

[AS REPORTED FROM THE PUBLIC ACCOUNTS COMMITTEE.]
House of Representatives, 21st September, 1910.

Right Hon. Sir J. G. Ward.

PUBLIC REVENUES.

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A BILL INTITULED

AN ACT to consolidate and amend the Law relating to the Public
Moneys and Public Securities, and the Audit of the Public
Accounts. Title.

5 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 Public Revenues Act, 1910, and Short Title.
shall come into operation on the first day of April, nineteen hundred
10 and *eleven*, save that section one hundred and thirty-four of this Act
shall come into operation on the passing thereof.

2. In this Act, unless a different intention appears,—

15 “Accounting officer” means any person who is required to
render an account under the provisions of this Act, and
includes every person who by any law, regulation, or
appointment is charged with the duty of collecting or
receiving or who does actually collect or receive any
public moneys, or who is charged with the duty of dis-
bursing or who does actually disburse any public
20 moneys. Interpretation.
1908, No. 157, sec. 2

“Audit Office” means the Controller and Auditor-General, and
includes the Acting Controller and Auditor-General and
Deputy Controller and Auditor-General appointed under
this Act :

25 “Bank” means any bank or banks in which the Public
Account is appointed to be kept as provided by this Act :

“Estimates” means the statement of proposed expenditure of
the public revenue during any financial year or period, as
approved by the House of Representatives :

30 “Financial year” means the period from the first day of
April in one year to the thirty-first day of March in the
next following year, both days inclusive :

“Imprestee” means any person in whose hands any public
money is placed for expenditure in the public service :

35 “Minister” and “the Treasury” mean the member of the
Executive Council (being a responsible Minister of the
Crown) holding the office of Minister of Finance :

40 “Postmaster-General” includes any member of the Executive
Council (being a responsible Minister of the Crown) for
the time being acting as or for the Postmaster-General :

45 “Public moneys” includes all moneys, and all bonds,
debentures, and securities of what kind soever for the
payment of money, received for, or on account of, or
payable to, or belonging to the Crown or to the Govern-
ment of New Zealand :

“Regulations” means regulations made by the Governor in
Council under the authority of this Act :

50 “Vote” means any sum of money appropriated to the public
service by the Annual Appropriation Act or any other Act
sanctioning the expenditure of public money.

PART I.

GENERAL PROVISIONS.

Treasury to
administer Act.
1908, No. 157, sec. 3

3. (1.) The Treasury shall be charged with the administration of this Act, and all accounting officers and persons concerned in the collection, receipt, custody, and expenditure of public moneys shall, 5
subject to the provisions of this Act and of the regulations, obey all such instructions as they from time to time receive from the Treasury in respect to the public moneys or to accounting for the same.

Regulations.

(2.) The Governor may from time to time, by Order in Council, make regulations, not inconsistent with this Act,— 10

(a.) Appointing the bank in which all public moneys are to be kept :

(b.) For the collection, receipt, custody, issue, expenditure, care, and management of public moneys, and generally for the guidance of all persons concerned therein : 15

(c.) Prescribing the forms in which all accounts of public moneys are to be kept and rendered, or which are required to be used to carry out the provisions of this Act :

(d.) For the purchase, safe custody, and issue of public stores, and rendering accounts in respect of such stores, and for 20
the audit of such accounts :

(e.) For any object or purpose that may be deemed necessary to effectually carry out the provisions of this Act, including regulations under sections eighty-seven, one hundred and five, and one hundred and twenty-seven hereof. 25

(3.) Any such regulation may impose on any accounting officer or person subject to the provisions of this Act a fine not exceeding *one* pound for the breach of any regulation, or for any error in any account that he may be liable to render, and any such fine may be imposed by the order of the Treasury, and may be recovered either 30
as a debt due to the Crown or by deducting the same from any money due or thereafter becoming due to the person incurring the fine.

(4.) All such regulations shall be gazetted, shall have the force of law from a day named therein, and shall be laid before Parliament 35
within ten days after the gazetting thereof, if Parliament is then in session, and, if not, then within ten days after the commencement of the next ensuing session.

PART II.

THE CONTROL AND AUDIT.

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Controller and
Auditor-General.
Ibid., sec. 23

4. There shall be an officer to be called the Controller and Auditor-General, who shall be appointed by the Governor in the name and on behalf of His Majesty, and shall hold office upon good behaviour, and shall be removable therefrom only upon an address to the Governor from both Houses of Parliament. 45

To hold no other
office.
Ibid., sec. 24

5. The Controller and Auditor-General shall not be capable of being a member of the Executive Council or of either House of Parliament, or of holding any office of trust or profit in the public or any other service other than his office hereby created.

6. The Controller and Auditor-General shall be paid a clear annual salary of one thousand pounds out of the Consolidated Fund, which to the necessary extent is hereby appropriated accordingly.

Salary.
1908, No. 157, sec. 25

7. The Governor in Council may, when Parliament is not in session, suspend the Controller and Auditor-General from his office; but such suspension shall not continue in force beyond the end of the then next session of Parliament, and the salary above mentioned shall continue to be paid to such officer, any such suspension notwithstanding.

May be suspended
by the Governor.
Ibid., sec. 26

8. (1.) In the event of the Controller and Auditor-General being unable to fulfil the duties of his office through absence from New Zealand, illness, or suspension, the Governor in Council may appoint some officer of the public service, or other fit person, to act as Controller and Auditor-General during such absence, illness, or suspension, and every such person shall for the time during which he so acts have all the powers and perform all the duties of the Controller and Auditor-General.

Acting Controller
and Auditor-
General.
Ibid., sec. 27

New subclause.

(1A.) While so acting such person shall be paid a salary at the rate of *eight* hundred pounds a year out of the Consolidated Fund, which to the necessary extent is hereby appropriated accordingly:

Provided that if he is already in receipt of a salary from the Government, this subsection shall apply only to the difference between that salary and the sum of *eight* hundred pounds for the period during which he is so acting.

(2.) No such appointment and no act done in pursuance thereof shall in any proceedings be questioned on the ground that the occasion for such an appointment had not arisen or had ceased, nor shall any such appointment prevent or affect the exercise or performance by the Controller and Auditor-General himself of any power or duty.

9. (1.) The Governor in Council may on the recommendation of the Controller and Auditor-General appoint an officer of the Audit Department to be his deputy to exercise in that capacity during the pleasure of the Controller and Auditor-General such of his powers and perform such of his duties as he thinks fit, ~~with the approval of the Governor in Council~~, to assign to that deputy; and such deputy shall for the time during which he acts as such deputy have all the powers and perform all the duties so assigned to him.

Deputy Controller
and Auditor.
Ibid., sec. 27

(2.) The appointment of such a deputy shall not affect the exercise or performance by the Controller and Auditor-General himself of any power or duty.

10. The Governor may from time to time appoint to the service of the Audit Department *only* such officers, clerks, and persons as are recommended by the Controller and Auditor-General, and are considered necessary to enable him to exercise his powers and perform his duties.

Appointment of
clerks and other
officers.

11. Where by any Act in force anything is required or empowered to be done by the Auditor-General, the Controller of the Public Account, the Commissioners of Audit, or any Provincial or District Auditor, the same may be done by the Controller and Auditor-General under this Act.

Powers continued
in Controller and
Auditor-General.
Ibid., sec. 28

Audit office to
audit all accounts.
1908, No. 157, sec.
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12. It shall be the duty of the Audit Office to audit all accounts relating to the receipt, custody, or expenditure of the public moneys; and it shall be the duty of the Treasury and of all persons in the public service, and of all other persons whomsoever, to afford all such information as the Audit Office at any time requires, and to answer all such questions as may be addressed to them or any of them by the Audit Office touching any public moneys or stores, or any account thereof, or any other matter which may enable the Audit Office to fulfil the duties imposed thereon by this Act. 5

Inspectors.
Ibid., sec. 31

13. The Controller and Auditor-General may, by writing under his hand, from time to time appoint any officer of the Audit Department or other fit person to inspect, examine, and audit any books, accounts, or stores which are required to be inspected, examined, or audited by this Act or by regulations, and to report thereon to the Audit Office; and for the purposes of such inspection and report any such officer or other person shall have power to inspect all books, accounts, vouchers, and other papers relating thereto. 15

Controller and
Auditor-General to
report to Minister.
Ibid., sec. 106

14. (1.) The Controller and Auditor-General shall communicate with the Minister upon all matters arising under this Act or the regulations relating to the collection, receipt, issue, and payment of public moneys. 20

(2.) The Controller and Auditor-General shall report to the Minister the name of every person failing to comply with the requirements of this Act or the regulations, and thereupon, and until such failure is made good to the satisfaction of the Minister, all salaries and moneys that may be or become due to such person may be withheld. 25

Recovery of moneys
payable into Public
Account.
Ibid., sec. 107

15. (1.) If at any time the Audit Office finds that any public moneys are lying in the hands of or are due from any person or local authority which ought to have been paid into the Public Account or any deposit account, or any of the other accounts mentioned in this Act, the Audit Office shall call on such person or authority forthwith to pay such moneys into the account to which the same belong; and, in default of such payment, shall inform the Minister of such default, who shall take all such steps as he thinks fit to recover such moneys to the use of His Majesty, or in the case of a local authority to cause the same to be deducted from any subsidy or other money due or payable to such authority, and to cause the same to be paid into the account to which they belong; but nothing herein shall relieve any person from any penalties he may have incurred by making default in such payment. 30 35

(2.) "Local authority" shall have the same meaning as in section one hundred and *eighteen* hereof.

Controller and
Auditor-General's
precept.
Ibid., sec. 32

16. (1.) The Controller and Auditor-General may, by precept under his hand, in the form numbered (1) in the Schedule hereto, require any such person as he thinks fit to appear personally before him at a time and place to be named in such precept, and to produce any accounts, vouchers, books, or papers in the possession or control of such person, and shall have full power to examine such person on oath touching the receipt, expenditure of, or otherwise dealing with any public moneys or stores, and touching all other matters necessary for the due execution of the powers vested in him by this Act. 45 50

(2.) Every person who is compelled under the provisions of this section to attend before the Controller and Auditor-General shall be entitled to be paid such expenses as the Controller and Auditor-General certifies to be reasonable, and the Minister may pay such
5 expenses accordingly out of the Consolidated Fund without further appropriation than this Act.

(3.) The Controller and Auditor-General may, when he thinks fit, cause search to be made in and extracts taken from any book, document, or record in the custody of the Minister or in any public
10 office without paying any fee for the same.

17. The Controller and Auditor-General shall, in order that his examination, inspection, and audit of the public accounts may proceed *pari passu* with the cash transactions of any Department, have free access at all convenient times to the offices, and to the books of
15 account and other accounts relating to the accounts of such Department, and may require such Department to furnish him from time to time, or at regular periods, with its accounts of its cash transactions up to such times or periods.

Controller and Auditor-General to have access to books of Departments.

Struck out.

20 18. The Controller and Auditor-General shall be entitled to lay before the Solicitor-General a case in writing as to any question concerning the powers of the Controller and Auditor-General or the discharge of his duties, and the Solicitor-General shall give
25 thereon a written opinion, and it shall be the duty of the Controller and Auditor-General to act in accordance therewith.

Controller and Auditor-General to state case for opinion of Solicitor-General. Cf. 1908, No. 157, secs. 55, 56

New clause.

30 18. In case any difference of opinion arises between the Audit and the Treasury as to the vote, appropriation, fund, account, or other authority to which any expenditure ought to be charged, or as to the proper head of revenue, fund, or account to which any receipt should be credited, the question shall be determined by the Minister, and his determination shall be laid before Parliament:

35 Provided that if, in the opinion of the Audit Office, the question involves matter of law, then it shall be referred for the opinion of the Attorney-General thereon, and in such case it shall be the duty of the Controller and Auditor-General to act in accordance therewith; but the objections of the Audit Office shall, together with the opinion of the Attorney-General, be forthwith laid before Parliament if then
40 in session, or, if not, then within ten days after the commencement of the next ensuing session.

PART III.

ACCOUNTING OFFICERS.

19. Every accounting officer shall be subject to this Act and to the regulations, and shall perform such duties, keep such books, and
45 render such accounts as are prescribed by this Act or the regulations, or as the Treasury may direct.

Accounting officers.

20. Every accounting officer not subject to the provisions of Part III of the Civil Service Act, 1908, shall, if so required by the Treasury, provide security for such sum and in such manner and
50 form as the Treasury directs for the due accounting for and payment of all moneys which come into his charge, custody, or control.

To give security so required. Ibid., sec. 120

Bank accounts to be authorised by Treasury.
Cf. 1908, No. 157, sec 9

21. No accounting officer shall open any public or official account in any bank, except as authorised by this Act or by regulations, without the authority in writing of the Treasury, and no bank shall permit any accounting officer to have an overdraft on any public or official account.

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Succession in case of death, bankruptcy, &c.
Cf. *Ibid.*, sec. 9

22. On the death, resignation, or removal of any accounting officer, the balances remaining at the credit of his public or official account in any bank shall on the appointment of his successor vest in and be transferred to the public or official account of such successor at the said bank, or otherwise dealt with as the Treasury directs, and on the death, bankruptcy, or insolvency of such accounting officer such balances shall not constitute assets of his estate or be in any manner subject to the control of his legal representative, assignee, or trustee.

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Certificate of discharge in respect of moneys accounted for.
Ibid., sec. 33

23. Every accounting officer or other person dealing with public moneys shall be entitled, on demand, to receive from the Audit Office a certificate of discharge for so much of such moneys as he appears, upon examination of his accounts, to have received and duly accounted for, provided that, when any account not being an account current has been signed and passed by the Controller and Auditor-General showing a balance due to the Crown, he shall not make out or grant such a certificate until the accounting officer satisfies him that he has discharged, or been discharged from, any liability for or in respect of such balance.

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Recovery of moneys not accounted for.
Ibid., sec. 103

24. Every accounting officer or person into whose hands or under whose control any public moneys come shall be deemed to owe to His Majesty all such moneys for which he does not receive a certificate of discharge from the Audit Office; and all such moneys, together with full costs of suit, shall be recoverable in any Court of competent jurisdiction as money due to His Majesty.

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PART IV.

COLLECTION OF MONEYS.

Treasury may agree with any bank for conducting business.
Ibid., sec. 14

25. The Treasury may from time to time agree with any bank upon terms and conditions for the receipt, custody, payment, and transmission of public moneys in or out of New Zealand, and for advances to be made under the authority of this or any other Act, and for the charges in respect of the same, and for the interest payable by or to the bank upon balances or advances respectively, and generally for the conduct of the banking business of the Government; but no such agreement shall be made for a period of more than one year unless it contains a provision that the same may be terminated at any time after a notice of not exceeding six months.

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The Public Account.
Ibid., sec. 5

26. (1.) All public moneys are the property of His Majesty, and shall, except as herein otherwise provided, be kept in one account at the bank called "the Public Account."

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(2.) All moneys paid into the bank to the Public Account shall be deemed to be public moneys, the property of His Majesty, and to be moneys lent by His Majesty to the bank, and may not be removed therefrom except as by this Act provided.

27. The Public Account shall consist of the following funds and accounts :—

The several funds
in the Public
Account.
1908, No. 157, sec. 6

(a.) The Consolidated Fund, to which shall be carried all receipts except as herein otherwise provided :

5 (b.) The Public Works Fund, to which shall be carried the produce of all loans and other moneys which are authorised by Parliament to be raised and appropriated to public works or to any other special purpose, and are not the moneys of any separate fund or account which is by any

10 (c.) Every separate fund or account which by any Act is directed to form part of the Public Account.

28. (1.) Moneys received by way of deposit on account of Customs duties or otherwise on public account, moneys paid into
15 Court in virtue of any statute, rule, or authority whatever, and all moneys deposited with any person in the public service pending the completion of a transaction whereby the same may become payable to the Government or repayable to the depositor or other person, shall be deemed to be public moneys within the meaning of this Act.

Deposits.
Ibid., sec. 7

20 (2.) Such public moneys shall be either paid into the Public Account at the bank or otherwise dealt with and accounted for by the persons having custody thereof as the Treasury, subject to this Act and the regulations, from time to time directs.

25 29. Every sum so deposited which is unclaimed for a period of one year after having become payable to the depositor shall be transferred to and form part of the Consolidated Fund ; but the Treasury may, without further appropriation than this Act, issue and pay the same at any time within ten years thereafter to any claimant who establishes his claim thereto to the satisfaction of the Treasury.

Unclaimed deposits.
Ibid., sec. 8

30 30. Moneys issued by way of imprest for expenditure in the public service shall be kept in an official account in the bank as the Treasury may direct, in the name of the officer or other person accountable for such moneys.

Imprest moneys to
be kept in an
official account.

35 31. (1.) Whenever, by virtue of any agreement made between the Government and any person, company, or other body, moneys belonging or due to such person, company, or other body are collected by the Government, such moneys shall be deemed to be and shall be dealt with as public moneys within the meaning of this Act ; and such moneys, or so much thereof as becomes so payable shall, without
40 further appropriation, be issued and paid to such person, company, or other body in such proportions, in such manner, and at such times as may be set forth in any such agreement.

Moneys collected
for private persons
or companies.
Ibid., sec. 10

(2.) The Government shall not be liable to any such person, company, or other body for any moneys so payable into the Public
45 Account, except for moneys actually collected under any such agreement.

32. The Governor shall from time to time appoint some fit person to be the Receiver-General, who shall hold office at the Governor's pleasure.

Receiver-General.
Ibid., sec. 18

50 33. (1.) Every accounting officer collecting, receiving, or having possession of or control over any money payable into the Public Account, or into any deposit account, is a Receiver within the

Receiv-ers.
Ibid., sec. 19

meaning of this Act, and every Receiver shall day by day pay all such money into such branch of the bank as the Treasury directs.

(2.) Where, by reason of distance from the bank or other cause, such payments cannot be conveniently made, then the Receiver shall pay such moneys into the Public Account, or to such other Receiver, at such times and in such manner as the Treasury, subject to the regulations, from time to time directs. 5

Bank to give receipts.
1908, No. 157, sec. 13

34. The bank shall, if so required, give to every person paying money into the Public Account or into any Deposit Account at the bank a receipt, in such form as the Treasury directs, for every sum so paid in. 10

Receiver's cash-book.
Ibid., sec. 20

35. Every Receiver shall keep a cash-book in the form directed by the regulations or by the Treasury, and shall enter therein, in the order of date, every sum of money received and every sum paid into the Public Account, whether at the bank or as otherwise herein provided, and shall, at such times as are directed by the regulations or by the Treasury, balance such cash-book and send to the Receiver-General a copy or abstract of so much thereof as he has not previously sent, together with the bank receipt for every sum paid by the Receiver into the Public Account at the bank during the period for which such copy or abstract is sent. 15
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Statement of amounts paid into Public Account.
Ibid., sec. 21

36. The Receiver-General shall day by day prepare from the copies or abstracts of the cash-books of the several Receivers a statement showing so much of the moneys paid into the Public Account or otherwise by such Receivers as he has not previously included in any such statement; and shall distribute such moneys to the several heads of revenue, or to the credit of the several votes or accounts requiring to be credited, according as the same have arisen. 25

Revenue Account.
Ibid., sec. 21

37. On the Audit Office being satisfied that the moneys in the said statement have been credited to the proper heads of receipt, the said statement shall be deemed to be the Revenue Account of New Zealand for the day to which it relates, and shall be recorded in the books of the Treasury and the Audit Office accordingly. 30

Balances may be invested.
Ibid., sec. 17

38. (1.) The Treasury may from time to time invest any of the balances of the Public Account, or any part thereof, for such periods and on such terms as it thinks fit, in such securities as the Governor by Order in Council from time to time declares to be securities in which such money may be invested, and may from time to time sell and convert into money any such securities, and cause such money to be paid into the Public Account to the credit of the proper fund or account to which it belongs. 35
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(2.) The deposit receipt for moneys deposited for a fixed period with any incorporated bank shall be deemed a security within the meaning of this section.

If Consolidated Fund insufficient, Government may borrow up to £1,000,000 on Treasury bills.
Ibid., sec. 15

39. (1.) For the purpose of providing for the transmission to England of funds for the payment of the charges of the public debt in advance of the dates on which the same become payable, and for other purposes, the Minister may from time to time, on the security of Treasury bills, to be issued as hereinafter provided, borrow from any bank or other person, or from any balances of the Public Account, any sum of money, and may repay the same or any part thereof; so, however, that the total amount at any time outstanding and 45
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unpaid, inclusive of all Treasury bills outstanding on the coming into operation of this Act, shall not exceed the sum of one million pounds.

(2.) All moneys accruing from the sale of Treasury bills shall be paid into the Public Account to the credit of the Consolidated Fund; and the principal of every such bill, and all interest thereon, shall be a first charge upon and shall be paid out of the accruing income of the Consolidated Fund.

10 (3.) Every Treasury bill shall be in such form and shall bear such rate of interest, not exceeding five per centum per annum, as the Minister from time to time prescribes, and shall bear a number in consecutive order, so that no two bills shall at any time bear the same number.

15 (4.) Every Treasury bill shall be signed by the Minister and by the Controller and Auditor-General, and a register of all such bills shall be kept by the Treasury and also by the Audit Office.

(5.) Every Treasury bill shall be payable at such place, in or out of New Zealand, and upon such day as is named therein, not being later than one year from the date of issue of the bill.

20 (6.) Subject to the foregoing limitation of time as to currency, Treasury bills may from time to time be renewed by the issue of fresh Treasury bills of a like amount.

(7.) If a Treasury bill is presented at the Treasury so defaced as to be unsaleable, or if any such bill is burnt, destroyed, or lost, the 25 Minister may issue a duplicate bill in the place thereof:

Provided that where the bill is not presented at the Treasury, the Minister shall not issue such duplicate unless the applicant produces a certificate, under the hand of a Judge of the Supreme Court, to the effect that he is satisfied from evidence taken on oath before him 30 that such bill has been so burnt, destroyed, or lost, and unless the applicant gives good and sufficient security to the King to the amount of the said bill should the same be presented for payment at any time thereafter.

35 (8.) No person, body, or authority from whom the whole or any part of such sum is borrowed as aforesaid shall be concerned to see or inquire whether or to what extent the power hereby given has been previously exercised or is intended to be exercised; and any money borrowed under the authority of this Act shall, so far as the lender is concerned, be deemed to be within the powers conferred in 40 that behalf, and to have been lawfully borrowed accordingly.

40 Except as specially provided by any Act, it shall not be lawful for the Government to borrow, nor for any bank or other person to lend to the Government, any moneys either by way of loan or overdraft; and every engagement for the repayment of any 45 such loan or overdraft shall be absolutely null and void.

Government not to borrow except under an Act. 1908, No. 157, sec. 16

PART V.

THE APPROPRIATION OF PUBLIC MONEYS.

41. Except as herein otherwise provided, every Appropriation Act shall lapse at the end of the financial year or other period to 50 which it relates, and all payments made thereafter under the authority of section fifty-four hereof or of any Imprest Supply Act shall be

Appropriation Acts to lapse. Ibid., sec. 35

included in the estimates of the financial year or period in which such payments are made.

Annual statement
of liabilities.
Ibid., 1908, No. 157,
sec. 36

42. The Minister of each Department shall, within *thirty* days after the close of the financial year or period, cause to be prepared and sent to the Treasury a certified statement, in such form as the Treasury directs, of all liabilities in respect of the services of his Department outstanding at the close of such year or period, which might by law have been paid during such year or period; and the Treasury shall lay all such statements before Parliament within *ten* days after its first sitting next after the Treasury has received the same, together with a summary thereof. 5 10

Annual
appropriations
extended for three
months.
Ibid., sec. 37

43. (1.) If during the space of three months after the commencement of any financial year or period no Act is passed granting and appropriating money for the service thereof, the Minister of Finance may issue and pay moneys during such three months, but no longer: 15
Provided that payments in respect of any service shall not exceed the amount of the unexpended balance of the vote for such service provided in the respective Appropriation Act for the year or period immediately preceding, together with an amount equal to one-fourth part of such vote: 20

Provided also that no payments shall be made for any services other than those for which provision was made in the respective Appropriation Act and the estimates for such preceding year or period, or in excess of the scale therein set forth.

(2.) All moneys issued and paid under the authority of this section shall be included in the estimates and accounts for the year or other period in which the same are paid. 25

Payment of
salaries, &c., and
increments.
Ibid., sec. 38

44. (1.) The extended appropriation provided by the *last preceding* section shall be available for the payment of—

(a.) The statutory increments of salaries, wages, and allowances accruing due pursuant to any Act providing for the classification of any Department of the public service: 30

(b.) Salaries, wages, and allowances accruing due pursuant to any item appearing in the estimates as passed by the House of Representatives and included in the total of a vote in the Appropriation Act, and the payment whereof to the extent of the total sum of the item voted is provided for by section *forty-six* hereof: 35

(c.) Salaries, wages, and allowances, or increments thereto, lawfully granted by the Government during the financial year or period or the three months thereafter, and not included in paragraph (a) or (b) hereof. 40

(2.) In no case shall any of the payments referred to in paragraph (a), (b), or (c) hereof be deemed to be in excess of the scale set forth in the Appropriation Act and estimates, or to alter any salary or other charge fixed by permanent Act; and sections *forty-three* and *forty-seven* hereof shall be construed accordingly. 45

(3.) In no case shall any of the payments referred to in paragraph (b) hereof be deemed to exceed the total sum of the item voted; and section *forty-six* hereof shall be construed accordingly. 50

(4.) The payments referred to in paragraph (c) hereof may be made notwithstanding that they are for services for which provision

was not made in the Appropriation Act or the estimates; and the second proviso to subsection one of section forty-three hereof shall be construed accordingly.

45. For the purpose of meeting the increased expenditure on working railways where such expenditure is consequent upon increased traffic, the following provisions shall apply:—

Increased expenditure on railways.
1908, No. 157, sec. 39

(a.) The amount actually appropriated in each year out of the Consolidated Fund for railway working and maintenance (but not for railway-construction) shall, by force of this provision, be deemed to be increased by a sum equal to the excess of the actual over the estimated revenue from railways for the year, or, as the case may be, for such portion thereof as has expired.

(b.) The estimated revenue from railways for the expired portion of the year shall be deemed to be duly proportionate to the total estimated revenue for the whole year, and shall be computed and ascertained accordingly.

(c.) Section forty-three hereof shall apply for all the purposes of this section, and the votes and payments therein referred to shall be deemed to be increased accordingly.

(d.) In the case of the period during which under the last-mentioned section payments may be made, the estimated revenue of any portion of that period shall be deemed to be the same as the estimated revenue for the corresponding period of the preceding year.

46. In any case where any payment of an item is provided for in the estimates as passed by the House of Representatives, and is included in the total of a vote in the Appropriation Act, such payment of the said item may be lawfully made, anything in any Act to the contrary notwithstanding, and the said payment shall be deemed to be irrespective of any appropriation or limit contained in any such last-mentioned Act; but in no case shall the amount so paid exceed the total sum of the item voted:

When payment lawful.
Ibid., sec. 40

Provided that this section shall apply only to payments which could not lawfully be made if this section were not in operation.

47. (1.) As and when directed by the Governor, the moneys available in respect of any vote in the Appropriation Act may be transferred in aid of any other vote in the same class.

Transfer in aid of other vote.
Ibid., sec. 41

(2.) For the purposes of such transfer the Governor may give such directions as he thinks fit from time to time during the financial year, and also during the period thereafter whilst moneys may lawfully be issued and paid under section forty-three hereof.

48. (1.) Money received to the credit of any service from the sale of stores, or from charges made for extraneous works or services, and any credit made to a service for the purpose of adjusting expenditure between Departments, or branches of Departments, shall be carried to the credit of the vote for that service.

Credits to votes.
Ibid., sec. 42

(2.) In compiling the estimates the Minister for each Department shall cause the sums estimated to be received to the credit of each service to be abated upon the total estimated expenditure of such service for the year.

(3.) All sums so credited to any vote shall be deemed to be appropriated to such service in addition to the vote for the same.

PART VI.

PAYMENT OF MONEYS.

The Paymaster-
General.
Ibid., 1908, No. 157,
sec. 43

The Governor's
warrant.
Ibid., sec. 44

49. The Governor shall from time to time appoint some fit person to be the Paymaster-General, who shall hold office at the Governor's pleasure.

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50. (1.) No money shall be issued out of the Public Account except in pursuance of a warrant under the hand of the Governor in the form numbered (2) in the Schedule hereto.

(2.) Before submitting any such warrant for the Governor's signature the Treasury shall forward it to the Audit Office, and the Audit Office shall certify thereon that the issue mentioned therein may be made according to law.

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(3.) For the purpose of this section an issue shall be deemed to be according to law if, with the sums named in all previous warrants still in force, the amount thereof does not exceed the total amount available for issue out of the Public Account under the authority of any Act.

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(4.) Any such warrant and certificate may be sent by telegraphic message, in which code-words agreed on by the Treasury and Audit Office may be used, and such message may be acted on and the money named therein may be issued accordingly.

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(5.) No warrant under this section shall continue in force except during the financial year in which it is issued and three months thereafter.

Payment of
vouchers.
Cf. Ibid., sec. 45

51. Every claim for the payment of public money shall be put into a voucher in such form as the Treasury directs, and, when certified *and charged against the proper vote or account* and authorised by the officers who are recognised by the Treasury as the proper officers to certify and authorise the same respectively, shall be sent to the Treasury for payment.

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The requisition.
Ibid., sec. 46

52. (1.) The Paymaster-General shall from time to time prepare a requisition (in the form numbered (3) in the Schedule hereto) comprising an account of such of the vouchers as are proposed to be paid, charging each item against the vote and fund or account as stated on the voucher; and the requisition, on being authorised by the Treasury, shall be sent to the Audit Office, together with all the vouchers relating thereto.

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The bank order.
Ibid., sec. 47

(2.) The Treasury shall also prepare and send to the Audit Office a bank order (in the form numbered (4) in the Schedule hereto) directing the bank to honour the cheques of the Paymaster-General on the Public Account for the several amounts and at the several branches of the bank specified in the order, not exceeding in the whole the sum named in the requisition.

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Requisition and
bank order to be
countersigned by
Controller and
Auditor-General
Ibid., sec. 47

(3.) On being satisfied that the issue named in the requisition and bank order is within the limit of the Governor's warrant, and that there is a sufficient balance in the Public Account to the credit of the fund *vote* or account to meet the charges named in the requisition and bank order, the Controller and Auditor-General shall forthwith countersign the requisition and bank order and return the bank order to the Treasury, together with the vouchers relating thereto.

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(4.) The bank order, when so countersigned by the Controller and Auditor-General shall be sufficient authority to the bank to pay the cheques of the Paymaster-General to the several amounts specified in the order.

5 *New subclauses.*

10 (5.) Notwithstanding anything to the contrary in this section, if the Controller and Auditor-General is of opinion that any such voucher as aforesaid is in any respect not in accordance with law, he may refuse to countersign the requisition; but in any such case he shall, if so required by the Treasury, submit the question of the legality of the voucher to the Attorney-General in accordance with section *eighteen* of this Act, and the provisions of that section shall apply accordingly.

15 (6.) Regulations may be made under this Act providing that in respect of any class of payments vouchers shall not be included in any requisition until and unless they have first been submitted to and passed by the Audit Office.

20 53. (1.) Moneys required to be issued by way of imprest for the public service shall be charged in the voucher and requisition against the vote for the service for which the imprest is required : Imprests. 1908, No. 157, secs. 50, 51.

Provided that moneys may be issued by way of General Imprest, of which the balance unaccounted for shall not at any time exceed ten thousand pounds.

25 (2.) Every imprestee shall at the close of business on Saturday in each week, or at such longer intervals not exceeding one month as the Treasury in any case directs, prepare an account showing the expenditure (not already accounted for) of the moneys imprested to him and the balance then remaining unexpended, and shall send the account to the Paymaster-General, together with such vouchers and
30 other documents as are required by the Treasury or the Audit Office.

(3.) The vouchers for the payments made by imprestees, including the vouchers for the payments by the High Commissioner out of the Foreign Imprest Account, shall, as soon as practicable after they are received by the Paymaster-General, be forwarded by the
35 Treasury for authorisation by the Departments of the public service on whose account the payments are made; and it shall be the duty of the permanent head of every such Department to prevent delay in authorising such payments, and accordingly to return each voucher duly authorised within fourteen days after its receipt.

40 54. (1.) Where on the report in writing of the permanent head of a Department it appears to the Minister administering that Department necessary for its service that money should be expended in excess of or without the appropriation of Parliament, such Minister shall transmit the report to the Treasury. Unauthorised expenditure. Ibid., secs. 48, 49. 1908, No. 258, sec. 23 (1)

45 (2.) If the Treasury agrees to make that expenditure it shall forward the report to the Audit Office to be noted, whereupon the moneys may, notwithstanding anything in this Act, lawfully be issued and paid.

50 (3.) The total amount of all sums issued under this section shall not exceed in any financial year one hundred thousand pounds for services in connection with working railways under the control of the Government Railways Department, and one hundred and fifty thousand pounds for all other services.

(4.) All sums so issued during the currency of the annual Appropriation Act shall be charged to an account to be called the Unauthorised Expenditure Account, and all sums recovered in respect of sums so issued shall be credited to that account. For the purposes of this subsection transfers from votes or from permanent appropriations shall be deemed to be sums recovered. 5

(5.) An abstract of the Unauthorised Expenditure Account, certified by the Audit Office, shall be laid before Parliament by the Minister of Finance within ten days after the commencement of the session of Parliament in each financial year. 10

(6.) All sums issued under the authority of this section in anticipation of the Appropriation Act to be passed in the same financial year shall be included in the estimates for that year.

How moneys appropriated to defray cost of material to be charged.

55. When any money is appropriated out of the Public Account for the purpose of defraying the cost of the purchase of any material, the cost of which may ultimately be chargeable to and divisible among more works than one, and it is not known or does not appear to what work the cost of such material ought ultimately to be charged, then the Governor may direct that all moneys expended for such material shall be charged in the first instance to a "suspense account," and shall afterwards be charged to the proper work or works when the same is ascertained. 15 20

Power to temporarily transfer from one account to another. 1908, No. 157, sec. 57

56. (1.) The Treasury may from time to time transfer any balances of the Public Account, or any part thereof, from one fund or account to another fund or account within the Public Account, for such periods and on such terms as the Governor in Council may authorise. 25

(2.) The moneys so transferred shall be considered as a liability of the fund or account into which the transfer has been made, and shall be paid out and restored to the fund or account from which the transfer was made within three months of the date of transfer. 30

(3.) A statement of the particulars of every such transfer shall be laid before Parliament within ten days after such transfer if Parliament is then in session, and if not, then within ten days after the commencement of the next ensuing session. 35

PART VII.

AUDIT AND INSPECTION.

Bank to furnish returns of public moneys under its control. Ibid, sec. 11

57. Every branch of the bank into which money is paid to the Public Account shall, at the close of business on the Saturday in each week, and at such other times as the Treasury directs, transmit the whole of such moneys to the bank at the seat of Government; and shall at the same time send to the Treasury a bank sheet setting forth, in the order of date, every sum so received and transmitted; and the bank at the seat of Government shall, at all times when so required, send to the Treasury full accounts of all transactions in respect of public moneys in the hands of the bank. 40 45

Bank to furnish balance-sheets of accounts. Ibid., sec. 12

58. The bank at the seat of Government shall from time to time, at such times as the Controller and Auditor-General directs, send to the Audit Office a bank sheet setting forth the totals of the credit

and debit sides of the Public Account and of the several accounts mentioned in Part X of this Act, for the period to which such sheet relates, with the balances brought and carried forward respectively.

59. The Treasury shall keep a cash-book, and shall enter there-
 5 in all the receipts and payments of public money as and when the Treasury receives the necessary accounts, vouchers, and other documents, and shall day by day send to the Audit Office a copy (to be called "the cash sheet") of all entries in that cash-book, of which a copy has not previously been sent by the Treasury to the
 10 Audit Office, together with all the said accounts, vouchers, and other documents relating thereto, including the daily statement prepared by the Receiver-General of all receipts, and the daily ~~statement~~ *requisition* prepared by the Paymaster-General of all payments and of transfers from one account to another.
60. The Paymaster-General shall prepare daily ~~an account a~~ *schedule* (in the form numbered (5) in the Schedule hereto) of *all* paid vouchers returned by the several officers whose duty it was to obtain receipts from the payees, and shall transmit that ~~account~~ *schedule*, together with the said vouchers, to the Audit Office.
61. (1.) On receipt of the said ~~account~~ *schedule* and vouchers the Audit Office shall examine the ~~account~~ *vouchers*, and shall pass the same on being satisfied in respect of each voucher mentioned in the ~~account~~ *schedule*,—
- (a.) That it is in proper form and the computations therein
 25 are correct ;
- (b.) That payment of the sum named in the voucher is authorised by the Minister for the time being administering the Department in respect of which the payment has been made, or by some person duly appointed by the Minister
 30 to authorise the same ;
- (c.) That the sum named in the voucher is charged against the proper vote or appropriation and fund or account provided by Parliament for the same ; and
- (d.) That the voucher has been duly received by the person
 35 legally qualified to give a discharge.
- (2.) The Audit Office shall not refuse to pass and allow any account or voucher by reason merely of the fact that it is not stamped according to law, except in cases where the Audit Office and the Treasury are of opinion that the omission so to stamp the same was
 40 wilful or fraudulent.
- (3.) If on such examination the Audit Office finds that any person is liable to be surcharged, then, in addition to surcharging him as provided by section sixty-five hereof, the Audit Office shall refuse to pass the voucher in respect to which the liability to
 45 surcharge arose, and shall note thereon the reason for the refusal and send full particulars of the matter to the Treasury.
- (4.) Having completed its examination of the ~~account and~~ *vouchers*, the Audit Office shall return the same to the Treasury, noting on the ~~account~~ *schedule* the vouchers passed and those not
 50 passed.

Treasury to keep cash-book and send copies to Audit Office.

Paymaster General to prepare daily schedule of paid vouchers.

Audit Office to examine account and vouchers.
 Ibid., sec. 45

Credit requisition.
1908, No. 157, sec.
53

62. Claims for credit to an imprestee for the expenditure of imprest moneys, and claims to transfer charges from one account to another, shall be put into a voucher in such form as the Treasury directs, and shall be dealt with in the manner following:—

- (a.) The Paymaster-General shall forward the vouchers to the Audit Office, and the Audit Office shall deal with them as provided by the *last preceding* section. 5
- (b.) The Paymaster-General shall from time to time prepare a credit requisition (in the form numbered (6) in the Schedule hereto) containing an account of the vouchers passed by the Audit Office, crediting therein the several accounts against which imprests have been charged or from which charges are proposed to be transferred with the imprests accounted for or with the sums to be transferred, as the case may be, and charging the several accounts with the amounts named in the vouchers. 10 15
- (c.) The Paymaster-General shall send the credit requisition when signed by the Minister, together with the vouchers relating thereto, to the Audit Office to be examined and passed. 20
- (d.) The several sums credited, charged, or transferred in the requisition as passed by the Audit Office shall be recorded in the books of the Treasury and Audit Office. 25

Controller and Auditor-General may call for accounts and explanations.

63. The Controller and Auditor-General shall make such remarks addressed to the Minister or any other person whomsoever, and call for such accounts, vouchers, statements, documents, information, and explanations as he may think necessary, and after receiving the same shall pass all receipts which are found correct and all payments which are duly and properly made and supported by proper receipts or vouchers. 30

Inspection and audit of books and accounts.

64. (1.) The Controller and Auditor-General, or such person as he shall appoint, may whenever he thinks fit, and shall whenever required so to do by the Minister, inspect, examine, and audit the books and accounts of any accounting officer or other person in the public service or subject to the provisions of this Act to whose possession or control any public moneys have come, or to whose possession or control any moneys have come (by virtue of his office, service, or employment, or of any legal process whatever) for or on account of or for the use or benefit of any other person. 35

(2.) The Controller and Auditor-General, or such person as he shall appoint, shall also, if possible, once at least in every year make an inspection, examination, and audit of the books and accounts of every accounting officer or other person in the public service, or subject to the provisions of this Act, to whose possession or control any public moneys have come, or to whose possession or control any moneys have come (by virtue of his office, service, or employment, or any legal process whatever) for or on account of or for the use or benefit of any other person; and shall forthwith report to the Minister the general result of such inspection, examination, and audit, stating in what condition the books and accounts are found, and whether proper care is taken of the public stores and property, and affording such other information as may be prescribed by regulations; 40 45 50

Provided that there may be exempted by the Controller and Auditor-General from such yearly inspection, examination, and audit such books and accounts as are otherwise inspected and examined to his and the Minister's satisfaction :

5 Provided also that where a yearly audit would be disproportionate to the amount involved, the audit shall be at such intervals as may be sanctioned by the Minister.

65. (1.) If it appears to the Controller and Auditor-General, Surcharges.
from any examination, audit, or inspection made by him, or any
10 person appointed by him, that—

- (a.) Any accounting officer has wilfully or negligently omitted to collect or receive any money ;
- (b.) Any money has not been duly credited to the proper head of revenue or account, or not been duly accounted for ;
- 15 (c.) Any money has been applied and charged to any service or purpose for which the same was not legally available and applicable ;
- (d.) Any payment has not been duly authorised, or has not been duly vouched or certified ;
- 20 (e.) There has been any deficiency or loss through the fraud, mistake, default, or error of any person ;
- (f.) Any account, voucher, statement, document, or explanation is in any essential particular defective or imperfect ;
- (g.) Any material error has been committed ; or that
- 25 (h.) Any of the provisions of this Act or any other Act or the regulations have not been complied with,—

the Controller and Auditor-General shall surcharge with the amount of any deficiency or loss, or expenditure not duly authorised, vouched, or certified, the person who appears to him to be in default, notifying
30 that person in writing of the surcharge and of the time within which the surcharge must be satisfied.

(2.) Any surcharge unsatisfied within the time so allowed shall be reported by the Controller and Auditor-General to the Minister, to be by him enforced against the person surcharged.

35 66. (1.) The Minister, on receiving the Controller and Auditor-General's report of an unsatisfied surcharge, shall send notice of it in writing to the person surcharged, and take such steps to recover the amount as the case may require. No amount payable to or claimed by that person shall be paid until the surcharge has been satisfied,
40 and the amount of the surcharge shall be recoverable from that person as a debt due to the Crown :

Provided that, unless the Minister otherwise directs, payment of not more than one-fourth of the salary of any officersurcharged shall be withheld under this section.

45 (2.) The Controller and Auditor-General may at any time revoke any surcharge made by him in error under this section.

67. In all cases in which notice of any surcharge has been sent
50 by the Minister to any accounting officer or other person in the public service or subject to the provisions of this Act who is dissatisfied with that surcharge, such accounting officer or person may within three months after the sending of the notice appeal to the Minister of his Department, who, after making such investigation as he deems

Minister to recover unsatisfied surcharges.

Appeal as to surcharges.

equitable, may determine the matter by an order either confirming the surcharge or directing the relief of the appellant therefrom either wholly or in part.

Detailed audit of any accounts may be dispensed with.

68. The Controller and Auditor-General may, with the consent of the Minister, dispense with the detailed audit of any accounts, but not with any appropriation audit of such accounts. The consent of the Minister shall be given only in those cases in which he considers that there are circumstances which render a detailed audit under this Act unnecessary: 5

Provided that a list of such cases shall be comprised and published in the Controller and Auditor-General's Report in each year. 10

Voucher for receipt or payment of any sum to be produced.

69. No sum shall be allowed by the Audit Office in any account as received or paid, except upon the production of a voucher for the actual receipt or payment of the same:

Provided that the Minister, on satisfactory evidence being provided that the requisite papers have been lost or destroyed or that it is not possible to obtain or replace them, may order that any such sum be allowed, and may make such order in the premises as he thinks fit, and such order shall be binding on all parties concerned and be acted on accordingly. 15 20

Defective vouchers.

70. When a voucher produced for the payment of a sum of money is defective from the want of any certificate or other document which ought to have accompanied it or in any other particular, the Audit Office, on proof to its satisfaction that the said defect was not due to wilful neglect of the accounting officer and that the sum named in the voucher has been actually and properly paid, may pass the voucher as a sufficient discharge. 25

PART VIII.

PUBLIC MONEYS BEYOND NEW ZEALAND.

The New Zealand Public Account. 1908, No. 157, sec. 58.

71. (1.) All moneys the property of the Government of New Zealand in the United Kingdom shall be paid into an account called "the New Zealand Public Account," at such bank or banks as the Governor by Warrant under his hand from time to time appoints; and no moneys shall be withdrawn from that account except in the manner provided by this Act. 30 35

(2.) The Governor may cancel any such appointment, and may remove the moneys in the said account, or such part of them as he thinks fit, from any bank to any other bank so appointed.

Commissioners of the Governor in England. Ibid., sec. 59

72. (1.) The Governor in Council shall from time to time appoint, and may from time to time remove and may reappoint, three fit and proper persons being resident in Great Britain (herein called "the Commissioners"), who, or any two of whom, shall have full power to do in Great Britain on behalf of the Governor, and subject to such instructions as they from time to time receive from the Governor everything which the Governor is empowered to do under section seventy-one hereof. 40 45

(2.) Upon the death, incapacity, removal, or resignation of any of such Commissioners, the Governor in Council shall appoint another in his stead, and the other two Commissioners may meanwhile appoint a third to hold office until the Commissioner appointed by the Governor enters upon the duties of his office. 50

73. Upon the death, incapacity, removal, or resignation of the High Commissioner for New Zealand, the aforesaid Commissioners, or any two of them, shall forthwith appoint some fit and proper person to the office, who shall hold the same and may exercise the full powers thereof until the High Commissioner appointed by the Governor in Council under the High Commissioner Act, 1908, enters upon the duties of his office.

Case of death, &c.,
of High
Commissioner.
1908, No. 157, sec.
60

74. (1.) The Paymaster-General shall, as often as occasion requires, prepare a requisition setting forth the several sums required to be issued out of the New Zealand Public Account, together with a bank order in respect of those sums.

Requisition on New
Zealand Public
Account.
Ibid., secs. 61, 62

(2.) For payment of the charges of the public debt the requisition and bank order shall be in the forms numbered (7) and (8) respectively in the Schedule hereto, and for payment of all other claims upon the Government of New Zealand in the United Kingdom the requisition and bank order shall be in the forms numbered (9) and (10) in the Schedule hereto.

(3.) The requisition and bank order on being authorised by the Treasury shall be sent to the Audit Office, and the Audit Office, on being satisfied that the issue mentioned in the requisition is within the limits of the Governor's warrant, and that there is a sufficient balance in the Public Account to the credit of the fund or account against which the said issue is to be charged, shall forthwith countersign the requisition and bank order and return the same to the Treasury.

(4.) The bank order when so countersigned shall be a sufficient authority to the bank to pay the moneys therein specified out of any balance standing to the credit of the New Zealand Public Account according to the tenor of the order.

(5.) In respect of the charges of the public debt the amount mentioned in the bank order shall be paid over to the agent or agents named in the order.

(6.) In respect of all other claims upon the Government of New Zealand in the United Kingdom the amount mentioned in the bank order shall be transferred by the bank from the New Zealand Public Account to a separate branch of the same called the Foreign Imprest Account, and all sums so transferred shall be deemed to be imprested to the High Commissioner.

(7.) The purport of any bank order on the New Zealand Public Account may be sent by telegraphic message, in which code words may be used and the money mentioned therein may be issued or transferred accordingly.

75. (1.) Money required to be transferred to the Foreign Imprest Account shall, in the case of permanent appropriations, be charged in the requisition against the Act or other authority for the service for which the imprest is required, and in all other cases shall be charged in the voucher and requisition against an account to be called "General Services."

Transfers to Foreign
Imprest Account.
1908, No. 258, sec.
24

(2.) Moneys so imprested on a charge to "General Services" shall in due course be transferred to the several votes or authorities for the purposes whereof the moneys are expended, and the amounts so transferred shall be credited to "General Services."

(3.) No money shall be drawn from the Foreign Imprest Account except by cheque of the High Commissioner countersigned by an officer of the Audit Department, who shall be selected from time to time by the Controller and Auditor-General, and no money shall be drawn from such account for any purpose for which it is not legally available and applicable. 5

(4.) On the death, resignation, removal, or incapacity of such officer of the Audit Department, the Commissioners mentioned in section seventy-two, or any two of them, shall forthwith appoint some fit person in his place until the Audit Officer selected by the Controller and Auditor-General enters upon the duties of his office. 10

Payments out of Foreign Imprest Account.

76. Expenditure out of the Foreign Imprest Account, supported by proper vouchers, shall be dealt with as provided by sections sixty-one and sixty-two of this Act.

Commissioners may issue order on bank in certain cases. 1908, No. 157, sec. 65

77. In case it may be necessary to pay off any securities issued under the authority of any Act, or any advances obtained against securities so issued and belonging to the Government, or to pay any of the charges of the public debt, or for the purpose of the conversion of the public debt, before the bank order for the issue of the money for such payment has been received in England, it shall be lawful for the aforesaid Commissioners, or any two of them, on the request in writing of the High Commissioner, to issue an order in the form numbered (11) in the Schedule hereto; and such order, being countersigned by the Audit Officer, shall be authority to the bank to pay the amount therein named out of any balance standing to the credit of the New Zealand Public Account, according to the tenor of such order. 15 20 25

High Commissioner's accounts. Ibid., sec. 66

78. The High Commissioner shall twice in every month transmit to the Treasury a full and detailed statement of all the receipts, payments, and transfers by, to, and from the New Zealand Public Account and by, to, and from the Foreign Imprest Account respectively which are not included in any former such statement, accompanied by all such vouchers and other documents as the Treasury requires in support thereof. 30

Accounts of the bank in London. Ibid., sec. 68

79. The bank at which the New Zealand Public Account is kept shall, twice in every month, transmit to the Treasury and to the Audit Office a statement (in the form prescribed by the Treasury) showing the entries in the New Zealand Public Account and the Foreign Imprest Account respectively for the period to which the statement relates. 35 40

PART IX.

THE PUBLIC ACCOUNTS.

Quarterly and yearly abstracts of Public Account. Ibid., sec. 69

80. (1.) The Treasury shall, within fourteen days after the end of each financial quarter except the last, and within thirty days after the end of the last financial quarter, in the financial year, prepare and send to the Audit Office an abstract of the revenue and expenditure of the Public Account, as provided by this Act, during such quarter; and shall also within thirty days after the end of each financial year send to the Audit Office a similar abstract of the revenue and expenditure of the Public Account during that year. 45 50

(2.) Every such abstract shall be certified by the Audit Office and returned to the Treasury within fourteen days after the receipt thereof from the Treasury as aforesaid, and the Treasury shall forthwith

publish the same, certified as aforesaid, in the *Gazette*, and lay the same before Parliament if sitting, or if not sitting, then within ten days after the commencement of the next ensuing session thereof.

- (3.) The provisions of this section shall apply to every account which is kept by the Treasury, and as to which it is prescribed by any Act that an annual statement thereof shall be laid before Parliament; and every such Act is hereby modified in so far as it is inconsistent herewith.

81. (1.) The Treasury shall, within thirty days after the end of each financial year, prepare and send to the Audit Office an account to be called "the Appropriation Account," showing the several sums appropriated by Parliament for the public service, and the expenditure thereon during the year, with the amount over-expended or under-expended on each vote severally, or expended under the authority of section *fifty-four* hereof.

Appropriation
Account.
1908, No. 157, sec.
70

- (2.) The Audit Office shall certify and return the Appropriation Account to the Treasury within fourteen days after the receipt thereof from the Treasury, and such account, certified as aforesaid, shall by the Treasury be forthwith laid before Parliament if sitting, or if not sitting, then within ten days after the commencement of the next ensuing session thereof.

82. (1.) Every such abstract and account shall comprise all payments made by the Paymaster-General or by imprestees during the period to which it relates.

Imprests accounted
for to be entered on
the day received.
Ibid., sec. 71

- (2.) For the purposes of such abstracts and accounts all payments made by imprestees either in or out of New Zealand shall, in the case of every quarterly period in the financial year except the last, be deemed to be made on the day on which the accounts of the same are received at the Treasury from the Audit Office for entry, and in the case of the last quarterly period be deemed to be made on the day on which the accounts of the same are received at the Treasury.

(3.) Imprests unaccounted for at any accounting period shall not be included in the expenditure, but shall be shown as balances in hand.

83. If the Audit Office objects to any part of such abstract or appropriation account, it shall notwithstanding certify the same, with such remarks thereon as it thinks fit, which shall be published and laid before Parliament, together with such abstract or account.

Audit Office to
certify to the
accounts, with
remarks (if any).
Ibid., sec. 72

84. (1.) The Treasury shall as soon as practicable after the end of every financial year prepare and send to the Audit Office a full and particular account in detail of the revenue and expenditure of the Public Account during that year.

Annual report by
Controller and
Auditor-General
on Public
Account.

(2.) The Controller and Auditor-General shall forthwith examine that account, and prepare and sign a report showing,—

- (a.) The particulars of any discrepancies between such account and the books of the Treasury;
- (b.) Full particulars of every case in which the provisions of this or any other Act, or the regulations or any forms, have not been carried out or adopted, or have in any manner been varied or departed from;
- (c.) Every case of failure to deliver or send in accounts or to collect or account for any moneys or stores;

- (d.) All sums allowed or disallowed without vouchers or with imperfect vouchers, or upon incorrect certificates :
- (e.) Any proceeding that may have been taken by or against any person in pursuance of the provisions of this Act or the regulations :
- (f.) The liabilities of every Department outstanding at the close of the financial year in respect of claims which might by law have been paid out of the Public Account during that year :
- (g.) All unsatisfied surcharges which have been made by the Controller and Auditor-General and all surcharges disallowed by a Minister on appeal :
- (h.) In what accounts the Controller and Auditor-General has, with the consent of the Minister, dispensed with a detailed audit :
- (i.) Such other information as may be prescribed, or as the Controller and Auditor-General thinks desirable.
- (3.) The Controller and Auditor-General shall annex or append to the said report copies of all cases laid by him before the ~~Solicitor~~ *Attorney-General* for his opinion, together with a copy of the opinion given in every such case.
- (4.) The Controller and Auditor-General shall lay the said account, together with his report thereon, before Parliament within fourteen days after the signing of the report if Parliament is then in session, and if not, then within fourteen days after the commencement of the next ensuing session.
85. The Controller and Auditor-General may in such yearly report or in any special report which he may at any time think fit to make offer any suggestions for the better collection and payment of the public moneys and the more effectually and economically auditing and examining the public accounts and stores, and any improvement in the mode of keeping such accounts, and generally report upon all matters relating to the Public Accounts, public moneys, and stores.

Controller and Auditor-General may make recommendations as to collection of public moneys, &c.

PART X.

ACCOUNTS OUTSIDE THE PUBLIC ACCOUNT.

86. All moneys payable to or received by the Post Office, the Government Insurance Office, the Government Accident Insurance Office, the Public Trust Office, the Commissioners of the Public Debts Sinking Funds, the State Fire Insurance Office, the New Zealand State-guaranteed Advances Office, and the deposits under the New Zealand Consols Act, 1908, are public moneys within the meaning of this Act, and shall be paid into the several accounts at the bank for such moneys ; and all persons concerned in the receipt, custody, or expenditure of such moneys shall be subject to all the provisions thereof, and all the powers and duties of the Audit Office in respect of the public moneys shall apply to all such persons.

87. Notwithstanding anything in this Act the Governor in Council may by regulations make such arrangements as he considers advisable for the collection, receipt, custody, issue, expenditure, due accounting for, care, and management of any public moneys by the

Moneys of the Post Office, &c., to be public moneys. 1908, No. 157, sec. 73.

Regulations as to collection, &c., of public moneys by the Post Office.

Post Office, and for the keeping of books and accounts, and furnishing statements, returns, and vouchers in respect of such moneys by the Post Office, and for the examination, inspection, record, and audit of such books, accounts, statements, returns, and vouchers.

5 88. All moneys payable to the Government in trust for private persons, which are not liable to be appropriated for the public service of New Zealand, shall, except as otherwise specially provided by this Act, be paid into the Public Trust Office Account; but shall be dealt with and accounted for as provided by the Acts for the time
10 being in force relating to that office.

Trust-moneys to be paid into Public Trust Office Account.
1908, No. 157, sec. 74

89. Every sum of money in the Public Trust Office which remains unclaimed, and of which no lawful owner is known, for a period of six years after its receipt into that office, whether received before or after the coming into operation of this Act, shall, at the end of each
15 financial year, be paid over by the Public Trustee to the Consolidated Fund.

Unclaimed moneys in Public Trust Office.
Ibid., sec. 75

90. Nothing in the *two* last preceding sections shall operate as a bar to any lawful claim to any such moneys for a period of ten years after their receipt into the Public Trust Office; and the Minister
20 shall, within such period, issue and pay any such lawful claims out of the Consolidated Fund without further appropriation than this Act.

Lawful claims protected for ten years.
Ibid., sec. 76

91. (1.) It shall be lawful to invest any part of the balances in any of the accounts mentioned in this Part of this Act in any securities
25 which shall be declared by the Governor by Order in Council to be securities in which such balances may be invested.

Investments.
Ibid., sec. 77

(2.) It shall be the duty of the Treasury to lay before Parliament within ten days after the commencement of each session a full account, duly audited by the Audit Office, of all such investments
30 during the preceding financial year, the investments in mortgage on each account being stated in aggregate only.

92. (1.) Whenever it becomes necessary that money should be expended on account of the Government Insurance Department, the Government Accident Insurance Department, the Public Trust
35 Office, the New Zealand State-guaranteed Advances Office, or the State Fire Insurance Department, in excess of or without the appropriation of Parliament, the Government Insurance Commissioner, the Public Trustee, the Superintendent, or the General Manager, as the case may be, may, with the sanction of the Minister of Finance,
40 but not otherwise, pay such money in excess of or without the appropriation of Parliament.

Power to pay money in excess of appropriation out of certain accounts.

(2.) All such expenditure shall be charged to the Unauthorised Expenditure Account.

PART XI.

45

PUBLIC SECURITIES.

93. The expression "public moneys" and all references thereto in this Part of this Act include the securities in which public moneys are invested.

"Public moneys" include securities.
Ibid., sec. 78

94. In any case where public moneys are required to be issued
50 for the purpose of investing the same in any securities authorised by law, the following provisions shall apply:—

Mode of investing public moneys in authorised securities.
Ibid., sec. 79

(a.) The Minister, in the case of the Treasury, and in any other case the permanent head of the office or Department on whose behalf the investment is being made, shall send to the Audit Office a requisition in writing, specifying the amount required and the securities on which it is proposed to be invested. 5

(b.) The Audit Office, on being satisfied that the moneys are available and applicable, and that the proposed investment is authorised by law, shall direct such moneys to be issued. 10

(c.) The securities on which such moneys are invested shall in due course be deposited with the proper custodians for safe keeping in manner prescribed by law.

Last preceding section to apply to exchange of securities. 1908, No. 157, sec. 80

95. (1.) The provisions of the *last preceding* section shall, with all necessary modifications, apply in any case where, for the purpose of changing one lawful mode of investment for another securities in which public moneys are invested are required to be exchanged for other lawful securities. 15

(2.) In any such case the directions to be given by the Audit Office under paragraph (b) of the *aforesaid* section shall be accepted by the custodians of the securities representing the existing investment as sufficient authority to deliver up those securities in order that they may be exchanged for the securities representing the new investment. 20

(3.) Such last-mentioned securities shall in due course (meaning thereby as soon as practicable after the exchange) be deposited with the custodians (who shall forthwith report the same to the Audit Office) in lieu of the securities so delivered up. 25

Provision for insuring safe custody of certain securities. *Ibid.*, sec. 81

96. In order to insure the safe custody of all securities in which any moneys belonging to any of the undermentioned offices are for the time being invested, that is to say,— 30

The Post Office,
 The Government Insurance Office,
 The Public Trust Office,
 The New Zealand State-guaranteed Advances Office, 35
 The Commissioners of Public Debt Sinking Funds,
 The Treasury,
 Such other public offices or Departments as the Governor in Council from time to time declares to be subject to this Part of this Act,— 40

the following provisions shall apply, that is to say,—

(a.) All such securities shall, in respect of each office, be held under three keys by three custodians:

(b.) The securities in respect of each office shall be kept separate and apart from those of any other office: 45

(c.) The securities in respect of each office shall be kept and used solely for the purposes of that office:

(d.) With respect to such of the securities as for the time being are held in England, the custodians shall be the High Commissioner, the Secretary to the High Commissioner, and the Audit Officer in London: 50

- 5 (e.) With respect to such of the securities as for the time being are held in New Zealand, the custodians shall be the Controller and Auditor-General, or an Audit officer deputed by him in that behalf, and such two other persons as from time to time are appointed in that behalf by the Governor in Council.

10 97. In order to facilitate the transmission of such securities to or from London, or the inscription, conversion, exchange, payment, discharge, or other disposition thereof, as occasion requires, for the purposes of the office for which they are held, the following provisions shall apply :—

Mode in which such securities may be transmitted or inscribed, &c. 1908, No. 157, sec 82

- 15 (a.) The custodians may part with the possession of securities on the requisition in writing of the permanent head of that office, or any other officer thereof authorised by him in writing.
- (b.) The requisition shall specify the purpose for which the securities named therein are required.
- 20 (c.) If any one of the joint custodians is of opinion that the specified purpose is not consistent with the proper purposes of that office, the custodians shall refer the requisition to the Controller and Auditor-General, together with a memorandum setting forth their reasons for so doing, and he shall forward the same to the Governor, together with a report thereon, whereupon the Governor in Council shall make such Order thereon, not inconsistent with this Act, as he thinks fit, and the custodians shall obey the same.
- 25 (d.) A copy of every such memorandum, report, and Order in Council shall be forthwith laid before Parliament if in session, or, if not, then within ten days after the commencement of the next ensuing session thereof.
- 30

98. With respect to securities held in England the following special provisions shall apply :—

Special provisions as to securities in England. Ibid., sec. 83

- 35 (a.) Any such requisition as aforesaid may be delivered to the Minister, who may telegraph the substance thereof to the High Commissioner (being one of the London custodians), and the London custodians may act on any such telegram purporting to come from the Minister;
- 40 (b.) If the London custodians think fit to act under paragraph (c) of the *last preceding* section, they shall deliver the therein-mentioned memorandum to the High Commissioner, who shall telegraph the substance thereof to the Minister, and the Governor in Council shall thereupon make the Order referred to in that paragraph.
- 45 (c.) The Minister shall telegraph to the High Commissioner the substance of such Order, and the London custodians shall obey the same as disclosed in any telegram purporting to come from the Minister.
- 50 (d.) A copy of every telegram received by the Minister, and of every Order made by the Governor in Council under this section, shall be laid before Parliament in manner provided by the *last preceding* section.

Exchange of securities.
1908, No. 157, sec. 84

99. In any case where, for the purpose of changing one lawful mode of investment for another, securities are required to be exchanged, the following provisions shall apply :—

(a.) The custodians of the existing securities shall give to the Treasury a certificate that they hold the same available for the purposes of the exchange. 5

(b.) The certificate shall be sufficient authority to the Treasury and the Audit Office to complete the new securities, and they shall be completed accordingly.

(c.) Upon completion of the new securities the exchange shall be effected, and the old securities shall be cancelled. 10

Custodians not to part with securities.
Ibid., sec. 85

100. Save as hereinbefore provided, it shall not be lawful for the custodians to part with the custody of any securities :

Provided that nothing herein shall prejudicially affect any person purchasing or acquiring any such securities in good faith and without notice. 15

Annual inspection of all securities.
Ibid., sec. 86

101. (1.) At least once in each year all securities held in New Zealand shall be inspected by the Controller and Auditor-General, and all securities held in England shall be inspected by the Audit Officer in London. 20

Return thereof.

(2.) The Controller and Auditor-General shall lay before Parliament, within thirty days after the beginning of each session thereof, or so soon thereafter as is practicable, a return of all securities in New Zealand or elsewhere as on the thirty-first day of March then last past. 25

Terms of conversion of debentures.
Ibid., sec. 87

102. In every case where under any Act the Minister or other person authorised to issue debentures, scrip, or other securities is empowered to agree on the terms of their conversion into inscribed stock, the following special provisions shall apply, anything in the New Zealand Loans Act, 1908, to the contrary notwithstanding :— 30

(a.) He may either specify the terms of the conversion in the securities so issued, or may agree that the terms shall be subsequently arranged.

(b.) The terms may be either a definite agreement to convert or an option to convert, and in either case the amount of additional stock to be created for the purposes of the conversion may be specified in the securities so issued, and may be created when the conversion is effected. 35

Cancellation of securities.
Ibid., sec. 88

103. Whenever public securities are paid off, or otherwise retired in New Zealand, they shall be cancelled in due course by an officer of the Audit Department, in the presence of an officer appointed by the Treasury for that purpose, and it shall be the duty of the Treasury to keep a record of every security so cancelled. 40

Saving.
Ibid., sec. 89

104. Nothing in sections *ninety-three*, *ninety-five*, or one hundred and *three* hereof shall be construed to limit or affect the provisions of paragraph (c) of section *ninety-seven* and paragraph (b) of section *ninety-eight* hereof. 45

Regulations may be made.
Ibid., sec. 90

105. The Governor in Council may from time to time make such regulations as he thinks necessary in order to give full effect to the provisions of this Part of this Act. 50

106. Excepting as expressly provided by this Part of this Act, nothing herein shall in any way affect any special provisions of any Act relating to any of the accounts of any office or Department to which this Part of this Act applies, nor interfere with any power of investment given by any statute for the time being in force relating to such office or Department.

Special provisions as to accounts and investments not affected.
1908, No. 157, sec. 91

PART XII.

RESERVE FUND SECURITIES.

107. This Part of this Act shall be deemed to be an authorising Act within the meaning of the New Zealand Loans Act, 1908, and the moneys in the *next succeeding* section authorised to be raised shall be raised under and subject to the provisions of that Act accordingly.

New Zealand Loans Act applied.
Ibid. sec. 92

108. (1.) The Minister is hereby authorised to raise, on the security of and charged upon the public revenues of New Zealand, such sums of money, not exceeding in the whole the sum of eight hundred thousand pounds, as he thinks fit:

Minister may raise money up to £800,000.
Ibid., sec. 93

Provided that in computing the said sum of eight hundred thousand pounds all sums heretofore raised under the Reserve Fund Securities Act, 1907, or Part X of the Public Revenues Act, 1908, shall be taken into account.

(2.) The sums so raised shall bear interest at such rate, not exceeding four and a half per centum per annum, as the Minister prescribes.

Rate of interest.

(3.) All moneys so raised under the authority of this Part of this Act shall be invested by and at the discretion of the Minister in the purchase of such stock, bonds, debentures, or other like securities as he thinks fit.

Moneys so raised to be invested by Minister.

(4.) The Minister may from time to time sell any securities so purchased, and invest the proceeds of such sale in the purchase of any other securities authorised by this Part of this Act.

(5.) All interest received from any securities purchased under the authority of this Part of this Act shall be paid into the Public Account and shall form part of the Consolidated Fund.

(6.) All interest payable in respect of moneys so raised under the authority of this Part of this Act shall be paid out of the Consolidated Fund without further appropriation than this Part of this Act.

(7.) All moneys so raised under the authority of this Part of this Act shall, pending investment thereof in manner aforesaid, be paid into the Public Account to the credit of a separate account to be called the Reserve Fund Account.

Reserve Fund Account.

109. All securities purchased under the authority of this Part of this Act shall be deposited with the custodians of public securities appointed under Part XI hereof, and shall be dealt with by the said custodians as the Minister from time to time directs.

Securities to be deposited with custodians.
Ibid., sec. 94

110. (1.) The Minister may from time to time, and without other authority than this Part of this Act, borrow on the security of the said securities such sums of money as he thinks fit, but so that the aggregate amount so borrowed and still unpaid shall at

Borrowing-powers.
Ibid., sec. 95

no time exceed the sum of eight hundred thousand pounds, and he may from time to time pledge or hypothecate the said securities by way of security for the sums so borrowed.

(2.) All moneys so borrowed shall be paid into the Public Account to the credit of such funds or accounts as in the opinion of the Minister the needs of the public service require. 5

(3.) When and as often as the said securities are redeemed they shall be again deposited with the aforesaid custodians, to be dealt with by them in manner aforesaid.

Minister may for purposes hereof appoint agents outside New Zealand.
1908, No. 157, sec. 96

111. The Minister may from time to time, for the purposes of this Part of this Act, appoint such agent or agents outside New Zealand as he thinks fit, and any such agent or agents may exercise on behalf of the Minister such of the powers conferred upon him by this Part of this Act as he from time to time directs. 10

Validity of pledge or hypothecation of securities not affected by want of authority of custodians or agents.
Ibid., sec. 97

112. No person receiving from the aforesaid custodians or agents, or any of them, any of the said securities by way of pledge or hypothecation shall be concerned to inquire into the authority of the said custodians or agents so to deliver the same, nor shall the validity of any such pledge or hypothecation be affected by the want of such authority. 20

PART XIII.

OFFENCES.

False declarations.
Cf. Ibid., sec. 102

113. Every person who makes any declaration, or gives any certificate required to be made or given by this Act or by the regulations, knowing it to be false, is liable on summary conviction to imprisonment for six months. 25

Neglect to pay money into Public Account.
Ibid., sec. 104

114. (1.) Every person who refuses or neglects to pay any public moneys into the account into which the same are payable is liable on summary conviction to a fine of *one* hundred pounds.

Penalty for not sending in accounts.
Ibid., sec. 105

(2.) Every person who refuses or neglects to make any return or furnish any account, vouchers, or other papers, which he is required to make or furnish under the provisions of this Act or the regulations, is liable on summary conviction to a fine of *twenty* pounds. 30

Failure to appear in accordance with direction of Controller and Auditor-General.
Ibid., sec. 109

115. Every person who fails to attend at the time and place required of him by the Controller and Auditor-General in pursuance of this Act for the purpose of being examined, or to produce any accounts, books, vouchers, or papers in his possession or under his control which he is so required to produce, or refuses to be sworn, or to answer any lawful question asked him by the Audit Office, is liable on summary conviction to a fine of *one* hundred pounds. 35

General penalty.

116. Every person who is guilty of any wilful act of commission or omission contrary to any of the provisions of this Act for which no penalty is expressly provided is liable to a fine of *fifty* pounds. 45

Fines recoverable summarily.
Ibid., sec. 111

117. All fines incurred under this Act shall, except where it is otherwise expressly provided, be recovered in a summary way upon the information of any person appointed by the Minister in that behalf either generally or in any particular case.

PART XIV.

AUDIT OF LOCAL AUTHORITIES' ACCOUNTS.

118. In this Part of this Act, if not inconsistent with the context,—

Interpretation.
1908, No. 157, sec.
112

5 “Local authority” means the governing body (however designated) of any Corporation or institution maintained or supported in whole or in part by grants of public money, or by the proceeds of endowments of Crown lands, or out of rates, tolls, fees, or fines which any such body is empowered by law to levy, claim, receive, or enforce; and includes the Corporation, if any, of which the local authority is the governing authority; and also includes—

10 (a.) In respect of public reserves and public domains, all Trustees and Domain Boards as defined by or appointed under the Public Reserves and Domains Act, 1908:

15 (b.) In respect of cemeteries, all Trustees appointed under the Cemeteries Act, 1908:

but does not include a City or Borough Council.

119. The Audit Office shall be the auditor of all local authorities, and shall have the same duties and powers in respect of the moneys and accounts of every local authority, and of every person dealing therewith, as it has in respect of the public moneys and accounts and of all persons dealing therewith.

Powers of Audit
Office.
Ibid., sec. 113

120. If at any time the Audit Office finds that any moneys belonging to or administrable by any local authority have been expended or applied, or that any liability has been incurred by any local authority, without lawful authority, then, unless such local authority has acted in good faith and under legal advice, the Audit Office—

Recovery from
members of local
authority of moneys
illegally expended.
Ibid., sec. 114

30 (a.) Shall surcharge the amount thereof jointly and severally upon all the members of the local authority who fail to satisfy the Audit Office that the moneys were so expended or applied, or that the liability was incurred, either without their knowledge, or, if with their knowledge, then in spite of their protest made in writing at the time when such expenditure or application was authorised; and also

35 (b.) Shall take in the name and on behalf of the local authority all steps necessary to recover the said amount in any Court of competent jurisdiction as a debt due to that local authority by the person surcharged, and the same shall be recoverable accordingly.

121. (1.) Any County Council, Town Board, or Road Board may in every financial year, out of its General Fund or Account, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than one per centum of the general rate struck for that year by such Council or Board, nor in any case to more than fifty pounds; and

Unauthorised
expenditure allowed
in certain cases.
Ibid., sec. 115

Struck out.

50 any Harbour Board or Hospital and Charitable Aid Board may in every financial year expend on such purposes any sum or sums not exceeding in the whole fifty pounds out of such Board's account of moneys applicable to the general purposes of the Board.

New.

Provided that if one per centum of the general rate does not in any financial year amount to fifteen pounds, the local authority may in that year expend the sum of fifteen pounds for such purposes as aforesaid.

(2.) Any Harbour Board may in every financial year expend on such purposes any sum or sums not amounting in the whole to more than one per centum of its revenue for the year (exclusive of loan moneys), nor in any case to more than two hundred and fifty pounds.

(3.) Any Hospital and Charitable Aid Board may in every financial year expend on such purposes any sum or sums not amounting in the whole to more than one per centum of the amount levied on contributory local authorities for that year in respect of expenditure other than capital expenditure, nor in any case to more than two hundred and fifty pounds.

122. In all cases where the accounts of any local authority are audited by the Audit Office under the provisions of this or any other Act in that behalf, or by order or appointment of the Governor or the Governor in Council under any Act, or otherwise howsoever, and in any arbitration held by the Audit Office between any two or more local authorities under the authority of any Act in that behalf, the following provisions shall apply:—

(a.) The costs and expenses of any such audit or arbitration shall be according to a scale which the Governor in Council is hereby authorised from time to time to fix and determine;

(b.) The amount payable by each local authority in respect of such costs and expenses shall be paid into the Public Account by that local authority; and it shall be the duty of the Audit Office to recover the same as a debt due to the Crown in any Court of competent jurisdiction.

123. (1.) Where by any Act it is provided that the annual balance-sheet of any local authority shall, after being duly audited, be passed at an annual or special meeting to be held on a day or within a period specified in that Act, and such balance-sheet has not been received from the Audit Office or other the auditor in time for that meeting, it shall be lawful for the Chairman of the local authority from time to time to postpone or adjourn that meeting until the balance-sheet is received from the auditor.

(2.) The said Chairman shall cause notice to be given to every member of the local authority of the day to which the meeting is postponed or adjourned.

(3.) All the provisions of any Act applying to such annual or special meeting shall apply equally to the meeting to which the same is postponed or adjourned under this section.

124. Whenever it is made to appear that the publication of the annual balance-sheet of any local authority in manner provided by law is unnecessarily expensive, the Governor may by warrant under his hand prescribe some other means of publication, and if the provisions of that warrant are complied with the balance-sheet therein referred to shall be deemed duly published.

Costs of audit or arbitration.
1908, No. 157, sec. 116

Meeting to be postponed or adjourned until audited balance-sheet received.
Ibid., sec. 117

Notice of adjourned meeting to be given.
Ibid., sec. 118

Publication of balance-sheet.
Ibid., sec. 119

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PART XV.

MISCELLANEOUS.

125. Any expense incurred or any sum of money paid by the Government on behalf or at the request of any local governing body shall be deducted from any subsidies or moneys accruing or payable to any such body by the Government.

Power to deduct expenses incurred or moneys paid for local authorities. 1908, No. 157, sec. 121

126. Notwithstanding anything in any Act other than this Act, where an allowance for travelling-expenses actually incurred is made to any member of the General Assembly, being a member of any Commission issued by the Governor or by the Governor in Council, or to any other person being such a Commissioner, there shall be paid in lieu of such allowance a commutation not exceeding one pound a day, in addition to money paid for coach, railway, steamship, or other passenger-fare.

Commutation of travelling-allowance to persons acting as Royal Commissioners. Ibid., sec. 122

127. (1.) Subject to the regulations under this Act, on the death of any person to whom any sum of money not exceeding one hundred pounds may be payable by a public Department it shall be lawful for the Minister, on being satisfied of the expediency of dispensing with probate or letters of administration, to authorise the payment of such sum or any part or parts thereof to any person or persons whom the Minister may consider entitled thereto without requiring the production of probate or of letters of administration.

Power to pay sums not exceeding £100 due to a person deceased without requiring probate. Ibid., sec. 123

(2.) Any payment made in pursuance of this section shall be valid against all persons whatever, and all persons acting under its provisions shall be absolutely discharged from all liability in respect of any money duly paid or applied by them under this section.

Such payment a good discharge.

(3.) The Governor in Council may from time to time make such regulations as he thinks fit providing for the terms and conditions under which such payments as aforesaid may be made.

128. (1.) On the loss of any debenture during the currency thereof, or while it remains unpaid, the Governor in Council may, on receiving proof of such loss, and an indemnity to his satisfaction against the claims of all persons deriving title under the debenture so lost, do either of the following things—

On loss of debenture. Governor-in-Council may direct issue of new debenture or consolidated stock. Ibid., sec. 124

(a.) Direct the issue of a new debenture or debentures in the place of the lost debenture; or

(b.) Direct the creation of consolidated stock under any Act in force respecting such stock, in satisfaction of such lost debenture, on such terms as may be agreed between the Governor and the person interested.

(2.) The powers by this section vested in the Governor in Council, or the Governor may from time to time be delegated to such two or more persons as the Governor in Council thinks fit.

Powers may be delegated.

(3.) In this section—

“Debenture” means any debenture issued by or on behalf of the Government of New Zealand, or for the payment of which the revenues of New Zealand are primarily liable, and includes any coupon attached to such debenture or issued in respect thereof:

Interpretation.

“Loss” includes destruction of any such debenture in any manner.

Guarantee policies
may be given in
addition to or in lieu
of bond.
1908, No. 157, sec.
126

129. (1.) Wherever by any Act (whether passed before or after the coming into operation of this Act) any person (whether a public officer or servant or not) is required to give security to the Crown for any purpose whatever by bond, it shall be lawful for the Governor, Minister, Commissioner, or other officer whose duty it is to approve of the security tendered, to accept in lieu of or in addition to any bond or bonds the guarantee bond or policy of any company, society, or association approved by him established and carrying on business in any part of the British Dominions. 5

(2.) Nothing in this section shall apply to any bond, recognisance, or security which is required from any plaintiff, defendant, petitioner, complainant, executor, administrator, curator, receiver, guardian, or other person in the course of any proceedings in any Court of justice. 10

Goods stored may
be sold in certain
cases.

130. (1.) In any case where the amount of the rent or dues payable for the storage of any goods stored in any store belonging to or occupied by the Crown is estimated to equal or exceed the value of those goods, the Minister for the Department to which the store belongs may, after giving one month's notice to the owner of those goods or his agent, where such owner or agent is known, or if not known, then after notice in any newspaper circulating in the district in which the store is situated once a week for four successive weeks, cause such goods to be sold by public auction. 15

(2.) The proceeds of such sale, after paying the expenses thereof, shall be applied in the payment of the rents and dues then due, and the balance, if any, shall be paid to the said owner or his agent if known, or if unknown, then into the Public Account to the credit of the Consolidated Fund. 20 25

Authority to make
temporary advances
to local authorities.

131. (1.) The Minister of Finance is hereby authorised, without further appropriation than this Act, to issue and pay out of the Consolidated Fund, by way of temporary advance, any sum or sums for the purpose of defraying any charges or expenses incurred by or on behalf of any local authority. 30

(2.) Advances made under the authority of this section shall not exceed in any financial year an aggregate amount of *one thousand* pounds. 35

(3.) All such advances shall be repaid to the Consolidated Fund out of the first moneys thereafter accruing to that local authority, and may be deducted or recovered by the Minister of Finance accordingly.

(4.) For the purposes of this section the expression "local authority" means a County Council, Borough Council, Town Board, Road Board, River Board, Harbour Board, or Education Board, and includes any other body of persons, however designated, to whom any moneys are payable out of the Consolidated Fund. 40

Purchase of silver
and bronze coin.

132. The Minister of Finance is hereby authorised to agree with any or all of the banking institutions doing business in New Zealand for the purchase on their behalf of silver and bronze coin from the Royal Mint in London, or from any branch thereof in Australia, to an amount not exceeding *one hundred thousand* pounds in any one financial year (including the expenses incidental to that purchase), and all moneys so expended shall be paid without further appropriation than this Act. 45 50

133. (1.) The Public Revenues Act, 1908, is hereby repealed. Repeal.

(2.) All offices, appointments, bonds, debentures, Treasury bills, and other securities, Orders in Council, orders, warrants, registers, registrations, instruments, records, and generally all acts of authority which originated under that Act or under any enactment thereby repealed, and are subsisting or in force on the coming into operation of this Act, shall enure for the purposes of this Act as fully and effectually as if they had originated under the corresponding provisions of this Act, and accordingly shall, where necessary, be deemed to have so originated. Saving.

(3.) All matters and proceedings commenced under that Act or under any enactment thereby repealed, and pending or in progress on the coming into operation of this Act, may be continued, completed, and enforced under this Act.

134. Sections eight and nine of this Act shall, as from the passing of this Act, extend and apply to the Controller and Auditor-General under the Public Revenues Act, 1908, and to his powers and duties under that Act, in the same manner in all respects as if those sections were incorporated in that Act. Sections 8 and 9 of this Act to be deemed to be incorporated in the Public Revenues Act, 1908.

SCHEDULE.

Schedule.

(1.) CONTROLLER AND AUDITOR-GENERAL'S PRECEPT. Section 16.

To
THESE are to command and require you, laying aside all and singular business and excuses, to appear in your proper person before me at _____, on the _____ day of _____ next, at _____ o'clock in the _____ noon of the same day, then and there to testify all those things which you know touching [Insert the subject of inquiry]: and also that you bring with you [Insert description of the documents required to be produced]. And this you shall by no means omit, under the penalty of one hundred pounds.

Given under my hand at _____, this _____ day of _____, 19 _____.

.....
Controller and Auditor-General.

(2.) GOVERNOR'S WARRANT FOR ISSUE OF PUBLIC MONEYS. Section 50.

....., Governor.

Warrant for Issue of £ _____

By His Excellency _____, Governor and Commander-in-Chief in and over His Majesty's Dominion of New Zealand.

To the Honourable the Minister of Finance of New Zealand.

You are hereby authorised to issue from time to time out of the Public Account in New Zealand or out of the New Zealand Public Account in London, moneys not exceeding in the whole the sum of _____, and to cause the same to be paid to such persons as may become entitled thereto under the authority of any Act or Acts of the General Assembly; and for so doing this authority, with the acquittances of the persons to whom any such moneys are paid, shall be your sufficient warrant and discharge.

Given under the hand of His Excellency, at _____, this _____ day of _____, 19 _____.

.....
Minister of Finance.

I certify that the issue of the above-named sum is according to law.

.....
Controller and Auditor-General.

Section 52 (1).

(3.) ISSUE REQUISITION FOR PAYMENT OF PUBLIC MONEYS.

Issue Requisition No.

To the Controller and Auditor-General.

Treasury, , 19

In accordance with the provisions of the Public Revenues Act, 1910, I hereby require that the several sums under the heads of service herein specified, amounting in the whole to the sum of , shall be issued and paid out of the Public Account.

					£ s. d.
Consolidated Fund ..	..	..	..	..
Public Works Fund ..	..	..	..	..
[Or as the case may be.]					-----
Total	..	..	..	..	=====

Bank Order No. accompanying this requisition.
Recommended—

.....

Paymaster-General.

.....

Minister of Finance.

Countersigned—

.....
Controller and Auditor-General.

Section 52 (2).

(4) BANK ORDER FOR PAYMENT OF PUBLIC MONEYS.

Bank Order No.

To the Manager of the Bank,

Treasury, , 19

You are hereby authorised and required to pay out of the Public Account the cheques of the Paymaster-General at the several places and for the several amounts hereinafter named, amounting in the whole to the sum of

Countersigned—

.....
Controller and Auditor-General.

.....
Minister of Finance.

Place.	Amount.
	£ s. d.
[Names of the several branches of the bank.]	

Section 60.

(5.) DAILY Account Schedule OF PAID VOUCHERS.

To the Controller and Auditor-General.

Treasury, , 19

In accordance with the provisions of the Public Revenues Act, 1910, I hereby submit for examination the expenditure supported by paid vouchers hereinafter specified, amounting in the whole to the sum of , and request that the Audit Office will state hereon what amounts are passed and what are not passed.

.....
Paymaster-General.

No. of Voucher.	Amount.	Passed.	Not passed.	Remarks.
	£ s. d.	£ s. d.	£ s. d.	

(6) CREDIT REQUISITION.

Section 62.

Credit Requisition No.

To the Controller and Auditor-General.

Treasury, , 19 .

IN accordance with the provisions of the Public Revenues Act, 1910, I hereby require that the several sums herein specified under the heads of service respectively specified amounting in the whole to the sum of , shall be transferred in the accounts as hereunder specified :—

	Dr.			Cr.		
	£	s.	d.	£	s.	d.
Consolidated Fund						
Public Works Fund						
[Or as the case may be.]						
Total						

Recommended—

.....

Paymaster-General.

.....

Minister of Finance.

Countersigned—

.....
Controller and Auditor-General.

(7.) ISSUE REQUISITION FOR PAYMENT OF THE CHARGES OF THE PUBLIC DEBT.

Section 74 (2).

New Zealand Public Account.

To the Controller and Auditor-General.

Treasury, , 19 .

IN accordance with the provisions of the Public Revenues Act, 1910, I hereby require that the several sums under the heads of service hereinafter specified, amounting in the whole to the sum of , shall be issued out of the New Zealand Public Account.

Due Date.	Interest and Sinking Fund.	Amounts.					
		£	s.	d.	£	s.	d.

Bank Order No. accompanying this requisition

Recommended—

.....

Paymaster-General.

.....

Minister of Finance.

Countersigned—

.....
Controller and Auditor-General.

(8.) BANK ORDER FOR PAYMENT OF THE CHARGES OF THE PUBLIC DEBT.

Section 74 (2).

New Zealand Public Account.

Bank Order No.

To the Manager of the Bank of , in London.

Treasury, , 19 .

IN accordance with the provisions of an Act of the General Assembly of New Zealand intituled the Public Revenues Act, 1910, you are hereby authorised and required, on the day of , 19 , to issue and pay to , in London, the sum of out of the New Zealand Public Account.

£ : :

.....
Minister of Finance.

Countersigned—

.....
Controller and Auditor-General.

Section 74 (2).

(9.) REQUISITION FOR TRANSFER TO FOREIGN IMPREST ACCOUNT.

New Zealand Public Account.

Requisition for Transfer No.

To the Controller and Auditor-General.

Treasury, , 19

IN accordance with the provisions of the Public Revenues Act, 1910, I hereby require that the several sums under the heads of service herein specified, amounting in the whole to the sum of , shall be transferred from the New Zealand Public Account to the Foreign Imprest Account :—

					£	s.	d.
Permanent Appropriations ..	..	..	..	..
General Services ..	..	..	..	..
[Or as the case may be.]							
Total							

Bank Order No. accompanying this requisition.

Recommended—

.....

Paymaster-General

Countersigned—

.....

Minister of Finance.

.....

Controller and Auditor-General.

Section 74 (2).

(10.) BANK ORDER FOR TRANSFER TO FOREIGN IMPREST ACCOUNT.

New Zealand Public Account.

Bank Order for Transfer No.

To the Manager of the Bank of , in London.

Treasury, , 19

IN accordance with the provisions of an Act of the General Assembly of New Zealand, intituled the Public Revenues Act, 1910, you are hereby authorised and required to transfer the sum of from the New Zealand Public Account to the Foreign Imprest Account. [Omission.]

£ : :

.....

Minister of Finance.

Countersigned—

.....

Controller and Auditor-General.

Section 77.

(11.) COMMISSIONERS' BANK ORDER FOR PAYMENT OUT OF NEW ZEALAND PUBLIC ACCOUNT.

New Zealand Public Account.

Commissioners' Bank Order No.

To the Manager of the Bank of , in London.

London, , 19

IN accordance with the provisions of an Act of the General Assembly of New Zealand intituled the Public Revenues Act, 1910, you are hereby authorised and required, on the day of , 19 , to issue and pay to , in London, the sum of out of the New Zealand Public Account.

£ : :

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.....

Commissioners under the above-mentioned Act

Countersigned—

.....

Officer appointed to countersign.