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Right Hon. Mr. Massey.

WAR LEGISLATION AMENDMENT.

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A BILL INTITULED

Title.

AN ACT to amend certain Enactments having Reference to the Present State of War, and to make certain Additional Provisions rendered necessary or advisable by the Continuance of such State of War.

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

Short Title.

1. This Act may be cited as the War Legislation Amendment Act, 1916.

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PART I.

RESTRICTION ON INCREASE OF RENT.

Restriction on raising rent.

2. (1.) Where the rent of a dwellinghouse to which this Part of this Act applies has been since the commencement of the present war, or is hereafter during the continuance of this Part of this Act, increased above the standard rent as hereinafter defined, the amount by which the rent payable exceeds the amount which would have been payable had the increase not been made shall, notwithstanding any agreement to the contrary, be irrecoverable:

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Provided that—

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(a.) This Part of this Act shall not apply to any rent which accrued due before the passing of this Act; and

(b.) Where the landlord has since the commencement of the present war incurred, or during the continuance of this Part of this Act incurs, expenditure on the improvement or structural alteration of a dwellinghouse (not including expenditure on decoration or repairs), an increase of rent at a rate not exceeding *eight* per centum per annum on the amount so expended shall not be deemed to be an increase for the purposes of this Part of this Act.

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(2.) Any transfer to a tenant of any burden or liability previously borne by the landlord shall for the purposes of this Part of this Act be treated as an alteration of rent, and where, as the result of such a transfer, the terms on which a dwellinghouse is held are on the whole less favourable to the tenant than the previous terms the rent shall be deemed to be increased, whether or not the sum periodically payable by way of rent is increased, and any increase of rent in respect of any transfer to a landlord of any burden or liability previously borne by the tenant where, as the result of such transfer, the terms on which a dwellinghouse is held are on the whole not less favourable to the tenant than the previous terms shall be deemed not to be an increase of rent for the purposes of this Part of this Act. If any question arises under this subsection it shall be determined by a Stipendiary Magistrate, whose decision shall be final and conclusive.

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(3.) Where the landlord pays the rates chargeable on the occupier of any dwellinghouse an increase of the rent of the dwellinghouse shall not be deemed to be an increase for the purposes of this

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Part of this Act if the amount of the increase does not exceed any increase in the amount for the time being payable by the landlord in respect of such rates over the corresponding amount paid in respect of the yearly, half-yearly, or other period which included 5 the third day of August, nineteen hundred and fourteen.

3. (1.) Wherever an increase of rent is by this Part of this Act permitted, no such increase shall be due or recoverable until the expiry of twenty-eight days after the landlord has served upon the tenant a notice in writing of his intention to increase the rent, 10 accompanied—

Notice of intention to increase rent.

(a.) Where the increase of rent is on account of such expenditure as is mentioned in paragraph (b) of subsection one of section two hereof, by a statement of the improvements or alterations effected and of their cost; and

15 (b.) Where the increase of rent is on account of an increase in rates, by a statement showing particulars of the increased amount charged in respect of rates on the dwellinghouse.

(2.) Where a notice under paragraph (a) or paragraph (b) of the last preceding subsection has been served on any tenant the 20 increase may be continued without service of any fresh notice on any subsequent tenant.

4. A person shall not in consideration of the grant, renewal, or continuance of a tenancy of any dwellinghouse to which this Part of this Act applies require the payment of any fine, premium, or other like 25 sum in addition to the rent, and where any such payment is made in respect of any such dwellinghouse after the passing of this Act, then the amount shall be recoverable by the tenant by whom it was made from the landlord, and may without prejudice to any other method of recovery be deducted from any rent payable by him to the landlord, 30 but this provision shall not apply to any payment under an agreement entered into before the fourth day of August, nineteen hundred and fourteen.

No fine or premium to be chargeable in respect of renewal of tenancy.

5. (1.) No order for the recovery of possession of a dwellinghouse to which this Part of this Act applies or for the ejectment of a tenant 35 therefrom shall be made so long as the tenant continues to pay rent at the agreed rate as modified by this Part of this Act and performs the other conditions of the tenancy, except on the ground that the tenant has failed to take reasonable care of the premises, or has committed waste, or has been guilty of conduct which is a nuisance 40 or an annoyance to adjoining or neighbouring occupiers, or that the premises are reasonably required by the landlord for the occupation of himself or of some person in his employ, or on some other ground which may be deemed satisfactory by the Court making such order.

Modification of law as to orders for recovery of possession of dwellings.

45 (2.) Where an order for the recovery of possession of a dwellinghouse has been made, but not executed before the passing of this Act, the Court by which the order was made may, if it is of opinion that the order would not have been made if this Act had been in operation at the date of the making of the order, rescind or vary 50 the order in such manner as the Court may think fit for the purpose of giving effect to this Part of this Act.

Interpretation.

6. For the purposes of this Part of this Act, except where the context otherwise requires,—

- (a.) The expression "standard rent" means the rent at which the dwellinghouse was let on the third day of August, nineteen hundred and fourteen, or, where the dwellinghouse was not let on that date the rent at which it was last let before that date, or in the case of a dwellinghouse which was first let after the said third day of August the rent at which it was first let: 5
- (b.) The expressions "landlord" and "tenant" include any person from time to time deriving title under the original landlord or tenant. 10

Application of provisions of this Part of Act.

7. (1.) This Part of this Act shall apply to a house or to any part of a house let as a separate dwelling where such letting does not include any land other than the site of the dwellinghouse and a garden or other premises in connection therewith, and where the annual amount of the standard rent of the house or part of the house does not exceed *one* hundred and *four* pounds per annum, and every such house or part of a house shall be deemed to be a dwellinghouse to which this Part of this Act applies: 15 20

Provided that this Part of this Act shall not apply to a dwellinghouse let at a rent which includes payments in respect of board, attendance, or use of furniture.

(2.) Where this Part of this Act has become applicable to any dwellinghouse it shall continue to apply thereto whether or not the dwellinghouse continues to be a dwellinghouse to which it would but for the provisions of this subsection apply. 25

Duration of this Part of Act.

8. (1.) This Part of this Act shall remain in force during the continuance of the present war with Germany, and for six months thereafter, and shall thereupon be deemed to be repealed. 30

(2.) The expiration of this Part of this Act shall not render recoverable any rent which during the continuance thereof was irrecoverable, or affect the right of a tenant to recover any sum which during the continuance thereof was under this Part of this Act recoverable by him. 35

PART II.

LAND LAWS AMENDMENT.

Extension of section 24 of Land Laws Amendment Act, 1915 (relating to applications for land by agents on behalf of members of Expeditionary Forces).

9. (1.) Section twenty-four of the Land Laws Amendment Act, 1915, is hereby extended so as to authorize agents to apply for land on behalf of persons who, not being members of an Expeditionary Force, may be engaged on military service beyond New Zealand, if such persons, immediately prior to the commencement of the present war, were *bona fide* residents of New Zealand. 40

(2.) For the purposes of this section residence in New Zealand shall not be deemed to have been affected by temporary absence therefrom if the Board is satisfied that during such absence the person on whose behalf any application is made had a fixed intention of returning to New Zealand for the purpose of residing there. 45

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(3.) The provisions of the said section twenty-four as to applications on behalf of members of an Expeditionary Force shall, with the necessary modifications, apply to applications under this section.

5 (4.) The power to apply for land under the said section twenty-four and this section shall include the power to acquire at auction a lease or license of any land.

10 10. The provisions of paragraph (d) of section fifty-one of the Land for Settlements Act, 1908 (fixing the age-limit of applicants for land under that Act), shall not apply in the case of applications by or on behalf of persons engaged on military service beyond New Zealand in connection with the present war or in the case of applications by persons who may have been discharged from such service.

Age-limit of applicants for land not to apply in cases where applicants have been engaged on military service.

15 11. (1.) While any person, being the holder of a license to occupy any Crown or settlement land pending the completion by him of the purchase of that land pursuant to a contract entered into under any statutory authority, is a member of the New Zealand Expeditionary Force raised for military service beyond New Zealand in connection with the present war the following provisions shall apply.

Power to postpone dates of payment of instalments of principal and interest by licensees of Crown land who are members of the Expeditionary Force.

20 (2.) The Minister of Lands may postpone for such period as he thinks fit the due date of payment of any instalment of the purchase-money that may become due and payable at any time while the licensee is a member of the Expeditionary Force as aforesaid or that may become due and payable at any time within six months after the licensee has ceased to be a member of the said Force; and may, subject to such conditions as he thinks fit, exempt any such licensee either wholly or in part from the payment of any interest on unpaid purchase-money that may become due and payable during the periods aforesaid, or may postpone the date for the payment of any such interest.

30 (3.) For the purpose of giving effect to the provisions of this section the Minister of Lands may extend the time allowed to a licensee for the completion of his purchase by such period, not exceeding three years, as he thinks fit.

35 (4.) The District Land Registrar of the district in which is situated any land comprised in a license to which this section relates, on production to him of a certificate under the hand of the Commissioner of Crown Lands certifying that the term of that license has been extended under this section, shall enter on the registered copy of the license a memorial that the term of the license has been so extended to a date to be specified in the said memorial.

PART III.

EDUCATION ACT AMENDMENT.

45 12. (1.) Notwithstanding anything to the contrary in the Education Act, 1914, it shall be lawful for an Education Board, at any time during the continuance of the present war or within six months thereafter, to appoint as temporary teachers such persons as it thinks fit, whether such persons are certificated teachers or persons holding a license to teach or not.

Provision for appointment of temporary teachers during the period of the war.

(2.) Appointments under this section shall be terminable, either by the Board or the person holding the appointment, by one month's notice in writing, and no such appointment shall continue for more than twelve months after the termination of the present war :

Provided that nothing in this subsection shall be deemed to prohibit the appointment under the Education Act, 1914, either permanently or temporarily, of any person whose appointment under this section has been terminated by effluxion of time. 5

(3.) If any person appointed under this section who is the holder of a teacher's certificate or of a license to teach continues in the service of the Board for more than three months after the date of his appointment, he shall be entitled to become a contributor to the Teachers' Superannuation Fund as from the date of his appointment, on the conditions prescribed by section twenty-three of the Public Service Classification and Superannuation Amendment Act, 1908, as if he were then first permanently employed in the Education service, and shall, for the purpose of computing the benefits to which he may thereafter become entitled from that fund, be entitled to count the whole period of his temporary service under this section. 10 15

(4.) The provisions of subsection nine of section seventy-nine of the Education Act, 1914, shall not apply to persons appointed as temporary teachers under this section, and persons so appointed shall receive such salaries as the Board may determine : 20

Provided that in no case shall the salary payable to any such teacher be greater than the salary to which he would be entitled under the Education Act, 1914, if he were permanently appointed to the position to which he has been temporarily appointed. 25

(5.) All salaries payable under this section may be reviewed by the Minister of Education, but shall not be increased by him beyond the limit allowed by the *last preceding* subsection. 30

(6.) This section shall be deemed to have been in operation as from the commencement of the Education Act, 1914.

Temporary
modification of
provisions as to
staffing of public
schools.

13. (1.) Notwithstanding anything in section seventy-seven of the Education Act, 1914, or in the Fifth Schedule to that Act, the Minister of Education may, while this section remains in force, modify the provisions of the said Fifth Schedule so as to provide for a less number of teachers of any grade, or of pupil-teachers, for any public school or Native school than is provided for by the said Fifth Schedule. 35

(2.) Any modification pursuant to this section of the said Fifth Schedule may relate generally to all public and Native schools in New Zealand, or may relate to the public and Native schools in any education district, or may relate specifically to any public or Native school. Such modification shall be effected either by a notice in the *Gazette*, or by a direction in writing under the hand of the Minister addressed to the Education Board or other authority having control of any public or Native school to be affected by such modification. 40 45

(3.) While any modification of the said Fifth Schedule remains in force with respect to any public school or Native school the Minister of Education may authorize the payment to any teacher or pupil-teacher employed in that school of an allowance in addition to his salary, as remuneration in respect of the additional duties imposed on such teacher or pupil-teacher by reason of the reduction of the number of teachers employed in the school. 50

(4.) This section shall remain in force during the continuance of the present war with Germany and for six months thereafter. 55

14. (1.) The rates of payment to secondary schools, as prescribed in the Tenth Schedule to the Education Act, 1914, may while this section remains in force be paid in full, notwithstanding that the conditions specified by the said Schedule have not been

Temporary modification of provisions of Tenth Schedule to Education Act, 1914.

5 complied with, if in lieu of those conditions other conditions relating to the salaries and staffs of such schools, as approved by the Minister of Education, have been complied with :

10 Provided that, if in any year the amount required to be expended in respect of any school upon the salaries of the teaching staff and on incidental expenses of that school is less than the amount required to be so expended by paragraph (vi) of the proviso to the said Tenth Schedule, an amount equal to the deficiency shall be deducted from the amount that would otherwise be payable in respect of that school in accordance with the said Schedule and this section.

15 (2.) This section shall continue in force until the thirty-first day of December, nineteen hundred and *eighteen*, and shall thereupon be deemed to be repealed :

20 Provided that the repeal of this section shall not be deemed to render illegal the payment after the said thirty-first day of December, nineteen hundred and *eighteen* of any moneys due on that date, or payable in respect of the year ending on that date.

PART IV.

GOVERNMENT SUPERANNUATION FUNDS.

25 15. (1.) If any person who, on the fourth day of August, nineteen hundred and fourteen, was a contributor—

(a.) To the Public Service Superannuation Fund ; or

(b.) To the Teachers' Superannuation Fund ; or

(c.) To the Government Railways Superannuation Fund,—

30 has before the passing of this Act, voluntarily retired from the Public Service, the Education service, or the service of the Government Railways Department for the purpose of joining the New Zealand Expeditionary Force or any other portion of His Majesty's Forces for service beyond New Zealand in connection with the present war, and is subsequently reappointed (whether

35 before or after the passing of this Act) to any position in the service from which he so retired, his period of continuous service, for purposes of superannuation, shall be deemed to include the period elapsing between the date of his retirement as aforesaid and the date of his reappointment, if, within twelve months from the date of his

40 reappointment or the passing of this Act (whichever is the later), there is paid into the appropriate fund, by him or on his behalf, the amount (if any) received by him from that fund on his retirement, together with the amount (as computed by the Superannuation Board) that would have been payable by him by way of contributions

45 to the fund if he had been granted leave of absence for the period during which he was out of the service.

Restoration of rights to superannuation of certain persons who have retired from Government or Education service for purpose of enlisting.

(2.) If any question arises as to the amount to be paid by any contributor under this section, the question shall be determined by the appropriate Superannuation Board, and the decision of the Board

50 shall be final.

(3.) The payments required to be made by a contributor under this section may be made by instalments or otherwise, as the Board may determine, and, where made by instalments, may extend over such period as the Board thinks fit, not exceeding three years from the date of the reappointment of the contributor.

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PART V.

POSTPONEMENT OF ELECTIONS OF MEMBERS OF LOCAL AUTHORITIES.

Postponement of elections of members of local authorities.

16. (1.) Statutory elections of members of local authorities that would but for this section take place before the first day of August, nineteen hundred and seventeen, shall be postponed for a year, and the term of office of the existing members shall accordingly be extended by one year. 10

(2.) Where, on the alteration of the boundaries of any district or subdivision thereof, the members of the local authority or any of them are required by any enactment to go out of office, or an election of any member or members is required to be held before the said first day of August, such election shall not be held, and the members shall remain in office until the next succeeding statutory election: 15

Provided that in any case where, in the opinion of the Governor, it is advisable on any such alteration of boundaries that the number of members of any local authority should be increased, he may make such appointments of additional members as he deems necessary, and members so appointed shall hold office until the next succeeding statutory election in like manner in all respects as if they had been elected by the electors. 20 25

(3.) Except as provided by the *last preceding* subsection, any casual vacancy, requiring to be filled by election, occurring in any local authority before the said first day of August shall, instead of being filled by election, be filled by the local authority by the appointment of a person qualified to fill the vacancy, and a member so appointed shall hold office in the same manner in all respects as if he had been elected to fill the vacancy. 30

(4.) For the purposes of this section "local authority" means any local body the members of which are required by any statute to be periodically elected; "members of a local authority" in the case of a borough includes the Mayor; and "statutory election" means an election to fill the place of members of local authorities retiring by effluxion of time. 35

(5.) This section shall not be construed so as to require the first election of members of Education Boards to be held on any other day than that fixed by section sixteen of the Education Act, 1914. 40

PART VI.

MISCELLANEOUS.

Fencing Act Amendment.

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Section 41 of Fencing Act (relating to half-cost of fencing) modified.

17. (1.) Notwithstanding anything in section forty-one of the Fencing Act, 1908, while this section remains in force the maximum

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price payable under that Act in respect of the half-cost of erecting a fence shall be such sum as may be fixed by the Governor by Order in Council, and until such Order is made or while no such Order is in force shall be as provided by subsection two of the said section
5 forty-one.

(2.) This section shall continue in operation during the present war with Germany, and for *twelve* months thereafter.

Legislature Act Amendment.

10 18. (1.) Notwithstanding anything in the Legislature Act, 1908, the name of a member of Parliament shall not be removed from the roll of the district of which he is an elector by reason only of his absence from New Zealand in any case where the absence of such member is or was due to his service in any capacity with any of His Majesty's Naval or Military Forces in connection with the present
15 war.

Protection of electoral rights of members of Parliament on active service.

(2.) The honorarium payable to members of Parliament shall be paid without deduction to any member who is absent from New Zealand on service as aforesaid so long as he remains a member of Parliament.

20 *Legitimation Act Amendment.*

19. In any case where a man who pursuant to section six of the Legitimation Act, 1908, claims to be the father of an illegitimate child is serving out of New Zealand in any capacity with His Majesty's Naval or Military Forces in connection with the present
25 war, it shall be deemed sufficient compliance with that section if a declaration in the form prescribed is produced to the Registrar or Deputy Registrar, and it shall not be necessary for the father to sign the registration entry in the register-book of births.

Procedure under Legitimation Act modified in certain cases.

Local Authorities Empowering.

30 20. Whereas, at the request of the Recruiting Board set up in connection with the present war with Germany, certain local authorities and other public bodies are or have been engaged in assisting the said Board, and it is expedient that the proper expenditure of such public bodies incurred in rendering such
35 assistance should be validated and that further expenditure should be authorized: Be it therefore enacted as follows:—

Validation of expenses incurred by local authorities in connection with recruiting.

(a.) Any public body as aforesaid may lawfully incur any reasonable and proper expenditure in rendering assistance as aforesaid, and any such expenditure incurred
40 before the passing of this Act shall be deemed to have been lawfully incurred.

(b.) Any expenditure incurred as aforesaid (whether before or after the passing of this Act) shall be deemed reasonable and proper if it is certified to by the Recruiting Board or
45 by any person authorized in that behalf by the Board.

Master and Apprentice.

21. (1.) If any apprentice during the continuance of the term of his apprenticeship hereafter becomes a member of the New Zealand Expeditionary Force, the term of his apprenticeship
50 may, by agreement between the apprentice, his parent, or guardian, of the one part, and the master, of the other part, be suspended

Provision for extension of term of indentures of apprenticeship in certain cases.

for the period during which he remains a member of that Force, and for such period thereafter, not exceeding six months, as may be agreed between the parties. On the expiration of the period during which the term of apprenticeship is so suspended, the indenture of apprenticeship shall be revived, and shall continue in force until the completion of the apprenticeship, notwithstanding that by the terms of the indenture it may be expressed to expire on an earlier date, and notwithstanding that the apprentice may have attained the age of twenty-one years or any other age at which, by any law for the time being in force, it is provided that a term of apprenticeship will expire. 5

(2.) This section may, with the necessary modifications, apply to any indenture of apprenticeship that may have been cancelled or suspended before the passing of this Act by reason of the fact that the apprentice had become or intended to become a member of the Expeditionary Force. 15

(3.) For the purposes of the *last preceding* subsection an agreement to revive an indenture of apprenticeship may be entered into at any time before the expiration of six months after the apprentice to whom it relates has ceased to be a member of the Expeditionary Force. 20

Protection of Mining Privileges.

Protection of mining privileges while holders engaged on military service.

22. No mining privilege under the Mining Act, 1908, shall be liable to forfeiture, or be deemed to be or to have been abandoned by operation of law, at any time after the holder thereof has been accepted for service in connection with the present war, whether as a member of the Expeditionary Force or not, and before the expiration of six months after the termination of such service. 25

Police Force.

Provision for appointment of temporary members of Police Force.

23. (1.) The Commissioner of Police may from time to time, during the continuance of the present war, or at any time within twelve months thereafter, with the approval of the Minister of Justice, appoint as temporary members of the Police Force, such sergeants of police and constables of different grades as he may deem necessary to assist in the preservation of peace and order, the prevention of crime, and the apprehension of offenders. 30 35

(2.) Appointments under this section shall be terminable by the Commissioner by three months' notice in writing, and no such appointment shall continue for more than twelve months after the termination of the present war. 40

(3.) No person appointed under this section shall by reason of such appointment be deemed to be a member of the Public Service or of the Police Force for the purposes of the Acts relating to the Public Service Superannuation Fund.

(4.) Except as hereinbefore in this section otherwise provided, all persons appointed under this section shall have all the rights, powers, protection, and privileges of constables appointed under the Police Force Act, 1913. 45

(5.) The Governor may from time to time, by Order in Council, make such regulations as may be advisable fixing the rates of pay payable to persons appointed under this section, and otherwise for determining the conditions of their employment. 50

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Soldiers' Wills.

24. (1.) Every will made by a soldier being in actual military service within the meaning of section eleven of the Imperial Act entitled "An Act for the Amendment of the Laws with respect to 5 Wills" (7 William IV, and 1 Victoria, Chapter 26) shall, if sufficient by virtue of that section to dispose of personal estate, be sufficient to dispose of real estate also. Soldiers' wills.

(2.) No will which is or has already been made during the present war with Germany, and which depends for its validity on 10 section eleven of the aforesaid Imperial Act, shall have any force or effect unless the testator dies during that war or within six months after the termination thereof; but, save as aforesaid, and save so far as a contrary intention may be expressed in any such will, no such will shall be deemed to be inoperative because the testator was not 15 in actual military service at the time of his death.

(3.) Notwithstanding anything contained in this section or in any other enactment, no will made by a Native (within the meaning of the Native Land Act, 1909), which depends for its validity upon 20 section eleven of the aforesaid Imperial Act shall have any operation with respect to Native land (within the meaning of the Native Land Act, 1909), and the persons entitled to such Native land shall on the death of the testator be determined in the same manner as if no such will had been made.

(4.) This section applies to wills made either before or after the 25 passing of this Act, but shall have no application to the will of any person who has died before the passing of this Act.

(5.) Nothing in this section shall be so construed as in any manner to affect the validity or operation of any will made by a testator who has died before the passing of this Act, and the validity and operation 30 of any such will shall be determined in all respects in the same manner as if this section had not been passed.