

New Zealand.

ANALYSIS.

- | Title. | |
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| 1. Short Title. | |
| | PART I. |
| | WAR LEGISLATION. |
| | <i>Acquisition of Land by Persons of Enemy Origin.</i> |
| 2. Interpretation. | |
| 3. Exemption. | |
| 4. Sons of persons of enemy origin who have refused service to be deemed to be persons of enemy origin. | |
| 5. Governor-General may grant licenses for the acquisition of land by persons of enemy origin, as herein defined. | |
| 6. Persons of enemy origin not competent to acquire land except pursuant to license. | |
| 7. Land lawfully acquired by persons of enemy origin since the commencement of the war may be taken for public purposes, as herein provided. | |
| 8. Jurisdiction of Supreme Court with respect to land acquired by persons of enemy origin. | |
| 9. Land acquired by persons of enemy origin in contravention of this Part of Act may be forfeited to His Majesty. | |
| 10. Provisions with respect to the taking of land subject to this Part of Act for public purposes. Compensation for land taken. | |
| 11. Alien enemy to be treated as person of enemy origin. | |
| 12. Duty of Registrars of Deeds and of District Land Registrars to refuse to register instruments intended to have effect in contravention of this Part of Act. | |
| | <i>Restriction on Increase of Rent.</i> |
| 13. Protection of tenants from ejection. Repeal. | |
| | <i>Regulation of Trade and Commerce.</i> |
| 14. Power to make regulations for the purpose of securing supplies for use of His Majesty's Government of the United Kingdom. | |
| 15. Penalty on summary conviction for offence against Regulation of Trade and Commerce Act, 1914. | |
| 16. Section 30 of Regulation of Trade and Commerce Act, 1914, extended. | |
| 17. Authority to make contracts with respect to supplies produced in New Zealand and required for use of His Majesty's Government of the United Kingdom. | |
| 18. Arbitration Court may amend certain awards or industrial agreements with respect to hours of employment and rates of wages. | |
| 19. Continuation of war bonuses under awards of Arbitration Court. | |
| 20. This subdivision to be read with Regulation of Trade and Commerce Act. Duration of Regulation of Trade and Commerce Act. Repeal. | |
| | <i>Regulation of Trade and Commerce Act further amended.</i> |
| 21. Prohibition of demanding excessive prices for or hoarding goods. | |
| 22. Miscellaneous amendments. Repeals. | |
| | <i>Soldiers' Wills.</i> |
| 23. Explanation of section 11 of Wills Act, 1837 (Imperial). And of section 39 of War Legislation Amendment Act, 1916. | |
| | <i>Duration and Termination of War defined.</i> |
| 24. References in Acts to the duration of the war or the termination of the war explained. | |
| | <i>Power to cancel Warrants against Soldiers.</i> |
| 25. Authority for cancellation of warrants for arrest of persons who are proved to have served beyond the seas in the present war in cases where the Attorney-General and the Minister of Justice are of opinion that a prosecution is not necessary in the public interest. | |
| | <i>Further Protection of Soldiers.</i> |
| 26. Additional provisions for protection of soldiers and discharged soldiers from judicial process. | |
| 27. Extension of provisions as to relief of soldiers from burdensome contracts. | |
| | <i>Unauthorized Consular Agents.</i> |
| 28. Unauthorized representatives of foreign States. | |
| | <i>War Regulations.</i> |
| 29. Section 2 of War Regulations Amendment Act, 1915 (No. 2), (relative to the requisition of military supplies) extended. | |
| 30. Validation of war regulations. | |
| | <i>Contractors' Relief.</i> |
| 31. Section 17 of War Legislation Act, 1917, extended. | |
| | <i>Superannuation.</i> |
| 32. Section 29 of War Legislation Act, 1917, repealed. | |

PART II. STATUTE LAW AMENDMENT.	<i>Education.</i>
<i>Harbour Regulations.</i>	
33. Power to make General Harbour Regulations. Repeals. Saving.	36. Appointment of organizing teachers. 37. Section 124 of Education Act, 1914, amended. 38. Probationary homes for children.
<i>State Forests.</i>	<i>Government Apprentices.</i>
34. Power to cut and sell timber. Power to buy land for afforestation. Power to afforest Crown lands. Power to make regulations.	39. Status of Government apprentices defined. Repeal.
<i>New Zealand University.</i>	<i>Master and Apprentice.</i>
35. Section deemed to be part of the New Zealand University Act, 1908. Senate may suspend or modify the statutes or regulations of the University. Senate may grant degrees without examination. Special meetings of Senate.	40. Suspension and revival of apprenticeship of returned soldier, &c. Repeal.
	<i>Shop-closing Requisitions.</i>
	41. Closing-hours of shops. Schedule.

1918, No. 10.

Title.

AN ACT to amend certain Enactments having Reference to the Present State of War, and to make certain Additional Provisions in relation thereto, and to amend certain other Enactments.
[10th December, 1918.]

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 and Statute Law Amendment Act, 1918.

PART I.

WAR LEGISLATION.

Acquisition of Land by Persons of Enemy Origin.

Interpretation.

2. In this Part of this Act, unless inconsistent with the context,—
- “Enemy State” means a State with which His Majesty has been at war at any time since the fourth day of August, nineteen hundred and fourteen :
- “Friendly State” means a State with which His Majesty has been continuously at peace since the fourth day of August, nineteen hundred and fourteen :
- “Person of enemy origin” means a person who (being a subject of His Majesty or of a friendly State, whether by birth or otherwise) has at any time been a subject of an enemy State, and includes the wife of any such person :
- “License” means a license granted by the Governor-General in Council pursuant to the provisions of this Part of this Act.

Exemption.

3. A person of enemy origin shall be exempt from the prohibitions, liabilities, and penalties imposed by this Act if such person has actually served with His Majesty's Forces abroad at any time since the fourth day of August, nineteen hundred and fourteen, and has received or is entitled to receive an honourable discharge from such service.

Sons of persons
of enemy origin
who have
ref used service

4. Every person who (being the son of an alien enemy as defined by section two of the War Legislation Act, 1917, or the son of a person of enemy origin as defined by section two of this Act)—

- (a.) Has at any time since the fourth day of August, nineteen hundred and fourteen, refused or neglected to serve His Majesty in any civil or military capacity when required by any Act or by any person duly authorized in that behalf so to serve; or
- (b.) Has at any time since the fourth day of August, nineteen hundred and fourteen, been convicted of an offence against any war regulation made under the authority of the War Regulations Act, 1914—

to be deemed to be persons of enemy origin.

shall be deemed for all the purposes of this Act to be a person of enemy origin, and this Act shall apply in all respects to such person and to all persons contracting with him as if such person were a person of enemy origin as defined by section two hereof.

5. The Governor-General in Council may grant licenses in writing authorizing persons of enemy origin to acquire land or any estate or interest in land.

Governor-General may grant licenses for the acquisition of land by persons of enemy origin, as herein defined.

6. (1.) Except pursuant to the terms and conditions of a license, it shall not be lawful after the commencement of this Act for a person of enemy origin, or for any person in trust for a person of enemy origin, to contract for the acquisition of land or any estate or interest, whether legal or equitable, in land other than a leasehold estate or interest for a term which will expire within two years from the commencement of such leasehold estate or interest.

Persons of enemy origin not competent to acquire land except pursuant to license.

(2.) Every person who knowingly is a party to, or concerned in the making of, any such contract shall be liable on summary conviction to a fine not exceeding one hundred pounds, or to imprisonment for a term not exceeding three months.

(3.) For the purposes of this section a contract conferring a right or option to acquire an estate or interest in land shall be deemed to be a contract for the acquisition of that estate or interest.

7. (1.) Where pursuant to the terms of any deed or contract made and entered into since the fourth day of August, nineteen hundred and fourteen, and before the commencement of this Act, a person of enemy origin has become entitled to land or to any estate or interest, whether legal or equitable, in land, such land or such estate or interest may be taken for public purposes in the manner hereinafter provided.

Land lawfully acquired by persons of enemy origin since the commencement of the war may be taken for public purposes, as herein provided.

(2.) Where under the terms of the will of any testator or by succession to a deceased intestate a person of enemy origin has since the fourth day of August, nineteen hundred and fourteen, and whether before or after the commencement of this Act, become entitled to land or to any estate or interest in land, whether legal or equitable, such land or such estate or interest may be taken for public purposes in the manner hereinafter provided.

8. (1.) On the information of the Attorney-General the Supreme Court shall have jurisdiction to inquire, determine, and ascertain with respect to any land—

Jurisdiction of Supreme Court with respect to land acquired by persons of enemy origin.

- (a.) Whether such land or any estate or interest therein has been acquired since the fourth day of August, nineteen hundred and fourteen, by a person of enemy origin :

(b.) Whether such land or such estate or interest was so acquired by contract, or under the terms of a will or by succession to a deceased intestate :

(c.) If such acquisition was by contract, whether such contract was made before or after the commencement of this Act.

(2.) The proceedings by the Attorney-General under this Part of this Act shall be *ex parte*, except so far as the Supreme Court directs notice thereof to be given to any other person. All persons so receiving notice thereof shall be parties to the proceedings.

(3.) In all proceedings under this Part of this Act in which any question arises dependent upon the nationality of any person, or as to whether any person is or was at any time a subject of an enemy State, the Supreme Court may accept such evidence as it thinks fit, whether such evidence is admissible in accordance with the law of evidence or not.

Land acquired by persons of enemy origin in contravention of this Part of Act may be forfeited to His Majesty.

9. If the Supreme Court shall ascertain and determine that a contract prohibited by this Part of this Act has been made and entered into after the commencement of this Act, the Supreme Court shall have jurisdiction by order to declare the land or the estate or interest in land the subject-matter of such contract to be forfeited to His Majesty, and to vest such land or such estate or interest therein in the Public Trustee in trust for His Majesty; and every such order shall have effect according to its tenor, and may, when it relates to a legal estate or interest in land under the Land Transfer Act, 1915, be registered under that Act.

Provisions with respect to the taking of land subject to this Part of Act for public purposes.

10. (1.) If the Supreme Court shall ascertain and determine that any land or any estate or interest, whether legal or equitable, in land has been acquired by a person of enemy origin under the terms of any contract made since the fourth day of August, nineteen hundred and fourteen, and before the commencement of this Act, or under the terms of any will or by succession under any intestacy since the fourth day of August, nineteen hundred and fourteen, and whether before or after the commencement of this Act, the Governor-General may take such land or such estate or interest by Proclamation approved in the Executive Council in the same manner as the Governor-General is empowered to acquire land for the purposes of a public work under the provisions of the Public Works Act, 1908; and such Proclamation shall have the effect of absolutely vesting such land or such estate or interest in land in His Majesty.

Compensation for land taken.

(2.) Every person having any estate or interest in land so taken shall be entitled to compensation for the same, to be determined by arbitration in such manner as may be prescribed.

(3.) The Minister of Finance shall cause to be paid out of the Consolidated Fund, without further appropriation than this Act, the amount of compensation so ascertained.

(4.) Lands and all estates and interests in land acquired by His Majesty under the provisions of this section shall be sold or otherwise dealt with as the Governor-General in Council may from time to time determine.

Alien enemy to be treated as person of enemy origin.

11. From and after the date when by reason of the termination of the present war the prohibition of certain contracts effected by

section ten of the War Legislation Act, 1917, ceases to have future operation every provision of this Act shall apply in respect of an alien enemy as defined in section two of the said War Legislation Act, 1917; and every such alien enemy shall from and after the said date be subject to the penalties, disabilities, and liabilities imposed and defined by this Act on and in respect of persons of enemy origin, but shall not thereby be relieved from any penalty or liability he may have incurred under the said War Legislation Act, 1917.

12. It shall be the duty of every Registrar of Deeds and of every District Land Registrar to refuse to register or make any entry other than of refusal in respect of any deed, document, or instrument which he has reasonable grounds for suspecting to be intended to have effect contrary to the provisions of this Part of this Act.

Duty of Registrars of Deeds and of District Land Registrars to refuse to register instruments intended to have effect in contravention of this Part of Act.

Restriction on Increase of Rent.

13. (1.) No order for the recovery of possession of a dwelling-house to which Part I of the War Legislation Amendment Act, 1916, applies, or for the ejectment of a tenant therefrom, shall, if the tenant is a soldier or a discharged soldier, or the wife or widow of a soldier or a discharged soldier, within the meaning of this section, be made so long as the tenant continues, subject to the provisions of the said Part I, to pay rent at the agreed rate 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 or annoyance to adjoining or neighbouring occupiers.

Protection of tenants from ejectment.

(2.) If the tenant of any dwellinghouse is a person other than a soldier or a discharged soldier, or the wife or widow of a soldier or a discharged soldier as aforesaid, an order for the recovery of possession of the dwellinghouse or for the ejectment of the tenant therefrom shall not be made except on one or more of the grounds mentioned in the last preceding subsection, or on any of the grounds following, that is to say:—

- (a.) That the premises are reasonably required by the landlord for his own occupation; or
- (b.) That an agreement for the sale of the premises has been duly entered into, to be completed by transfer within one month from the date thereof, and that the premises are required by the purchaser for his own occupation; or
- (c.) Any other ground that may be deemed sufficient by the Court making the order.

(3.) If the tenant is a dependant of a soldier or a discharged soldier other than his wife or widow, the Court, on any application for recovery of possession of a dwellinghouse or for the ejectment of a tenant, shall have regard to the relationship of the tenant to the soldier or discharged soldier, and shall refuse to make an order if it is of opinion that the making of the order would not be just and equitable, or would be a cause of undue hardship to the tenant or to the soldier or the discharged soldier.

(4.) 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 section had been in operation at the date of the making of the order, rescind or vary the order in such manner as the Court may think fit for the purpose of giving effect to this section.

(5.) For the purposes of this section—

“Soldier” means any officer, warrant officer, non-commissioned officer, or man of an Expeditionary Force under the Expeditionary Forces Act, 1915, who is in receipt of military pay as such, or who, though not in receipt of such pay, has not yet been a member of the Force for four months :

“Discharged soldier” means, in the case of an officer, a member of an Expeditionary Force whose appointment as such has terminated, and in any other case means a soldier who has received his discharge from the Expeditionary Force :

“Widow” of a soldier or of a discharged soldier does not include the widow of a member of the Expeditionary Force who in his lifetime was never in receipt of continuous military pay as such, but includes the widow of any other soldier or discharged soldier as hereinbefore defined :

“Dependant” in relationship to a soldier or discharged soldier includes his father, mother, stepfather, stepmother, mother-in-law, brother or sister of the whole or half-blood, or child (including stepchild or illegitimate child) who is, or within two years from the date of an application for an order under this section has been, wholly or partially dependent on the soldier or discharged soldier, whether before or after he became a soldier. In the case of a soldier or discharged soldier who has died every person shall, for the purposes of this section, be deemed to be a dependant of that soldier or discharged soldier who would be a dependant if the soldier or discharged soldier were alive.

(6.) For all the purposes of this section any land and building occupied for the purposes of a shop or place of business by a soldier or by a discharged soldier, or by the wife or widow of a soldier or of a discharged soldier, or by a dependant of a soldier or of a discharged soldier, shall, if the standard rent of such land and building does not exceed one hundred and fifty-six pounds per annum, be deemed to be a dwellinghouse to which Part I of the War Legislation Amendment Act, 1916, applies.

Repeal.

(7.) This section is in substitution for section five of the War Legislation Amendment Act, 1916, and that section is hereby accordingly repealed.

Regulation of Trade and Commerce.

Power to make regulations for the purpose of securing supplies for use of His Majesty's Government of the United Kingdom.

14. In addition to and without in any manner restricting the powers conferred by the War Regulations Act, 1914, and its amendments, the Governor-General in Council may, for the purpose of securing for His Majesty's Government of the United Kingdom such supplies of goods and merchandise as the necessities of that Government may require, whether during or after the present war, make such

regulations as he deems necessary either under the War Regulations Act, 1914, or under this Act, prohibiting, restricting, or regulating sales, purchases, and other commercial transactions of or in respect of any class of goods or merchandise, or otherwise making provision for the purpose aforesaid.

15. Notwithstanding anything to the contrary in section fourteen of the Regulation of Trade and Commerce Act, 1914 (providing a penalty of five hundred pounds for the offences referred to in that section), any person who commits any such offence may be proceeded against either by way of action for a penalty in accordance with that Act or by way of summary prosecution, and on being convicted on such prosecution shall be liable to a fine not exceeding one hundred pounds and not less than ten pounds.

Penalty on summary conviction for offence against Regulation of Trade and Commerce Act, 1914.

16. Section thirty of the Regulation of Trade and Commerce Act, 1914, is hereby amended by adding thereto the words "or for supplying the necessities of His Majesty's Government of the United Kingdom."

Section 30 of Regulation of Trade and Commerce Act, 1914, extended.

17. (1.) The Governor-General or any Minister of the Crown authorized by him for that purpose may, on behalf of His Majesty's Government of the United Kingdom, make such contracts as are deemed necessary for or relating to the purchase or acquisition of any goods or merchandise produced in New Zealand and required, whether before or after the present war, for the necessities of His Majesty's said Government.

Authority to make contracts with respect to supplies produced in New Zealand and required for use of His Majesty's Government of the United Kingdom.

(2.) All contracts heretofore made during the present war by the Governor-General or by any Minister of the Crown for the purpose aforesaid are hereby declared to be and at all times to have been of full force and effect.

18. (1.) At any time and from time to time while this subdivision of this Act remains in force the Court of Arbitration shall have power, subject to the conditions hereinafter expressed, to amend in such manner as it thinks fit the provisions of any award or industrial agreement under the Industrial Conciliation and Arbitration Act, 1908, in so far as such provisions determine the hours of employment or the rates of remuneration of any workers.

Arbitration Court may amend certain awards or industrial agreements with respect to hours of employment and rates of wages.

(2.) Every amendment of an award or industrial agreement made pursuant to this section shall be deemed, as from the date of the amendment or as from such later date as may be specified in the amendment in that behalf, to be incorporated in the award or agreement, and shall have effect according to its tenor.

(3.) In exercising the powers conferred on it by this section the Court shall take into consideration—

(a.) Any alteration since the date of the award or agreement in the conditions affecting the industry or industries to which such award or agreement relates; and

(b.) Any increase since the date of the award or agreement in the cost of living affecting the workers or any class of workers engaged in any such industry or industries.

(4.) If, having regard to these and to all other relevant considerations, the Court is of opinion that it is just and equitable to amend the award or agreement it shall amend the same accordingly.

(5.) Application for the amendment of an award or industrial agreement under this section may be made by any party to such award or agreement:

Provided that an application shall not be made by an industrial union or industrial association unless and until a proposal to make such application has been approved by the members of the union, or of each of the unions comprised in the association, as the case may be, in the same manner as if the application were an application to which section one hundred and seven of the Industrial Conciliation and Arbitration Act, 1908, applies.

(6.) Every application under this section shall state the special grounds on which the application is based, and shall be filed with the Clerk of Awards in the industrial district in which the industrial agreement is filed or in each of the industrial districts to which the award relates. Forthwith, after a date has been fixed by the Court for the hearing of any such application, the Clerk shall give notice of the date to the parties concerned.

(7.) The power to amend an award or industrial agreement conferred by this section is in addition to and not in substitution of the powers to modify or suspend an award or industrial agreement conferred on the Governor-General by section twenty-five of the Regulation of Trade and Commerce Act, 1914.

(8.) The repeal or expiry of this section shall not affect the operation of any award or industrial agreement amended pursuant thereto, and every such award or agreement as so amended shall continue to operate as if this section had remained in force.

19. (1.) Notwithstanding anything in the Industrial Conciliation and Arbitration Act or in any award or industrial agreement, the Court of Arbitration may, during the currency of any award or industrial agreement, on the application of any party thereto, or on its own motion, either wholly or partially continue, revive, increase, or terminate any war bonus provided for therein.

(2.) Such application shall be made in the same manner as is provided for by the last preceding section.

20. (1.) This subdivision shall be read together with and deemed to form part of the Regulation of Trade and Commerce Act, 1914.

(2.) Notwithstanding any other enactment to the contrary, the Regulation of Trade and Commerce Act, 1914, and every amendment thereof shall, unless sooner repealed, remain in operation during the present war with Germany and for two years thereafter, and shall then expire.

(3.) Subsection two of section six of the Regulation of Trade and Commerce Amendment Act, 1915, is hereby repealed.

Regulation of Trade and Commerce Act further amended.

21. (1.) This section shall be read with and form part of the Regulation of Trade and Commerce Act, 1914 (in this section referred to as the principal Act).

(2.) Every person commits an offence against this section who either as principal or agent sells or supplies, or offers for sale or supply, in New Zealand any goods at a price which is unreasonably

Continuation of
war bonuses
under awards of
Arbitration Court.

This subdivision
to be read with
Regulation of Trade
and Commerce Act.

Duration of
Regulation of Trade
and Commerce Act.

Repeal.

Prohibition of
demanding
excessive prices
for or hoarding
goods.

high if the opportunity of obtaining such price in New Zealand arises by reason of the existence, present or past, of a war in which His Majesty is engaged or by reason of a scarcity of such goods in New Zealand caused by war conditions present or past.

(3.) For the purposes of this section the price of any goods shall be deemed to be unreasonably high if it produces more than a fair and reasonable rate of commercial profit to the person selling or supplying, or offering to sell or supply, the goods, or to his principal.

(4.) A fair and reasonable rate of commercial profit is for the purposes of this section such rate as would have been fair and reasonable on similar goods prior to the fourth day of August, nineteen hundred and fourteen, with a fair and reasonable addition for war conditions of freight charges and business expenses.

(5.) Every person commits an offence against this section who being in possession of goods for mercantile purposes hoards and refuses to sell, or make available for sale, such goods, if such hoarding or refusal raises, or tends to raise, the cost of other similar goods to the public.

(6.) Every person who is guilty of an offence against this section is liable on summary conviction to a penalty not exceeding in the case of an individual two hundred pounds and in the case of an incorporated company one thousand pounds.

(7.) This section shall continue in force so long as the principal Act remains in force and no longer.

22. (1.) The Acts specified in the Schedule hereto are hereby amended in the manner set forth in that Schedule.

Miscellaneous amendments.

(2.) The Regulation of Trade and Commerce Amendment Act, 1915 (No. 2), and the Regulation of Trade and Commerce Amendment Act, 1917, are hereby repealed.

Repeals.

Soldiers' Wills.

23. (1.) In order to remove doubts as to the construction of the Imperial Act entitled "An Act for the Amendment of the Laws with respect to Wills" (7 William IV and 1 Victoria, Chapter 26) it is hereby declared and enacted that section eleven of that Act authorizes and always has authorized any soldier being in actual military service, or any mariner or seaman being at sea, to dispose of his personal estate as he might have done before the passing of that Act, though under the age of twenty-one years.

Explanation of section 11 of Wills Act, 1837 (Imperial).

(2.) Section thirty-four of the War Legislation Amendment Act, 1916 (relating to wills made by soldiers in respect of their real estate), shall be read and construed accordingly to extend and apply, and at all times since the commencement of the present war with Germany to have extended and applied, to such wills, although made by soldiers under the age of twenty-one years.

And of section 39 of War Legislation Amendment Act, 1916.

Duration and Termination of War defined.

24. (1.) Wherever in any Act passed since the fourth day of August, nineteen hundred and fourteen, the war, or the duration of the war, or the termination of the war, is referred to, or any equivalent expression is used, every such reference or expression shall be interpreted by the following rules:—

References in Acts to the duration of the war or the termination of the war explained.

- (a.) The war is the war with Germany.
- (b.) The war shall be deemed to be existent until a date to be named as the date of the termination of the war in a Proclamation by the Governor-General published in the *Gazette*.
- (c.) The date to be named in such Proclamation as the date of the termination of the war shall be the date of such termination for the purpose of every such Act, and the war shall for such purpose be deemed to continue and to be existent until such date.
- (2.) The judicial cognizance by the Courts required by any Act of the existence of or termination of a state of war shall be governed by this section.

Power to cancel Warrants against Soldiers.

Authority for cancellation of warrants for arrest of persons who are proved to have served beyond the seas in the present war in cases where the Attorney-General and the Minister of Justice are of opinion that a prosecution is not necessary in the public interest.

25. (1.) Any warrant issued otherwise than by a military authority, whether before or after the passing of this Act, for the arrest of any person charged with an offence may at any time before the execution thereof be cancelled by the Attorney-General and the Minister of Justice, acting jointly, if such person has since the date of the offence or alleged offence in respect of which the warrant was issued served beyond the seas in the present war as a member of the New Zealand Expeditionary Force or of any other portion of His Majesty's Military Forces, and if the Attorney-General and the Minister of Justice are satisfied that the prosecution of that person is not necessary in the public interest.

(2.) The cancellation of a warrant shall not render unlawful anything done pursuant to the warrant before its cancellation or anything that may be thereafter done pursuant to the warrant by any person without notice of its cancellation.

(3.) On the cancellation of a warrant so issued against any person no criminal proceedings shall be continued or instituted against that person in respect of the offence to which the warrant relates.

Further Protection of Soldiers.

Additional provisions for protection of soldiers and discharged soldiers from judicial process.

26. (1.) In addition to and without in any manner restricting the powers conferred by the War Regulations Act, 1914, and its amendments, the Governor-General in Council may, by regulations under that Act, make such provisions as he deems just and necessary for the protection of soldiers or discharged soldiers from the execution of civil judgments or process, proceedings in bankruptcy, forfeitures, the exercise of rights of distress or re-entry, the exercise of rights of sale or entry into possession in pursuance of any mortgage or other security, or the enforcement in any other manner of the civil obligations or liabilities of soldiers or discharged soldiers.

(2.) In this section "soldier" means a member of an Expeditionary Force under the Expeditionary Forces Act, 1915, and "discharged soldier" means a person who has in any manner ceased to be a member of an Expeditionary Force after military service as such beyond the seas.

27. (1.) The right to apply for relief from contracts conferred on soldiers by section fourteen of the War Legislation Act, 1917, shall not in any case lapse or be extinguished by the discharge of the soldier from the Expeditionary Force after military service as such beyond the seas; and any person so discharged may, in accordance with the provisions of the said Act and this section, apply accordingly for relief from any contract to which he was a party at the date of his discharge.

Extension of provisions as to relief of soldiers from burdensome contracts.

(2.) Any order made for the relief of a soldier or discharged soldier under this section or under section fifteen of the War Legislation Act, 1917, may be made retrospective to such extent as the Court making the order thinks fit.

(3.) In the course of any action or other proceeding in the Supreme Court for the enforcement of a contract to which a soldier or discharged soldier is a party the Supreme Court shall have jurisdiction on the application of that soldier or discharged soldier to make an order affording any relief which might have been granted by a Stipendiary Magistrate in pursuance of section fifteen of the War Legislation Act, 1917, as modified by this section.

(4.) This section shall be read together with and deemed part of Part III of the War Legislation Act, 1917.

Unauthorized Consular Agents.

28. (1.) It shall not be lawful for any person without the exequatur or other authorization of the Crown to act as or to purport or profess to be a diplomatic, consular, commercial, or other representative, agent, or officer of any foreign State or political community, whether recognized by His Majesty or not.

Unauthorized representative of foreign States.

(2.) Every person who commits an offence against this section shall be liable on summary conviction to imprisonment for a term not exceeding three months, or to a fine not exceeding one hundred pounds.

(3.) In every prosecution for an offence against this section proof that the accused person acted, or purported to act as, or professed to be a diplomatic, consular, commercial, or other representative, agent, or officer of any foreign State or political community shall be *prima facie* evidence that the accused has committed an offence against this section. The onus of proof that the person so accused had the exequatur or other authority of the Crown for so acting or for so purporting or professing shall be upon the person accused.

War Regulations.

29. Section two of the War Regulations Amendment Act, 1915 (No. 2), is hereby amended by adding thereto, after the words "the present war," the words "or for the purposes of an Expeditionary Force, whether during or after the present war."

Section 2 of War Regulations Amendment Act, 1915 (No. 2), (relative to the requisition of military supplies) extended.

30. All regulations heretofore made under the War Regulations Act, 1914, and its amendments, shall for all purposes whatever be deemed, as from the making thereof, to have been made with full

Validation of war regulations.

power and authority, and to be and to have been valid and of full effect; and the powers, rights, duties, and liabilities of all persons in respect of all things done or suffered, whether before or after the passing of this Act, shall be determined accordingly.

Contractors' Relief.

Section 17 of
War Legislation
Act, 1917,
extended.

31. Section seventeen of the War Legislation Act, 1917, conferring power on the Supreme Court to suspend, annul, or extend certain contracts, is hereby amended—

- (a.) By inserting, after the words "materials for any building or work," the words "or by any party to a contract by which the construction of any building or work is made a condition precedent of any right under the contract, or otherwise affects the rights or obligations of the parties to the contract"; and
- (b.) By inserting, after the word "suspend," the word "vary."

Superannuation.

Section 29 of War
Legislation Act,
1917, repealed.

32. Section twenty-nine of the War Legislation Act, 1917, is hereby repealed.

PART II.

STATUTE LAW AMENDMENT.

Harbour Regulations.

Power to make
General Harbour
Regulations.

33. (1.) The Governor-General may from time to time, by Order in Council gazetted, make regulations, to be known as "General Harbour Regulations," for all or any of the following purposes, that is to say:—

- (a.) Preventing the overloading of ships or the overcrowding of ships with passengers;
- (b.) Providing for the inspection and testing from time to time, by a Surveyor of Ships or an Inspector of Machinery, or other competent person to be authorized in that behalf by the Minister of Marine, of all machinery, ropes, stagings, and all other appliances or gear (whether on board any ship or not) used in connection with the loading, unloading, or transhipment of any goods; and prohibiting the use for any such purpose of any machinery, ropes, staging, appliances, or gear that may not be approved on such inspection;
- (c.) Prescribing with respect to any class or classes of chains, ropes, hooks, or other appliances used in connection with the loading or unloading or transhipment of goods the maximum weight or strain which they shall be deemed capable of bearing, and prohibiting, in the course of any such operations as aforesaid, the placing of any weight or strain in excess of the maximum so prescribed on any such chain, rope, hook, or other appliance as aforesaid;

- (d.) Providing for the effective lighting of ships and wharves at all times while goods are being loaded, unloaded, or transhipped at any time after sunset and before sunrise;
- (e.) Providing for the ventilation, cleansing, and disinfection of wharves and ships;
- (f.) Prescribing all such things as may be deemed necessary with respect to harbour lights, buoys, beacons, and signals;
- (g.) Prescribing rules for determining the qualifications in respect of age, time of service, skill, character, and otherwise to be required of persons holding positions as Harbourmasters or acting as pilots;
- (h.) Regulating all other matters relating to the protection of life and property in or on ships, wharves, or harbours, and providing for the safe navigation of all harbours, navigable rivers, and navigable lakes;
- (i.) Generally, for carrying into effect the provisions of the principal Act and its amendments in so far as they confer powers or impose duties with respect to harbours on the Governor-General, or the Governor-General in Council, or on the Minister; and
- (j.) Fixing such fines, not exceeding one hundred pounds in any case, for offences against regulations made hereunder.

(2.) General Harbour Regulations made under this section shall be in force in all ports or harbours in New Zealand, and the by-laws of all Harbour Boards shall be read subject to the provisions of the General Harbour Regulations for the time being in force.

(3.) This section is in substitution for section two hundred and five of the Harbours Act, 1908, and that section is hereby accordingly repealed. Repeals.

(4.) The Fourth Schedule to the Harbours Amendment Act, 1910, is hereby amended by repealing so much thereof as relates to section two hundred and five of the Harbours Act, 1908.

(5.) Section ten of the Harbours Amendment Act, 1914, is hereby repealed.

(6.) All General Harbour Regulations in force under the Harbours Act, 1908, on the passing of this Act shall be deemed to have been made under this section, and shall have effect accordingly. Saving.

(7.) This section shall be read together with and deemed part of the Harbours Act, 1908.

State Forests.

34. (1.) This section shall be read together with and form part of the State Forests Act, 1908 (in this section referred to as the principal Act). Power to cut and sell timber.

(2.) In addition to the powers conferred upon the Commissioner of State Forests by the principal Act, the Commissioner may—

(a.) Purchase and hire sawmills and machinery, and cut and sell timber in State forests:

(b.) Purchase private lands for addition to or protection of State forests. Power to buy land for afforestation.

Power to afforest
Crown lands.

(3.) (a.) In addition to the powers conferred on the Governor-General in Council by section three of the principal Act, the Governor-General in Council may, by Proclamation, set apart any lands forming part of the Crown lands in New Zealand as and for provisional State forests.

(b.) Lands so set apart as provisional State forests shall for all purposes of the principal Act, and of all other Acts relating to State forests, be State forests unless and until the Governor-General in Council shall by further Proclamation declare that the same are required for settlement.

(c.) The effect of any such further Proclamation shall be that such parts of the provisional State forests as are defined in such further Proclamation shall cease to be State forests.

(d.) The provisions of section twenty-eight of the principal Act shall not apply to a Proclamation relating to provisional State forests.

(4.) In this section (and in any Act passed in the present session of Parliament) the expression "afforestation purposes" or "purposes of afforestation" means and includes purposes and works authorized by the principal Act or by this section.

(5.) Every afforestation purpose is hereby declared to be a public work, and Parts II and III of the Public Works Act, 1908, shall apply in respect thereof accordingly.

Power to make
regulations.

(6.) In addition to the powers conferred upon the Governor-General in Council by section fifteen of the principal Act, the Governor-General in Council may from time to time, by Order in Council, make regulations for limiting the export from New Zealand of timber, whether in logs or sawn, and prohibiting the sale of standing timber or the grant of licenses to cut standing timber on public or private lands of any tenure, except subject to such conditions as may be prescribed.

New Zealand University.

Section deemed to
be part of the New
Zealand University
Act, 1908.

35. (1.) This section shall be read together with and deemed part of the New Zealand University Act, 1908.

Senate may suspend
or modify the
statutes or
regulations of the
University.

(2.) So far as may be deemed necessary for the purpose of avoiding undue hardship to students or candidates by reason of the interruption of their studies or examinations through the epidemic of influenza now prevalent in New Zealand the Senate may, without the approval of the Governor-General in Council or the concurrence or consultation of the Board of Studies, temporarily suspend or modify any of its statutes or regulations and appoint such examiners as may be required.

Senate may grant
degrees without
examination.

(3.) So far as may be deemed necessary for the purpose aforesaid the statutes and regulations as so modified may, notwithstanding anything to the contrary in the New Zealand University Act, 1908, make provision for the grant of degrees without examination.

Special meetings of
Senate.

(4.) For the purpose of this section special meetings of the Senate may be held at such times and places as may be appointed in that behalf by the Chancellor of the University.

Education.

36. (1.) In addition to the teachers provided for by the Fifth Schedule to the Education Act, 1914 (in this and the next succeeding sections referred to as the principal Act), there may from time to time be appointed, with the approval of the Minister, in connection with any public or Native school or group of such schools, an organizing teacher, who shall have such powers and duties as may from time to time be prescribed by regulations in that behalf.

Appointment of
organizing teachers.

(2.) Persons appointed as organizing teachers under this section shall receive such salaries as may be lawfully appointed in that behalf, not exceeding a salary of Grade V, as provided in Part I of the Fourth Schedule to the principal Act.

(3.) No person holding appointment as an organizing teacher under this section shall be entitled to receive a house allowance under section eighty-one of the principal Act, but shall be entitled to receive reasonable travelling allowances and expenses.

37. (1.) Subsection one of section one hundred and twenty-four of the principal Act is hereby amended as follows:—

Section 124 of
Education Act,
1914, amended.

(a.) By omitting the words "On the application of the School Committee, the Education Board may, with the concurrence of the Minister," and substituting the words "The Governor-General may from time to time, by Order in Council gazetted";

(b.) By omitting the words "within the school district";

(c.) By inserting, after the words "to attend such classes," the words "for more than one half-day during the daytime and one evening in any one week, or"; and

(d.) By adding at the end of the subsection the words "Provided also that the regulations requiring part-time attendance during the day shall apply only to such trades, businesses, occupations, or callings, or any part or parts thereof, and only within such districts, as may be prescribed."

(2.) Subsection two of the same section is hereby amended by omitting the words "other than the ordinary hours of employment."

38. Any child of any of the classes specified in section seventeen of the Industrial Schools Act, 1908, and any child within the meaning of Part IV or of Part V of the Infants Act, 1908, may be admitted in the first place to a Probationary Home for Children and there maintained until dealt with by the Magistrate:

Probationary Homes
for Children.

Provided that every child so admitted shall be brought before the nearest available Court at its first sitting after admission.

Government Apprentices.

39. (1.) Apprentices in the Government Service under the provisions of Part II of the Master and Apprentice Act, 1908, shall be deemed to be and at all times to have been permanently employed in the Public Service within the meaning and for the purposes of the

Status of
Government
apprentices defined.

Public Service Classification and Superannuation Act, 1908, or of Part III of the Government Railways Act, 1908, as the case may be, but such apprentices shall not be deemed to be permanent officers of the Public Service within the meaning and for the purposes of the Public Service Act, 1912.

Repeal

(2.) Section thirty-one of the Master and Apprentice Act, 1908, is hereby repealed.

Master and Apprentice.

Suspension and revival of apprenticeship of returned soldier, &c.

40. (1.) Where any person who has served in any capacity with any of His Majesty's Naval or Military Forces in connection with the present war was at the time he entered into such service an apprentice, his contract of apprenticeship shall be deemed to have been suspended during the period of such service and for six months thereafter, unless revived in accordance with this section.

(2.) If any such apprentice before the expiration of six months after being discharged or otherwise relieved from such service gives to his employer notice in writing that he desires the contract of apprenticeship to revive and to be continued from the date of such notice either—

(a.) Until the expiration of the period fixed by the contract ; or

(b.) For the term of his apprenticeship unexpired at the date of suspension, or any portion thereof—

the contract of apprenticeship shall thereupon revive accordingly.

(3.) Any limitation in any Act or industrial award or industrial agreement as to the age of apprentices, or as to the term of any apprenticeship, or as to the number of apprentices or proportion of apprentices to journeymen, shall not apply to apprentices serving under a contract of apprenticeship revived as aforesaid.

(4.) If no such notice is given within the said period of six months and no agreement has been made to the contrary between the parties in pursuance of section twenty-eight of the War Legislation Amendment Act, 1916, the contract of apprenticeship shall thereupon lapse and be determined.

(5.) Where by reason of the death of the employer or other sufficient cause the apprentice is unable to revive his contract of apprenticeship, any other employer may undertake the obligations of the original employer, and in that case such other employer shall be deemed to be the original employer.

Repeal.

(6.) Section twenty-eight of the War Legislation Amendment Act, 1916, is hereby repealed.

Shop-closing Requisitions.

Closing-hours of shops.

41. (1.) A requisition pursuant to section twenty-five of the Shops and Offices Act, 1908, may, in the case of occupiers of shops who are entitled pursuant to the provisions of that Act to observe as the statutory closing-day either the day appointed or some other day of the week, specify different but equivalent hours of closing for different occupiers, having regard to the days observed by such occupiers respectively for the weekly half-holiday, and the Minister shall by notice in the *Gazette* direct accordingly.

