and to share the cost of running it or the profits derived from it.

#### *Industrial Conciliation and Arbitration.*

*Clause 33:* Notice to Registrar of Industrial Unions of proceedings relating to contracts of service.—The purpose of this clause is to ensure that the Inspector of Awards has an opportunity of being heard where proceedings which touch upon awards or industrial agreements are being dealt with by the Supreme Court or the Court of Appeal.

*Infants.*

*Clause 34:* Service of application for adoption order on mentally defective person.—On an application for adoption the consent of a parent of the child sought to be adopted may be dispensed with only after notice of the application has been given to the parent. Difficulty arises where a parent of the child is in a mental hospital and consequently cannot give consent to the child's adoption or be served with notice of the application. This clause will enable the parent's consent to be dispensed with and an adoption order to be made in such a case if in all the circumstances the Magistrate thinks fit to make an order.

*Judicature.*

*Clause 35:* Rules of Court may modify Acts prescribing procedure on applications to Supreme Court.—This clause is designed to enable rules to be made embodying a proposed reform in the procedure of the Supreme Court having for its object the elimination of a multiplicity of different methods of application to the Court and the provision in lieu thereof of a uniform procedure.

*Justices of the Peace.*

*Clause 36:* Translations of summonses, warrants, &c., for Maoris.—Under the existing law summonses and other processes issued under the Justices of the Peace Act, 1927, for service upon Maoris are required to be accompanied by a translation in the Maori language. In the great majority of cases the Maori can read English and consequently a translation is unnecessary. Moreover, in such cases the unnecessary expense of providing a translation usually falls upon the Maori concerned. The object of this clause is to obviate the necessity for a translation in all cases where the Maori is able to understand and read English.

*Land.*

*Clause 37:* Establishment of Land Settlement Board.—This clause abolishes the Dominion Land Purchase Board, the Lands Development Board, and the Small Farms Board, and in their place establishes a Board to be known as the Land Settlement Board which will in future exercise the various functions hitherto performed by the Boards which are abolished. The personnel of the abolished Boards varies slightly, and it will be more convenient from the administrative point of view to have the one Board in the future.

*Legislature.*

*Clause 38:* Authorizing appointment of women as members of Legislative Council.—The purpose of this clause is to enable women to be appointed as members of the Legislative Council.

*Local Authorities Superannuation.*

*Clause 39:* Altering date for actuarial examination of superannuation funds of local authorities.—Section 14 of the Local Authorities Superannuation Act, 1908, makes provision for an actuarial examination of the superannuation funds established under that Act to be undertaken every three years. The report of the actuary on each fund is required by law to be placed before Parliament. In the case of the Government superannuation funds provision has been made by section 47 of the Finance Act (No. 2), 1939, that the actuarial examination of these funds shall be undertaken at periods not exceeding five years. It is considered desirable that the actuarial examination of the local authorities' superannuation funds should be brought into line

with the examination of the Government funds so that the actuarial reports on all funds would be available for the same period. The general purpose of the clause is to amend the Local Authorities Superannuation Act, 1908, accordingly.

*Magistrates' Courts.*

*Clause 40:* Translations for Natives.—Under the existing law summonses and other processes issued out of a Magistrate's Court for service upon Natives are required to be accompanied by a translation in the Maori language. In the great majority of cases the Native can read English and consequently a translation is unnecessary. Moreover, in such cases the unnecessary expense of providing a translation usually falls upon the Native concerned. The object of this clause is to obviate the necessity for a translation in all cases where the Native is able to understand and read English.

*Marriage.*

*Clause 41:* Acting-Registrars of Marriages.—Under section 6 of the Births and Deaths Registration Act, 1924, provision is made for the appointment of an Acting-Registrar of Births and Deaths to act during a vacancy in the office of Registrar or in his absence from duty. A similar provision is desirable with respect to Registrars of Marriages and the clause provides accordingly.

*Masseurs Registration.*

*Clause 42:* This section and next two sections to form part of Masseurs Registration Act, 1920.

*Clause 43:* Masseurs to notify change of address.—The purpose of this clause and of the next succeeding clause is to ensure that the register of masseurs is kept up to date.

*Clause 44:* Name may be removed from register if registered person cannot be found, &c.—This clause authorizes action to be taken to purge the register of masseurs.

*Massey Agricultural College.*

*Clause 45:* Sections 18 and 19 of the Massey Agricultural College Act, 1926, amended.—These sections authorize the transfer of certain moneys to the Council (now known as the Board of Governors) of the Massey Agricultural College. The authority should have been an authority to transfer the moneys to the corporate body, the College, and not to the governing body of the College. This clause rectifies the position so that the moneys (including certain securities) can now be properly transferred.

*Master and Apprentice.*

*Clause 46:* Temporary transfer of apprentices from or to Government employment.—Government hydro-electric apprentices are unable to obtain sufficient experience in the actual wiring of houses to enable them to obtain their Wiremen's Registration License. The purpose of this clause is to allow them to be transferred temporarily to outside employers so that they may get the necessary experience. Power is also given for outside apprentices to be transferred temporarily to Government employment so that any question that may arise regarding the proportion of apprentices to journeymen may be overcome.

*Municipal Association.*

*Clause 47:* Section 2 of Municipal Association Act, 1939, amended.—The purpose of this clause is to cure an anomaly in the Municipal Association Act, 1939, which incorporates the Municipal Association of New Zealand (Incorporated) and provides for the making of rules governing the activities of the Association. One of the purposes for which the Association is formed is to take actions in a court of law by way of test cases and other proceedings on behalf of its members. It has been found, however, that the Act does not contain authority for the Association to make rules on this particular subject. The provision is accordingly aimed at removing this disability.

*Municipal Corporations.*

*Clause 48:* Payment of Wages from Imprest Accounts.—This clause makes a similar alteration in relation to payment of wages from the Imprest Accounts of Borough Councils as is made, in respect of Imprest Accounts of County Councils, by clause 4.

*Clause 49:* Advances made in respect of drainage to be a charge on property.—Under section 234 of the Municipal Corporations Act, 1933, a Borough Council may make advances to property owners to enable them to connect their premises with the borough drainage system and generally to install necessary drainage fittings. These advances are repayable to the Council in such manner as is agreed upon. In addition, the section provides that the Council may do the necessary work and agree to accept payment by instalments. In terms of section 236 of the Act all moneys payable to the Council by the owner of any property for or in respect of any work, materials, or things executed, provided, or done by the Council on or to the property in relation to drainage or sanitation are made a charge on the property. Doubts have arisen as to whether advances made by the Council to an owner to enable him to undertake the work involved become a charge on the property concerned though that has been assumed previously to be the position. The purpose of this clause is to remove those doubts and to bring advances to owners within the scope of section 236 so as to afford sufficient protection to the Council.

*Clause 50:* Section 364 of Municipal Corporations Act, 1933 (as to by-laws), amended.—The New Zealand Standards Institute has prepared a standard code of by-laws for the more effective control and regulation of boardinghouses and similar premises. The standard code is aimed primarily at the prevention of undesirable living conditions and the elimination of unnecessary fire hazards in such premises. The Municipal Corporations Act, 1933, contains certain provisions authorizing the making of by-laws licensing, regulating, and controlling boardinghouses and common lodginghouses, but local authorities have been advised that owing to a confusion of terms in the existing law they have no authority to make by-laws, in accordance with the standard code, relating to boardinghouses, private hotels, &c., of the type known in this country. The simple purpose of the legislation is to clarify the legal position with respect to the by-law making powers of Borough Councils in regard to premises of the type above mentioned.

*Opticians.*

*Clause 51:* Power to make regulations as to educational qualifications of examination candidates.—Regulations under the Opticians Act, 1928, were gazetted on the 26th June, 1930. These regulations state that every person presenting himself for the first time for an examination after the 31st December, 1931, shall satisfy the Opticians Board that he has passed the



matriculation examination of the University of New Zealand, or that he has attained a standard of general education not lower, in the opinion of the Opticians Board, than the standard evidenced by such matriculation examination. Recently doubts have arisen as to the validity of this regulation. The purpose of the amendment is to remove those doubts.

*Patents, Designs, and Trade-marks.*

*Clause 52:* Time for effecting certain registrations extended.—Under the Patents, Designs, and Trade-marks Amendment Act, 1939, which came into force on the 1st January, 1940, provision was for the first time made for the registration of registered users of trade-marks, and by paragraph 5 of the Second Schedule to that Act provision was made for protecting trade-marks in respect of which rights to use the marks had previously been granted, if application was made within one year for the registration of a registered user. Owing to the intervention of the war an extension to two and a half years of the period for making the application is rendered desirable.

*Petroleum.*

*Clause 53:* This section and next four sections to form part of Petroleum Act, 1937.

*Clause 54:* Term of prospecting licenses may be extended.—This clause authorizes the Minister of Mines, in his discretion, to grant extensions of prospecting licenses. The Petroleum Act fixes the term of such licenses at five years and it has been found that that period may not in all cases be long enough.

*Clause 55:* Power to suspend investigations under prospecting licenses.—The Petroleum Act imposes an obligation, on holders of prospecting licenses to continue geological or geophysical investigations until drilling is commenced, when the obligation is suspended. Owing to the present difficulty of obtaining drilling plant licensees who hold several licenses and have completed investigations to a point where drilling should be commenced may not be able to drill. They will nevertheless be under a legal obligation either to drill or to continue investigations. The object of the clause is to permit the Minister, in appropriate cases, to relieve the licensee from his obligation to continue investigations.

*Clause 56:* Power to suspend drilling under prospecting licenses.—The reason for this clause is the same as that for the preceding clause—the shortage of drilling-plant. The clause permits the Minister, in appropriate cases, to relieve licensees from their obligation to continue drilling.

*Clause 57:* Power to grant exemptions from mining operations under partially surrendered licenses.—This clause is designed to meet cases where land subject to a license although not productive of petroleum is yet necessary to the licensee for purposes (such as the erection of storage tanks and other equipment) connected with his mining operations under other licenses. The clause will permit the Minister to allow a licensee to retain land under a license for such purposes without being compelled to carry out his obligations under the Act in respect of that land.

*Post and Telegraph.*

*Clause 58:* Section 75 of Post and Telegraph Act, 1928 (as to deposits in Post Office Savings-bank), amended.—At the present time no receipt other than that provided by the relative entry in the pass-book is required to be given for a Post Office Savings-bank deposit of less than £20. For a deposit of £20 or over, in addition to the entry in the pass-book, an acknowledgment

to the depositor from an officer acting on behalf of the Postmaster-General is required. This acknowledgment is despatched from the General Post Office, Wellington. With a view to economy in labour and stationery, it is desired to raise from £20 to an amount not exceeding £100 (actual amount to be fixed by Order in Council), the minimum sum for which an acknowledgment other than that in the pass-book is required to be given to the depositor. The amendment, which follows closely the law in England, will in no way operate to the disadvantage of the depositor.

*Public Service Superannuation.*

*Clause 59:* Permanent members of Police Force may become contributors to Superannuation Fund in respect of previous temporary service.—At the present time before any person is appointed permanently to the Police Force he must serve for a period of one year as a temporary member of the Force. The purpose of this clause is to enable temporary members of the Force who are appointed as permanent members to become contributors to the Public Service Superannuation Fund as from the date of their temporary appointment, counting their period of temporary service for superannuation purposes and making contributions in respect thereof accordingly. Because of the provisions of section 4 of the Police Force Amendment Act, 1919, no temporary member of the Force has in the past been permitted to become a contributor during his period of temporary service so provision is made in subclause (4) enabling persons permanently appointed before the passing of this Act to become contributors to the Superannuation Fund in respect of the period of their temporary service.

*Rabbit Nuisance.*

*Clause 60:* This section and next two sections to form part of Rabbit Nuisance Act, 1928.

*Clause 61:* Rabbit Board may establish an Imprest Account.—Rabbit Board moneys in common with those of other local authorities must be banked at regular intervals and can be withdrawn from the bank only by cheque signed by the treasurer and a member of the Board. Strict compliance with this requirement is difficult when payments are of an urgent nature or must be made on a definite day as, in general, Board members are not readily available to sign cheques. This difficulty can be overcome by giving to Rabbit Boards power to operate an Imprest Account on lines similar to that already possessed by other local authorities, and this clause makes provision accordingly.

*Clause 62:* Deposit of money at interest.—At the present time Rabbit Boards have no authority to make temporary investments of their funds and, as they frequently hold for part of each year moneys in excess of their immediate requirements, this clause gives authority to place such moneys on deposit.

*Rating.*

*Clause 63:* Form of voting-papers to be used at polls under the Rating Act, 1925.—The Rating Act, 1925, prescribes the form of voting-papers to be used at polls taken under that Act to decide the system of rating which is to operate in the district of any local authority. The particular wording appearing on the heading of the voting-papers has given rise to considerable confusion in the minds of electors, particularly where a strong local interest is taken in the proposal. It has been proved conclusively that electors, by reason of the particular wording on the voting-paper, have been unable to

determine clearly the issues before them and this has probably, in some cases, affected the result of the poll. It is desired to simplify the form of the voting-papers prescribed by the Rating Act, 1925, and for this purpose it is proposed to bring them into line with the form prescribed by the recent Local Elections and Polls Amendment Act, 1941. The change will also have the effect of unifying the form of voting-paper to be used at all polls.

*Shops and Offices.*

*Clause 64:* Statutory closing-day in New Brighton area.—Prior to the amalgamation of the Borough of New Brighton with the City of Christchurch, which took effect on 1st April last, an understanding was arrived at between the two local authorities concerned that the amalgamation was not to affect the existing position in respect of the half-holiday in the New Brighton area. This means that this area must remain a separate district for the purposes of the Shops and Offices Act, 1921–22 (the Christchurch City Council being deemed to be the local authority thereof), and that as a result the existing position in regard to the hours of closing on other working-days in the week must also be preserved. This clause makes provision accordingly.

*Tongariro National Park.*

*Clause 65:* Offence to allow animals to trespass on Tongariro National Park.—This amendment of the Tongariro National Park Act, 1922, makes it an offence under the Act to allow the trespass of cattle, horses, or other animals on the Park. Section 15 at present provides that it is an offence to light a fire, break or injure any erection, tree, shrub, sod, &c., or shoot, destroy, or injure any bird or animal on the Park, but does not provide for the trespass of animals. For some while past complaints have been received from the Warden that certain working-bullocks were being allowed to wander at large within the boundaries of the Park. Under the existing legislation the only remedy is to impound the animals, but as the nearest pound is approximately 20 miles away and the Park Board has no local ranger it is impracticable to impound the animals. By adding the proposed paragraph to section 15 (1) of the Act any person allowing animals to trespass on the Park will be liable to a fine of £50 and to the payment of any damage done by the animals.

*Town-planning.*

*Clause 66:* This section and next five sections to form part of Town-planning Act, 1926.

*Clause 67:* Failure to comply with scheme.—As it stands at present the Town-planning Act, 1926, does not contain any power to impose penalties for breach of the provisions of a town-planning scheme. Recent judicial proceedings in Timaru have determined this. This clause fixes a penalty of £20 for a breach of any provision of a scheme, and a penalty of £5 a day for a continuing offence.

*Clause 68:* Prohibition of erection of buildings or works on sites of proposed streets, &c.—It may be that owing to lapse of time and changed circumstances land that is reserved under a town-planning scheme for future street or reserve purposes is no longer necessary or desirable for those purposes, or the actual position of the street or reserve could with advantage be altered to meet the wishes of the owner without prejudice to the scheme. If an owner makes an application for permission to erect a building or do some work on the land, the local authority determines the matter on its

merits, but certain safeguarding provisions are inserted so as to require the local authority to advertise the proposal and to give owners or occupiers of property the right of objection.

*Clause 69:* Compensation in respect of proposed streets or reserves shown in plans.—The Town-planning Act, 1926, requires local authorities to make provision in their town-planning schemes for future streets, street widening, and reserves. The compensation provisions of the Act are ambiguous, but it is now generally accepted that compensation might be payable merely by reason of the fact that the town-planning scheme shows certain lands as sites for possible future streets, street widening, &c. It is not desired that legitimate compensation rights should be denied to property holders, but it is considered that the compensation rights should arise only when the owner can show that he has been or will be prevented from doing something with his land which he would otherwise legally be entitled to do. This clause accordingly provides that when an owner of land is detrimentally affected by being refused a permit to carry out some work on his land, then his claim for compensation will arise.

*Clause 70:* Local authority under no obligation to acquire land.—This clause is to make it clear that there is no obligation on the local authority to acquire land which is reserved in a town-planning scheme for street or reserve purposes merely by reason of the fact that it is so reserved in that scheme. The acquisition, if and when it does take place, will come about in the normal process of law.

*Clause 71:* Power to make regulations extended.—This clause adds a small matter to the regulation-making powers. It enables provision to be made for the setting-up of machinery to enable greater co-operation to be brought about between local authorities and property owners affected by schemes.

#### *Transport Licensing*

*Clause 72:* This section and next five sections to form part of Transport Licensing Act, 1931.

*Clause 73:* Transport Appeal Authority.—This clause makes provision for the appointment of a Transport Appeal Authority for the purposes of the Transport Licensing Act, 1931.

*Clause 74:* Certain persons not qualified to be Appeal Authority.—This clause provides that persons who may be financially interested in the transport industry or employed therein cannot be appointed as the Appeal Authority.

*Clause 75:* Deputy of Appeal Authority.—This clause provides for the appointment of a deputy to act in the event of temporary absence of the Appeal Authority.

*Clause 76:* Procedure of Appeal Authority.—The Appeal Authority is given the powers of a Commission of Inquiry. He may, subject to regulations made under the Transport Licensing Act, 1931, regulate the procedure on appeals to him as he thinks fit.

*Clause 77:* Appeal Authority to determine appeals from decisions of Licensing Authorities.—This clause transfers to the Appeal Authority the functions of the Minister of Transport in relation to appeals under section 12 of the Transport Licensing Amendment Act, 1936. The subsections repealed are now no longer necessary. Subclause (4) gives to the Appeal Authority the same immunity from appeal, &c., as the Minister has under the present legislation.

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Hon. Mr. Mason

STATUTES AMENDMENT

ANALYSIS

Title.	
1. Short Title.	
<i>Administration.</i>	
2. State Fire Insurance General Manager may enter into administration bonds.	
<i>Auckland University College.</i>	
3. Appointment of lecturers to Professorial Board.	
<i>Bankruptcy.</i>	
4. Abolishing lien over bankrupt's books.	
<i>Child Welfare.</i>	
5. Extension of power to regulate the employment of children.	
<i>Companies.</i>	
6. Vesting shares of deceased member without requiring probate or letters of administration.	
<i>Cook Islands.</i>	
7. Appointment of Commissioners of Native Land Court, Cook Islands.	
<i>Counties.</i>	
8. Payment of wages from Imprest Accounts.	
	<i>Education.</i>
	9. This section and next two sections to form part of Education Act, 1914.
	10. Procedure for payment by Education Boards of salaries and allowances of teachers.
	11. Restriction upon transfer of teachers within two years after receiving permanent appointment. Repeal.
	<i>Electoral.</i>
	12. This section and next five sections to form part of Electoral Act, 1927.
	13. Consent to nomination of persons outside New Zealand.
	14. Extending provisions as to postal voting.
	15. Applying provisions as to absent voters and postal voting to Maoris.
	16. Voting at elections and licensing polls by members of Forces who are serving continuously in New Zealand.
	17. Voting by seamen in ships outside New Zealand waters.
	<i>Electric-power Boards.</i>
	18. This section and next five sections to form part of Electric-power Boards Act, 1925.

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| <p>19. Deputy Chairman of Board.</p> <p>20. Cost of load surveys in areas beyond jurisdiction of Boards.</p> <p>21. Deposit of money at interest.</p> <p>22. Boards may insure members against personal accident while engaged in duties.</p> <p>23. Payment of wages from Imprest Accounts.</p> <p style="text-align: center;"><i>Factories.</i></p> <p>24. Section 14 of Factories Amendment Act, 1936 (as to wages payable for holidays), amended.</p> <p style="text-align: center;"><i>Forests.</i></p> <p>25. This section and next three sections to form part of Forests Act, 1921-22.</p> <p>26. Requisition of assistance to extinguish fires.</p> <p>27. Power to make regulations extended.</p> <p>28. Regulations as to control and eradication of diseases affecting trees or timber.</p> <p style="text-align: center;"><i>Friendly Societies.</i></p> <p>29. Contracts for assurance of gross amount of £500.</p> <p style="text-align: center;"><i>Health.</i></p> <p>30. Provision for effectual isolation of persons likely to spread infectious disease. Repeals.</p> <p style="text-align: center;"><i>Hospitals and Charitable Institutions.</i></p> <p>31. Hospital Boards may dedicate endowment lands for street purposes in certain cases.</p> <p style="text-align: center;"><i>Impounding.</i></p> <p>32. Authorizing local authorities jointly to provide public pounds. Repeal.</p> <p style="text-align: center;"><i>Industrial Conciliation and Arbitration.</i></p> <p>33. Notice to Registrar of Industrial Unions of proceedings relating to contracts of service.</p> <p style="text-align: center;"><i>Infants.</i></p> <p>34. Service of application for adoption order on mentally defective person.</p> | <p style="text-align: center;"><i>Judicature.</i></p> <p>35. Rules of Court may modify Acts prescribing procedure on applications to Supreme Court.</p> <p style="text-align: center;"><i>Justices of the Peace.</i></p> <p>36. Translations of summonses, warrants, &amp;c., for Maoris. Repeal.</p> <p style="text-align: center;"><i>Land.</i></p> <p>37. Establishment of Land Settlement Board. Consequential repeals.</p> <p style="text-align: center;"><i>Legislature.</i></p> <p>38. Authorizing appointment of women as members of Legislative Council.</p> <p style="text-align: center;"><i>Local Authorities Superannuation.</i></p> <p>39. Altering date for actuarial examination of superannuation funds of local authorities.</p> <p style="text-align: center;"><i>Magistrates' Courts.</i></p> <p>40. Translations for Natives. Repeal.</p> <p style="text-align: center;"><i>Marriage.</i></p> <p>41. Acting-Registrars of Marriages.</p> <p style="text-align: center;"><i>Masseurs Registration.</i></p> <p>42. This section and next two sections to form part of Masseurs Registration Act, 1920.</p> <p>43. Masseurs to notify changes of address.</p> <p>44. Name may be removed from register if registered person cannot be found, &amp;c.</p> <p style="text-align: center;"><i>Massey Agricultural College.</i></p> <p>45. Sections 18 and 19 of Massey Agricultural College Act, 1926, amended.</p> <p style="text-align: center;"><i>Master and Apprentice.</i></p> <p>46. Temporary transfer of apprentices from or to Government employment.</p> <p style="text-align: center;"><i>Municipal Association.</i></p> <p>47. Section 2 of Municipal Association Act, 1939, amended.</p> |
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<i>Municipal Corporations.</i>	
48. Payment of wages from Imprest Accounts.	61. Rabbit Board may establish an Imprest Account.
49. Advances made in respect of drainage to be a charge on property.	62. Deposit of money at interest.
50. Section 364 of Municipal Corporations Act, 1933 (as to by-laws), amended.	<i>Rating.</i>
	63. Form of voting-papers to be used at polls under the Rating Act, 1925.
<i>Opticians.</i>	<i>Shops and Offices.</i>
51. Power to make regulations as to educational qualifications of examination candidates.	64. Statutory closing-day in New Brighton area.
<i>Patents, Designs, and Trade-Marks.</i>	<i>Tongariro National Park.</i>
52. Time for effecting certain registrations extended.	65. Offence to allow animals to trespass on Tongariro National Park.
<i>Petroleum.</i>	<i>Town-planning.</i>
53. This section and next four sections to form part of Petroleum Act, 1937.	66. This section and next five sections to form part of Town-planning Act, 1926.
54. Term of prospecting licenses may be extended.	67. Failure to comply with scheme.
55. Power to suspend investigations under prospecting licenses.	68. Prohibition of erection of buildings or works on sites of proposed streets, &c.
56. Power to suspend drilling under prospecting licenses.	69. Compensation in respect of proposed streets or reserves shown in plans.
57. Power to grant exemptions from mining operations under partially surrendered licenses.	70. Local authority under no obligation to acquire land.
<i>Post and Telegraph.</i>	71. Power to make regulations extended.
58. Section 75 of Post and Telegraph Act, 1928 (as to deposits in Post Office Savings-bank), amended.	<i>Transport Licensing.</i>
<i>Public Service Superannuation.</i>	72. This section and next five sections to form part of Transport Licensing Act, 1931.
59. Permanent members of Police Force may become contributors to Superannuation Fund in respect of previous temporary service.	73. Transport Appeal Authority.
	74. Certain persons not qualified to be Appeal Authority.
<i>Rabbit Nuisance.</i>	75. Deputy of Appeal Authority.
60. This section and next two sections to form part of Rabbit Nuisance Act, 1928.	76. Procedure of Appeal Authority.
	77. Appeal Authority to determine appeals from decisions of Licensing Authorities. Consequential Amendments.
	Schedule.

A BILL INTITULED

AN ACT to amend certain Enactments of the General Title.  
Assembly of New Zealand.

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

1. This Act may be cited as the Statutes Amendment Short Title.  
Act, 1941.

*Administration.*

State Fire Insurance General Manager may enter into administration bonds.

See Reprint of Statutes, Vol. III, p. 135

Appointment of lecturers to Professorial Board.

1882 (Local), No. 3

Abolishing lien over bankrupt's books.

See Reprint of Statutes, Vol I, p. 466  
Cf. Bankruptcy Act, 1924, s. 99 (3) (Aust.)

Extension of power to regulate the employment of children.

See Reprint of Statutes, Vol. III, p. 1111

2. Section twenty-two of the Administration Act, 1908, is hereby amended by adding to subsection one the words " or the security of the State Fire Insurance General Manager "

5

*Auckland University College.*

3. Section twenty-one of the Auckland University College Act, 1882, is hereby amended by omitting the words " not exceeding two "

*Bankruptcy.*

10

4. (1) This section shall be read together with and deemed part of the Bankruptcy Act, 1908.

(2) No person shall be entitled as against the Official Assignee to withhold possession of the books of account of the bankrupt, or any papers or documents relating to the accounts or to any trade dealings of the bankrupt, or to claim any lien thereon.

15

*Child Welfare.*

5. (1) Section forty-five of the Child Welfare Act, 1925, is hereby amended by repealing paragraph (g) thereof, and substituting the following paragraph:—

20

" (g) Regulating, restricting, or prohibiting the employment of children, the undertaking of work by children, performances by children at public entertainments, and the attendance of children at places of entertainment."

25

(2) The power to make regulations for any of the purposes referred to in the *last preceding* subsection shall not be deemed to be limited by any other provisions of the principal Act or by the provisions of any other Act or of any regulations or by-laws made under the authority of any such Act, but any regulations made under the principal Act for the purposes mentioned in this section may be expressed to be subject in whole or in part to the provisions of any such Act, regulations, or by-laws as aforesaid.

30

35



(3) Any regulations made under the principal Act for the purposes mentioned in this section may apply generally throughout New Zealand or within any specified part or parts thereof, and may from time to time by notice in the *Gazette* be applied by the Minister, with or without modification, to any specified part of New Zealand, and any such notice may be at any time in like manner amended or revoked.

(4) The operation of any such regulations may be wholly suspended until they are applied by the Minister in accordance with the *last preceding* subsection.

#### *Companies.*

6. (1) This section shall be read together with and deemed part of the Companies Act, 1933.

(2) Where the registered holder of any shares in or debentures of a company has died, whether before or after the passing of this Act, and the total amount paid up on the shares or owing under the debentures does not exceed one hundred pounds, the directors of the company may in their discretion and without requiring the production of probate or letters of administration, resolve that any person be registered as the holder of the shares or debentures who proves to the satisfaction of the directors—

(a) That he is entitled thereto under the will or on the intestacy of the deceased member or debenture-holder; or

(b) That he is entitled to obtain probate of the will of the deceased member or debenture-holder, or letters of administration of his estate; and

(c) That in neither case has any grant been made of any such probate or letters of administration.

(3) After the passing of any resolution as aforesaid the company shall upon production of the share certificate or debentures (if any have been issued to the deceased member or debenture-holder) register the person referred to in the resolution as the holder of the shares or debentures, as the case may be, and thereupon that person shall become entitled thereto, subject to all outstanding interests or equities affecting the same.

Vesting  
shares of  
deceased  
member  
without  
requiring  
probate or  
letters of  
administration.  
1933, No. 29

(4) Notice of any exercise of the powers conferred by this section shall within fourteen days thereafter be given by the company to the Commissioner of Stamp Duties.

(5) If the company fails to comply with the *last preceding* subsection, the company and every officer of the company who is in default shall be liable to a default fine. 5

*Cook Islands.*

Appointment of Commissioners of Native Land Court, Cook Islands. See Reprint of Statutes, Vol. II, p. 658

7. (1) This section shall be read together with and deemed part of the Cook Islands Act, 1915 (hereinafter in this section referred to as the principal Act). 10

(2) The Governor-General may from time to time appoint any Registrar of the Native Land Court or any other fit person to be a Commissioner of that Court. 15

(3) A Commissioner so appointed shall possess and may exercise such of the powers and functions of a Judge of the Native Land Court (other than those vested exclusively in the Chief Judge) as the Governor-General by Order in Council from time to time determines either generally or with respect to any particular Commissioner or Commissioners, and all references in the principal Act or in any other enactment to a Judge of the Native Land Court shall be construed as applying to a Commissioner within the limits of the jurisdiction conferred upon him. 20 25

(4) Rules of Court may provide for appeals from a Commissioner to a Judge of the Native Land Court.

*Counties.*

Payment of wages from Imprest Accounts. Ibid., Vol. V, p. 271

8. Section seven of the Counties Amendment Act, 1925, is hereby amended by omitting from subsection four the word "casual". 30

*Education.*

This section and next two sections to form part of Education Act, 1914. Ibid., Vol. II, p. 1007

9. This section and the *next two succeeding* sections shall be read together with and deemed part of the Education Act, 1914 (in those sections referred to as the principal Act). 35

10. (1) Notwithstanding anything to the contrary in section thirty-five of the principal Act, any Education Board may keep at any bank or banks an account to be known as the Teachers' Salaries Account, and the moneys for the time being in any such account shall be available in accordance with this section for the payment of the salaries and allowances of teachers and other persons employed by the Board in connection with the schools under its control.

Procedure for payment by Education Boards of salaries and allowances of teachers.

10 (2) Any moneys payable out of the Public Account to any Education Board to enable it to pay such salaries or allowances may, at the request of the Board, be paid into the appropriate Teachers' Salaries Account, or, if paid into the Account referred to in the said section 15 thirty-five, may be transferred by the Board to the appropriate Teachers' Salaries Account.

(3) Any moneys for the time being standing to the credit of any Board in a Teachers' Salaries Account may be withdrawn by the persons severally entitled 20 thereto in accordance with advice furnished to the bank by the Board.

(4) Such moneys shall be withdrawn only by special cheques to be provided by the Board for the purpose. Every such cheque shall be signed by the person 25 entitled to receive the payment to which the cheque relates, and, if the Board so requires, shall be countersigned by the head teacher of the school or other person authorized by the Board to countersign such cheques. Any moneys in a Teachers' Salaries Account 30 that are not duly withdrawn in accordance with this subsection may be at any time transferred by the Board to its Education Board Account.

(5) For the purposes of this section the term "school" includes a teachers' training college, and 35 the term "teacher" includes a person undergoing a course of training at or in connection with a teachers' training college.

(6) Any arrangement heretofore made by an Education Board for the payment of the salaries and 40 allowances of teachers and other persons employed by the Board in connection with any school or schools

under its control, and all payments made pursuant to any such arrangement, shall be deemed to have been made with lawful authority if such arrangement could have been lawfully made under this section if it had then been in force. 5

Restriction upon transfer of teachers within two years after receiving permanent appointment.

11. (1) This section applies with respect to teachers who, whether before or after the passing of this Act, have been permanently appointed as teachers in a school under the control of the Department, or in a teachers' training college, or in a public school, 10 secondary school, technical school, or combined school under the principal Act, or at any manual-training centre established under that Act.

(2) Except as provided in the *next succeeding* subsection, no teacher with respect to whom this section 15 applies shall be eligible to apply for or to be appointed to a new permanent position as a teacher before the expiry of a period of two years from the date on which he commenced duty in the position to which he was last permanently appointed. 20

(3) In special circumstances a teacher with respect to whom this section applies may at any time within the aforesaid period of two years apply for or receive a new permanent appointment in accordance with the following provisions, that is to say:— 25

(a) With the approval of the Public Service Commissioner, in the case of a teacher who is subject to the Public Service Act, 1912:

(b) With the approval of the Minister, in the case of a teacher who, by virtue of an Order in 30 Council under section seventeen of the Statutes Amendment Act, 1939, is under the control of the Minister:

(c) With the approval of the Director, given on the recommendation of the Senior Inspector, 35 and of the Education Board by which the teacher is employed, in the case of a teacher in a public school or a teachers' training college:

See Reprint of Statutes, Vol. VII, p. 522

1939, No. 39

- 5 (d) With the approval of the Director, given on the recommendation of the governing body or the controlling authority of any secondary school, technical school, or combined school, in the case of a teacher employed in any such school, or, in the case of a teacher employed at a manual-training centre, given on the recommendation of the authority controlling that centre.
- 10 (4) Subsection nine of section two of the Education Amendment Act, 1932-33, is hereby repealed. The reference to the said subsection in paragraph (b) of section four of the Education Amendment Act, 1938, shall hereafter be read as a reference to the foregoing
- 15 provisions of this section.

Repeal.  
1932-33, No. 49  
1938, No. 14

*Electoral.*

20 12. This section and the next five succeeding sections shall be read together with and deemed part of the Electoral Act, 1927 (in those sections referred to as the principal Act).

This section and next five sections to form part of Electoral Act, 1927.

25 13. (1) Section one hundred and ten of the principal Act is hereby amended by adding to subsection two the following proviso:—

See Reprint of Statutes, Vol. VI, p. 469

25 “Provided that the consent of any person who is for the time being outside New Zealand may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.”

Consent to nomination of persons outside New Zealand.

30 (2) Section one hundred and eighty-six of the principal Act is hereby amended by adding to paragraph (m) of subsection one the following proviso:—

“Provided that the consent of any person who is for the time being outside New Zealand may be signified to the Returning Officer in any manner approved by the Chief Electoral Officer.”

35 14. Section one hundred and forty of the principal Act is hereby amended by inserting in subsection one, after paragraph (e), the following paragraphs:—

Extending provisions as to postal voting.

40 “(f) Has a religious objection to attending at any polling-place to vote on the day of the week on which polling-day falls:

“(g) Is authorized by the Chief Electoral Officer, on any ground deemed by him to be sufficient, to vote in accordance with this section.”

Applying provisions as to absent voters and postal voting to Maoris.

15. The provisions of sections one hundred and thirty-nine and one hundred and forty of the principal Act and of any regulations made for the purposes of those sections shall, so far as they are applicable, and with the necessary modifications, apply with respect to all Maori electors under Part IV of the principal Act, notwithstanding that by reason of section one hundred and ninety-six of that Act not having come into force they are not registered as electors. 5

Voting at elections and licensing polls by members of Forces who are serving continuously in New Zealand. 1940, No. 21

16. Section four of the Electoral Amendment Act, 1940, is hereby amended by inserting, after subsection four, the following subsection:— 10

“(4A) Every adult person who (not being registered as an elector of any electoral district) is for the time being rendering continuous service as a member of the Forces in New Zealand, and has not rendered such service outside New Zealand in connection with the present war, shall be deemed to be qualified to vote at every election of members of Parliament and at every licensing poll under the Licensing Act, 1908, as an elector of the electoral district (as existing at the date of the election or poll) in which is situated his usual place of residence immediately before he last commenced to render continuous service as a member of the Forces.” 15 20 25

Voting by seamen in ships outside New Zealand waters.

17. The provisions of section four of the Electoral Amendment Act, 1940, and of any regulations made for the purposes of that section shall, so far as they are applicable and with the necessary modifications, apply with respect to every adult seaman ordinarily resident in New Zealand who is for the time being engaged in any ship outside the territorial waters of New Zealand, as if he were a member of the Forces comprised in a unit under the command of the master of the ship. 30 35

*Electric-power Boards.*

This section and next five sections to form part of Electric-power Boards Act, 1925.

18. This section and the next five succeeding sections shall be read together with and deemed part of the Electric-power Boards Act, 1925.

See Reprint of Statutes, Vol. III, p. 4

19. (1) Any Board may at any time and from time to time appoint a Deputy Chairman who shall act as Chairman during the temporary absence or incapacity of the Chairman. 40

Deputy Chairman of Board.

(2) While so acting the Deputy Chairman may do all acts that the Chairman as such might do. 45

(3) The fact that the Deputy Chairman exercises any power, duty, or function of the Chairman shall be sufficient evidence of his authority so to do; and no person shall be concerned to inquire whether any occasion has arisen requiring or authorizing him so to do, or be affected by notice that no such occasion has arisen.

20. (1) With a view to ascertaining whether the time has arrived for making arrangements for the supply of electrical energy to any locality not being an area within the boundaries of an electric-power district, the local authority exercising jurisdiction in that locality may pay out of its general account or, in the case of a county, out of its general account or the appropriate riding account or riding accounts the whole or any part of the cost of a load survey, and any other necessary survey, and expenses in connection therewith, not exceeding in any case the sum of two hundred and fifty pounds.

Cost of load surveys in areas beyond jurisdiction of Boards.

(2) If the locality or any part thereof is within three years after the completion of any such survey included in any electric-power district, the amount so paid by the local authority or a reasonable portion thereof, as the case may be, shall be repayable by the Board of that district on demand, and shall be recoverable by the local authority as a debt due to it by the Board.

21. Any Board may, in any case where it is deemed advisable that any sum of money at credit of any account (other than a separate account for a loan) should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, may deposit that sum with any local authority or public body entitled by law to receive moneys on deposit.

Deposit of money at interest.

22. It shall be lawful and be deemed always to have been lawful for any Board from time to time to enter into contracts of insurance insuring members of the Board against loss from personal accident arising out of and in the course of the exercise of their powers or duties as members of the Board and to pay the premiums payable in respect of such contracts.

Boards may insure members against personal accident while engaged in duties.

Payment of wages from Imprest Accounts.

See Reprint of Statutes, Vol. III, p. 60

Section 14 of Factories Amendment Act, 1936 (as to wages payable for holidays), amended.

1936, No. 7  
1938, No. 20

**23.** Section fourteen of the Electric-power Boards Amendment Act, 1927, is hereby amended by omitting from subsection four the word "casual".

*Factories.*

**24.** Section fourteen of the Factories Amendment Act, 1936, as amended by section seventeen of the Statutes Amendment Act, 1938, is hereby further amended by repealing subsection two, as set out in the said section seventeen, and substituting the following subsection:—

"(2) Where any person has been employed in a factory by any employer at any time during the fortnight ending on the day on which any of the whole holidays referred to in paragraph (a) of section thirty-five of the principal Act as set out in the last preceding section occurs, he shall be entitled, subject to the next succeeding subsection, to receive payment for the holiday from that employer."

*Forests.*

**25.** This section and the next three succeeding sections shall be read together with and deemed part of the Forests Act, 1921-22 (in those sections referred to as the principal Act).

**26.** Section forty-five of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "within the fire district or within a radius of five miles of the outbreak", and substituting the words "within the State forest or fire district, as the case may be, or within five miles of any boundary of the State forest or fire district":

(b) By inserting, after the word "comply" in subsection three, the word "immediately".

**27.** (1) Section sixty-three of the principal Act is hereby amended by omitting from paragraph (k) the words "and regulating traffic in State forests", and substituting the words "and regulating or prohibiting traffic into, in, or through State forests".

This section and next three sections to form part of Forests Act, 1921-22.

See Reprint of Statutes, Vol. III, p. 425

Requisition of assistance to extinguish fires.

Power to make regulations extended.



(2) In addition to the matters mentioned in section sixty-three of the principal Act, regulations may be made under that section for all or any of the following purposes:—

- 5 (a) Authorizing Forest officers to prohibit or regulate the use of any public road or of any track adjoining a State forest, or within a fire district, while a fire is in progress or fire-fighting operations are proceeding in the vicinity:
- 10 (b) Prescribing the measures to be taken and the equipment and fire patrols to be provided and maintained by sawmillers and other persons engaged in industrial operations in State forests and fire districts for the prevention or suppression of fire or for diminishing the danger to life and property arising from fire:
- 15 (c) Regulating the establishment and conduct of recreation and camping areas in State forests, and prescribing the terms and conditions on which the same may be used and fees to be paid in respect thereof.

25 **28.** (1) The authority to make regulations conferred on the Governor-General by the principal Act is hereby extended to authorize the making of all such regulations as he may consider necessary for the purpose of eradicating or preventing the spread of any disease which may affect trees or timber.

Regulations as to control and eradication of diseases affecting trees or timber.

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

- 35 (a) Prescribing the treatment and measures to be adopted in respect of any trees or timber which are diseased or likely, in the opinion of any Forest officer, to become diseased:
- 40 (b) Providing for the destruction of any trees or timber in any case where any Forest officer is of opinion that treatment may not completely destroy the disease, or that treatment has failed to destroy the disease:

(c) Authorizing Forest officers at all reasonable times to enter on any land or premises where trees are growing or timber is lying or stored or stacked for the purpose of inspecting the same or, in any case where default has been made in complying with any of the requirements of any regulations, for the purpose of carrying out those requirements at the expense of the person making default. 5

(3) Any regulations under this section may apply with respect to any trees or timber wherever situate in New Zealand. 10

(4) For the purposes of this section "disease" means any disease which may affect trees or timber and which the Governor-General from time to time by Order in Council declares to be a disease within the meaning of this section, whether or not caused by or consisting of the presence of any insects, fungi, bacteria, or viruses. 15

(5) Nothing in this section shall affect the operation of the provisions of the Orchard and Garden Diseases Act, 1928. 20

See Reprint  
of Statutes,  
Vol. I, p. 136

#### *Friendly Societies.*

29. The Friendly Societies Act, 1909, is hereby amended as follows:— 25

(a) By omitting from subsection two of section eleven the words "three hundred pounds", and substituting the words "five hundred pounds":

(b) By omitting from subsection one of section fifty-one the words "three hundred pounds", and substituting the words "five hundred pounds". 30

Contracts for  
assurance of  
gross amount  
of £500.  
Ibid.,  
Vol. III, p. 461

#### *Health.*

30. (1) This section shall be read together with and deemed part of the Health Act, 1920 (hereinafter in this section referred to as the principal Act). 35

(2) If the Medical Officer of Health or any Inspector of Health has reason to believe or suspect that any person, whether suffering from an infectious disease or not, is likely to cause the spread of any infectious 40

Provision for  
effectual  
isolation of  
persons likely  
to spread  
infectious  
disease.  
Ibid.,  
Vol. VI, p. 1061

disease, he may make an order for the removal of that person to a hospital or other suitable place where he can be effectually isolated.

5 (3) An order under this section shall be made in every case where the Medical Officer of Health or the Inspector is satisfied that any person who is likely to spread an infectious disease cannot, without removal, be effectually isolated or properly attended.

10 (4) An order under this section may be executed by the Medical Officer of Health or the Inspector, or by any person authorized in that behalf by the Medical Officer of Health or the Inspector, and may be executed by force if necessary.

15 (5) The medical officer or other person in charge of the hospital or other place to which any person is ordered to be removed as aforesaid shall, on the presentation of the order, receive the person to whom the order relates and shall arrange for his isolation in accordance with the requirements of the Medical Officer  
20 of Health or the Inspector and, in the case of a person requiring medical treatment, for such treatment, and, unless the Medical Officer of Health otherwise permits, shall detain him by force if necessary in isolation until he has been medically examined and found to be free  
25 from infectious disease and until he has undergone such preventive treatment as the Medical Officer of Health may prescribe.

(6) Any person who is isolated in accordance with the principal Act, whether pursuant to an order under  
30 this section or not, and who leaves the place of isolation while he is required to be so isolated may be arrested by any officer of the Department or by any member of the staff of the hospital or other place of isolation or by any constable without warrant and delivered  
35 forthwith to the same or another suitable place of isolation.

(7) Every person who wilfully disobeys an order under this section, or who obstructs or delays or in any way interferes with the prompt execution thereof or  
40 who, being isolated in accordance with the principal Act, leaves or attempts to leave the place of isolation without proper authority, commits an offence, and is liable to a fine of *twenty* pounds.

(8) For the purposes of this section, and notwithstanding anything contained in the principal Act, tuberculosis in any form shall be deemed to be an infectious disease.

Repeals.

1940, No. 17

(9) This section is in substitution for section eighty-four of the principal Act, and that section and section eight of the Health Amendment Act, 1940, are hereby repealed. 5

*Hospitals and Charitable Institutions.*

Hospital Boards may dedicate endowment lands for street purposes in certain cases.

See Reprint of Statutes, Vol. III, p. 725  
1933, No. 30

**31.** (1) This section shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1926 (hereinafter in this section referred to as the principal Act). 10

(2) Notwithstanding anything to the contrary in section seventy-one of the principal Act, with the consent of the Minister a Board may, pursuant to section one hundred and ninety-two of the Municipal Corporations Act, 1933, dedicate to the Corporation of any borough for street purposes any part of any land vested in it as an endowment on which the erection, rebuilding, or re-erection or the substantial rebuilding or re-erection of buildings is forbidden by the operation of any building-line by-law made by the Council of the borough under that section or the corresponding provisions of any former Act. 15 20 25

See Reprint of Statutes, Vol. VII, p. 661

(3) In any case where a Board dedicates for street purposes any land held by it as an endowment, the provisions of sections ninety-two and ninety-three of the Public Works Act, 1928, shall apply with respect to the compensation therefor. 30

*Impounding.*

Authorizing local authorities jointly to provide public pounds.  
Ibid., Vol. I, p. 213

**32.** (1) This section shall be read together with and deemed part of the Impounding Act, 1908 (hereinafter in this section referred to as the principal Act).

(2) Notwithstanding anything to the contrary in the principal Act, any two or more local authorities may jointly provide a site for and construct and maintain a public pound within the district of any one of those local authorities upon such terms and conditions as may be agreed upon. 35 40

(3) Any local authority may make contributions in accordance with any such agreement towards the cost of establishing and maintaining any such pound.

(4) All rates, charges, fees, and other moneys collected by a local authority in respect of any such pound and not otherwise appropriated by the principal Act shall be held by the local authority as trustee for the parties to the agreement and, subject to the deduction or payment of such amount as remuneration or costs as may be agreed upon, shall be handed over to such local authorities as are entitled to receive the same in terms of the agreement.

10 (5) Section fifty-five of the Local Legislation Act, 1939, is hereby repealed. Repeal.  
1939, No. 25

*Industrial Conciliation and Arbitration.*

15 **33.** (1) This section shall be read together with and deemed part of the Industrial Conciliation and Arbitration Act, 1925.

(2) This section applies to every action for wages or salary under any contract of service or for damages for breach of any such contract if the contract is affected by any award or industrial agreement or if in the action any question may arise as to any such award or industrial agreement.

(3) In any case where an action to which this section applies is commenced in or removed to the Supreme Court the plaintiff or the person on whose application the action has been so removed, as the case may be, shall give notice of the action to the Registrar of Industrial Unions.

(4) In any case where judgment has been given by any Court in any action to which this section applies and one of the parties to the action appeals against the judgment, that party shall give notice of his appeal to the Registrar of Industrial Unions.

(5) If when any action to which this section applies or any appeal or other proceeding in relation to any such action is before the Supreme Court or the Court of Appeal it appears that any notice required by this section has not been given, the Court shall adjourn the hearing upon such terms as it thinks fit to enable the notice to be given.

(6) On the hearing by the Supreme Court or the Court of Appeal of any action to which this section applies or of any appeal or other proceeding in relation to any such action, an Inspector of Awards shall be entitled to appear by counsel and be heard in relation to any matters or questions before the Court.

Notice to Registrar of Industrial Unions of proceedings relating to contracts of service.  
See Reprint of Statutes, Vol. III, p. 939

*Infants.*

Service of  
application for  
adoption order  
on mentally  
defective person  
See Reprint  
of Statutes,  
Vol. III, p. 1073

**34.** In any case where a mentally defective person is a parent or guardian of a child in respect of whom an application for an order of adoption has been made under Part III of the Infants Act, 1908, service of notice of the application on the committee of the parent or guardian, if one has been appointed, or on the person with whom the parent or guardian resides or under whose care he is shall, unless a Magistrate otherwise orders, be deemed sufficient service thereof for the purposes of section twenty-three of that Act.

*Judicature.*

Rules of  
Court may  
modify Acts  
prescribing  
procedure on  
applications to  
Supreme Court.  
Ibid.,  
Vol. II, p. 60

**35.** (1) This section shall be read together with and deemed part of the Judicature Act, 1908.

(2) Notwithstanding anything to the contrary in any Act of the General Assembly or in any Imperial Act in force in New Zealand, rules may be made under section three of the Judicature Amendment Act, 1930, prescribing the form and manner in which any class or classes of applications to the Supreme Court or a Judge thereof shall be made.

(3) In so far as the provisions of any Act prescribing the form or manner in which any such applications are to be made, whether by petition, motion, summons, or otherwise, are inconsistent with or repugnant to any such rules the Act shall be deemed to be subject to the rules.

*Justices of the Peace.*

Translations  
of summonses,  
warrants, &c.,  
for Maoris.  
Ibid., p. 351

**36.** (1) This section shall be read together with and deemed part of the Justices of the Peace Act, 1927 (hereinafter in this section referred to as the principal Act).

(2) Every summons, order, or notice issued by any Justice or Clerk of Court and addressed to any person of the Maori race shall be accompanied by a translation thereof into the Maori language, except in any case where the Maori is able to understand and read English and an affidavit or certificate to that effect by the party at whose request the summons, order, or notice is issued, or his solicitor, is produced to the Justice or Clerk of Court, as the case may be. Every such affidavit or certificate shall immediately thereafter be filed in the nearest Magistrate's Court.

(3) Every warrant of distress against the goods and chattels of any person of the Maori race, or of arrest or imprisonment of the body of any such person, shall be accompanied by a translation thereof into the Maori language, except in any case where the Maori is able to understand and read English and an affidavit or certificate to that effect by the party at whose request the warrant is issued, or his solicitor, has been filed in the Magistrate's Court in relation to the same proceedings or is produced to the Justice issuing the warrant and subsequently filed in the nearest Magistrate's Court.

(4) No Court fees shall be payable in respect of the filing of any affidavit or certificate as required by this section and no costs shall be payable to any party in respect thereof.

(5) A Justice may at any time, if he thinks fit, direct that a translation of any summons, order, notice, or warrant be served in any case where that summons, order, notice, or warrant was not accompanied by a translation thereof into the Maori language.

(6) Notwithstanding anything in the foregoing provisions of this section, the execution of any warrant against a person of the Maori race shall not be illegal by reason only of its not being accompanied by such a translation.

(7) This section is in substitution for section two hundred and sixty-five of the principal Act, and that section is hereby accordingly repealed.

#### *Land.*

30 **37.** (1) This section shall be read together with and deemed part of the Land Act, 1924.

(2) There is hereby established a Board to be called the Land Settlement Board (hereinafter in this section referred to as the Board) consisting of the following members, namely:—

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

(b) The Under-Secretary for Lands:

(c) The Secretary to the Treasury:

40 (d) The Permanent Head of the Department of Agriculture:

(e) The Valuer-General:

(f) The Land Purchase Inspector appointed under section two of the Land for Settlements Amendment Act, 1927.

Establishment  
of Land  
Settlement  
Board.

See Reprint  
of Statutes,  
Vol. IV, p. 622

*Ibid.*, p. 920

(3) Meetings of the Board may be summoned by the Chairman or by the Under-Secretary for Lands on behalf of the Chairman. In the absence of the Minister from any meeting of the Board, the Under-Secretary, if present, shall preside thereat. In the absence from any meeting of both the Minister and the Under-Secretary the members present shall select one of their number to be the Chairman for the purposes of that meeting. 5

(4) Three members of the Board shall form a quorum. 10

(5) In the absence from any meeting of the Board of any member being an officer of any Department of State, he may authorize any other officer of that Department to attend the meeting in his stead. While any person is attending any meeting under this subsection he shall be deemed for all purposes to be a member of the Board. 15

(6) The fact that any person attends and acts as a member of the Board at any such meeting shall be conclusive proof of his authority so to do. 20

(7) At every meeting of the Board the Chairman shall have a deliberative vote and, in case of an equality of votes, shall also have a casting vote.

(8) The Dominion Land Purchase Board, established under section four of the Land for Settlements Act, 1925, the Lands Development Board, established under section three of the Land Laws Amendment Act, 1929, and the Small Farms Board, appointed under section four of the Small Farms Act, 1932-33, are hereby abolished and all the powers, duties, and functions of those Boards are hereby transferred to and shall be exercised and performed by the Land Settlement Board established under this section. 25 30

(9) All references to any of the Boards hereby abolished in any Act or in any regulations or in any agreement, deed, instrument, application, license, notice, or other document whatsoever shall, unless inconsistent with the context, be read and construed as references to the Land Settlement Board established under this section. 35 40

(10) The enactments mentioned in the Schedule to this Act are hereby repealed to the extent indicated in that Schedule.

See Reprint  
of Statutes,  
Vol. IV, p. 864  
Ibid., p. 834

1932-33, No. 43

Consequential  
repeals.



*Legislature.*

38. Section two of the Legislature Act, 1908, is hereby amended by omitting from subsection one the word " male ".

Authorizing appointment of women as members of Legislative Council.

5 *Local Authorities Superannuation.*

39. Section fourteen of the Local Authorities Superannuation Act, 1908, is hereby amended by repealing subsection one, and substituting the following subsection:—

See Reprint of Statutes, Vol. VI, p. 447

10 " (1) For such period commencing on the first day of January, nineteen hundred and forty, and not exceeding five years as the Governor-General determines, and for successive periods thereafter of such duration, not exceeding five years, as the Governor-  
15 General determines in each case, an examination of every fund established under this Act shall be made by an actuary appointed by the Governor-General."

Altering date for actuarial examination of superannuation funds of local authorities.

Ibid., Vol. V, p. 436

*Magistrates' Courts.*

20 40. (1) This section shall be read together with and deemed part of the Magistrates' Courts Act, 1928 (hereinafter in this section referred to as the principal Act).

Translations for Natives.

Ibid., Vol. II, p. 98

25 (2) Every form of summons, order, notice, or warrant, and every statement of claim or counterclaim intended to be served upon a Native shall be accompanied by a translation thereof into the Maori language except in any case where the Native is able to understand and read English and an affidavit or certificate to that effect by any party to the proceedings, or his solicitor,  
30 is filed in the Court. No Court fees shall be payable in respect of the filing of any such affidavit or certificate and no costs shall be payable to any party in respect thereof.

35 (3) In any case where a translation as aforesaid has not been served upon a Native a Magistrate may at any time, if he thinks fit, direct that a translation be so served.

40 (4) Notwithstanding anything in the foregoing provisions of this section, the execution of any warrant against a Native shall not be illegal by reason only of its not being accompanied by such a translation.

Repeal.

(5) This section is in substitution for section four of the principal Act, and that section is hereby accordingly repealed.

*Marriage.*

Acting-  
Registrars of  
Marriages.  
See Reprint  
of Statutes,  
Vol. III, p. 826

41. (1) This section shall be read together with and 5  
deemed part of the Marriage Act, 1908.

(2) Notwithstanding that there may at any time be a Deputy of any Registrar, there may be appointed a fit person to be Acting-Registrar during a vacancy in the office of that Registrar or in case of the absence from duty of that Registrar, and that person while so acting shall have and may exercise all the powers, duties, and functions of the Registrar. While an Acting-Registrar is in office the Deputy of the Registrar shall be deemed to be the Deputy of the Acting-Registrar. 10 15

Ibid., p. 848

(3) Section two of the Marriage Amendment Act, 1920, is hereby amended by adding the words "or as an Acting-Registrar".

*Masseurs Registration.*

20

This section  
and next two  
sections to  
form part of  
Masseurs  
Registration  
Act, 1920.

42. This section and the next two succeeding sections shall be read together with and deemed part of the Masseurs Registration Act, 1920 (in those sections referred to as the principal Act).

Ibid.,  
Vol. V, p. 658

Masseurs to  
notify changes  
of address.

43. (1) Every masseur who at any time changes his address as appearing in the register kept under the principal Act shall, within three months thereafter, send to the Registrar a notice of his new address, and the Registrar shall thereupon correct the entry in the register relating to that masseur accordingly. 25 30

(2) Every masseur who fails to comply with the provisions of the last preceding subsection commits an offence and shall be liable on summary conviction to a fine of five pounds.

Name may be  
removed from  
register if  
registered  
person cannot  
be found, &c.

44. (1) The Registrar may at any time, and shall if the Masseurs Registration Board so directs, send to any registered masseur, by registered letter addressed to him at his address appearing on the register, an inquiry as to whether or not he desires to have his name retained on the register. 35 40

(2) If no reply is received to that letter within three months from the posting thereof, or if the letter is not delivered and is returned to the Registrar, the Registrar shall, if the Board so directs, remove from the register the name of the masseur to whom the letter was so sent.

(3) Any person whose name has been removed from the register in pursuance of this section may apply to the Registrar to have his name restored to the register, and his name shall be restored to the register accordingly.

*Massey Agricultural College.*

45. Sections eighteen and nineteen of the Massey Agricultural College Act, 1926, as amended by section five of the School of Agriculture Act, 1937, are hereby further amended by omitting the references to the Board of Governors of the Massey Agricultural College and substituting in each case a reference to the Massey Agricultural College.

Sections 18 and 19 of Massey Agricultural College Act, 1926, amended. 1926, No. 68 1937, No. 26

*Master and Apprentice.*

46. (1) This section shall be read together with the Master and Apprentice Act, 1908 (hereinafter in this section referred to as the principal Act), and shall be deemed to form part of Part II of that Act.

Temporary transfer of apprentices from or to Government employment.

(2) Notwithstanding anything contained in Part II of the principal Act, any apprentice serving under an indenture of apprenticeship entered into in pursuance of the said Part II may with his own consent and with the consent of his parent or guardian (if any) and with the consent of the appropriate Minister be transferred to a master who is not an officer of the Government for such period and upon or subject to such terms and conditions as the Minister of Labour may determine or approve.

See Reprint of Statutes, Vol. V, p. 564

(3) Notwithstanding anything contained in the Apprentices Act, 1923, any male person who is serving under a contract of apprenticeship to which that Act applies may with the like consents be transferred to a master within the meaning of the said Part II for such period and upon or subject to such terms and conditions as the Minister of Labour may determine or approve.

Ibid., p. 576

(4) Before making any determination or giving any approval as to the period of any transfer under this section or as to the terms and conditions upon or subject to which any such transfer is to be made, the Minister of Labour shall refer the matter for its opinion to any Apprenticeship Committee that may have been set up under the Apprentices Act, 1923, in connection with the industry and locality in which the person proposed to be transferred is working. 5

(5) Any apprentice within the meaning of the said Part II or within the meaning of the Apprentices Act, 1923, who is transferred pursuant to this section shall continue to be subject to the said Part II or to the Apprentices Act, 1923, as the case may be, during the period of the transfer, and that period shall count as part of the period of apprenticeship under the indenture or contract of apprenticeship under which the apprentice is serving immediately before the transfer. 15

*Municipal Association.*

Section 2 of  
Municipal  
Association  
Act, 1939,  
amended.  
1939, No. 16

**47.** Section two of the Municipal Association Act, 1939, is hereby amended by omitting from subsection three the word "on", after the words "to procure legal opinions", and substituting the words "or to prosecute or defend test cases or engage in any other legal proceedings in respect of". 20 25

*Municipal Corporations.*

Payment of  
wages from  
Imprest  
Accounts.  
1933, No. 30

**48.** Section seventy-five of the Municipal Corporations Act, 1933, is hereby amended by omitting from subsection four the word "casual".

Advances made  
in respect of  
drainage to be a  
charge on  
property.

**49.** Section two hundred and thirty-six of the Municipal Corporations Act, 1933, is hereby amended as from the commencement of that Act by inserting, after the words "of any property", the words "in respect of advances made under section two hundred and thirty-four of this Act, or the corresponding provisions of any previous Act, in relation to such property or". 30 35

50. Section three hundred and sixty-four of the Municipal Corporations Act, 1933, is hereby amended by repealing paragraph twenty-six, and substituting the following paragraph:—

Section 364 of Municipal Corporations Act, 1933 (as to by-laws), amended.

- 5 “(26) Defining, licensing, inspecting, and regulating boardinghouses, being houses (other than common lodginghouses and houses for which publicans’ licenses are held) in which persons are lodged for a single night or longer:”.
- 10

#### *Opticians.*

51. It is hereby declared that the authority to make regulations conferred on the Governor-General by section twenty-one of the Opticians Act, 1928, extends, and shall be deemed always to have extended, to enable him to make regulations prescribing educational qualifications for candidates for examination under that Act.
- 15

Power to make regulations as to educational qualifications of examination candidates. See Reprint of Statutes, Vol. V, p. 706

#### *Patents, Designs, and Trade-marks.*

52. The Second Schedule to the Patents, Designs, and Trade-marks Amendment Act, 1939, is hereby amended by omitting from paragraph 5 the words “within one year from the commencement of this Act”, and substituting the words “within two years and six months after the commencement of this Act”.
- 20
- 25

Time for effecting certain registrations extended. 1939, No. 26

#### *Petroleum.*

53. This section and the next four succeeding sections shall be read together with and deemed part of the Petroleum Act, 1937 (in those sections referred to as the principal Act).
- 30

This section and next four sections to form part of Petroleum Act, 1937.

54. On application made by the licensee under a prospecting license at any time before the expiry of the license, the Minister may, in his absolute discretion, extend the term of the license for such period as the Minister thinks fit:
- 35

1937, No. 27

Term of prospecting licenses may be extended.

Provided that the aggregate of the original term of the license and of any extension or extensions thereof shall not exceed ten years.

Power to suspend investigations under prospecting licenses.

**55.** Where the Minister is satisfied that the licensee under a prospecting license—

(a) Has proceeded with an investigation of the land comprised in the license in accordance with subsection one of section eight of the principal Act to a point at which the licensee is ready to commence drilling; and 5

(b) Is drilling with reasonable diligence at least one well on the land comprised in some other prospecting license held by the licensee,— 10

the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, suspend for any period or periods not exceeding six months at any one time the obligation imposed by the said subsection one to continue the investigation of the land comprised in the first-mentioned license. 15

Power to suspend drilling under prospecting licenses.

**56.** Where the Minister is satisfied that the licensee under a prospecting license—

(a) Has commenced drilling on the land comprised in the license in accordance with subsection two of section eight of the principal Act; and 20

(b) Is drilling with reasonable diligence at least one well on the land comprised in some other prospecting license held by the licensee,— 25

the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, suspend for any period or periods not exceeding six months at any one time the obligation imposed by the said subsection two to continue drilling on the land comprised in the first-mentioned license. 30

Power to grant exemptions from mining operations under partially surrendered licenses.

**57.** (1) Where any license has been partially surrendered under section sixteen of the principal Act, and in the opinion of the Minister the land remaining comprised in the license is not likely to be productive of petroleum, but is necessary for the carrying-on of mining operations on the land comprised in some other license held by the licensee, the Minister may, in his absolute discretion and upon or subject to such conditions as he thinks fit, exempt the licensee from all or any of the obligations imposed by the first-mentioned license or by the principal Act in respect of mining operations on the land comprised in the first-mentioned license. 35 40

(2) Any such exemption may be at any time varied or revoked by the Minister.

*Post and Telegraph.*

5 58. Section seventy-five of the Post and Telegraph Act, 1928, is hereby amended by inserting in the first proviso to subsection three, after the words "twenty pounds", the words "(or such greater amount, not exceeding one hundred pounds, as may from time to time be prescribed by regulations under this Part of this Act)".

Section 75 of Post and Telegraph Act, 1928 (as to deposits in Post Office Savings-bank), amended.  
See Reprint of Statutes, Vol. VI, p. 884

*Public Service Superannuation.*

59. (1) This section shall be read together with the Public Service Superannuation Act, 1927, and shall be deemed to form part of Part II of that Act.

Permanent members of Police Force may become contributors to Superannuation Fund in respect of previous temporary service.

15 (2) In this section—

"Board" means the Public Service Superannuation Board:

"Force" means the Police Force of New Zealand:

20 "Fund" means the Public Service Superannuation Fund.

Ibid., Vol. VII, p. 581

(3) If any temporary member of the Force is at any time after the passing of this Act appointed as a permanent member of the Force, he may, within two months after his permanent appointment, by notice in writing to the Secretary of the Board, elect to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force.

30 (4) Where any temporary member of the Force has at any time before the passing of this Act been appointed as a permanent member of the Force, he may, within three months after the passing of this Act, by notice in writing to the Secretary of the Board, elect to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force.

35 (5) Any member of the Force who elects under the provisions of this section to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force shall pay into the Fund within such time and in such manner as the Board may allow in that behalf such sum as the Board may fix in respect of his service as a temporary member of the Force.

40

(6) The percentage of his salary to be contributed to the Fund by any member of the Force in respect of his service as a permanent member of the Force shall be fixed by reference to his age at the date of his permanent appointment.

5

(7) Except as provided in this section, where any member of the Force elects to become a contributor to the Fund as from the date of his appointment as a temporary member of the Force he shall be entitled to the same benefits as if his service as a temporary member of the Force were service as a permanent member of the Force.

*Rabbit Nuisance.*

This section and next two sections to form part of Rabbit Nuisance Act, 1928.

See Reprint of Statutes, Vol. I, p. 243

Rabbit Board may establish an Imprest Account.

Ibid., p. 447

60. This section and the *next two succeeding* sections shall be read together with and deemed part of the Rabbit Nuisance Act, 1928 (in those sections referred to as the principal Act).

15

61. (1) Any Board may, pursuant to a resolution in that behalf, establish an Imprest Account, which shall as the Board may determine, be kept in the Post Office Savings-bank or in any bank within the meaning of the Banking Act, 1908.

20

(2) The Imprest Account may be held jointly in the names of and be operated on by the Treasurer and one other person to be appointed in that behalf by the Board, or may with the express approval in writing of the Audit Office, but not otherwise, be in the sole name of and operated on by the Treasurer or other approved officer of the Board. Where the Imprest Account is held jointly in the names of the Treasurer and of one other person as aforesaid, such last-mentioned person shall be either a responsible officer of the Board or a member of the Board.

25

(3) The Board shall from time to time by resolution fix the maximum amount that may be held at any time in the Imprest Account, not exceeding *seventy-five* pounds in any case where the Imprest Account may be operated on by one person acting alone, and not exceeding such amount as the Audit Office may approve in any other case.

30

40



(4) Moneys in the Imprest Account shall be available only for the payment of wages and of emergency expenditure. A statement of all payments made from the Imprest Account shall be submitted to the Board  
 5 for approval at its first ordinary meeting thereafter. The payment of moneys out of the Imprest Account for any purpose not hereby authorized shall be deemed to be the misappropriation of the funds of the Board.

(5) The provisions of section seventy-seven of the  
 10 principal Act shall be read subject to the provisions of this section.

62. Any Board may, in any case where it is deemed advisable that any sum of money at credit of any account (other than a separate account for a loan)  
 15 should be placed on deposit at interest, deposit that sum of money with any bank approved by the Board or, with the consent of the Governor-General in Council, may deposit that sum with any local authority or public body entitled by law to receive moneys on deposit.

Deposit of money at interest.

20

*Rating.*

63. (1) This section shall be read together with and deemed part of the Rating Act, 1925 (hereinafter in this section referred to as the principal Act).

Form of voting-papers to be used at polls under the Rating Act, 1925, See Report of Statutes, Vol. VII, p. 977 1941, No. 2

(2) The voting-papers for the purposes of a poll  
 25 on a proposal to adopt the system of rating on the unimproved value shall be in the form numbered (2) in the Second Schedule to the Local Elections and Polls Amendment Act, 1941.

(3) The voting-papers for the purposes of a poll  
 30 on a rescinding proposal under section forty-four of the principal Act shall be in the form numbered (2) in the Second Schedule to the Local Elections and Polls Amendment Act, 1941, and for the purposes of any such poll the proposal shall be a proposal to abandon  
 35 the system of rating on the unimproved value.

(4) Section forty-one of the principal Act is hereby amended by repealing subsection one.

(5) Section forty-four of the principal Act is hereby amended by omitting from subsection one all the words  
 40 after the words " the carrying thereof ".

(6) This section shall come into force on the first day of November, nineteen hundred and forty-one.

*Shops and Offices.*

Statutory closing-day in New Brighton area. See Reprint of Statutes, Vol. III, p. 240

64. (1) This section shall be read together with and deemed part of the Shops and Offices Act, 1921-22 (hereinafter in this section referred to as the principal Act).

5

(2) Section thirteen of the principal Act is hereby amended by repealing the proviso to subsection two, and substituting the following proviso:—

“ Provided that the Borough of Sumner shall not form part of the combined district of Christchurch, but shall be deemed to be a separate district.”

(3) For the purposes of the principal Act that portion of the City of Christchurch that immediately before the first day of April, nineteen hundred and forty-one, constituted the Borough of New Brighton (hereinafter in this section referred to as the New Brighton area) shall be deemed to be a borough and the Christchurch City Council shall be deemed to be the local authority thereof.

(4) Notwithstanding anything to the contrary in section thirteen of the principal Act, the New Brighton area shall not form part of the combined district of Christchurch, but shall be deemed to be a separate district.

(5) The foregoing provisions of this section shall be deemed to have come into force on the first day of April, nineteen hundred and forty-one.

See *Gazette*, 3rd April, 1941, p. 814

(6) The New Brighton Statutory Closing-day Emergency Regulations 1941 are hereby revoked.

*Tongariro National Park.*

30

Offence to allow animals to trespass on Tongariro National Park. 1922, No. 31

65. Subsection one of section fifteen of the Tongariro National Park Act, 1922, is hereby amended by adding the following:—

“ ; or

“(g) Allows the trespass of cattle, horses, or other animals.”

35

*Town-planning.*

5 66. This section and the *next five succeeding* sections shall be read together with and deemed part of the Town-planning Act, 1926 (in those sections referred to as the principal Act).

This section and next *five* sections to form part of Town-planning Act, 1926.

10 67. (1) Subject to the provisions of this section, any person who, after a town-planning scheme or an extra-urban planning scheme has been finally approved by the Board, uses any building or land in a manner not in conformity with the scheme or who fails to comply with any provision of the scheme commits an offence and shall be liable on summary conviction to a fine of *twenty* pounds or, where the offence is a continuing one, to a fine of *five* pounds for every day or part of a day during which the offence continues.

See Reprint of Statutes, Vol. V, p. 488

Failure to comply with scheme.

15 (2) The local authority in whose district the offence has been committed may, after a person has been convicted in respect of a continuing offence, apply to the Supreme Court for an injunction to restrain the further continuance of the offence by the person so convicted.

25 (3) Nothing in this section shall apply in relation to an existing use of any building or land or in relation to anything done pursuant to a consent given under the *next succeeding* section.

30 (4) For the purposes of this section, the term "existing use", in relation to any building or land, means a use of that building or land for any purpose of the same character as that for which it was last used before the date on which the scheme came into force or of a similar character, or, in the case of a newly-erected building which has not been used before that date, a use for any purpose for which it was designed:

35 Provided that if at any time after the date on which the scheme came into force the existing use of a building is discontinued for a period of *six* months, no use of that building at any subsequent date shall be deemed to be an existing use thereof.

40 68. (1) In any case where an approved town-planning scheme or an approved extra-urban planning scheme shows, whether in the text thereof or in any maps or plans relating thereto, any proposed new street or any proposed public reserve or open space, the local

Prohibition of erection of buildings or works on sites of proposed streets, &c.

authority in whose district the land is situated may absolutely refuse its consent to, or prohibit, the erection of any building or the carrying-out of any work of a permanent character on any land forming part of the site of the proposed street, public reserve, or open space, or the local authority may, subject to the provisions of this section and notwithstanding anything contained in the principal Act, give its consent to the erection of any such building or the carrying-out of any such work as aforesaid either absolutely or subject to such conditions as the local authority may think fit to impose. 5 10

(2) Before granting any such consent as aforesaid the local authority shall twice give public notice of its intention so to do by advertisement in a newspaper circulating in the district, with an interval of not less than seven days nor more than fourteen days between the two notifications. 15

(3) Every owner or occupier of rateable property within the area covered by the scheme shall have a right of objection to the erection of the building or the carrying-out of the work, and may at any time within one month after the first notification give notice in writing to the local authority of his objection and of the grounds thereof. 20 25

(4) Before arriving at a decision the local authority shall take into account every objection submitted to it as aforesaid and shall afford objectors an opportunity to be heard at a meeting of the local authority.

Compensation  
in respect of  
proposed  
streets or  
reserves shown  
in plans.

**69.** (1) Notwithstanding anything contained in section twenty-nine of the principal Act, compensation shall not be payable under that section by reason that any town-planning or extra-urban planning scheme shows, whether in the text thereof or in any maps or plans relating thereto,— 30 35

(a) Any proposed new street, any proposed street widening, or any proposal to close a street; or

(b) Any proposed public reserve or open space.

(2) In any case where a local authority has prohibited the erection of any building or the carrying-out of any work of a permanent character on any land which forms the site or part of the site of any proposed 40

street, reserve, or open space as aforesaid, or has refused its consent to the erection of any such building, or the carrying-out of any such work as aforesaid, or has granted its consent under the *last preceding section*  
 5 subject to conditions, any person having any estate or interest in that land and injuriously affected by the prohibition or the refusal or the conditions aforesaid shall, subject to the provisions of this section and to the provisions of section twenty-nine of the principal  
 10 Act, be entitled to full compensation for all loss thereby sustained by him:

Provided that no such compensation shall be payable if the local authority resolves that on any subdivision of land owned by him the owner of the land could reason-  
 15 ably be required, under the provisions of section one hundred and twenty-five of the Public Works Act, 1928, section three hundred and thirty-two of the Municipal Corporations Act, 1933, section sixteen of the Land Act, 1924, or any other Act, to dedicate as a street any  
 20 portion of the land on which it was proposed so to erect the building or carry out the work, or to set apart any of that land for a reserve.

70. Nothing contained in any town-planning or extra-urban planning scheme shall impose on any local  
 25 authority any obligation to acquire any land which it is proposed under the scheme shall become a street or a public reserve or an open space.

71. Section thirty-five of the principal Act is hereby amended by adding to subsection one the following  
 30 paragraph:—

“(g) For the purpose of securing effective co-  
 operation between local authorities and persons interested in any land affected by  
 any town-planning or extra-urban planning  
 35 scheme.”

#### *Transport Licensing.*

72. This section and the *next five succeeding* sections shall be read together with the Transport Licensing Act, 1931 (in those sections referred to as the principal  
 40 Act), and shall be deemed to be part of Part II of that Act.

See Reprint of Statutes, Vol. VII, p. 678  
 1933, No. 30  
 See Reprint of Statutes, Vol. IV, p. 632

Local authority under no obligation to acquire land.

Power to make regulations extended.

This section and next *five* sections to form part of Transport Licensing Act, 1931.  
 Ibid., Vol. VIII, p. 839

Transport  
Appeal  
Authority.

**73.** (1) For the purposes of the principal Act the Governor-General may from time to time appoint any person to be the Transport Appeal Authority (hereinafter referred to as the Appeal Authority).

(2) The Appeal Authority shall be appointed for a term not exceeding three years, but he may be reappointed, unless incapacitated under the *next succeeding* section, or may be at any time removed from office by the Governor-General for disability, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

Certain persons  
not qualified  
to be Appeal  
Authority.

**74.** (1) No person shall be capable of being appointed to be or of being the Appeal Authority—

(a) Who (otherwise than as a member of an incorporated company in which there are more than twenty members) is financially interested, directly or indirectly, in the business of carrying passengers or goods; or

(b) Who is the representative, officer, or servant of any person, firm, company, association of persons, or public authority engaged in the business of carrying passengers or goods:

Provided that a person shall not be incapable of being appointed to be or of being the Appeal Authority by reason of his being an officer of any Department of State other than the Government Railways Department or being otherwise a servant of the Crown.

(2) If any person while holding office as the Appeal Authority becomes incapable of continuing to hold office under the *last preceding* subsection, his office shall thereupon become vacant.

(3) If any person does any act as the Appeal Authority, being incapacitated under this section, he shall be liable to a fine not exceeding *fifty* pounds for each such offence.

Deputy of  
Appeal  
Authority.

**75.** (1) The Governor-General may appoint such person as he thinks fit as the deputy of the Appeal Authority to act in any case of temporary absence of the Appeal Authority.

(2) While so acting any person appointed under this section may exercise all the powers of the Appeal Authority.

(3) The appointment of any person under this section may be for such term, not exceeding the unexpired balance of the term of appointment of the Appeal Authority, as the Governor-General thinks fit, 5 or may be for any specified period or periods of absence of the Appeal Authority.

(4) The provisions of sections *seventy-three* and *seventy-four* of this Act shall, so far as they are applicable and with the necessary modifications, apply 10 with respect to every person appointed under this section and with respect to his appointment and removal.

(5) The fact that any person purporting to act as deputy of the Appeal Authority exercises any power, 15 duty or function of the Appeal Authority shall be sufficient evidence of his authority so to do; and no person shall be concerned to inquire whether any occasion has arisen requiring or authorizing him so to do, or be affected by notice that no such occasion 20 has arisen.

**76.** (1) For the purposes of any appeal to the Appeal Authority the provisions of the Commissions of Inquiry Act, 1908, shall, so far as they are applicable and with the necessary modifications, apply as if the 25 Appeal Authority were a Commission of Inquiry appointed under that Act.

Procedure  
of Appeal  
Authority.  
See Reprint  
of Statutes,  
Vol. I, p. 1036

(2) Save as is provided in the principal Act or as may be provided by any regulations under the principal Act in relation to appeals from decisions 30 of Licensing Authorities, the Appeal Authority may regulate his own procedure.

**77.** (1) All appeals under section twelve of the Transport Licensing Amendment Act, 1936, shall after the passing of this Act be determined by the Appeal 35 Authority, and for that purpose all references to the Minister in the said section twelve and in section fifty-six of the Statutes Amendment Act, 1940, shall be read as references to the Transport Appeal Authority.

Appeal  
Authority  
to determine  
appeals from  
decisions of  
Licensing  
Authorities.  
1936, No. 9  
1940, No. 18

(2) All appeals duly lodged under the said section 40 twelve, but not determined before the passing of this Act, shall be determined by the Appeal Authority.

Consequential  
amendments.

(3) The said section twelve is hereby amended by repealing subsections six, seven, thirteen, and fourteen.

(4) Section thirteen of the Transport Licensing Amendment Act, 1936, is hereby amended by inserting, after the word "Minister" wherever it occurs, the words "or the Transport Appeal Authority". 5

Schedule.  
Section 37

### SCHEDULE.

#### ENACTMENTS REPEALED.

Title of Enactment.	Extent of Repeal.
1925, No. 15— The Land for Settlements Act, 1925 (Reprint of Statutes, Vol. IV, p. 864)	Sections 4 and 5.
1927, No. 21— The Land for Settlements Amend- ment Act, 1927 (Ibid.)	Section 3 (1).
1929, No. 8— The Land Laws Amendment Act, 1929 (Ibid., pp. 834, 928)	Sections 3 and 34.
1932-33, No. 43— The Small Farms Act, 1932-33 ..	Section 4.
1937, No. 17— The Finance Act, 1937 .. ..	So much of the Second Schedule as relates to the Land for Settlements Act, 1925.
1939, No. 21— The Small Farms Amendment Act, 1939	Section 3.