

## New Zealand.



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### 1930, No. 10.

AN ACT to make Provision in relation to Unemployment.

[11th October, 1930.]

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 Unemployment Act, 1930.
2. In this Act, unless the context otherwise requires,—
  - “Board” means the Unemployment Board constituted under this Act:
  - “Contributor” means a person obliged in accordance with this Act to contribute by way of levy to the Unemployment Fund:
  - “Fund” means the Unemployment Fund established in the Public Account in accordance with this Act:
  - “Levy” or “unemployment levy” means the levy imposed in accordance with this Act.

Title.

Short Title.

Interpretation.

*Unemployment Fund.*

Moneys payable into  
Unemployment  
Fund.

3. (1) There is hereby established in the Public Account a separate account, to be called the Unemployment Fund.

(2) There shall from time to time be paid into the Unemployment Fund the moneys following :—

(a) The net proceeds of the unemployment levy imposed by this Act, after deducting such amount (if any) as may be prescribed in respect of the cost of collection of the levy and in respect of expenditure incidental thereto :

(b) All moneys payable to the fund by way of subsidy out of the Consolidated Fund, as provided in the next succeeding subsection :

(c) Any other moneys that may be appropriated by Parliament for the purposes of the fund, or that may otherwise be lawfully payable into the fund.

(3) There shall from time to time, as the Minister of Finance directs, and without further appropriation than this Act, be paid out of the Consolidated Fund into the Unemployment Fund, by way of subsidy, an amount equal to one-half of the expenditure out of that fund.

Authority for  
advance of £100,000  
from Consolidated  
Fund to  
Unemployment  
Fund.

4. (1) For the purpose of bringing this Act into effective operation forthwith after the passing thereof, or at the earliest practicable date thereafter, the Minister of Finance is hereby empowered, without further appropriation than this section and on such terms and conditions, not inconsistent with this section, as he thinks fit, to advance to the Unemployment Fund, out of the Consolidated Fund, such amounts as he from time to time determines. The amounts advanced under this section and for the time being outstanding shall not exceed in the aggregate the sum of one hundred thousand pounds.

(2) No interest shall be payable out of the Unemployment Fund in respect of any moneys advanced from the Consolidated Fund pursuant to this section.

(3) All moneys advanced from the Consolidated Fund pursuant to this section shall be repayable out of the Unemployment Fund to the Consolidated Fund as and when the Minister of Finance determines. Any amount or amounts so repaid to the Consolidated Fund shall not be included in the expenditure of the fund for the purpose of computing the amount of the subsidy payable pursuant to subsection three of the last preceding section.

Moneys payable out  
of Unemployment  
Fund.

5. (1) There shall from time to time, without further appropriation than this Act, be paid out of the Unemployment Fund all moneys required to be expended for the purposes of this Act in accordance with the provisions hereinafter contained.

(2) No moneys shall be payable out of the fund except by direction of the Minister of Finance, acting on the recommendation of the Unemployment Board hereinafter constituted.

(3) If any question arises as to whether the moneys required for any specific purpose are properly payable out of the fund, it shall be determined by the Minister of Finance on the recommendation of the Board.

*Unemployment Levy.*

6. (1) Every male person who, being ordinarily resident in New Zealand, is at the commencement of this Act of the age of twenty years or upwards, and every such person who attains that age after the commencement of this Act shall, unless exempted from the operation of this section in accordance with the next succeeding section, be liable to an annual levy of thirty shillings as a contribution towards the prevention and relief of unemployment in accordance with the provisions of this Act. Every male person of the age of twenty years or upwards who arrives in New Zealand after the commencement of this Act with the intention of becoming resident therein shall be liable to all instalments of levy that become due after the date of his arrival.

Imposition of levy on adult male population as contribution to Unemployment Fund.

(2) The levy shall be payable in equal quarterly instalments due on the first day of the months of March, June, September, and December respectively in each year, the first such instalment being due on the first day of December, nineteen hundred and thirty. Any contributor may, in his discretion, on the payment of any instalment of levy, pay in advance any subsequent number of instalments.

(3) In the case of a person who attains the age of twenty years after the commencement of this Act, the first instalment of levy payable by him shall become due in accordance with the following provisions:—

- (a) In the case of a person whose birthday is in the month of March, June, September, or December, as the case may be, the first instalment of levy shall be due on the first day of that month:
- (b) In the case of any other person, the first instalment of levy shall be due on the first day of March, June, September, or December, as the case may be, first occurring after the date of his birthday.

(4) Every person who makes default for more than one month in the payment of any instalment of levy under this section, or, in the case of a person absent from New Zealand on the due date of any such instalment, who makes default in the payment of such instalment for more than one month after his return to New Zealand, commits an offence, and shall be liable on summary conviction to a fine of five pounds, and shall also be liable without conviction to a penalty of sixpence for every month or part of a month after the first month for which such payment is in arrear.

(5) All fines recovered under this section shall form part of the Unemployment Fund; all other penalties received under this section shall be paid into and form part of the Post Office Account in respect of any additional administrative expenses that may have been incurred by reason of the default of the contributor.

7. (1) The following classes of persons shall be wholly exempt from payment of the unemployment levy, namely:—

Exemptions from unemployment levy.

- (a) Every person for the time being in receipt of a war pension under the War Pensions Act, 1915, in respect of his total disablement:
- (b) Every person for the time being in receipt of any pension under the Pensions Act, 1926:

(c) Every Native within the meaning of the Native Land Act, 1909 :  
 Provided that any such Native may, with the consent of the Board, elect to become a contributor to the Unemployment Fund, and shall thereupon become subject to the same obligations and entitled to the same benefits as other contributors.

(2) The following classes of persons shall be exempt from payment of the unemployment levy to the extent herein provided, namely :—

(a) Every person who on the due date of any instalment of levy and for at least one month thereafter is an inmate of—

(i) Any public hospital under the Hospitals and Charitable Institutions Act, 1926, or any mental hospital within the meaning of the Mental Hospitals Act, 1911 ; or

(ii) Any public or private charitable institution established for the relief of aged, needy, or infirm persons, or of persons requiring medical or surgical treatment ; or

(iii) Any prison, reformatory institution, or Borstal institution :

shall be exempt from the payment of that instalment of levy :

(b) Every person who on the due date of any instalment of levy is enrolled as a student of any University College, technical school, secondary school, or other educational institution and who is not in receipt of salary or wages shall be exempt from the payment of that instalment of levy.

(3) In addition to the classes of persons hereinbefore referred to, the Governor-General may by Order in Council, on grounds of public policy, exempt wholly or in part from the payment of levy under this Act any persons or classes of persons specified in such Order.

Burden of proving exemption.

8. If in any proceedings taken under this Act for failure to pay any instalment of levy within the time limited by this Act, the defendant alleges that he is exempted in accordance with the last preceding section from the obligation to pay such levy, the burden of proving such exemption shall be on him.

Method of payment of levy.

9. (1) The annual levy or any instalment thereof payable under this Act shall be paid in manner to be prescribed by regulations, being either by way of cash paid at any money-order office or to any Postmaster or other person authorized to receive the same and to give a valid receipt therefor, or by means of revenue stamps cancelled in the prescribed manner by the person liable for the payment of the levy.

(2) All instalments of levy that are not paid on the due date or within one month thereafter shall constitute debts due and payable to the Crown, and shall be recoverable in any Magistrate's Court accordingly.

#### *Registration of Male Persons for Purposes of this Act.*

All male residents over twenty years of age required to register in accordance with this section.

10. (1) Every male person ordinarily resident in New Zealand, who on the commencement of this Act is of the age of twenty years or upwards, whether such person is liable to the payment of the unemployment levy under this Act or not, shall, within one month after the commencement of this Act (or, in the case of any such person who is absent from New

Zealand at the commencement of this Act, within one month after his return to New Zealand), furnish particulars in the prescribed form and manner as to—

- (a) His name in full :
- (b) His full residential address, and his business address (if any) :
- (c) His occupation or calling :
- (d) Such other particulars as may be required.

(2) Every male person ordinarily resident in New Zealand who attains the age of twenty years at any time after the commencement of this Act, whether such person is liable to the payment of the unemployment levy under this Act or not, shall, within one month after attaining the age of twenty years (or in the case of any such person who is absent from New Zealand on attaining such age, within one month after his return to New Zealand), furnish particulars in the prescribed form and manner as to the matters specified in the last preceding subsection.

(3) Every male person of the age of twenty years or upwards who, after the commencement of this Act, becomes resident in New Zealand shall, within one month after the date of his arrival in New Zealand, furnish particulars in the prescribed form and manner as to the matters specified in subsection one hereof.

(4) The particulars required under this section shall be furnished to a Postmaster or to some other person authorized to receive the same, and shall thereupon be registered in the prescribed manner. On the completion of such registration the person registered shall receive a certificate of registration in the prescribed form.

(5) A copy of every such certificate of registration shall be forwarded by the person by whom the certificate is given to the Secretary of the Post and Telegraph Department at Wellington, who shall cause to be compiled a register of all persons registered in accordance with this Act.

11. Every person who, being required to furnish particulars for registration in accordance with the last preceding section, fails to furnish such particulars within the time limited in that behalf by that section, or who furnishes particulars that are false in any material respect, commits an offence, and is liable on summary conviction to a fine not exceeding fifty pounds.

Penalty for failure to register.

#### *Unemployment Board.*

12. (1) For the purpose of assisting in the administration of this Act there shall be established a Board, to be called the Unemployment Board.

Constitution of Unemployment Board.

- (2) The Board shall consist of—
  - (a) The Minister for the time being charged with the administration of this Act, who shall be the Chairman of the Board :
  - (b) Two members to be appointed on the recommendation of the Minister, of whom one shall be appointed as the Deputy Chairman of the Board :
  - (c) One member to be appointed from among persons nominated in the prescribed manner by organizations of employers engaged in the primary industries of New Zealand :

- (d) One member to be appointed from among persons nominated in the prescribed manner by organizations of employers engaged in the secondary industries of New Zealand :
- (e) Two members to be appointed from among persons nominated in the prescribed manner by organizations of workers :
- (f) One member to be appointed from among persons nominated in the prescribed manner by the New Zealand Returned Soldiers' Association (Incorporated).

(3) The members of the Board, other than the Minister, shall be appointed by the Governor-General for a term of two years, save that any such member may be reappointed or may be at any time removed from office by the Governor-General for disability, insolvency, neglect of duty, or misconduct, or may at any time resign his office by writing addressed to the Minister.

(4) The powers of the Board shall not be affected by any vacancy in the membership thereof.

(5) If any member of the Board dies, retires, or otherwise vacates his office, the vacancy so created shall, within two months after the occurrence thereof, be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor was appointed, and no longer.

Chairman of Board.

13. (1) In the absence of the Chairman from any meeting of the Board the Deputy Chairman, if present, shall preside thereat. In the absence from any meeting of both the Chairman and the Deputy Chairman the members present shall select one of their number to be the chairman at that meeting.

(2) At any meeting of the Board the Chairman shall have a deliberative vote, and in the case of an equality of votes shall also have a casting-vote. The decision of the Board on any matter shall be determined by a majority of the valid votes recorded thereon.

Meetings of Board.

14. (1) Meetings of the Board shall be held at such times and places as the Chairman or the Board may from time to time appoint.

(2) At any meeting of the Board four members shall form a quorum, and no business shall be transacted unless a quorum is present.

(3) Save as expressly provided herein, the Board may regulate its procedure in such manner as it thinks fit.

Provision for appointment of associate members of Board.

15. For the purpose of assisting the Board in the proper exercise and performance of its functions and duties under this Act, the Board may from time to time associate with itself one or more persons who in its opinion are possessed of expert knowledge or other special qualifications of advantage to the Board, and every person so associated with the Board shall while such association continues be deemed to be a member of the Board, save that no person associated with the Board pursuant to this section shall be entitled to vote at any meeting of the Board.

Payment of allowances and travelling-expenses of members of Board.

16. The members of the Board, other than the Minister or officers in the service of the Government, shall, out of the Unemployment Fund, be paid such allowances as may from time to time be approved by the Minister of Finance, and all travelling-expenses reasonably incurred by them in respect of their attendance at meetings of the Board or otherwise in transacting the business of the Board.

*Functions of Unemployment Board.*

17. The main functions of the Board shall be—

- (a) To make arrangements with employers or prospective employers for the employment of persons who are out of employment :
- (b) To take such steps as in accordance with this Act it considers necessary to promote the growth of primary and secondary industries in New Zealand, so that an increasing number of workers will be required for the efficient carrying-on of such industries :
- (c) To make recommendations in accordance with the provisions of section twenty hereof for the payment of sustenance allowances out of the Unemployment Fund.

Main functions of Board.

18. In order that the Board may effectively carry out its main functions as described in the last preceding section, it shall have authority to do all or any of the following things :—

- (a) To establish labour-exchanges, or co-operate in the management of labour-exchanges established by the Labour Department or otherwise :
- (b) To take such steps as it deems necessary to ensure proper collaboration or co-operation between Departments of State, local authorities, public bodies, and other persons and authorities engaged in carrying out public works, so that the employment thereby provided will be distributed as evenly as possible throughout the year without avoidable interruption :
- (c) To assist unskilled or other workers, by means of grants or loans, to pursue courses of vocational training or study ; and to provide instructors, establish and equip classes or training-camps, and do any other things necessary to qualify such workers to undertake suitable employment :
- (d) To make grants or loans to any persons or authorities to enable them to undertake or to continue to carry on developmental or other works calculated to relieve unemployment :
- (e) To make such inquiries as it thinks proper, for the purpose of obtaining information in relation to its functions, into any matter whatsoever with reference to any industry carried on or proposed to be carried on in New Zealand, or to any industry which in the opinion of the Board could under favourable conditions be profitably carried on in New Zealand, or to any industry wherever carried on which in the opinion of the Board may affect the industries of New Zealand and the employment of workers therein :
- (f) To appoint such number of local committees as it thinks fit, and, subject to any regulations under this Act, to define the powers of such committees :

Subsidiary functions of Board.

Provided that no member of any local committee shall be entitled to receive from the Unemployment Fund any remuneration in respect of his services as such.

19. For the purpose of better enabling the Board to discharge its functions, the Governor-General may at any time appoint any person

Commissions of Inquiry may be appointed in assistance of Board.

or persons, whether members of the Board or not, as a Commission under the Commissions of Inquiry Act, 1908, to inquire into any matter in respect of which the Board has any authority or duty.

*Sustenance Allowances.*

Authority for payment of sustenance allowances out of Unemployment Fund.

20. (1) Sustenance allowances at the rates hereinafter set forth may be paid out of the Unemployment Fund in accordance with this section and not otherwise.

(2) No sustenance allowance shall be paid to any person who is not a contributor to the Unemployment Fund, and no sustenance allowance shall be paid to a contributor to that fund except during or in respect of a period of his unemployment.

(3) Except on the special recommendation of the Board made after consideration of the particular circumstances of the case, no person shall receive a sustenance allowance unless and until he has been unemployed for at least fourteen days, and no person shall continue to receive a sustenance allowance for more than thirteen consecutive weeks, but, on such recommendation being made by the Board, a sustenance allowance may be paid to any unemployed contributor to the fund notwithstanding that the period of his unemployment is less than fourteen days or that he has been already in receipt of a sustenance allowance for more than thirteen consecutive weeks.

(4) No sustenance allowance shall be paid to any person in respect of his unemployment if such unemployment is due to his refusal or failure to accept employment offered him by or through the Board, or to accept any other employment offered to him which in the opinion of the Board would be suitable in its nature, conditions, rates of remuneration, and location.

(5) No sustenance allowance shall be paid to or in respect of any person who has not at the date of payment been continuously resident in New Zealand for at least six months.

(6) The rates of sustenance allowances that may be paid out of the Unemployment Fund shall not exceed the amounts following:—

(a) In respect of the contributor, the sum of twenty-one shillings a week :

(b) In respect of the wife of the contributor or other person who in the opinion of the Board is in charge of his home and family, the sum of seventeen shillings and sixpence a week :

(c) In respect of any child of the contributor, the sum of four shillings a week.

(7) Sustenance allowances under this section may in the discretion of the Board be paid to the contributor or to any other person for whose benefit the sustenance allowance is payable, or to any person on behalf of the contributor or such other person.

*Offences.*

Offence to employ unregistered person, or person whose payment of the unemployment levy is in arrears.

21. (1) Every person shall be guilty of an offence punishable on summary conviction by a fine not exceeding twenty pounds who at any time after the first day of December, nineteen hundred and thirty:—

(a) Employs in his service or continues in such employment for more than seven days any man who, being required to be registered under this Act, is not so registered ; or



(b) Without the authority of the Board, employs in his service or continues to employ in his service for more than seven days any man who is in arrears for more than one month in the payment of any instalment of the unemployment levy under this Act.

(2) It shall be a good defence in any proceedings for an offence against this section if the defendant proves that he believed on reasonable grounds that the man so employed or retained in his service was duly registered under this Act or, as the case may be, was not in arrears for more than one month in the payment of any instalment of the unemployment levy.

*Regulations.*

22. (1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:— Regulations.

(a) Prescribing the form or forms in which particulars shall be furnished by persons required to be registered under this Act:

(b) Prescribing the form of certificates of registration and of the register or registers to be compiled for the purposes of this Act:

(c) Prescribing the method or alternative methods for the payment and collection of instalments of the unemployment levy:

(d) Prescribing the amount or proportion of the unemployment levy that may be deducted in respect of expenses of and incidental to the collection of the levy:

(e) Providing for the classification of works carried on for the purpose of providing employment, and, without limiting the general authority conferred by this paragraph, providing for the classification of certain works as training-camps:

(f) Prescribing the rates of pay or allowances to be paid to persons while undergoing a course of manual or technical training in a training-camp:

(g) Prescribing such other matters as may be necessary for the purpose of giving full effect to the provisions of this Act.

(2) All regulations made under the authority of this section shall be published in the *Gazette*, and shall be laid before Parliament within fourteen days after the date of such publication if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.