

**Reprint
as at 3 June 2017**



Finance Act 1961

Public Act 1961 No 120
Date of assent 1 December 1961
Commencement 1 December 1961

Finance Act 1961: repealed, on 3 June 2017, by section 3(1) of the Statutes Repeal Act 2017 (2017 No 23).

Contents

	Page
Title	2
1 Short Title	2
2 Development Bonds <i>[Repealed]</i>	2
3 Advance subscriptions to loans <i>[Repealed]</i>	2
4 Certain securities not to form part of the public debt <i>[Repealed]</i>	2
5 Acquisition of shares in Tasman Empire Airways Limited <i>[Repealed]</i>	2
6 Authorising purchase of shares in Whitehaven Limited <i>[Repealed]</i>	2
7 Timber workers' housing	2
8 Deposits from Standard Insurance Company Limited under Insurance Companies' Deposits Act 1953 <i>[Repealed]</i>	2
9 Persons employed in New Zealand Government Service and Western Samoan Public Service	2
10 Empowering certain local authorities to expend money in connection with Nelson centennial celebrations	5
11 Colonial Light Dues Act 1935 repealed	5

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Treasury.

12	Validating certain payments by the Nelson lakes National Park Board	6
13	Saving of member of Parliament from disqualification	6

An Act to make provision with respect to public finance and other matters

1 Short Title

This Act may be cited as the Finance Act 1961.

2 Development Bonds

[Repealed]

Section 2: repealed, on 1 April 1978, by section 163(1) of the Public Finance Act 1977 (1977 No 65).

3 Advance subscriptions to loans

[Repealed]

Section 3: repealed, on 1 April 1978, by section 163(1) of the Public Finance Act 1977 (1977 No 65).

4 Certain securities not to form part of the public debt

[Repealed]

Section 4: repealed, on 16 September 1966, by section 6(3) of the International Finance Agreements Amendment Act 1966 (1966 No 25).

5 Acquisition of shares in Tasman Empire Airways Limited

[Repealed]

Section 5: repealed, on 1 April 1978, by section 163(1) of the Public Finance Act 1977 (1977 No 65).

6 Authorising purchase of shares in Whitehaven Limited

[Repealed]

Section 6: repealed, on 1 April 1978, by section 163(1) of the Public Finance Act 1977 (1977 No 65).

7 Timber workers' housing

Amendment(s) incorporated in the Act(s).

8 Deposits from Standard Insurance Company Limited under Insurance Companies' Deposits Act 1953

[Repealed]

Section 8: repealed, on 1 March 2002, by section 170(1) of the Public Trust Act 2001 (2001 No 100).

9 Persons employed in New Zealand Government Service and Western Samoan Public Service

(1) In this section—

New Zealand controlling authority means—

- (a) in respect of a person employed in any branch of the New Zealand Government Service to which the State Sector Act 1988 applies or in the Cook Islands Public Service, the New Zealand State Services Commission:
- (b) in relation to a person employed in the education service as defined in the Government Superannuation Fund Act 1956, the Secretary of Education:
- (c) in respect of a person employed in any other branch of the New Zealand Government Service, the permanent head of the department concerned

New Zealand Government Service or **New Zealand Service** means the service of Her Majesty in respect of the Government of New Zealand, not being honorary service; and includes the Cook Islands Public Service and service which is education service within the meaning of the Government Superannuation Fund Act 1956

Western Samoan Public Service or **Samoan Service** means service in any capacity of the Government of Western Samoa; and includes service in respect of the Western Samoa Trust Estates Corporation; but does not include—

- (a) service remunerated by way of fees or commission only; or
 - (b) honorary service; or
 - (c) service in any of the capacities specified in paragraphs (a) to (e) of Article 83 of the Constitution of the Independent State of Western Samoa; or
 - (d) service as a member of the Public Service Commission of Western Samoa.
- (2) Where any person permanently employed in the New Zealand Government Service is appointed to a position in the Western Samoan Public Service (whether before or after the date on which Western Samoa becomes an independent State)—
- (a) he may hold his position in the New Zealand Service concurrently with his position in the Samoan Service; and
 - (b) his status, rights, and liabilities in the New Zealand Service shall be unaffected by the fact that he holds a position in the Samoan Service; and
 - (c) he shall in respect of his position in the New Zealand Service be subject to the laws governing the New Zealand Service notwithstanding his tenure of a position in the Samoan Service; and
 - (d) he shall, in respect of the New Zealand Service, be qualified for promotion, increase of salary, and appointment to any other position as if he held no position in the Samoan Service.

- (3) So long as any person so holds positions concurrently in both services, he shall be deemed to be absent on leave without pay from the New Zealand Government Service unless the New Zealand controlling authority otherwise directs.
- (4) When any person permanently employed in the New Zealand Government Service is appointed to a position in the Western Samoan Public Service (whether before or after the date on which Western Samoa becomes an independent State), and then or thereafter ceases to hold a position in the New Zealand Service, he shall not be deemed for that reason to have retired from the New Zealand Service, but shall become a supernumerary employee of that service, and, unless he sooner resigns from the New Zealand Service, shall so remain until he ceases to be employed in the Samoan Service and for such further period, not exceeding 6 months, as the New Zealand controlling authority may from time to time in any case allow. A supernumerary employee shall receive no pay in respect of the New Zealand Service, but shall for all other purposes be deemed to remain an employee of that service.
- (5) While any person so holds positions concurrently in both services, or is a supernumerary employee of the New Zealand Government Service in accordance with the provisions of subsection (4), and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the New Zealand controlling authority he would have been entitled to receive in respect of his employment in the New Zealand Service had he not been appointed to the Samoan Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956:
provided that, when any such person has held a position in the Samoan Service for a continuous period of 6 years, he may, at any time after the expiration of that period while he still holds a position in the Samoan Service, or within 1 year after returning to employment in the New Zealand Service, elect to contribute on the salary received by him in respect of his employment in the Samoan Service (exclusive of any special allowance received by him in respect of his residence in Western Samoa) with effect from the date of his appointment to the Samoan Service, and upon any such election there shall be payable by him to the Fund, within such time and in such manner as the Government Superannuation Fund Authority may allow in that behalf, such sum as that Authority may fix in respect of the excess of his salary during that period as an employee of the Samoan Service over the amount deemed to be his salary during that period under the foregoing provisions of this subsection.
- (6) Notwithstanding anything in section 36 of the Public Service Act 1912, any person who is employed in the Western Samoan Public Service shall be eligible for appointment to any position in the New Zealand Government Service in all respects as if he were permanently employed therein, and may hold any such position to which he is appointed concurrently with any position retained by him in the Samoan Service; but, until he is appointed to a position in the New Zealand Service, no such person shall have any right of appeal against any de-

termination in relation to any employment, promotion, or transfer in the New Zealand Service. For the purposes of this subsection the seniority of any such person shall be determined with reference to his grading (if any) in the New Zealand Service.

- (7) While any person holds positions concurrently in both services under subsection (6), and is a contributor to the Government Superannuation Fund, the salary together with increments, if any, that in the opinion of the Public Service Commission of Western Samoa he would have been entitled to receive in respect of his employment in the Samoan Service had he not been appointed to a position in the New Zealand Service shall be deemed to be his salary for the purposes of the Government Superannuation Fund Act 1956.
- (8) This section shall come into force on 1 January 1962.

Section 9(1) **New Zealand controlling authority** paragraph (a): amended, on 1 April 1988, pursuant to section 88(2) of the State Sector Act 1988 (1988 No 20).

Section 9(1) **New Zealand controlling authority** paragraph (a): amended, on 1 April 1988, pursuant to section 110(1) of the State Sector Act 1988 (1988 No 20).

Section 9(1) **New Zealand controlling authority** paragraph (b): amended, on 1 October 1989, pursuant to section 144(2)(a) of the Education Act 1989 (1989 No 80).

Section 9(1) **New Zealand controlling authority** paragraph (b): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 9(1) **New Zealand Government Service** or **New Zealand Service**: amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 9(5): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

Section 9(5) proviso: amended, on 2 October 2001, by section 40 of the Government Superannuation Fund Amendment Act 2001 (2001 No 47).

Section 9(5) proviso: amended, on 1 October 1995, by section 31 of the Government Superannuation Fund Amendment Act 1995 (1995 No 28).

Section 9(7): amended, on 1 November 1976, pursuant to section 3(3) of the Government Superannuation Fund Amendment Act 1976 (1976 No 30).

10 Empowering certain local authorities to expend money in connection with Nelson centennial celebrations

It shall be lawful and be deemed always to have been lawful for any local authority or public body whose district lies wholly or partly within the boundaries of the Provincial District of Nelson to expend money out of its general funds towards celebrating and commemorating the 100th anniversary of the constitution of the Province of Nelson, and in connection with the establishment of a centennial memorial or centennial memorials, and to make grants to the body known as the Nelson Provincial Centennial Association for any such purpose.

11 Colonial Light Dues Act 1935 repealed

- (1) The Colonial Light Dues Act 1935 is hereby repealed.

(2) *Amendment(s) incorporated in the Act(s).*

12 Validating certain payments by the Nelson lakes National Park Board

Notwithstanding anything to the contrary in the National Parks Act 1952 or in any other Act or rule of law, the payment by the Nelson Lakes National Park Board to George Richmond Lyon of 1,005 pounds 1 shilling and 3 pence on account of his services as park ranger for the period which commenced on 1 May 1959 and ended on 5 July 1960 during which period he was a member of the Board, is hereby validated and declared to have been lawfully made.

13 Saving of member of Parliament from disqualification

The provisions of the Electoral Act 1956 as to the disqualification of members of Parliament or of candidates for election as members of Parliament shall not apply and shall be deemed not to have applied with respect to any payment that has been received out of public money by William Henry Brown, Esquire, Member of Parliament, during the financial year ended 31 March 1961 by way of honorarium as chairman of the Wanganui Education Board or as chairman of the Palmerston North Hospital Board or by way of remuneration as a member of the National Roads Board or of the Review Committee established under the Education Boards' Employment Regulations 1958.

Reprints notes

1 *General*

This is a reprint of the Finance Act 1961 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Statutes Repeal Act 2017 (2017 No 23): section 3(1)

Public Trust Act 2001 (2001 No 100): section 170(1)

Government Superannuation Fund Amendment Act 2001 (2001 No 47): section 40

Government Superannuation Fund Amendment Act 1995 (1995 No 28): section 31

Education Act 1989 (1989 No 80): section 144(2)(a)

State Sector Act 1988 (1988 No 20): sections 88(2), 110(1)

Public Finance Act 1977 (1977 No 65): section 163(1)

Government Superannuation Fund Amendment Act 1976 (1976 No 30): section 3(3)

International Finance Agreements Amendment Act 1966 (1966 No 25): section 6(3)