

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

House of Representatives,

8th October, 1936.

Hon. Mr. Nash.

FINANCE (No. 2).

ANALYSIS.

<p>Title.</p> <p>1. Short Title.</p> <p style="text-align: center;">PART I.</p> <p style="text-align: center;">PUBLIC REVENUES AND LOANS.</p> <p>2. Empowering Minister of Finance to borrow £6,000,000 for certain public works.</p> <p>3. Empowering Minister of Finance to borrow £2,000,000 for construction of main highways.</p> <p>4. Empowering Minister of Finance to borrow £5,000,000 for purposes of Housing Act, 1919.</p> <p>5. Temporary amendment of sections 47 and 48 of Public Revenues Act, 1926.</p> <p>6. Appropriation of cost of British bronze coins for circulation in New Zealand.</p> <p>7. Validation of payment to the New Zealand Returned Soldiers' Association of portion of proceeds of sale of "Anzac" stamps.</p> <p>8. Portion of totalizator duty to be payable to racing clubs during period 1st August, 1936, to 31st July, 1937.</p> <p>9. Extension of provisions of section 26 of Pensions Act, 1926.</p> <p>10. Section 74 of Pensions Act, 1926, amended.</p>	<p>11. Modification of provisions as to computation of miners' pensions and invalidity pensions in cases where the wife of applicant is in receipt of a pension.</p> <p>12. Extension of provisions for pensions to wives whose husbands are mentally defective.</p> <p>13. As to method of computing invalidity pension payable to married woman.</p> <p style="text-align: center;">PART II.</p> <p style="text-align: center;">LOCAL AUTHORITIES.</p> <p>14. Local authorities may borrow, without poll of ratepayers, for public works subsidized out of Employment Promotion Fund.</p> <p>15. Authorizing Electric-power Boards to raise additional loans for reticulation purposes without poll of ratepayers.</p> <p>16. As to payment by local authorities of interest on renewal loans.</p> <p>17. Extending authority of Hospital Boards to borrow during financial year ended 31st March, 1936.</p> <p>18. Validating expenditure by certain local authorities in connection with the death of His late Majesty King George V and the accession of His Majesty King Edward VIII.</p>
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A BILL INTITULED

Title. AN ACT to make Provision with respect to Public Finance and other Matters.

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 Finance Act (No. 2), 1936.

PART I.

PUBLIC REVENUES AND LOANS. 10

Empowering Minister of Finance to borrow £6,000,000 for certain public works. 2. (1) The Minister of Finance is hereby empowered to borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of six million pounds. 15

(2) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

(3) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Public Account to the credit of the General Purposes Account of the Public Works Fund, and shall from time 20

to time be applied, in such amounts as may be from time to time appropriated by Parliament, for the following purposes, namely:—

- 5 (a) The construction of railways and additions to open lines:
- (b) Additional rolling-stock for open lines, and such other works and purposes in connection therewith as may be authorized:
- 10 (c) Telegraph extension:
- (d) The construction and improvement of roads, tracks, and bridges for the purpose of providing and improving means of access to any lands, developing goldfields, and such other works and purposes in connection therewith as may be authorized:
- 15 (e) The construction of irrigation works:
- (f) The erection of public buildings, including schools:
- 20 (g) Other public works, including administrative charges in respect of any public works of the classes referred to in this section.

(4) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1932, and the moneys herein authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly. 1932, No. 23

3. (1) In addition to all moneys which the Minister of Finance has heretofore been authorized to borrow for the purposes of the construction or reconstruction of 30 main highways, the said Minister may for those purposes borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of two million pounds. Empowering Minister of Finance to borrow £2,000,000 for construction of main highways.

35 (2) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

(3) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Public Account to the credit of the Main Highways 40 Account established under section thirteen of the Main Highways Act, 1922, and may from time to time be applied accordingly in accordance with appropriations by Parliament. See Reprint of Statutes, Vol. III, p. 698

1932, No. 23

(4) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1932, and the moneys herein authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

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Empowering
Minister of
Finance to
borrow
£5,000,000 for
purposes of
Housing Act,
1919.

See Reprint
of Statutes,
Vol. III, p. 806

4. (1) In addition to all moneys which the Minister of Finance is authorized to borrow under section thirty of the Housing Act, 1919, for the purposes of Part I of that Act, the said Minister may for those purposes borrow, on the security of and charged upon the public revenues of New Zealand, such sums of money as he thinks fit, not exceeding in the aggregate the sum of five million pounds.

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(2) The sums so borrowed shall bear interest at such rate as the Minister of Finance prescribes.

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(3) All moneys borrowed under the authority of this section shall, as and when borrowed, be paid into the Housing Account established under section seventeen of the State Advances Corporation Act, 1936.

1936, No. 12

1932, No. 23

(4) This section shall be deemed to be an authorizing Act within the meaning of the New Zealand Loans Act, 1932, and the moneys herein authorized to be borrowed shall be borrowed under and subject to the provisions of that Act accordingly.

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Temporary
amendment of
sections 47
and 48 of
Public
Revenues
Act, 1926.

See Reprint
of Statutes,
Vol. VII, p. 26

5. (1) While this section continues in operation sections forty-seven and forty-eight of the Public Revenues Act, 1926, shall be read and shall operate as if the following amendments were made therein as from the thirty-first day of March, nineteen hundred and thirty-seven:—

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(a) The words “ space of six months ” shall be deemed to be substituted for the words “ space of three months ” in subsection one of the said section forty-seven:

(b) The words “ such six months ” shall be deemed to be substituted for the words “ such three months ” in subsection one of the said section forty-seven:

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(c) The words “ equal to one-half part of such vote ” shall be deemed to be substituted for the words “ equal to one-fourth part of such vote ” in the first proviso to the said section forty-seven:

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(d) The words “ the six months thereafter ” shall be deemed to be substituted for the words “ the three months thereafter ” in paragraph (b) of subsection one of the said section forty-eight.

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(2) This section shall, unless sooner repealed, continue in operation until the close of the thirtieth day of September, nineteen hundred and thirty-seven, and no longer.

5 6. The cost of all British bronze coins purchased by or on behalf of the Government of New Zealand (including freight, insurance, the cost of manufacture, and all incidental expenses) shall be paid out of the Public Account without further appropriation than this
10 section.

Appropriation of cost of British bronze coins for circulation in New Zealand.

7. Whereas, in exercise of the powers conferred on him by section thirteen of the Post and Telegraph Act, 1928, the Postmaster-General caused certain special postage-stamps, known as "Anzac Stamps", to be
15 created in commemoration of the twenty-first anniversary of the landing of New Zealand troops on Gallipoli on the twenty-fifth day of April, nineteen hundred and fifteen: And whereas such stamps were sold at a price in excess of their value for postal purposes: And whereas,
20 after deducting the expenses incidental to the creation of the said stamps and their value for postal purposes, the surplus has been paid or has been agreed to be paid to the Dominion Executive of the New Zealand Returned Soldiers' Association: And whereas it is
25 desired to validate such payment: Be it therefore enacted as follows:—

Validation of payment to the New Zealand Returned Soldiers' Association of portion of proceeds of sale of "Anzac" stamps.

See Reprint of Statutes, Vol. VI, p. 861

All payments heretofore made to the Dominion Executive of the New Zealand Returned Soldiers' Association out of the proceeds of the sale of "Anzac
30 stamps" are hereby validated, and any payments that may hereafter be made to or on account of the said Association out of such proceeds shall be deemed to be lawfully made.

8. In respect of the period beginning on the first
35 day of August, nineteen hundred and thirty-six, and ending on the thirty-first day of July, nineteen hundred and thirty-seven, every racing club may deduct and retain for its own use from the totalizator duty payable by it under section one hundred and ninety-two of the Stamp
40 Duties Act, 1923, as amended by subsection two of section twenty-five of the Finance Act, 1930, in connection with every race meeting or separate day of a race meeting conducted by it in that period, an amount equal to one-fifth of the amount of such duty so payable by it.

Portion of totalizator duty to be payable to racing clubs during period 1st August, 1936, to 31st July, 1937.

Ibid., Vol. VII, p. 459

Extension of provisions of section 26 of Pensions Act, 1926.
See Reprint of Statutes, Vol. VI, p. 770; Ibid., Vol. V, p. 743

Section 74 of Pensions Act, 1926, amended.
Ibid., Vol. VI, p. 784

Modification of provisions as to computation of miners' pensions and invalidity pensions in cases where the wife of applicant is in receipt of a pension.
Ibid., Vol. VI, p. 794

1936, No. 26
Extension of provisions for pensions to wives whose husbands are mentally defective.
1936, No. 26

As to method of computing invalidity pension payable to married woman.
1936, No. 26

9. (1) Section twenty-six of the Pensions Act, 1926, is hereby amended by omitting from subsection one the words "whose father is dead, and"; and by adding to that subsection the following proviso:—

"Provided that a pension shall not be granted under this section to any woman in respect of any child or children unless the father of such child or children is dead or is subject to a reception-order under the Mental Defectives Act, 1911, or is detained in an institution under that Act, or has failed to make adequate provision for the maintenance of such child or children."

(2) No pension shall be granted under the said section twenty-six in respect of any child who is over the age of fifteen years.

10. Section seventy-four of the Pensions Act, 1926, is hereby amended by omitting from subsection one the words "without further appropriation than this Act", and substituting the words "out of moneys appropriated by Parliament".

11. Notwithstanding anything to the contrary in section thirty-six of the Finance Act, 1929 (relating to the computation of miners' pensions), or in section eighteen of the Pensions Amendment Act, 1936 (relating to the computation of invalidity pensions), in computing, in respect of a married man, the amount of a miner's pension or of an invalidity pension payable to him, no allowance shall be payable in respect of his wife for any period in respect of which she is in receipt of a pension under the Pensions Act, 1926.

12. Section nine of the Pensions Amendment Act, 1936, is hereby amended by adding to subsection one the words "or to any married woman whose husband is for the time being detained as a voluntary boarder in accordance with Part V of that Act".

13. Section eighteen of the Pensions Amendment Act, 1936, is hereby amended as from the passing of that Act by inserting after paragraph (a) of subsection two the following new paragraph:—

"(aa) In any case where the applicant is a married woman, the annual amount so computed shall be diminished as follows:—

"(i) By one pound for every complete pound of the total annual income of the applicant and of her husband in excess of one hundred and four pounds; and also

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“(ii) By one pound of every complete ten pounds of the net capital value of the accumulated property of the applicant and of her husband, computed as in the case of an application for an old-age pension.”

PART II.

LOCAL AUTHORITIES.

14. (1) Any local authority within the meaning of the Local Bodies' Loans Act, 1926, may (unless a poll of ratepayers is demanded in accordance with the provisions of subsection *three* hereof), by special order and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, borrow such moneys as may be required for any public work undertaken or proposed to be undertaken by that local authority for the relief of unemployment, if in respect of that work a grant out of the Employment Promotion Fund has been authorized pursuant to paragraph (*d*) of section thirty-six of the Employment Promotion Act, 1936, and has been approved by the Minister of Finance pursuant to subsection two of section thirty-four of that Act.

Local authorities may borrow, without poll of ratepayers, for public works subsidized out of Employment Promotion Fund. See Reprint of Statutes, Vol. V, p. 360 1936, No. 3

(2) For the purposes of this section the expression “special order” means such an order made in accordance with the provisions of any Act in force by virtue of which a local authority can make a special order and, where there is no such provision, means a resolution passed by the local authority at a special meeting convened for the purpose and confirmed at a subsequent meeting (either ordinary or special) held not sooner than the twenty-eighth day and not later than the forty-second day after the day on which such special meeting was held. Public notice of the place and date fixed for such subsequent meeting and of such resolution shall be given once in each of the four weeks immediately preceding the day on which such subsequent meeting is to be held.

(3) At any time before the date fixed for the confirmation of a resolution to raise a special loan by special order under the authority of this section, not less than five per centum of the ratepayers whose names

are inscribed on the ratepayers' roll of the district may by writing under their hands, delivered or sent by post to the local authority, demand that a poll be taken on the proposal to raise such special loan.

(4) Every public notice of a resolution to raise any loan under the authority of this section shall, in addition to any other particulars required to be given therein, contain a statement to the effect that a poll of the ratepayers is required to be taken if five per centum of the ratepayers of the district so demand, by writing under their hands delivered or sent by post to the local authority concerned. 5 10

(5) Where a local authority proposes to raise a loan by special order under the provisions of this section, the notice required to be given to the Minister of Finance under section ten of the Local Government Loans Board Act, 1926, shall not be given until after the confirmation of the resolution to raise the loan by special order. 15

See Reprint
of Statutes,
Vol. V, p. 418

Authorizing
Electric-power
Boards to raise
additional
loans for
reticulation
purposes
without poll
of ratepayers.
Ibid.,
Vol. III, p. 4;
Ibid., Vol. V,
p. 360

15. (1) Where an Electric-power Board constituted under the Electric-power Boards Act, 1925, has heretofore raised or hereafter raises a loan for the purpose of the reticulation of its district or any defined portion thereof, and as security for such loan has made and levied a special rate over the whole or any part of its district (hereinafter in this section referred to as the rating area), the Board may by special order, and without taking the steps prescribed by sections nine to thirteen of the Local Bodies' Loans Act, 1926, raise a further special loan to provide additional moneys for the further reticulation of such rating area: 20 25 30

Provided that no moneys shall be borrowed by special order under this section if, before the date fixed pursuant to section forty-five of the Electric-power Boards Act, 1925, for the confirmation of the resolution to raise the loan by special order, not less than five per centum of the ratepayers whose names are inscribed on the ratepayers roll of the rating area, by writing under their hands delivered or sent by post to the Electric-power Board, demand that a poll be taken on the proposal. 35 40

(2) Every public notice of a resolution to which this section applies, given pursuant to paragraph (c) of subsection one of section forty-five of the Electric-power Boards Act, 1925, shall, in addition to any other

particulars required to be given therein, contain a statement to the effect that a poll of the ratepayers is required to be taken if five per centum of the ratepayers of the rating area so demand, by writing under their hands delivered or sent by post to the Board.

(3) In any case to which this section applies, the notice required to be given to the Minister of Finance under section ten of the Local Government Loans Board Act, 1926, shall not be given until after the confirmation of the resolution to raise the loan by special order.

16. (1) In this section the term "local authority" means any local authority or public body that for the time being is a local authority within the meaning of the Local Government Loans Board Act, 1926, whether by virtue of section two of that Act or of any Order in Council thereunder, or by virtue of the provisions of any other Act.

As to payment by local authorities of interest on renewal loans. See Reprint of Statutes, Vol. V, p. 415

(2) It shall be lawful and shall be deemed at all times heretofore to have been lawful for any local authority to pay interest, on moneys borrowed for the purpose of paying off an existing loan, in respect of the period intervening between the borrowing of such moneys and the repayment of the existing loan.

17. It shall be deemed to have been lawful for any Hospital Board to have borrowed by way of bank overdraft during the year ended the thirty-first day of March, nineteen hundred and thirty-six, an amount approved by the Minister of Health in excess of that authorized by section sixty of the Hospitals and Charitable Institutions Act, 1926, to the extent of one-fourth of the estimated contributions payable to the Board by contributory local authorities during that year together with one-fourth of the estimated amount receivable by way of subsidy on such contributions.

Extending authority of Hospital Boards to borrow during financial year ended 31st March, 1936. Ibid., Vol. III, p. 748

18. It shall be and be deemed to have been lawful for any Borough Council, County Council, Town Board, or Road Board to expend out of its General Fund any sum or sums of money in connection with the public observances on the occasion of the death of His late Majesty King George the Fifth and the public Proclamation of the accession to the Throne of His Majesty King Edward the Eighth.

Validating expenditure by certain local authorities in connection with the death of His late Majesty King George V and the accession of His Majesty King Edward VIII.

PART III.

MISCELLANEOUS.

Additional powers of investment of moneys in common fund of Public Trust Office. See Reprint of Statutes, Vol. VIII, p. 945

19. (1) In addition to the powers of investment conferred on him by the Public Trust Office Act, 1908, the Public Trustee may invest any moneys belonging to the common fund of the Public Trust Office as follows:— 5

(a) In the bonds, stock, or other securities of the State Advances Corporation of New Zealand, or in advances by way of mortgage on the security of any such bonds, stock, or other securities: 10

(b) In advances by way of mortgage on the security of any bonds, stock, debentures, or other securities issued by any Government or by any local authority or public body, if the purchase of such bonds, stock, debentures, or other securities as aforesaid would constitute a lawful investment of such moneys. 15

(2) Any advances by way of mortgage under the authority of the *last preceding* subsection may be for any amount not exceeding *nine-tenths* of the nominal value of the security, and may be for such term, at such rate of interest, and generally upon such terms and conditions as the Public Trustee shall determine. 20

20. Section thirty-four of the Public Trust Office Act, 1908, is hereby amended as follows:— 25

(a) By omitting from the proviso to paragraph (b) thereof the expression “three-fifths”, and substituting the expression “two-thirds”; and by omitting from the same proviso the expression “two-thirds”, and substituting the expression “one-half”; and 30

(b) By omitting from paragraphs (c) and (e) thereof the expression “three-fifths”, and in each case substituting the expression “two-thirds”. 35

21. (1) Section eighty-seven of the Public Trust Office Act, 1908, is hereby amended by adding to subsection one thereof the following paragraphs:—

“(l) To carry on any business forming part of the said property for a period not exceeding two years: 40

Margin of security for investments by Public Trustee. Ibid., p. 945

Extending powers of Public Trustee with respect to unclaimed property. Ibid., p. 966

“(m) To exercise any power of sale or other power conferred upon the owner of the said property by any mortgage or lease or by statute:

5 “(n) To borrow from the common fund of the Public Trust Office, or from such other source as the Public Trustee thinks fit, such moneys as may be required for the purpose of making any payments which he is
10 authorized or required to make in respect of the said property, and to execute such mortgage or mortgages of the said property or any part thereof as he shall think fit to secure the repayment of such moneys and the
15 payment of interest thereon:

“(o) Any other powers that the Judge thinks necessary or expedient for the advantageous administration of the said property.

(2) The said section is hereby further amended by
20 adding thereto the following subsection:—

“(3) The Public Trustee may at any time apply to the Supreme Court *ex parte* for directions with respect to the exercise of any of the powers conferred by or pursuant to the foregoing provisions of this section,
25 and the Court may on such application make such order as in the circumstances it thinks fit.”

22. Nothing in the Public Revenues Act, 1926, shall operate to prevent the Public Trustee from opening, or keeping open, or operating upon a separate account in
30 connection with any business carried on by him for the benefit of any estate under administration by him, and the said account may be opened with any bank or with any stock-and-station agent, and the receipts of the said business may be deposited in the said account and the
35 outgoings may be paid therefrom, and the Public Trustee shall be entitled to delegate to any manager or other person employed in connection with the said business the power to operate upon the said account.

23. (1) Subject to the provisions of this section, the
40 power conferred on the Governor-General in Council by section nineteen of the Government Life Insurance Act, 1908, to fix the rates of interest payable on loans granted under that section may be exercised to vary the rate of interest payable on existing loans as well as to fix the
45 rate payable in respect of new loans:

Public Trustee may open separate accounts for estates administered by him.

Authorizing variation of rates of interest on loans secured by Government Life Insurance policies.
See Reprint of Statutes, Vol. IV, p. 62

Provided that, where the rate of interest or the maximum rate of interest payable in respect of any loan is specifically fixed in the instrument securing the loan, the rate so fixed may be reduced but shall not be increased under the authority of this section. 5

1932, No. 8

(2) Where, in any case to which the proviso to the *last preceding* subsection applies, the rate of interest has been reduced by the operation of Part III of the National Expenditure Adjustment Act, 1932, the reduced rate shall not be increased under the authority of this section. 10

(3) Any variation made pursuant to this section in the rate of interest payable in respect of any loan shall take effect on a date to be fixed in accordance with the provisions in that behalf of the Order in Council by which the variation is effected (being a date either before or after the date of the Order in Council). 15

Repeal.

1935, No. 41

Margin of security for investments of Government Insurance Account.

See Reprint of Statutes, Vol. IV, p. 65

Declaratory provision as to authority of Reserve Bank to buy Government and other securities.

1933, No. 11;
1934, No. 3;
1936, No. 1

(4) Section twenty-nine of the Finance Act (No. 2), 1935, is hereby repealed.

24. Section twenty-seven of the Government Life Insurance Act, 1908, is hereby amended by omitting from subsection two the expression "three-fifths", and substituting the expression "two-thirds". 20

25. (1) In this section the expression "the said paragraph (h)" means paragraph (h) of subsection one of section thirteen of the Reserve Bank of New Zealand Act, 1933, as enacted in section six of the Finance Act, 1934, as amended by section thirteen of the Reserve Bank of New Zealand Amendment Act, 1936; and the expression "the said paragraph (i)" means paragraph (i) of section fourteen of the Reserve Bank of New Zealand Act, 1933, as amended by section fifteen of the Reserve Bank of New Zealand Amendment Act, 1936. 25 30

(2) It is hereby declared that the authority conferred on the Reserve Bank of New Zealand by the said paragraph (h) shall not be deemed to be restricted or in any way affected by the provisions of the said paragraph (i). 35

(3) Section fifteen of the Reserve Bank of New Zealand Amendment Act, 1936, is hereby amended by inserting, after the words "to the Treasury" in subsection two, the words "or to any incorporated Department of State, or to any local authority or public body". 40 45

26. Paragraph (ii) of subsection one of section thirteen of the Reserve Bank of New Zealand Act, 1933 (as enacted in section fourteen of the Reserve Bank of New Zealand Amendment Act, 1936), is hereby amended
5 by adding thereto the words " or by the State Advances Corporation of New Zealand "

Reserve Bank may underwrite loans raised by State Advances Corporation.
1933, No. 11;
1936, No. 1

27. (1) The appointment of Mark Silverstone, Esquire, of Dunedin, as a member of the Board of Directors of the Reserve Bank of New Zealand, is hereby
10 declared to be and at all times heretofore to have been valid, and the said Mark Silverstone may continue to hold office as a member of the said Board and may at any time hereafter be reappointed a member of the said
15 Board, in accordance with the provisions of section seven of the Reserve Bank of New Zealand Amendment Act, 1936, notwithstanding the disqualification contained in paragraph (a) of subsection one of section thirty-two of the Reserve Bank of New Zealand Act, 1933.

Validating appointment of member of Board of Reserve Bank.
1933, No. 11;
1936, No. 1

(2) Except as provided in the *last preceding*
20 subsection, the said Mark Silverstone shall hold office subject to the provisions of section thirty-two of the Reserve Bank of New Zealand Act, 1933.

28. (1) In determining the amount of compensation to be awarded on a claim for the hearing of which a
25 Compensation Court is hereafter constituted under Part III of the Public Works Act, 1928, or on an application hereafter made to the Native Land Court under section one hundred and four of that Act, the Court shall act in accordance with the following rules:—

Assessment of compensation for lands taken under Public Works Act, 1928.

30 (a) The value of land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realize:

See Reprint of Statutes, Vol. VII, pp. 645, 657, 666

35 Provided that the provisions of this paragraph shall not affect the assessment of compensation for disturbance or any other matter not directly based on the value of land:

(b) The special suitability or adaptability of the
40 land for any purpose shall not be taken into account if that purpose is a purpose to which it could be applied only in pursuance of statutory powers, or for which there is no market apart from the special needs of a particular purchaser or the requirements of
45 any Government Department or any local or public authority:

(c) Where the value of the land taken for any public work is increased or reduced by the work or by the prospect of the execution of the work, the amount of that increase or reduction shall not be taken into account: 5

(d) The Court shall take into account by way of deduction from the total amount of compensation that would otherwise be awarded on any claim in respect of a public work (whether for land taken or injuriously affected or otherwise) 10 any increase caused or likely to be caused by the work or by the prospect of the execution of the work in the value of any land of the claimant that is injuriously affected by the work, or in the value of any other land in which 15 the claimant has an interest.

Repeal.

(2) This section is in substitution for section seventy-nine of the Public Works Act, 1928, and that section is hereby accordingly repealed.

Saving.

(3) Notwithstanding the repeal of the said section 20 seventy-nine, all claims for the hearing of which a Compensation Court has been duly constituted before the passing of this Act, and all applications made before the passing of this Act to the Native Land Court under section one hundred and four of the Public Works Act, 1928, shall be determined in the same manner in all 25 respects as if this section had not been passed.

Minister not bound to acquire lands used for certain public works.

See Reprint of Statutes, Vol. VIII, p. 752 1936, No. 3

29. (1) The Minister of Public Works may erect, construct, provide, maintain, repair, and use any work authorized by Part XI of the Public Works Act, 1928, or 30 by section thirty-nine of the Employment Promotion Act, 1936, without being bound to acquire the land or any portion of the land used for the purposes of such work, and for any of those purposes the said Minister or any person acting with his authority may enter at any time 35 upon any such land.

(2) Where the Minister of Public Works, acting under the authority of this section, or under any other lawful authority, uses land for the purposes of any public work without acquiring the same, any compensation payable in respect of the use of such land shall be 40 determined in accordance with the provisions of section forty-two of the Public Works Act, 1928:

Provided that in any case where the provisions of section forty-three of the said Act would apply if such land had been acquired by the Minister, they shall, with the necessary modifications, apply notwithstanding that the land has not been so acquired. In any case to which this proviso applies the use of any land by the Minister shall, for the purposes of the assessment of compensation by a Compensation Court, be deemed to be the resumption or taking possession thereof.

(3) The provisions of this section shall be deemed to apply with respect to any such work which has been carried out or has been commenced before the passing of this Act.

30. (1) The Minister of Public Works is hereby authorized to construct works for the drainage and control of Lake Ellesmere in the Canterbury Land District, and for the protection of lands adjacent to such lake, including the construction of a permanent outlet from the said lake to the sea.

Authorizing construction of drainage and reclamation works in connection with Ellesmere Lake lands.

(2) All moneys held in the Public Works Fund and received on account of leases of the lands known as the Ellesmere Lake lands (being the lands to which section three hundred and eighty-three of the Land Act, 1924, relates), may be applied towards meeting the cost of the said works.

See Reprint of Statutes, Vol. IV, p. 802

(3) All moneys hereafter received in respect of leases of the lands referred to in the *last preceding* subsection shall be disposed of in accordance with the provisions of section twenty of the Land Act, 1924.

(4) Subsection two of section three hundred and eighty-three of the Land Act, 1924, is hereby repealed.

Repeals.

(5) Section six of the Ellesmere Lands Drainage Act, 1905, is hereby repealed. Notwithstanding the repeal of the said section, a proportionate part of the subsidy mentioned therein may be paid for the current year.

1905, No. 59

(6) The Ellesmere Lands Drainage Board is hereby authorized to contribute towards the cost of the works authorized by subsection *one* hereof, and for that purpose may raise a special loan in the manner prescribed by and subject to the provisions of the Local Bodies' Loans Act, 1926. Any special loan so raised shall be deemed to have been raised under the powers conferred upon the Board by the Land Drainage Act, 1908, and the provisions of that Act shall apply in the same manner as if the said works were to be constructed by the Board under the powers conferred by that Act.

Ibid., Vol. V, p. 360; Ibid., Vol. IV, p. 466

(7) The Minister shall give notice in writing to the Ellesmere Lands Drainage Board when the construction of the said works or of any section thereof has been completed, and from a date to be specified in such notice in that behalf the said works or the specified section thereof shall be controlled and maintained by the said Board. 5

Protection of superannuation rights of certain persons who have received payments for special services.

See Reprint of Statutes, Vol. VII, pp. 574, 593

31. (1) Notwithstanding anything to the contrary in section thirty-three or in section seventy-eight of the Public Service Superannuation Act, 1927, it shall be and be deemed to have been lawful to pay out of the Public Service Superannuation Fund or the Teachers' Superannuation Fund, as the case may be, to each of the persons hereinafter mentioned, the full amount of his retiring-allowance under that Act for any period or periods for which he has received or may hereafter receive payment for any of the special services hereinafter referred to. 10 15

(2) The persons to whom this section refers are the following: John Ralfe Smith, Esquire (being a former contributor to the Public Service Superannuation Fund); and James Macintosh Simmers, Esquire; John Cook, Esquire; Robert Crawford Drummond, Esquire; Balfour Kean, Esquire; David Walker Low, Esquire; John Neill, Esquire; John Ernest Purchase, Esquire; George Edward Robertson, Esquire; William Fitzgerald Watters, Esquire; James Costin Webb, Esquire; and Alexander Lamont Wyllie, Esquire (being former contributors to the Teachers' Superannuation Fund). 20 25 30

(3) The special services hereinbefore referred to are the following:— 30

(a) In relation to John Ralfe Smith, services as an officer employed under and for the purposes of the Broadcasting Act, 1936: 35

(b) In relation to James Macintosh Simmers, services in connection with the setting and marking of examination-papers for the Education Department in the year nineteen hundred and thirty-five: 40

(c) In relation to the other persons to whom this section refers, services in connection with the supervision of examinations for the University of New Zealand in the years nineteen hundred and twenty-eight to nineteen hundred and thirty-five (inclusive).

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32. The provisions of the Electoral Act, 1927, or any other Act as to the disqualification of members of Parliament, shall not apply with respect to any payment which under the authority of any appropriation made by Parliament has been or may hereafter be received by Sidney George Holland, Esquire, Clifford Lorrie Hunter, Esquire, or John Robertson, Esquire, in respect of their services as members of a Parliamentary delegation to the Cook Islands.

Members of Parliamentary delegation to Cook Islands not disqualified by receipt of payment in respect of their services.

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33. The Nelson Diocesan Trust Board, Incorporated, and the Tahuna Sands Association, Incorporated, are hereby respectively authorized to make a grant or grants, not exceeding, in the case of either of the said corporations, the sum of one hundred and fifty pounds, to Richard Henry Hounsell, of Hastings, out of funds bequeathed to the said corporations by the late J. E. Hounsell, of Nelson.

Authorizing Nelson Diocesan Trust Board and Tahuna Sands Association to make grants to R. H. Hounsell.