

New Zealand.



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1919, No. 52.

AN ACT to make Provision with respect to certain Matters relating Title.
to Finance. [5th November, 1919.]

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

Short Title.

1. This Act may be cited as the Finance Act, 1919.

PART I.

PUBLIC REVENUES AMENDMENT.

Increase of amount that may be borrowed for investment in reserve fund securities.

2. (1.) Section one hundred and eight of the Public Revenues Act, 1910, is hereby amended by omitting from subsection one the words "eight hundred thousand pounds" wherever they occur, and substituting the words "two million pounds."

(2.) Section one hundred and ten of the Public Revenues Act, 1910, is hereby amended by omitting from subsection one the words "eight hundred thousand pounds," and substituting the words "two million pounds."

Surplus moneys in Consolidated Fund may be invested in reserve fund securities.

(3.) The Minister of Finance is hereby empowered, without further appropriation than this Act, to invest any moneys in the Consolidated Fund that have not been otherwise appropriated in the purchase of stock, bonds, debentures, or other like securities under subsection three of section one hundred and eight aforesaid, and the authority to borrow money under that section shall be reduced accordingly by the amount so invested from the Consolidated Fund.

Removing prohibition as to exportation of uncoined gold.

3. Section six of the Banking Amendment Act, 1914 (relating to the exportation of gold from New Zealand), shall not, after the commencement of this Act, apply with respect to the exportation of uncoined gold.

Authorizing transfer of moneys from special accounts to Consolidated Fund in satisfaction of moneys paid out of Consolidated Fund as interest and sinking-fund charges on account of loans.

4. The Minister of Finance may, without further authority than this section, transfer or cause to be transferred to the Consolidated Fund from revenues accrued to any special fund or account in the Public Account such sum or sums as may (whether before or after the passing of this Act) have been paid out of the Consolidated Fund as interest or sinking fund in respect of any loan raised for the purposes of and paid into such special fund or account.

PART II.

LOANS FOR PUBLIC WORKS AND OTHER PURPOSES.

Minister of Finance may borrow £750,000 for purposes of certain public works.

5. (1.) The Minister of Finance is hereby empowered to borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of seven hundred and fifty thousand pounds.

(2.) The sums so raised shall bear interest at such rate as the Minister of Finance prescribes.

(3.) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Public Account to the credit of the Public Works Fund, and shall from time to time be applied to the works and purposes specified in the Schedule hereto, in such amounts as are from time to time appropriated by Parliament.

Moneys to be borrowed under New Zealand Loans Act.

(4.) This Part of this Act shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1908, and the moneys hereby authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

6. In addition to the sum of one hundred and fifty thousand pounds which the Minister of Finance is authorized by section seventeen of the Waihou and Ohinemuri Rivers Improvement Act, 1910, to borrow for the purposes of that Act, the said Minister may for those purposes borrow such further amount, not exceeding one hundred and fifty thousand pounds, as he thinks fit, and all moneys so borrowed shall be dealt with as provided in the said section.

Additional power to borrow moneys for purposes of Waihou and Ohinemuri Rivers Improvement Act, 1910.

PART III.

PENSIONS.

Miners' Pensions.

7. Section three of the Miner's Phthisis Act, 1915, is hereby amended by omitting the words "one pound," and substituting the words "thirty shillings"; and by omitting the words "fifteen shillings," and substituting the words "one pound."

Increase of pensions to persons suffering from miner's phthisis.

8. (1.) Section five of the Miner's Phthisis Act, 1915, is hereby amended by omitting from subsection one the words "for two years," and substituting the words "during widowhood."

Pensions to widows to continue during widowhood.

(2.) Every widow whose right to receive a pension under the said section five has been terminated by effluxion of time before the commencement of this Act shall be entitled to a renewal of that pension.

9. Section eighty-three of the Finance Act, 1917, is hereby amended by repealing paragraph (d) of subsection one thereof:

Repeal.

Provided that no person shall by reason of such repeal receive a less pension than if this Act had not been passed.

Widows' Pensions.

10. (1.) Subject to the provisions of this section, pensions payable to widows under Part II of the Pensions Act, 1913, shall in every case be payable at the rate of seven shillings and sixpence a week for each child in respect of whom such pension is payable, with an additional amount of seven shillings and sixpence a week.

Increased rates of pensions to widows in respect of children.

(2.) Notwithstanding anything to the contrary in any other Act, a pension shall not be granted under this section of such an amount that the aggregate receipts of a widow and her children from all sources (including any other pension or allowance) shall exceed a rate of one pound five shillings a week together with ten shillings a week in respect of any such child:

Provided that no person who at the commencement of this Act is in receipt of a pension under Part II of the Pensions Act, 1913, shall by the operation of this subsection be entitled to a less pension than if this Act had not been passed.

(3.) This section is in substitution for section nineteen of the Pensions Act, 1913, and that section and also section five of the Pensions Amendment Act, 1914, are hereby accordingly repealed.

(4.) Section eighty-three of the Finance Act, 1917, is hereby amended by repealing paragraph (b) of subsection one thereof.

Consequential repeal.

11. Section seventeen of the Pensions Act, 1913, is hereby amended by omitting from paragraph (c) all words after the words "at the time of its birth," and substituting the words "or unless both parents were resident in New Zealand for three years immediately preceding the date of the father's death."

Section 17 of Pensions Act, 1913 (relating to the classes of children for whose benefit widows' pensions are payable), amended.

War Pensions Amendment.

Extension of provisions of War Pensions Act, 1915, as to pensions to the wives of members of Forces.

12. (1.) Section fifteen of the War Pensions Amendment Act, 1917, is hereby amended by omitting the words "Any other woman who becomes by marriage in New Zealand the wife of a member of the Forces after and within two years from the date of his discharge," and substituting the following: "Any woman who becomes by marriage elsewhere than in New Zealand the wife of a member of the Forces at any time before his discharge; or any woman who becomes by marriage in New Zealand the wife of a member of the Forces at any time before the expiry of two years after the date of his discharge; or any woman who becomes by marriage in New Zealand the wife of a member of the Forces at any time after the expiry of two years from the date of his discharge if, having regard to all the circumstances of the case, the Board is of opinion that she should be entitled to the benefits of a dependant."

(2.) The said section is hereby further amended by inserting in the proviso to paragraph (cc), after the words "his wife," the words "(not being a dependant otherwise than by virtue of this paragraph)."

Extension of principal Act to persons who served in South African War, and to their dependants.

13. (1.) Every person permanently resident in New Zealand who on the passing of this Act is in receipt of a pension or allowance payable under Part IX of the Defence Act, 1909, in respect of military service in South Africa shall be entitled to a pension under the War Pensions Act, 1915, in the same manner as if the person in respect of whose death or disablement the existing pension or allowance is payable had been a member of the Forces within the meaning of that Act and as if his death or disablement were due to service with those Forces.

(2.) No pension shall be granted under this section to any person of such an amount that the total amount receivable by or on account of that person by way of pension (including any Imperial pension) shall exceed the amount that would have been payable if the member in respect of whose death or disablement the pension is granted had been a member of the Forces within the meaning of the War Pensions Act, 1915.

Pensions in respect of Death or Disablement of Police Officers.

Pensions in respect of death or disablement of officers of police may be paid on scale prescribed with respect to war pensions.

14. (1.) In the event of the death of any officer of police (whether before or after the passing of this Act) by misadventure suffered in the exercise of his duties, there may be paid out of the Consolidated Fund, without further appropriation than this section, to or on behalf of his widow and children (if any), an allowance by way of pension at rates not exceeding the rates that would be payable if he were a member of an Expeditionary Force under the Expeditionary Forces Act, 1915, and if his death were due to military service with that Force.

(2.) In the event of the permanent disablement of an officer of police (whether before or after the passing of this Act) by reason of misadventure suffered in the exercise of his duties, there may be paid out of the Consolidated Fund, without further appropriation than this section, to that officer, and to or on behalf of his wife and children, an allowance by way of pension at rates not exceeding

the rates that would be payable if he were a member of an Expeditionary Force as aforesaid and if his disablement were due to military service with that Force.

(3.) For the purpose of determining the appropriate allowances to be paid under this section in respect of the death or disablement of any officer of the Police Force the officers of that Force may be graded in such manner as the Governor-General in Council may determine.

(4.) All applications for pensions under this section shall be referred to the War Pensions Board under the War Pensions Act, 1915, and the Board shall, with respect to the hearing of such applications, have the same powers as if the application were an application under that Act.

(5.) In making any recommendation for the grant of a pension under this section the Board shall take into consideration any amount paid by way of pension, compensation, or compassionate allowance out of the Public Account in respect of the death or disablement of the officer in respect of whose death or disablement the application is made.

(6.) For the purposes of this section the expression "officer of police" means a member of the Police Force of any rank.

PART IV.

GENERAL.

15. (1.) The powers and authorities of local bodies are hereby extended to include the provision and maintenance of approved war memorials as herein defined, and the provision of any such war memorial shall be deemed to be a public work within the meaning of the Local Bodies' Loans Act, 1913.

Local bodies may erect and maintain war memorials.

(2.) In this section—

"Approved war memorial" means in respect of any local body a permanent memorial of the war with Germany the provision of which by that local body has been approved by the Governor-General in Council under this section:

"Local body" means a Borough Council, County Council, Road Board, Town Board, or Harbour Board.

(3.) The Governor-General in Council, in so approving of the provision by a local body of any monument, statue, or other structure as a war memorial, may approve of its erection on any road or street under the control of that local body, and the memorial may be erected accordingly, any Act or law to the contrary notwithstanding.

16. Whereas the Repatriation Board established under the Repatriation Act, 1918, has, in the exercise of the authority conferred upon it by the said Act to make provision for the restoration of discharged soldiers to civil life and for the establishment of discharged soldiers or soldiers' widows in civil employment or occupation, prepared a scheme providing, *inter alia*, for grants to discharged soldiers during periods of unemployment, and for the payment of the fares of discharged soldiers, or of the wives or widows of soldiers or discharged soldiers, who may, for reasons that

Validation of payments out of War Expenses Account for maintenance of discharged soldiers during periods of unemployment.

the Board deems sufficient, desire to leave New Zealand: And whereas the authority conferred by the said Act is not sufficient to enable the said payments lawfully to be made, and it is desired to validate all such payments heretofore made and to extend the authority of the Board with respect to future such payments: Be it therefore enacted as follows:—

(1.) All payments heretofore made out of the War Expenses Account for any of the purposes hereinbefore recited shall be deemed to have been lawfully made, anything to the contrary in the Repatriation Act, 1918, notwithstanding.

(2.) The purposes for which money may be lawfully expended under the Repatriation Act, 1918, are hereby extended so as to authorize the payment of moneys for any of the purposes hereinbefore recited.

(3.) This section shall be read together with and deemed part of the Repatriation Act, 1918.

Definition of powers of Repatriation Board as to grant of financial assistance for restoration of discharged soldiers to civil life.

17. The authority and duty conferred and imposed on the Repatriation Board by the Repatriation Act, 1918, to make provision for the restoration of discharged soldiers to civil life shall include and be deemed at all times since the commencement of that Act to have included an authority to grant financial assistance by way of loan to discharged soldiers for that purpose, and such authority shall not be deemed to be or to have been limited to the authority conferred on the Board by section fourteen of that Act to grant financial assistance by way of loan for the establishment of discharged soldiers in civil employment or occupation.

Governor-General may modify awards or agreements for purposes of the Repatriation Act, 1918, but not otherwise.

18. (1.) For the purposes of the repatriation of discharged soldiers, and for the restoration of discharged soldiers to civil life, and otherwise for the purposes of the Repatriation Act, 1918, the Governor-General may by Order in Council, if satisfied that such a course is necessary in the public interest, modify or suspend wholly or partially, and subject to such conditions as he thinks fit,—

(a.) All or any of the provisions of any industrial award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1908, and its amendments; or

(b.) All or any of the provisions of the Shops and Offices Act, 1908, and the Factories Act, 1908, and their amendments.

(2.) So long as any such Order in Council remains in force it shall have effect according to its tenor.

(3.) Section twenty-five of the Regulation of Trade and Commerce Act, 1914, is hereby repealed.

Modification of provisions as to surtax on enemy goods imported into New Zealand.

19. Section twenty-eight of the Finance Act, 1915, is hereby amended by omitting the words "of fifty per centum," and substituting the words "not exceeding fifty per centum."

Local authorities not to borrow money without the consent of the Governor-General in Council.

20. (1.) Notwithstanding any Act to the contrary, it shall not be lawful or competent for any local authority, or for any Harbour Board, to borrow, or contract to borrow, any money (otherwise than by way of bank overdraft within the limits of its powers, if any, in that behalf), whether from the State Advances Office or from any other source whatever, and whether in pursuance of a special Act or under any other authority whatever, without the precedent consent of the Governor-General in Council.

(2.) This section is in substitution for section twenty-six of the Appropriation Act, 1915, and that section is hereby accordingly repealed. Any consent given by the Governor-General in Council under that section shall enure for all purposes as if it had been given under this section.

Repeal.

21. (1.) The next election of elective members of Licensing Committees under the Licensing Act, 1908, shall be held on the second Tuesday in March, nineteen hundred and twenty.

Adjusting dates of elections of Licensing Committees consequent upon extension of duration of present Parliament.

(2.) Section forty-four of the Licensing Act, 1908, shall, with respect to the election of members of Licensing Committees to be held after the passing of this Act, be read and construed as if the reference in subsection one thereof to the second Tuesday in March, one thousand nine hundred and nine, were a reference to the second Tuesday in March, nineteen hundred and twenty.

22. (1.) Section two hundred and fifty-one of the Legislature Act, 1908, is hereby amended by increasing the salaries of the Clerk of the Legislative Council and the Clerk of the House of Representatives to seven hundred pounds, and the salaries of the Clerk-Assistant of the Legislative Council and the Clerk-Assistant of the House of Representatives to five hundred pounds.

Increase of salaries of legislative officers.

(2.) This section shall take effect as from the last day of March, nineteen hundred and nineteen.

23. (1.) Notwithstanding anything to the contrary in the Public Service Act, 1912, the Commissioner and the Assistant Commissioner who hold office under that Act at the commencement of this Act shall on the expiry of their existing terms of office continue thereafter to hold office until the thirty-first day of December, nineteen hundred and twenty, or until the earlier appointment of their respective successors in office, but subject to the provisions of the said Act as to resignation and the vacation of office otherwise than by effluxion of time.

Special provisions for temporary extension of term of office of Public Service Commissioner and Assistant Commissioner.

(2.) The said Commissioner and Assistant Commissioner shall on the expiry of their said existing terms of office be deemed to have retired from the Government Service within the meaning and for the purposes of the Public Service Classification and Superannuation Act, 1908, notwithstanding their continuance in office under this section; and such continuance in office shall be deemed to be temporary re-employment in the Government Service within the meaning and for the purposes of the said Act.

(3.) On the termination of such temporary continuance in office under this section there may be paid to the said Commissioner and Assistant Commissioner respectively, without further appropriation than this Act, a sum equal to six months' salary in lieu of leave of absence on retirement.

(4.) At any time when the office of Commissioner under the Public Service Act, 1912, or the office of either of the Assistant Commissioners under that Act is vacant the Governor-General may appoint and retain in office an Acting-Commissioner or an Acting Assistant Commissioner, as the case may be, who shall hold office during the pleasure of the Governor-General, and who shall have and exercise the powers and functions and receive, without further appropriation than this Act, the salary of the Commissioner or of an Assistant Commissioner, as the case may be, under that Act.

(5.) If any person so appointed as Acting-Commissioner or as Acting Assistant Commissioner already holds any other office in the Government Service, he shall, so long as he holds office as Acting-Commissioner or as Acting Assistant Commissioner, be deemed to be absent on leave without pay from such other office.

(6.) Any person so appointed as Acting-Commissioner or as Acting Assistant Commissioner shall not as such be deemed to be a permanent officer of the Government Service within the meaning of any Act.

Extending authority to pay bonus out of War Expenses Account to men who have served beyond the seas in the war with Germany.

24. (1.) The authority conferred on the Minister of Defence by section seven of the Expeditionary Forces Amendment Act, 1918, to pay a bonus to officers non-commissioned officers, and men of an Expeditionary Force after service therein beyond the seas is hereby extended so as to authorize the payment of such bonus to or on account of any person being a member of the New Zealand Naval Forces engaged in the war with Germany, or to or on account of any person who while domiciled in New Zealand has served beyond the seas with any other portion of His Majesty's Forces in that war.

(2.) Subsection three of the said section seven is hereby amended by inserting, after the word "mother," the words "or any dependants who are or at any time have been in receipt of a pension under the War Pensions Act, 1915, in respect of his death."

Modification of provisions as to payment of income-tax by State Fire Insurance Office.

25. Section thirty-five of the Finance Act, 1917 (relative to the liability to income-tax of the corporation sole known as the State Fire Insurance General Manager), is hereby amended by omitting from the proviso to subsection one the words "in respect of its income for any year prior to the income-year commencing on the first day of April, nineteen hundred and nineteen."

Schedule.

SCHEDULE.

Works and Purposes.	Amount.
1. In respect of the erection of buildings required for purposes of public education	£ 250,000
2. In respect of other public works	500,000
	£750,000