

This PUBLIC BILL originated in the LEGISLATIVE COUNCIL and having this day passed as now printed is transmitted to the HOUSE OF REPRESENTATIVES for its concurrence.
Legislative Council,
12th October, 1871.

(Hon. Mr. Sewell.)

Public Stores Act.

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A BILL INTITULED

AN ACT for providing for the better Custody of the Public Stores of the Colony of New Zealand and for regulating the Inspection Issue and Expenditure thereof and the Audit of the Accounts relating thereto. Title.

WHEREAS it is expedient to amend the law relating to the custody of the public stores belonging to Her Majesty within this Colony of New Zealand and for regulating the issue and expenditure thereof in the public service and for the return of proper accounts of the receipt and expenditure thereof and for the audit of the accounts relating thereto : Preamble.

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

1. The Short Title of this Act shall be "The Public Stores Act 1871." Short Title.

"Public Stores Act 1867" repealed.
Saving of remedies.

2. "The Public Stores Act 1867" and all regulations made under the authority thereof are hereby repealed: Provided that all offences against the provisions of the said Act or any regulations made thereunder and all penalties awarded or incurred thereunder respectively and all rights and liabilities having become vested or having accrued and all proceedings acts and things lawfully had commenced or done under or by virtue of the said Act before the coming into operation of this Act may and shall respectively be prosecuted recovered enforced and continued and be of the same force and effect as if this Act had not been passed.

Interpretation.

3. In this Act the words "public stores" "stores" shall mean and include any arms accoutrements ammunition furniture of any kind implements machinery utensils stationery and all materials goods and chattels whatsoever which now are or hereafter may be the property of Her Majesty the Queen in New Zealand or of the Colonial Government.

Governor to appoint an Inspector of Stores.

4. It shall be lawful for the Governor to appoint a fit person to be Inspector of Stores who shall be charged with the examination and inspection of all public stores and with the examination of all accounts and vouchers relating thereto as hereinafter provided.

Governor may make regulations.

5. It shall be lawful for the Governor in Council from time to time to make and to alter or cancel as may be necessary regulations not inconsistent with the provisions of this Act for the guidance of the Inspector of Stores and all Storekeepers and Sub-storekeepers and for the inspection of the said stores and for the rendering of accounts relating thereto and for the audit of all such accounts and all such regulations being published in the *New Zealand Gazette* shall have the force of law and a copy thereof shall be laid before both Houses of the General Assembly.

Meaning of "Minister."

6. The word "Minister" in this Act shall be taken to mean the Member of the Executive Council for the time being administering the Department of the Government to which any such stores shall belong.

Ministers to appoint Storekeepers and Sub-storekeepers.

7. It shall be the duty of the Minister administering each Department for the service of which any public stores shall be kept to appoint a fit person to be Storekeeper or Sub-storekeeper to take charge of and keep all stores belonging to such Department and such stores shall be deemed to be in the custody of the said Storekeeper or Sub-storekeeper until he shall have duly accounted for them in the manner that may be directed by the Regulations authorized to be made under this Act.

Every person in charge of stores a Sub-storekeeper.

8. Every other person in whose custody any public stores shall be placed for any purpose whatever shall be deemed to be a Sub-storekeeper for the purposes of this Act.

Storekeepers and Sub-storekeepers to furnish accounts to Inspector of Stores.

9. Every Storekeeper or Sub-storekeeper shall at such times and in such forms as shall be directed by the regulations aforesaid transmit to the Inspector of Stores an account showing in detail all the stores belonging to his Department whether in his own custody or on issue specifying the stores in such custody and on issue at the commencement of the period to which such account shall relate the stores received and issued during such period and the stores remaining in such custody and on issue at the conclusion thereof and shall accompany such account with supply notes of stores received and vouchers for stores issued duly signed by the person to whom such stores shall have been issued.

Storekeepers and Sub-storekeepers to make declaration.

10. Every Storekeeper or Sub-storekeeper as the case may be shall transmit with every such account a declaration which he shall make and sign in the presence of a competent witness to the effect that such account contains a true and complete statement of all the stores received into issued out of or remaining in his custody during the period to which such account shall relate and that he has ascertained by due inspection that the stores stated in such account to be remaining in his

custody at the conclusion of such period are in his custody and possession accordingly.

11. It shall be the duty of the Inspector of Stores to examine all accounts of public stores transmitted to him by the different Storekeepers or Sub-storekeepers as far as they may relate to the receipt issue and expenditure thereof and to inspect or cause to be inspected by Inspecting Officers (to be appointed from time to time for that purpose by a Minister) all public stores at least once during the year: Provided that such Inspecting Officers shall be in no way concerned in the custody or expenditure of such stores or in providing or contracting to provide for the same or any part thereof.

Duty of Inspector of Stores.

12. It shall be the duty of the Paymaster-General to render to the Inspector of Stores full information regarding the sums of money expended in the purchase of stores and to give him free access to all vouchers documents and papers supporting or verifying the accounts to which the same may relate.

Paymaster-General to render information to Inspector of Stores regarding sums of money expended in purchase of stores.

13. It shall be the duty of the Inspector of Stores to transmit to the Auditor-General all accounts received by him from Storekeepers and Sub-storekeepers of moneys recovered by them and of moneys recoverable through a Paymaster for stores sold or surcharged and the Auditor-General shall trace such recoveries and surcharges into the Receiver-General's accounts.

Inspector of Stores to send to Auditor-General accounts of moneys recovered by Storekeeper or recoverable through Paymaster for stores sold or surcharged.

14. It shall be the duty of every Storekeeper and Sub-storekeeper to afford full information to the Inspector of Stores or Inspecting Officer and to give him free access to all the stores in his custody and to all his books accounts vouchers and other documents relating thereto.

Storekeepers to give Inspectors full access to stores &c.

15. It shall be the duty of every Storekeeper or Sub-storekeeper at the request of the Inspector of Stores or Inspecting Officer (as the case may be) to prepare a complete and detailed list of stores in his custody and the Inspector of Stores or Inspecting Officer shall compare the same with such stores and with the books in which the stores are recorded. The Inspector of Stores shall forward such lists to the Minister of the Department to which the stores belong with any remarks he may think fit to make respecting their condition or the results of such inspection.

Duties of Inspecting Officers.

16. If any public stores placed in the custody of any Storekeeper Sub-storekeeper or any other person for use in the public service not having been issued or expended in the public service under proper authority shall be found to be missing from such custody the said Storekeeper Sub-storekeeper or other person as the case may be shall be deemed to owe to Her Majesty the value in full in money of all such missing stores. And if any such public stores shall be found to be damaged or spoiled by the wilful neglect or default of the Storekeeper Sub-storekeeper or other person having the custody thereof the said Storekeeper Sub-storekeeper or other person shall be deemed to owe to Her Majesty such sum of money as may be necessary to replace such damaged stores. And all such moneys together with full costs of suit shall be recoverable by action suit or information in the Supreme Court in like manner as money due to Her Majesty within the Colony.

Storekeepers to owe the value of missing or damaged stores to Her Majesty.

17. So soon as and so often as the Auditor-General or Inspector of Stores shall ascertain that any money has become due to Her Majesty under the provisions of this Act it shall be the duty of the Auditor-General or Inspector of Stores by a notice in writing to call upon the Storekeeper Sub-storekeeper or other person owing the same to pay the money so due into the Public Account as a debt due to Her Majesty and if such money shall not be so paid within one month after the date of such notice it shall be the duty of the Auditor-General or Inspector of Stores forthwith to take all such steps as may seem to him most fitting to recover such debt to the use of Her Majesty and

Auditor-General or Inspector of Stores to recover debts due to Her Majesty.

all moneys so recovered shall be paid into the Public Account: Provided that where any salary emolument or other moneys shall be due to such Storekeeper Sub-storekeeper or other person in respect of any office or employment which he may hold or exercise under the General Government the amount so found to be due to Her Majesty as aforesaid may forthwith be deducted therefrom without any process whatsoever and the certificate in writing of the Auditor-General or Inspector of Stores to the effect that such money is so due to Her Majesty shall be sufficient authority to any person authorized to pay such salary emoluments or moneys to deduct the same therefrom and all such moneys so deducted shall be paid into the Public Account: Provided further that where in any case the amount of such moneys so due as aforesaid shall be within the jurisdiction of any Resident Magistrate's Court or Court of Petty Sessions it shall be lawful for the Inspector of Stores to take or cause proceedings to be taken in any such Court for the recovery of such moneys on behalf of Her Majesty and this Act shall be sufficient authority to such Inspector for the recovery of such moneys in his own name together with such costs as would be given or allowed in ordinary cases in any such Court.

False declaration
perjury.

18. Every person who shall make any declaration required to be made by this Act knowing the same to be false shall be deemed to be guilty of wilful and corrupt perjury.

Penalty for not
making returns.

19. Every Storekeeper or Sub-storekeeper who shall for a period of one calendar month after being required so to do refuse or neglect to make any return or account required to be made by this Act or the regulations to be issued under the authority thereof shall be liable to a penalty not exceeding twenty pounds.

If property fraudu-
lently misapplied.
offender to be
prosecuted.

20. If it shall appear to the Auditor-General or the Inspector of Stores after due inquiry that any person having custody of any public property shall have fraudulently applied or caused or permitted to be applied the same or any part thereof to other than the public service it shall be the duty of the Auditor-General or Inspector of Stores forthwith to instruct the Attorney-General in the matter who shall thereupon take all such steps as may seem to him most fitting to prosecute the person so offending according to law: Provided always that nothing in this Act shall be taken to prevent or prohibit the commencement or prosecution of any suit action or indictment information or other proceeding whether of a criminal or civil nature by the Attorney-General in the name or on behalf of the Crown although the same may not be taken at the instance of the Auditor-General or Inspector of Stores.

Procedure against
persons detaining
stores.

21. Whenever any person (other than a person to whom stores shall have been lawfully issued under this Act) shall detain any public stores or be in the possession of or have the custody or care of any stores within the meaning of this Act it shall be lawful for any Storekeeper or Sub-storekeeper by notice in writing under his hand served upon such person or delivered at his last known place of abode to require such stores to be forthwith delivered up to such Storekeeper or Sub-storekeeper and if for the space of forty-eight hours thereafter any such person shall without reasonable excuse refuse neglect or delay to deliver up the same he shall be liable to a penalty of not less than ten pounds nor more than fifty pounds.

Order for delivery
may be made.

22. In case of the neglect or refusal of any person so to deliver up any such stores as aforesaid it shall be the duty of any Storekeeper or Sub-storekeeper to take proceedings on behalf of Her Majesty to recover the penalty imposed by the last section in the manner provided by this Act and upon the hearing of any complaint or information for the recovery thereof any Resident Magistrate or two Justices of the Peace may order that the specific stores in respect of which any such notice shall have been given and so detained or

refused or neglected to be delivered up as aforesaid shall be forthwith delivered and given up to the Storekeeper or Sub-Storekeeper who may take such proceedings as aforesaid.

5 **23.** If after the making of any such order as last aforesaid any such person shall still refuse or neglect to deliver up the stores in such order mentioned he shall be liable to a penalty of not less than one hundred pounds nor more than two hundred pounds and to be imprisoned for any period not exceeding six calendar months.

Further penalty.

10 **24.** The sixty-second and seventy-sixth clauses of "The Public Revenues Act 1867" shall equally apply to all matters arising under this Act and shall be read as a part thereof.

Clauses 62 and 76 of Public Revenues Act to apply.

25. All penalties imposed by this Act shall be recoverable in a summary way only under the provisions of "The Justices of the Peace Act 1866."

Penalties how recoverable.

