



## ANALYSIS

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## 1959, No. 96

**An Act to make provision with respect to public finance and other matters** / [22 October 1959]

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

**1. Short Title**—This Act may be cited as the Finance Act 1959.

**2. Apportionment between Consolidated Fund and Social Security Fund of money received from income tax**—(1) Of the money received each year as income tax under section seventy-seven of the Land and Income Tax Act 1954 there shall be paid in that year into the Social Security Fund established under section one hundred and three of the

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Social Security Act 1938 an amount computed at the rate of one shilling and sixpence for every one pound of the total amount of the national private income for the immediately preceding financial year, as estimated by the Government Statistician and certified by him to the Minister of Finance.

(2) During the year the Minister of Finance may advance to the Social Security Fund each quarter such sums and at such times as he thinks fit, but not exceeding an amount that, together with all amounts already paid into that Fund under this section in the year, bears to the total sum payable under this section into the Fund for the year the same proportion that the part of the year elapsed bears to the whole year.

(3) In this section the term "the national private income" means the aggregate of—

- (a) Salary and wage payments; and
- (b) Pay and allowances of members of the Armed Forces; and
- (c) Other personal income (excluding company dividends); and
- (d) Company income before distribution;—

but does not include any social security benefits, pensions, or the rental value of owner-occupied houses.

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

**3. Salary of Controller and Auditor-General—**(1) Section fifteen of the Public Revenues Act 1953, as amended by section two of the Public Revenues Amendment Act 1957, is hereby further amended by omitting the words "two thousand six hundred and forty pounds", and substituting the words "two thousand eight hundred pounds".

(2) The Public Revenues Amendment Act 1957 is hereby repealed.

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

**4. Compensation Court for Lake Taupo compensation claims—**(1) Section thirty-four of the Finance Act (No. 3) 1944 is hereby amended by repealing subsection two, and substituting the following subsection:

"(2) The Court shall consist of four members, as follows:

"(a) The Judge of the Land Valuation Court, who shall be the President of the Court:

"(b) The other members of that Court:

“(c) The Chief Judge of the Maori Land Court or such other present or past Judge of that Court as the Chief Judge from time to time appoints.”

(2) Section thirty-four of the Finance Act (No. 3) 1944 is hereby further amended by inserting in subsection three, after the words “modifications, apply”, the words “as if the Land Valuation Court Act 1948 had not been passed”.

(3) Section thirty-four of the Finance Act (No. 3) 1944 is hereby further amended by repealing subsection seven, and substituting the following subsections:

“(7) The presence of the President, the Chief Judge of the Maori Land Court or other present or past Judge of that Court, and one other member shall be necessary to constitute a sitting of the Court.

“(7A) The decision of a majority of the members present at a sitting of the Court shall be the decision of the Court:

“Provided that the President may, on the application of any party to the claim, or of his own motion, state a case for the opinion of the Court of Appeal on any question of law arising in the proceedings.

“(7B) If the members present are equally divided in opinion, then—

“(a) If the President and the Chief Judge or other present or past Judge of the Maori Land Court are in agreement, their decision shall be the decision of the Court:

“(b) In any other case the decision of the President shall be the decision of the Court.”

**5. Empowering certain local authorities to expend money in connection with Westland centennial celebrations—**It shall be lawful and be deemed to have been lawful for any local authority or public body whose district lies wholly or partly within the boundaries of any of the Counties of Westland, Grey, and Inangahua to expend money out of its general fund or account towards celebrating and commemorating the hundredth anniversary of the settlement of Westland, and in connection with the establishment of a centennial memorial or centennial memorials, and to make grants to the body known as the Westland Centennial Council for any such purpose.

**6. Authorising certain expenditure by Survey Board—**Notwithstanding anything in section five of the Surveyors Act 1938 or in any other Act, the Survey Board is hereby authorised to pay the sum of five hundred pounds out of its funds to

Archibald Hugh Bogle, Esquire, a member of the Board, for his services as Secretary of the Board for the period commencing on the first day of December, nineteen hundred and fifty-eight, and ending with the fifteenth day of July, nineteen hundred and fifty-nine, and it is hereby declared that the receipt of that sum shall not disqualify him from membership of the Board.

**7. Public Trustee to administer funds of Institute for Care of Backward Children Incorporated**—Whereas the Institute for the Care of Backward Children Incorporated (in this section referred to as the Institute) raised funds (in this section referred to as the funds) partly by means of subscriptions from members but principally by means of grants from art unions and charitable trusts and by donations from the public for the purpose of erecting in Auckland a hostel for backward children; but the funds are insufficient to enable the Institute to carry out that purpose: And whereas the Institute desires that the funds should be applied as soon as practicable in or towards some purpose in connection with any home, school, or institution for intellectually handicapped children established by the Department of Health in or near the City of Auckland, and that the funds shall be held in trust in the meantime: And whereas the Institute has no power under its rules to dispose of the funds in that manner: Be it therefore enacted as follows:

(1) The Institute shall as soon as may be after the passing of this Act pay and transfer the funds to the Public Trustee, whose receipt therefor shall be a sufficient discharge to the Institute.

(2) The funds shall upon payment or transfer to the Public Trustee be invested in and form part of the Common Fund of the Public Trust Office, and bear interest accordingly.

(3) Notwithstanding anything in any Act or rule of law, until the funds are disbursed by the Public Trustee in the manner hereinafter provided all interest arising therefrom shall be accumulated and added to the capital thereof.

(4) Upon the establishment by the Department of Health of a home, school, or institution for intellectually handicapped children in or near the City of Auckland, the Public Trustee shall, as soon as may be thereafter, apply the funds and the accumulations of income in or towards the provision, as part of that home, school, or institution, or as an adjunct thereof, or otherwise in connection therewith, of a building, structure, or other work or amenity that will contribute towards the

physical, mental, or recreational welfare of the children for the time being in or attending the home, school, or institution or will otherwise be for their benefit, and in a manner that as far as may be practicable will enable the building, structure, work, or amenity to possess such distinctive features or characteristics as will identify it with and commemorate the source from which the funds came.

**8. Consumer Council**—(1) There is hereby established a Council to be called the Consumer Council (in this section referred to as the Council).

(2) The Council shall be a body corporate with perpetual succession and a common seal, and shall be capable of acquiring, holding, and disposing of real and personal property, and of suing and being sued, and of doing and suffering all such other acts and things as bodies corporate may lawfully do and suffer.

(3) The functions of the Council shall be to protect and promote the interests of consumers of goods and services by whatever lawful means appear to it expedient, and by so doing to encourage the improvement and development of industry and commerce.

(4) The Council shall consist of such persons as the Minister of Industries and Commerce (in this section referred to as the Minister) appoints from time to time, to hold office during the pleasure of the Minister.

(5) The persons who at the date of the passing of this Act are members of the unincorporated body known as the Consumer Council appointed by the Minister shall, without further appointment, be deemed to be members of the Council established by this section as if they had been appointed by the Minister under this section.

(6) One of the members of the Council shall be appointed by the Minister to be the Chairman of the Council, to hold office as such during the pleasure of the Minister.

(7) The Council shall regulate its own procedure.

(8) All money held at the date of the passing of this Act in a deposit account of the Public Account on behalf of the unincorporated body known as the Consumer Council or of any Consumer Association established or in the course of being established by that Council shall, without further appropriation than this section, be paid to the Council established by this section.

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(9) The Council shall pay to its members remuneration by way of fees or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly. The Council is hereby declared to be a Statutory Board within the meaning of that Act.

(10) The Governor-General may from time to time, by Order in Council, make all such regulations as he considers necessary or expedient for giving full effect to the provisions of this section, including (but without limiting the generality of the foregoing provisions of this subsection) regulations—

- (a) Regulating the banking of money belonging to the Council and the manner in which money may be withdrawn from any bank account of the Council:
- (b) Requiring the keeping of proper books of account by the Council:
- (c) Providing for the audit of the accounts of the Council:
- (d) Prescribing the manner in which the Council may enter into contracts.

(11) All regulations under this section shall be laid before Parliament.

**9. Section 24 of Civil List Act 1950 repealed**—Section twenty-four of the Civil List Act 1950 is hereby repealed.

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