

## New Zealand



### ANALYSIS

- |  |   |
|--|---|
| <p style="text-align: center;">Title.</p> <p>1. Short Title. Commencement.</p> <p style="text-align: center;"><b>PART I</b></p> <p style="text-align: center;">PUBLIC REVENUES</p> <p>2. Settlement of claims of Whakatohea Tribe.</p> <p>3. Authorizing Minister of Finance to acquire shares in New Zealand company to be formed by Anglo-Iranian Oil Company, Limited.</p> <p>4. Authorizing Reserve Bank to grant loans to Governments of other countries to finance purchase of New Zealand produce.</p> <p>5. Certain railways authorized.</p> <p>6. Bonus to persons retained in Government service under Superannuation Emergency Regulations 1940.</p> <p>7. Salary increases on revision of scales as at 1st April, 1946, not to be taken into account in fixing maximum remuneration of retired public servants and teachers who are temporarily re-employed.</p> <p>8. Providing for superannuation for Navy, Army, and Air Force. Repeals.</p> <p>9. Salaries of Legislative officers to be appropriated annually.</p> <p>10. Amending provisions as to interest on unpaid death duties.</p> <p>11. Certain instruments not to be exempted from stamp duty.</p> | <p>12. Penal charge in case of evasion of social security charge on salary or wages.</p> <p>13. Second Schedule to Finance Act, 1946, amended.</p> <p style="text-align: center;"><b>PART II</b></p> <p style="text-align: center;">HOSPITALS AND CHARITABLE INSTITUTIONS</p> <p>14. Part to be read with Hospitals and Charitable Institutions Act, 1926.</p> <p>15. Authorizing payment of subsidies to Hospital Boards. Repeals. Commencement.</p> <p>16. Advance to Board in case of insufficiency of income. Repeals. Commencement.</p> <p>17. Basis of levy of rates by Valuer-General.</p> <p>18. Regulations to control expenditure, &amp;c.</p> <p>19. Provisions if Hospital Board fails to perform its duty. Repeal.</p> <p style="text-align: center;"><b>PART III</b></p> <p style="text-align: center;">TIMBER-WORKERS' HOUSING</p> <p>20. Interpretation.</p> <p>21. Sale of dwellings for cash or on hire-purchase terms.</p> <p>22. Loans for improvement of buildings to be used as dwellings.</p> <p>23. Letting of dwellings erected or repaired, &amp;c., under this Part of Act.</p> <p>24. Levy on timber.</p> |
|--|---|

25. Financial provisions.  
26. Advisory Committee.

## PART IV

## MISCELLANEOUS

27. Authorizing Hamilton City Council to recoup its General Account out of loan-moneys advanced for housing purposes.  
28. Removal of restriction on Hokitika Harbour timber-dues.  
29. Joint hearing of claims for compensation under Iron and Steel Industry Act, 1937.
30. Tax-free stock issued under Bank of New Zealand Act, 1945, to trustees may be transferred on appointment of new trustees.  
31. Financial year of Linen Flax Corporation to end on 31st December.  
32. Special provision with respect to service of J. W. Hadfield as Manager of Linen Flax Corporation.  
33. Security on loans to employers for workers' dwellings.  
Schedule.

## 1946, No. 41

AN ACT to make Provision with respect to Public Finance and other Matters. [12th October, 1946] Title.

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

1. (1) This Act may be cited as the Finance Act (No. 2), 1946. Short Title.

(2) Except as expressly provided herein this Act shall come into force on the passing thereof. Commencement.

## PART I

## PUBLIC REVENUES

2. Whereas by Warrant under the hand of the Governor-General dated the eighteenth day of October, nineteen hundred and twenty-six, a Commission of inquiry was appointed to inquire into and report upon various Maori claims regarding the confiscation of Native lands: And whereas certain of the claims related to the confiscation in the year eighteen hundred and sixty-six of certain lands near Opotiki belonging to the Whakatohea Tribe: And whereas the Commission in its report, which is contained in Paper G.-7 of the Appendices to the Journals of the House of Representatives for the year nineteen hundred and twenty-eight, recommended that certain annual sums should be paid to the Whakatohea Tribe as compensation for excessive confiscations of the lands belonging to that Tribe: And whereas the members of the Whakatohea Tribe, by their

Settlement of claims of Whakatohea Tribe.

representatives, have agreed to accept the payment of the sum of twenty thousand pounds in the manner hereinafter in this section appearing in settlement of their claims: Be it therefore enacted as follows:—

(1) In settlement of all claims and demands which have heretofore been made or which might hereafter be made upon His Majesty's Government in New Zealand in respect of or arising out of the confiscation of lands belonging to the Whakatohea Tribe, there shall be paid to the Native Trustee as soon as practicable after the commencement of this Act, out of moneys appropriated by Parliament for the purpose, the sum of twenty thousand pounds.

(2) The sum received by the Native Trustee pursuant to this section shall be held in the Native Trustee's Account to be expended either in one sum or from time to time as may be convenient in the purchase or acquisition of land suitable for settlement and development for the general benefit of the members of the Whakatohea Tribe and their descendants.

**3.** (1) The Minister of Finance may from time to time, on behalf of His Majesty's Government in New Zealand, enter into agreements with the Anglo-Iranian Oil Company, Limited, and with any other persons in connection with the establishment and business of a company to be incorporated in New Zealand of which the principal original members shall be His Majesty the King and the Anglo-Iranian Oil Company, Limited, and which shall have amongst its objects the business of importing, storing, and distributing petroleum products.

(2) The Minister of Finance may from time to time, on behalf of His Majesty the King, subscribe for or otherwise acquire shares in the company so to be incorporated, and may from time to time exercise on behalf of His Majesty all His Majesty's rights and powers as the holder of any such shares.

(3) All moneys required to be paid by the Minister of Finance in respect of the subscription for or other acquisition of any such shares shall, without further appropriation than this section, be paid out of the National Development Loans Account. When any such payment is made the authority of the Minister

Authorizing  
Minister of  
Finance to  
acquire shares  
in New Zealand  
company to be  
formed by  
Anglo-Iranian  
Oil Company,  
Limited.

of Finance to borrow moneys under section three of the National Development Loans Act, 1941, shall be deemed to be extended as if the moneys so paid had been duly transferred from the National Development Loans Account to another fund or account as mentioned in that section. 1941, No. 7

(4) Notwithstanding anything to the contrary in the Industrial Efficiency Act, 1936, or in any notice or license issued thereunder— 1936, No. 40

(a) The aforesaid company shall, when appropriate application is made, be forthwith granted by the Bureau of Industry a license under that Act in respect of the industry described as “the importation and/or wholesale distribution of motor-spirits” subject to conditions not less favourable than those applicable to other licenses issued in respect of that industry:

(b) The Bureau of Industry shall, when appropriate applications are made thereto, grant licenses to the aforesaid company or any other person, or vary licenses already held by persons licensed under that Act, in respect of the industry described as “the retail sale and distribution of motor-spirits” to an extent necessary to enable the company adequately to distribute and sell by way of retail throughout New Zealand the petroleum products imported into the Dominion by virtue of the license granted in pursuance of the last preceding paragraph:

(c) In the event of the sale of any other products to be imported into or manufactured in New Zealand by the aforesaid company being declared a licensed industry pursuant to the said Act the Bureau of Industry shall grant to the company a license to sell such products on conditions not less favourable than may be imposed on any other person granted a license to sell such products:

(d) The grant or variation of any license by the Bureau of Industry, or the refusal of the Bureau to grant or vary any license, in accordance with this subsection shall not be subject

to appeal under the said Act except by the aforesaid company or by the applicant for the grant or variation of the license, and on any such appeal the Industrial Efficiency Appeal Authority shall have regard to the purposes of this subsection.

Authorizing Reserve Bank to grant loans to Governments of other countries to finance purchase of New Zealand produce.

4. (1) The Reserve Bank of New Zealand may from time to time, upon such terms and conditions, whether as to security or otherwise, as may be approved by the Minister of Finance, advance moneys to the Government of any other country in respect of the purchase of any New Zealand produce for export to that country, or guarantee any such advance that may be made by any other bank.

(2) The amount outstanding in respect of any advances or guarantees under this section shall not at any time exceed in the aggregate the sum of ten million pounds.

(3) If any loss is suffered by the Reserve Bank of New Zealand in respect of any such advance or guarantee, the amount of the loss shall, without further appropriation than this section, be paid to the Reserve Bank out of the Consolidated Fund.

Certain railways authorized.

5. (1) The Governor-General may from time to time, in the name and on behalf of His Majesty, undertake or enter into contracts for the construction of the railways mentioned in the Schedule to this Act to the extent specified in that Schedule.

(2) The cost of constructing those railways shall be paid out of moneys to be appropriated for that purpose by Parliament.

(3) This section shall be deemed to be a special Act (authorizing the construction of those railways to the extent specified in the Schedule hereto) within the meaning and for the purposes of the Public Works Act, 1928, which Act, so far as applicable, is hereby incorporated with this section.

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

Bonus to persons retained in Government service under Superannuation Emergency Regulations 1940.

Serial number 1940/313

6. Any person who by reason of the Superannuation Emergency Regulations 1940 was unable to retire from service on superannuation when he desired so to do shall be entitled to receive from moneys appropriated by Parliament to the purpose such amount by way of bonus as the Minister of Finance may in his discretion determine.

7. (1) For the purpose of computing the amount of the retiring-allowance under Part I or Part IV of the Public Service Superannuation Act, 1927, that may be paid in respect of any month to any contributor to whom subsection two of section thirty-three or subsection two of section seventy-eight of that Act applies, the annual salary on the basis of which he was contributing to the Public Service Superannuation Fund or to the Teachers' Superannuation Fund at the date of his retirement shall be deemed to be increased by the annual amount of any increase of salary to which he is for the time being entitled by reason of any revision of salary scales as at the first day of April, nineteen hundred and forty-six, less the annual amount of any cost of living bonus he was receiving as at the thirty-first day of March, nineteen hundred and forty-six.

(2) If any question arises as to whether any increase of salary is an increase to which this section applies, it shall be determined by the Minister of Finance, and his decision shall be final.

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

8. (1) The Governor-General may from time to time, by Order in Council, declare that the provisions of Part I of the Public Service Superannuation Act, 1927, with such modifications as he thinks fit, shall apply to any specified class or classes of members of the Royal New Zealand Navy, or the Royal New Zealand Naval Reserve, or the Royal New Zealand Naval Volunteer Reserve, or the Army, or the Royal New Zealand Air Force.

(2) Any such Order in Council may be at any time revoked or amended by a subsequent Order in Council. Every Order in Council under this section shall have effect according to its tenor.

(3) This section is in substitution for sections forty-five and forty-six of the Finance Act (No. 2), 1939, and those sections are hereby accordingly repealed.

(4) Every Order in Council that was made under the said section forty-six and is in force on the passing of this Act shall enure for the purposes of this section as if it had been made under this section, and accordingly shall, where necessary, be deemed to have been so made.

Salary increases on revision of scales as at 1st April, 1946, not to be taken into account in fixing maximum remuneration of retired public servants and teachers who are temporarily re-employed.

See Reprint of Statutes, Vol. VII, p. 559

Providing for superannuation for Navy, Army, and Air Force.  
Ibid.

Repeals.  
1939, No. 38

Salaries of  
Legislative  
officers to be  
appropriated  
annually.

See Reprint  
of Statutes,  
Vol. I, p. 1027

9. (1) Section twenty-two of the Civil List Act, 1920, is hereby amended by repealing subsection one, and substituting the following subsection:—

“(1) There shall be paid to the Clerk of the Legislative Council, the Clerk Assistant of the Legislative Council, the Clerk of the House of Representatives, and the Clerk Assistant of the House of Representatives such salaries as shall be appropriated by Parliament.”

1945, No. 45

(2) The Schedule to the Finance Act (No. 2), 1945, is hereby consequentially amended by repealing so much thereof as relates to the Civil List Act, 1920.

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

Amending  
provisions as to  
interest on  
unpaid death  
duties.

See Reprint of  
Statutes, Vol.  
VII, p. 371

10. (1) The Minister of Stamp Duties or the Commissioner of Stamp Duties, acting with the general or special authority of the Minister, may, if he thinks fit, reduce, remit, or refund the interest payable on any unpaid death duties under subsection two of section twenty-six of the Death Duties Act, 1921, where he is satisfied that the failure to pay the duties was not due to any default of the administrator or other person liable to pay the duties, and that because of the nature of the assets the payment or retention of the interest would create a hardship; but no such refund shall be made unless application therefor is received by the Commissioner within six months after the payment of the interest.

1932, No. 11

(2) Any Order in Council under section sixty-one of the Finance Act, 1932, fixing the rate of interest payable on unpaid death duties may provide for a reduction of the rate so fixed in any case where the death duties are paid within a specified period after the death of the deceased person, and may provide for a reduction of the rate so fixed in any case where the Commissioner is satisfied there has been no undue delay on the part of the administrator or other person liable in the payment of the duties and that the assets of the estate and the income earned therefrom are such that payment of interest at the higher rate would create a hardship.

11. Where any person has purchased or otherwise acquired any land or dwelling under the provisions of Part I of the Housing Act, 1919, nothing in section thirty-one of that Act shall thereafter exempt from payment of stamp duty any conveyance, transfer, assignment, lease, mortgage, or other instrument or document relating to that land or dwelling executed by the purchaser or by any other person.

Certain instruments not to be exempted from stamp duty. See Reprint of Statutes, Vol. III, p. 798 Ibid., p. 806

12. (1) This section shall be read together with the Social Security Act, 1938 (in this section referred to as the principal Act), and shall be deemed to be part of Part IV of that Act.

Penal charge in case of evasion of social security charge on salary or wages. 1938, No. 7

(2) Every employer or other person by whom any salary, wages, or other income is paid who fails to deduct the charge payable in respect thereof in accordance with the provisions of the principal Act shall be chargeable by way of penalty, in addition to any other penalty to which he may be liable, with an additional charge (hereinafter referred to as the penal charge) equal to treble the amount of the charge not deducted (hereinafter referred to as the deficient charge).

(3) Every person who knowingly applies or permits to be applied the amount of any charge deducted, or any part thereof, for any purpose other than the payment of the charge shall be chargeable by way of penalty, in addition to any other penalty to which he may be liable, with an additional charge (hereinafter referred to as the penal charge) equal to treble the amount of the charge or part thereof so applied (hereinafter referred to as the deficient charge). For the purposes of this subsection the charge shall be deemed to have been deducted if and when payment is made of the net amount of any salary, wages, or other income subject to the charge, and the amount deducted shall be deemed to have been applied for a purpose other than the payment of the charge if payment of the charge is not duly denoted by the cancellation of stamps or if the amount of the charge is not duly paid:

Provided that no person shall be chargeable with the penal charge under this subsection if he satisfies the Commissioner that the amount deducted by him has been accounted for, and that his failure to account

therefor within the prescribed time was due to illness, accident, or other cause beyond his control and was not for the purpose of defrauding the revenue.

(4) The foregoing provisions of this section shall be deemed to have come into force at the commencement of Part IV of the principal Act.

(5) Subsections two to six of section one hundred and twenty-one of the principal Act shall apply with respect to the penal charge imposed under this section.

(6) The assessment or recovery of the penal charge in respect of any deficient charge shall not be in any manner barred or affected by the fact that the person chargeable has at any time after the passing of this Act been convicted of an offence under subsection one or subsection two of section one hundred and nineteen of the principal Act in respect of that deficient charge; but no assessment of the penal charge in respect of any deficient charge shall be made against any person who has been convicted before the passing of this Act of any such offence in respect of that deficient charge.

(7) No assessment of the penal charge shall be made or increased at any time after the expiration of four years from the end of the financial year in which the deficient charge was required by the principal Act to be deducted.

(8) For the purposes of this section the expression "salary, wages, or other income" shall be deemed to include all payments in respect of which charge is or was payable under section thirteen of the Finance Act (No. 2), 1942, or section two of the Finance Act, 1943.

(9) Section one hundred and nineteen of the principal Act is hereby amended as follows:—

(a) By omitting from subsection one the words "and to a further fine of three times the amount of the charge or part thereof in respect of which the offence is committed":

(b) By omitting from subsection two the words "and to a further fine of three times the amount of the charge or part thereof in respect of which the offence is committed".

(10) Section nineteen of the Land and Income Tax Amendment Act, 1945 (which relates to the publication of the names of tax evaders), shall hereafter be read as if the reference in paragraph (c) of subsection one

1942, No. 14  
1943, No. 2

1945, No. 37

of that section to penal charge under section one hundred and twenty-one of the principal Act included a reference to penal charge under this section.

13. The Second Schedule to the Finance Act, 1946, is hereby amended as from the passing of that Act by omitting from paragraph (b) of clause five the words "this Act", and substituting the words "the Motor-vehicles Amendment Act, 1934-35".

Second Schedule to Finance Act, 1946, amended. 1946, No. 16

## PART II

### HOSPITALS AND CHARITABLE INSTITUTIONS

14. This Part of this Act shall be read together with and deemed part of the Hospitals and Charitable Institutions Act, 1926 (in this Part of this Act referred to as the principal Act).

Part to be read with Hospitals and Charitable Institutions Act, 1926. See Reprint of Statutes, Vol. III, p. 725

15. (1) Subsidies shall be payable to Hospital Boards in accordance with this section in respect of contributions received by them from contributory local authorities in accordance with the principal Act.

Authorizing payment of subsidies to Hospital Boards.

(2) The amount of the subsidy payable to any Board shall be the difference between the net estimated expenditure of the Board and the total amount of the contributions to be levied from contributory local authorities as determined in accordance with the next succeeding subsection.

(3) The amount to be levied by way of contributions in each financial year from contributory local authorities shall be an amount equal to one halfpenny for every one pound of the capital value of all the rateable property in the district of the Board, or an amount equal to one-half of the net estimated expenditure of the Board, whichever is the less.

(4) Subsidies under this section shall be paid out of moneys appropriated by Parliament for the purpose, and shall be payable at such times and in such manner as the Minister of Finance may from time to time determine.

(5) Every claim made by a Board for any sum payable by way of subsidy under this section shall be supported by a statutory declaration made by the Chairman of the Board, verifying a statement of all material particulars.

(6) For the purposes of this section the rateable property in a hospital district shall be deemed to be the rateable property in the district as constituted on the first day of April in the financial year in which the levy on its contributory local authorities is made by the Hospital Board, and the capital value of the rateable property shall be deemed to be the approximate capital value thereof as on the thirty-first day of December preceding such financial year as aforesaid, such value being determined under the Valuation of Land Act, 1925, and certified as approximately correct by the Valuer-General.

See Reprint  
of Statutes,  
Vol. VII,  
p. 1030

Repeals.  
1937, No. 17

1932, No. 11

1932, No. 22

Commencement.

(7) This section is in substitution for section twenty-five of the Finance Act, 1937, and the Fourth Schedule to the principal Act, and that section and Schedule, so much of the First Schedule to the Finance Act, 1932, as relates to the said Fourth Schedule, and subsection two of section eleven of the Hospitals and Charitable Institutions Amendment Act, 1932, are hereby repealed.

(8) This section shall come into force on the first day of April, nineteen hundred and forty-seven.

Advance to  
Board in  
case of  
insufficiency  
of income.

**16.** (1) If at any time during any financial year a Board is of the opinion that the contributions required by it from its contributory local authorities and the subsidy payable in respect thereof in accordance with the last preceding section are together insufficient to meet the net expenditure of the Board, the Minister of Finance may, upon application by the Board, pay to the Board, out of moneys appropriated by Parliament for the purpose, the deficiency or any part thereof.

(2) The amount so paid to the Board, together with interest thereon at such rate as the Minister of Finance may from time to time determine, shall be repayable by the Board in the next financial year.

Repeals.  
1932, No. 11

(3) Sections fifty-three, fifty-four, and fifty-five of the principal Act and so much of the First Schedule to the Finance Act, 1932, as relates to the said section fifty-four are hereby repealed.

Commencement.

(4) This section shall come into force on the first day of April, nineteen hundred and forty-seven.

Basis of levy  
of rates by  
Valuer-General.

**17.** It is hereby declared that it is, and always has been, lawful for the Valuer-General when making and levying any rates pursuant to section fifty-eight or section

fifty-nine of the principal Act to take into consideration, in fixing the amount of the rates, the possibility or probability that some of the ratepayers may partly or wholly fail to pay the rates.

**18.** Notwithstanding anything to the contrary in the principal Act, the Governor-General may make regulations under the principal Act for any of the following purposes :—

Regulations to control expenditure, &c.

- (a) Prescribing, in respect of any class of persons employed by a Hospital Board whose conditions of employment are not fixed by any award, industrial agreement, or apprenticeship order, the conditions of employment, the conditions subject to which leave of absence may be granted, the rates of salaries, wages, and other emoluments, and increments payable, and the conditions under which payment is to be made, but such regulations shall cease to apply to any persons as soon as the conditions of their employment are so fixed :
- (b) Providing for the appointment by the Minister of such Committees or other advisory bodies as he considers necessary to advise him upon any of the matters referred to in the last preceding paragraph and upon any complaints or disputes that may arise in connection therewith :
- (c) Providing for the determination and fixing from time to time by the Minister of the maximum amount which a Board may expend during the then current or the next ensuing financial year on any item or class of expenditure specified by him :
- (d) Regulating the purchase, custody, issue, sale, or other disposal, or the writing off, of stores and other chattels used for the purposes of, or in the possession of, or under the control of a Hospital Board.

**19.** (1) If at any time it appears to the Governor-General that a Hospital Board—

Provisions if Hospital Board fails to perform its duty.

- (a) Has failed or refused to perform any duty imposed upon it by the principal Act ; or
- (b) Has unreasonably failed or refused to exercise any power conferred upon it by said Act ; or
- (c) Is seriously mismanaging its affairs ; or

- (d) Has done or intends to do any illegal act in the execution of its functions ; or
- (e) Has, in the conduct of its affairs, acted in an arbitrary or improper manner to the detriment of its efficiency,—

the Governor-General by Order in Council may, subject to the provisions of this section, appoint one or more suitable persons as a Commission, with power to act, within the scope of its authority, in place of the Board :

Provided that unless in any case the Governor-General is satisfied with respect to any Board that it has been guilty of a grave dereliction of duty he shall not exercise in respect of that Board the power to appoint a Commission under this section unless and until the Board has been given written notice specifying the matters in respect of which the Board has failed in its duties or obligations, and the Board has failed to take proper steps within a reasonable time after receiving the notice to remedy the defaults therein referred to.

(2) If any Commission appointed under this section consists of more than one member, one of the members shall be appointed to be the Chairman of the Commission.

(3) Every person appointed as a Commission or as a member of a Commission under this section shall hold office during the pleasure of the Governor-General.

(4) On the vacation of office by any person appointed as aforesaid (whether by death, resignation, or otherwise) the Governor-General in Council may appoint a suitable person in his stead.

(5) Except so far as may be otherwise specified in the Order in Council appointing a Commission under this section or in a subsequent Order in Council, every Commission appointed under this section shall have and may exercise, to the exclusion of the Board, all the powers and functions of the Board.

(6) Except so far as may be otherwise specified as aforesaid, any powers or functions conferred by any Act or otherwise on the Chairman or any other member or members of the Board (whether solely or in conjunction with any other person or persons) may be exercised and performed by the Commission (where the Commission consists of a single person) and in any other

case may be exercised and performed by the Chairman of the Commission. In particular, but without prejudice to the generality of the foregoing, cheques drawn on any account held by the Board in any bank and required by the principal Act to be countersigned by two members of the Board shall be sufficiently countersigned if countersigned by the Commission or by the Chairman of the Commission, as the case may be.

(7) The Governor-General may from time to time, by Order in Council, vary the powers of any Commission appointed under this section.

(8) A copy of every Order in Council under this section shall be sent by the Minister to the Board.

(9) Any powers and functions of the Board that are not for the time being vested in the Commission shall be exercised and performed by the Board as if the Commission had not been appointed.

(10) While a Commission is in office under this section in respect of any Board, all acts done by the Commission purporting to exercise any of the powers of the Board (whether such powers have been expressly included in the powers of the Commission or not) shall, except in case of fraud, be as valid as if a Commission had not been appointed and the acts were done by the Board in the ordinary course of the conduct of its business.

(11) Every person appointed as a Commission or as a member of a Commission under this section shall be paid such salary or other remuneration as may from time to time be fixed by the Minister.

(12) All expenditure incurred by the Commission in carrying out its functions under this section (including the salary and allowances and other expenses of the Commission) shall be paid out of moneys belonging to the Hospital Board.

(13) Nothing in this section shall be so construed as to exclude or affect any other remedy available against a Board, or the members thereof, or any other person in respect of any illegal act or omission done or intended to be done by the Board, or the members thereof, or any other person.

(14) This section is in substitution for section one hundred and one of the principal Act, and that section is hereby repealed. Repeal.

## PART III

## TIMBER-WORKERS' HOUSING

Interpretation.

20. In this Part of this Act, unless the context otherwise requires,—

“Corporation” means the State Advances Corporation of New Zealand:

“Sawmiller” means a person owning or operating a sawmill in which timber is produced by the lengthwise sawing of logs, and includes any person engaged in the production of saw-logs; and “sawmill” has a corresponding meaning, but does not include a place where exotic timber is reasonably available for milling purposes for a period of ten years or more:

“Timber-worker” means a person employed by a sawmiller to assist in the carrying out of the operations of a sawmill.

Sale of dwellings for cash or on hire-purchase terms.

21. (1) For the purpose of providing or improving accommodation for timber-workers the Corporation may, on behalf of the Crown, construct or purchase or contract for the construction or purchase of dwellings.

(2) Any dwelling so constructed or purchased may be erected and sold for cash or under a hire-purchase agreement as hereinafter provided to any sawmiller who has a supply of timber reasonably available for milling purposes at his sawmill for a period of at least two years:

Provided that, except with the prior approval of the Minister of Finance, no such dwelling shall be sold for use in connection with a sawmill operating in any borough.

(3) Subject to the provisions of this Part of this Act and of any regulations made thereunder, the terms and conditions of any hire-purchase agreement shall be such as the Corporation shall determine:

Provided that—

(a) The moneys payable by the sawmiller thereunder shall be at the rate of fifteen shillings a week in the case of a dwelling containing two bedrooms, and at the rate of seventeen shillings and sixpence a week in the case of a dwelling containing three bedrooms; and

(b) Every hire-purchase agreement shall provide that if the sawmiller promptly and punctually pays all moneys payable under the agreement and duly and properly observes all the terms and conditions thereof for a period of twenty years further payments shall thereupon cease and the sawmiller shall be entitled to the certificate referred to in the next succeeding subsection.

(4) Every dwelling sold under a hire-purchase agreement pursuant to the foregoing provisions of this section shall, notwithstanding anything to the contrary in any enactment or rule of law, remain the property of the Crown until all moneys payable in respect thereof have been duly paid and the Corporation has issued a certificate under its common seal that the Crown's ownership has ceased.

(5) Notwithstanding anything to the contrary in any enactment or rule of law, any such dwelling as aforesaid may at any time be removed by the Corporation—

- (a) After the termination of the hiring, or otherwise pursuant to the terms of the hiring; or
- (b) When the timber reasonably available for milling purposes has been fully utilized,—

without liability for payment of compensation to the owner of the land whereon the dwelling is situated or to any other person, notwithstanding that the dwelling may have been so attached to the land as to form part thereof. Any dwelling removed when the timber reasonably available has been fully utilized may, if the sawmiller has duly and punctually paid all moneys due and observed his other obligations under the hire-purchase agreement and if the Corporation thinks fit, be re-erected by the Corporation elsewhere as a dwelling for a timber worker employed by the sawmiller at another sawmill.

(6) Nothing in the Hire-purchase Agreements Act, 1939, or in the Debtors Emergency Regulations 1940 shall apply in respect of any such hire-purchase agreement as aforesaid or the exercise of any remedy thereunder.

1939, No. 14  
Serial number  
1940/162

**22.** (1) The Corporation may advance money to any sawmiller to be expended on the repair, alteration, renovation, adaptation, or improvement of any building in order to render it suitable as a dwelling for a timber-worker

Loans for  
improvement  
of buildings to  
be used as  
dwellings.

employed by him at a sawmill where there is a supply of timber reasonably available for milling purposes for a period of at least five years :

Provided that the amount of any such advance as aforesaid shall not exceed a sum of two hundred pounds in respect of any one building.

(2) Such part of the moneys advanced to a sawmiller pursuant to the last preceding subsection as may be agreed upon between the Corporation and the sawmiller, together with interest thereon at such rate as may be fixed by the Corporation, shall be repayable on such terms as the Corporation may determine :

Provided that the period for repayment shall not exceed the period for which it is estimated that there is a supply of timber reasonably available for milling purposes for the sawmill.

(3) Payment of the moneys aforesaid may be secured in such manner as the Corporation thinks fit.

**23.** (1) Every dwelling constructed, erected, purchased, repaired, altered, renovated, adapted, or improved by the Corporation or with moneys advanced by the Corporation under this Part of this Act shall be used for the accommodation of timber-workers, and shall not, without the prior written consent of the Corporation be used for any other purpose.

(2) The rental payable by any timber-worker to any sawmiller in respect of any dwelling purchased for cash or on hire purchase by the sawmiller pursuant to section twenty-one hereof shall not exceed the rate of fifteen shillings a week in the case of a dwelling containing two bedrooms and the rate of seventeen shillings and sixpence a week in the case of a dwelling containing three bedrooms.

(3) In the case of any dwelling in respect of which the Corporation has advanced moneys pursuant to the last preceding section, the rental payable by any timber-worker to any sawmiller in respect thereof shall not exceed such rate as may be determined by the Corporation.

(4) Nothing in the Fair Rents Act, 1936, or in the Economic Stabilization Emergency Regulations 1942 or the Debtors Emergency Regulations 1940 shall apply in respect of any dwelling to which this section applies or the fixing of the rental thereof or the exercise of any remedy against the tenant or occupier thereof.

Letting of  
dwellings  
erected or  
repaired, &c.,  
under this  
Part of Act.

1936, No. 14  
Serial number  
1944/36  
(Reprint)  
Serial number  
1940/162

**24.** (1) There shall be paid from time to time to the Corporation on behalf of the Crown a levy on all indigenous and exotic sawn timber milled in New Zealand at the rate of sixpence for each one hundred board feet or at such lower rate as may from time to time be fixed in respect of any period by the Governor-General by Order in Council :

Levy on  
timber.

Provided that no levy shall be payable in respect of railway or tramway sleepers or in respect of timber milled and used in connection with the construction or repair of mill tramways or buildings.

(2) The levy shall be payable in respect of all sawn timber milled in New Zealand on or after the first day of September, nineteen hundred and forty-six.

(3) All moneys payable in respect of the levy shall be paid to the Corporation and shall be placed in an account in the books of the Housing Account administered by the Corporation, to be known as the Timber-workers' Housing Pool Account.

(4) All moneys payable in respect of the levy shall be deemed to be a debt due to the Crown and shall be recoverable by the Corporation on behalf of the Crown accordingly.

(5) The Governor-General may from time to time, by Order in Council, make regulations prescribing returns to be made by persons engaged in the timber industry for the purposes of the levy, the persons by whom the levy shall be payable, the manner and time of payment, and such other matters as may seem to the Governor-General to be necessary or desirable for the purposes of the administration of this section.

(6) For the purposes of this section the expression "board foot", with reference to sawn timber, means one-twelfth of a cubic foot of sawn timber.

(7) This section, and any regulations under this section, shall bind the Crown :

Provided that no levy shall be payable in respect of any timber milled at any sawmill operated on behalf of the Crown unless the timber is sold by the Crown.

**25.** (1) The expenses of the administration of this Part of this Act and all moneys expended or advanced by the Corporation under this Part of this Act for the construction, purchase, or erection of dwellings or for the

Financial  
provisions.

repair, alteration, renovation, adaptation, or improvement of any building or for the removal and re-erection of any dwelling shall be paid, without further appropriation than this section, out of the Housing Account.

(2) All moneys paid to the Corporation in respect of dwellings sold for cash or on hire-purchase pursuant to section twenty-one hereof and in respect of advances made pursuant to section twenty-two hereof shall be placed by the Corporation in the Timber-workers' Housing Pool Account.

(3) The Corporation shall from time to time, without further appropriation than this section, pay out of the Timber-workers' Housing Pool Account—

(a) The expenses of the administration of this Part of this Act; and

(b) Such other moneys as are available in that Account:

Provided that the total of the amounts so paid shall not exceed the total of the amounts paid out of the Housing Account pursuant to subsection one of this section and interest thereon calculated at such rate or rates as may from time to time be fixed by the Corporation.

**26.** The Minister of Finance may from time to time, as he thinks fit, appoint an Advisory Committee to assist the Corporation in the administration of this Act and define the powers and functions of any such Committee. Any Advisory Committee so appointed shall include one or more persons as representing timber-workers and one or more persons as representing sawmillers.

Advisory  
Committee.

## PART IV

### MISCELLANEOUS

**27.** Whereas the Hamilton City Council (in this section referred to as the Council) has expended certain moneys from its General Account in respect of the cost of three transit housing centres to be established in the City of Hamilton under the Local Authorities (Temporary Housing) Emergency Regulations 1944: And whereas it will be necessary to expend further moneys for the purpose of completing those works, and it is estimated that the total cost of the works will exceed twenty-five thousand pounds: And whereas the Council proposes to raise three loans under the authority of the

Authorizing  
Hamilton City  
Council to  
recoup its  
General Account  
out of loan-  
moneys  
advanced for  
housing  
purposes.  
Serial number  
1944/164

said regulations for the purpose of meeting the cost of the works and has expended a sum of approximately sixteen thousand pounds from its General Account in anticipation of the necessary authority being granted to the raising of the said loan: And whereas it is expedient to authorize the Council, out of the proceeds of the loans, when raised, to refund to its General Account a sum not exceeding sixteen thousand pounds: Be it therefore enacted as follows:—

The Council is hereby authorized to refund to its General Account out of the proceeds of the said loans when raised a sum or sums not exceeding in all sixteen thousand pounds.

**28.** Section eight of the Hokitika Harbour Act, 1905, is hereby amended by omitting the words “not exceeding two shillings and sixpence per one thousand superficial feet”.

Removal of restriction on Hokitika Harbour timber-dues. 1905 (Local), No. 39

**29.** The hearings of any of the proceedings upon any two or more claims for compensation under section fifteen of the Iron and Steel Industry Act, 1937, or in respect of the taking by a Proclamation dated the fifteenth day of April, nineteen hundred and forty-one, under that Act and under the Public Works Act, 1928, of lands for the establishment of iron and steel works and subsidiary undertakings may take place at the same time before the Compensation Courts constituted or to be constituted for the determination of such two or more claims respectively sitting together, and in respect of each of such two or more claims the award made by the Compensation Court constituted or to be constituted for the determination of such claim, and all the proceedings leading up to and following upon such award, shall be as valid and effectual as if such claim had been heard separately by such Compensation Court.

Joint hearing of claims for compensation under Iron and Steel Industry Act, 1937. 1937, No. 33 See Reprint of Statutes, Vol. VII, p. 622

**30.** Notwithstanding anything to the contrary in paragraph (d) of subsection one of section five of the Bank of New Zealand Act, 1945, if the Registrar of Stock is satisfied that any tax-free non-transferable stock was issued under paragraph (b) of subsection one of section three of that Act to any person or persons entitled to receive the stock as the trustee or trustees

Tax-free stock issued under Bank of New Zealand Act, 1945, to trustees may be transferred on appointment of new trustees. 1945, No. 18.

under any trust, and that any such person has ceased to be a trustee or any other person has become a trustee under the trust, a transfer of the stock to the trustee or trustees under the trust for the time being may be registered.

Financial year  
of Linen Flax  
Corporation  
to end on 31st  
December.  
1945, No. 46

**31.** Section eighteen of the Linen Flax Corporation Act, 1945, is hereby amended as follows:—

- (a) By omitting from subsection one the words “the thirtieth day of April”, and substituting the words “the thirty-first day of January”:
- (b) By omitting from the same subsection the word “March”, and substituting the word “December”.

Special  
provision with  
respect to  
service of J. W  
Hadfield as  
Manager of  
Linen Flax  
Corporation.  
1945, No. 46

**32.** Notwithstanding the provisions of subsection two of section twenty-three of the Linen Flax Corporation Act, 1945, it is hereby declared that Joseph William Hadfield, Esquire, Manager of the Linen Flax Corporation of New Zealand, and formerly an officer of the Public Service employed in the Department of Scientific and Industrial Research, shall remain and be deemed to have always remained an officer of the Public Service during and in respect of the period of his engagement with the Corporation.

Security on  
loans to  
employers for  
workers'  
dwellings.  
See Reprint  
of Statutes,  
Vol. III, p. 810

**33.** Section forty-five of the Housing Act, 1919, is hereby amended by omitting from subsection four the words “and may be further secured”, and substituting the words “or may be secured”.

---

## SCHEDULE

Schedule  
Section 5

Name of Railway.	Extent Authorized.
Auckland-Morningside ..	A duplicate line from the authorized line at Auckland to Morningside. Length about $3\frac{1}{2}$ miles.
Avondale-Onehunga-Southdown	A duplicate line from the authorized line at Avondale to the authorized line at Southdown. Length about $7\frac{1}{2}$ miles.
Glen Innes-Penrose .. ..	A single line from the authorized line at Glen Innes to the authorized line at Penrose. Length about $3\frac{1}{2}$ miles.
Sockburn-Styx .. ..	A single line from the authorized line at Sockburn joining the South Island Main Trunk Railway at Styx.
Putaruru - Upper Atiamuri ..	A single line from the Taupo Totara Timber Company, Limited's, line at Putaruru to Upper Atiamuri. Length about 33 miles 39 chains.
One Tree Point - Invercargill ..	A deviation leaving the existing line at One Tree Point and following generally the course of the Waihopai River to a junction with the Kingston Branch Line, approximately 1 mile from Invercargill. Length about $5\frac{1}{2}$ miles.
Bunnythorpe Substation ..	A branch line from the authorized line at Bunnythorpe to the substation of the State Hydroelectric Department at Bunnythorpe.