

1901.  
NEW ZEALAND.

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# “THE PUBLIC REVENUES ACT, 1900”:

CORRESPONDENCE RELATIVE TO CERTAIN PAYMENTS OF OLD-AGE-PENSIONS INSTALMENTS.

*Laid upon the Table in accordance with Section 9 of “The Public Revenues Acts Amendment Act, 1900.”*

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Audit Office, 18th September, 1901.

The Hon. the Speaker of the House of Representatives.  
THE Controller and Auditor-General has the honour most respectfully to submit to the House of Representatives, in accordance with the provisions of section 9 of “The Public Revenues Acts Amendment Act, 1900,” a copy of the correspondence in a case under that section of a difference of opinion between the Audit Office and the Treasury on the question whether certain payments of old-age pension instalments, made subsequently to the period of one month after the due date, without the Colonial Treasurer having first extended such period, were chargeable as payments authorised by section 6 of “The Old-age Pensions Act Amendment Act, 1900.”

J. K. WARBURTON,  
Controller and Auditor-General.

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## No. 1.

*“The Old-age Pensions Act Amendment Act, 1900.”*

Section 6 (1). The period during which instalments are payable as provided by section thirty-eight of the principal Act is hereby extended to one calendar month after the due date:

Provided that the Colonial Treasurer may further extend such period in any case where the provisions of that section are not strictly complied with owing to the pensioner's illness or temporary absence from home (but not from the colony), or other sufficient cause.

(2.) Sections forty, forty-one, and forty-two of the principal Act are hereby repealed.

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## No. 2.

(On Audit Office question respecting appropriation to which it was proposed to charge the payment of an instalment.)

The Audit Office.

I HOLD a delegation of authority from the Hon. the Colonial Treasurer to approve vouchers for payment, and I have accordingly approved payment of this and the following voucher.

8th March, 1901.

JAS. B. HEYWOOD.

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## No. 3.

The Treasury.

Audit Office, 8th March, 1901.

BUT the vote for forfeited instalments is not applicable to any but payments of instalments forfeited before the passing of the vote or the Appropriation Act. And where an instalment, not forfeited when the Old-age Pensions Act Amendment Act of 1900 came into operation, is paid after that Act, and more than a month after due date, the payment is not chargeable to the Act unless the period of a month has, previous to such payment, been further extended by the Colonial Treasurer under section 6 of the Amendment Act.

J. K. WARBURTON,  
Controller and Auditor-General.

No. 4.

Hon. Colonial Treasurer.

THE contention of the Audit Office is surprising. I think reference to the Solicitor-General should be made.

12th March, 1901.

JAS. B. HEYWOOD.

Referred accordingly.—W. C. W.—14/3/01.

No. 5.

Crown Law Office, 26th March, 1901.

THE Amendment Act repeals the provisions as to waiver of forfeiture, and, in lieu of them, empowers the Colonial Treasurer to extend the period within which the instalments may be paid. If the power of extension is duly exercised the payment is properly chargeable to the permanent appropriation under the Act. The power is given in general terms, and may therefore be exercised in such manner as the Colonial Treasurer thinks fit. Thus his approval of a payment, or authority to make a payment, would, I think, be a valid exercise of the power, without his specifying a definite period of time.

The Audit Office holds, however, that the power must be exercised before the payment is actually made. The point is not free from doubt, but, on the whole, I am of opinion that his power is not thus limited.

The question can only arise in cases where, by inadvertency or otherwise, a local Postmaster pays an instalment more than a month after its statutory due date without the previous authority of the Colonial Treasurer. It may be that the Postmaster does this by mistake, or because, having regard to the age or health of the pensioner, or other special circumstances of the case, he feels satisfied that the Colonial Treasurer would give the authority if applied to, and therefore makes the payment at his own risk. To hold that the conduct of the Postmaster in making the payment in such case would deprive the Colonial Treasurer of the power given him by the Act seems to me to be unreasonable, especially as the effect would be that the payment could not be charged to the permanent appropriation. If the payment is made, but the Colonial Treasurer declines to approve it, then the question of surcharging the Postmaster arises.

If this view of the position be correct, then the vote for forfeited instalments will, as indicated by the Audit Office, be confined to forfeitures occurring prior to the passing of the Amendment Act, and I understand from the department that, as a matter of fact, it was put on the estimates for that purpose.

FRED. FITCHETT, Solicitor-General.

No. 6.

The Audit Office.

SOLICITOR-GENERAL'S opinion for your information.

28th March, 1901.

JAS. B. HEYWOOD.

No. 7.

*Appropriations to which Old-age Pension Instalments are chargeable.*

THE Controller and Auditor-General regrets that the opinion expressed by the Solicitor-General does not afford to the Audit Office a satisfactory ground for altering its judgment in this matter. The instalments in question are not paid by local Postmasters without a special authority and direction to pay from the Registrar of Old-age Pensions.

29th March, 1901.

J. K. WARBURTON,  
Controller and Auditor-General.

No. 8.

The Registrar, Old-age Pensions.

IT is evident the Audit Office does not understand the position, which is to be regretted in view of the very clear opinion and exposition of the meaning of the law made by the Solicitor-General.

As it is now necessary to proceed under the provisions of section 9 of the Public Revenues Act of 1900, I shall be glad if you will at once prepare a schedule of the amounts chargeable to the Act in accordance with the ruling of the Solicitor-General, and return schedule and vouchers to me. Payments under section 5 of the Act should be separated and also scheduled and sent to me.

1st April, 1901.

JAS. B. HEYWOOD.

THE Solicitor-General does not rule in these matters.—J. K. WARBURTON.

No. 9.

The Secretary to the Treasury.

THE schedule attached hereto is of instalments paid after the expiration of the prescribed period, approval to pay which has been given by a Minister in accordance with the provisions of section 6 of the Amendment Act, 1900. The amounts now stand as a charge to the Act, but such charge is stated by the Audit to be incorrect. A minute on this matter by the Solicitor-General is attached.

23rd May, 1901.

T. M. SMYTH, Deputy Registrar.

## Schedule of Amounts chargeable to the Act under Section 6 of the Amendment Act, 1900.

No.	District.	Name.	Due Date.	Date Paid.	Amount.
301	Onehunga	Hemi Horomona	1 Dec., 1900	1 Mar., 1901	£ 1 10 0
288	"	R. Ritchie	1 " "	9 " "	1 10 0
312	"	William Watts	1 " "	19 " "	0 13 4
1426	Christchurch	E. Jamieson	1 Jan., 1901	11 " "	1 10 0
625	Invercargill	B. Power	1 " "	1 " "	1 10 0
308	Thames	J. Allen	1 " "	6 " "	1 10 0
419	Dunedin	Ann Long	1 Nov., 1900	4 Feb., "	1 10 0
86	Masterton	M. O. Smith	1 " "	7 " "	1 10 0
68	Gisborne	Emma Hanuira	1 Jan., "	4 " "	1 10 0
69	"	Kere Hope	1 " "	4 " "	1 10 0
45	Blenheim	G. G. Adams	1 Dec., "	30 Jan., "	1 10 0
79	"	J. Stack	1 " "	29 " "	1 10 0
142	"	George Withey	1 " "	29 " "	1 10 0
145	"	George Jarvis	1 " "	29 " "	1 10 0
345	Invercargill	Henry Dewe	1 " "	22 " "	1 6 8
5	Chatham Islands	Roka Tutera	1 " "	15 " "	1 10 0
69	Raglan	Remi R. Warihi	1 Oct., "	26 " "	1 10 0
288	Onehunga	R. Ritchie	1 Jan., 1901	9 Mar., "	1 10 0
301	"	Hemi Horomona	1 " "	1 " "	1 10 0
312	"	William Watts	1 " "	19 " "	0 13 4
339	Dunedin	Ann McIntyre	1 " "	26 " "	1 10 0
161	Reefton	Phoebe Gibbons	1 " "	22 " "	1 10 0
124	Invercargill	M. Colquhoun	1 " "	21 " "	1 10 0
42	Tauranga	Iraia te Waru	1 " "	23 " "	1 10 0
99	Whakatane	Wharekauri	1 Oct., 1900	9 " "	1 10 0
101	"	Te Owai W.	1 " "	9 " "	1 10 0
103	"	Tamaku Hik	1 " "	9 " "	1 10 0
104	"	Ripeka te Whi	1 " "	9 " "	1 10 0
106	"	Wi Patene	1 " "	9 " "	1 10 0
1282	Christchurch	J. Andrews	1 Dec., "	1 Feb., "	1 10 0
57	Feilding	M. Frost	1 Oct., "	26 Jan., "	1 10 0
308	Onehunga	A. Kelly	1 Dec., "	16 Mar., "	0 18 4
307	"	T. Kelly	1 " "	16 " "	1 10 0
69	Russell	C. Hargrave	1 " "	5 " "	1 6 8
530	Wellington	E. P. Jones	1 Jan., 1901	19 " "	1 10 0
61	Rawene	J. R. Gardiner	1 Nov., 1900	8 " "	1 6 8
69	Russell	C. Hargrave	1 " "	5 " "	1 6 8
1	Chatham Islands	W. Murphy	1 Feb., 1901	19 " "	1 10 0
2	"	M. D'Auvers	1 " "	19 " "	1 10 0
3	"	F. G. Engst	1 " "	19 " "	1 10 0
5	"	Roka Tutera	1 " "	19 " "	1 10 0
288	Onehunga	R. Ritchie	1 Oct., 1900	9 " "	1 10 0
74	Raglan	Te Rangi W.	1 " "	2 " "	1 10 0
75	"	Kapo te Aho	1 " "	2 " "	1 10 0
106	Russell	Ritahi Mok	1 " "	20 " "	1 10 0
74	Raglan	Te Rangi W.	1 Nov., "	2 " "	1 10 0
75	"	Kapo te Aho	1 " "	2 " "	1 10 0
288	Onehunga	R. Ritchie	1 " "	9 " "	1 10 0
301	"	Hemi Horowona	1 " "	1 " "	1 10 0
61	Rawene	J. R. Gardiner	1 Oct., "	8 " "	1 6 8
263	Auckland	W. Wilson	1 " "	21 Nov., 1900	0 13 4
1161	Christchurch	A. Eaglesome	1 " "	14 " "	1 1 8
1	Balclutha	C. E. George	1 " "	2 " "	1 10 0
112	Gisborne	Karaitiana	1 " "	22 " "	1 10 0
34	Marton	C. Alsopp	1 " "	26 " "	1 10 0
561	Wellington	C. Campbell	1 " "	20 " "	1 10 0
158	Hamilton	Ropa Iranui	1 " "	1 Dec., "	1 10 0
146	"	Te Aria Paurau	1 " "	1 " "	1 10 0
144	"	Maitini Pourau	1 " "	6 " "	1 10 0
145	"	Hore Whare	1 " "	5 " "	1 10 0
77	Raglan	Thaka Hamaka	1 " "	6 " "	1 10 0
175	New Plymouth	E. D. Smith	1 " "	3 " "	1 10 0
1008	Auckland	J. Broughton	1 Jan., 1901	11 Mar., 1901	0 1 8
157	Balclutha	A. Currie	1 Dec., 1900	12 Feb., "	1 10 0
87	Queenstown	K. Finlayson	1 " "	18 " "	1 10 0
94	Motueka	C. Hammerick	1 " "	14 " "	1 10 0
108	Tauranga	J. Bell	1 " "	3 Jan., "	1 10 0
23	Akaroa	Ihaka Tepia	1 Nov., "	23 Feb., "	1 8 4

*Schedule of Amounts chargeable to the Act, &c.—continued.*

No.	District.	Name.	Due Date.	Date Paid.	Amount.
					£ s. d.
106	Milton ...	E. Dobbie ...	1 Dec., 1900	2 Jan., 1901	1 10 0
1132	Dunedin ...	V. Crombie ...	1 " "	2 " "	1 10 0
564	" ...	A. Lorrimer ...	1 " "	2 " "	1 10 0
54	Masterton ...	J. McInnes ...	1 " "	2 " "	1 10 0
69	Rotorua ...	Mearcana Rangi ...	1 Nov., "	2 " "	1 10 0
65	Raglan ...	Rahapa Pempery ...	1 Oct., "	29 Dec., 1900	1 10 0
66	" ...	Hema Manahi ...	1 " "	29 " "	1 10 0
37	Mongonui ...	H. Snelgar ...	1 " "	2 Jan., 1901	1 6 8
341	Greymouth ...	D. Collins... ...	1 " "	3 Dec., 1900	1 10 0
316	Dunedin ..	C. Christie ...	1 Jan., 1901	16 Feb., 1901	1 10 0
191	Napier ...	R. Martin ...	1 " "	13 Mar., "	0 10 0
					113 0 0

## No. 10.

The Audit Office.

THE extension of time having been duly sanctioned by the Colonial Treasurer, and the payments having been charged against the Act, I assume you do not wish any further action taken.

3rd June, 1901.

JAS. B. HEYWOOD.

## No. 11.

The Treasury.

THE judgment already expressed by the Audit Office is that, "where an instalment, not forfeited when the Old-age Pensions Act Amendment Act of 1900 came into operation, is paid after that Act, and more than a month after due date, the payment is not chargeable to the Act unless the period of a month has, previous to such payment, been further extended by the Colonial Treasurer under section 6 of the Amendment Act."

The Audit Office has seen no such extension by the Colonial Treasurer, nor, indeed, any extension. His power under the Old-age Pensions Act to extend the period beyond a month cannot be delegated, and is consequently incapable of being exercised by his appointee under section 44 of the Public Revenues Act, to authorise payments. The power which cannot be delegated is not exercisable by the delegate of the other power which can.

4th June, 1901.

J. K. WARBURTON,  
Controller and Auditor-General.

## No. 12.

The Secretary to the Treasury.

THE schedule attached hereto is of instalments the final date of payments of which was subsequent to the passing of the Amendment Act, and are, therefore, with the Colonial Treasurer's approval, chargeable under section 6 of the said Act.

16th April, 1901.

T. M. SMYTH, Deputy Registrar.

The Registrar Old-age Pensions.

LET the directions to charge be properly completed, and the vouchers can then be submitted for audit. Return to me.—J. B. H.—16th April, 1901.

The Secretary to the Treasury.

ACCORDINGLY.—T. M. SMYTH, Deputy Registrar.—16/4/1901.

The Colonial Treasurer.

RECOMMENDED.—JAS. B. HEYWOOD.—18th April, 1901.

APPROVED.—C. H. M.—1/5/1901.

The Secretary to the Treasurer.

THE schedule attached hereto is of instalments which became due subsequent to the passing of the Amendment Act, and require approval for payment under section 6 of the said Act.

17th April, 1901.

T. M. SMYTH, Deputy Registrar.

The Colonial Treasurer.

RECOMMENDED.—JAS. B. HEYWOOD.—18th April, 1901.

APPROVED.—C. H. M.—1/5/1901.

## No. 13.

The Audit Office.

MINISTERIAL authority now attached. (See 01/192 and 01/225.)  
9th July, 1901.

JAS. B. HEYWOOD.

## No. 14.

The Treasury.

THE authorities to which the Audit Office is referred are approvals by the Minister after payment, not his extension before payment of the period for payment.

10th July, 1901.

J. K. WARBURTON,  
Controller and Auditor-General.

## No. 15.

The Audit Office.

IN the Solicitor-General's opinion attached, the Colonial Treasurer can approve the extension, and so make the payment a legal charge under the Act.

16th July, 1901.

JAS. B. HEYWOOD.

## No. 16.

The Treasury.

YES. But it will be seen, by a reference to the Audit Office minute on that opinion, that it does not afford the Audit Office a satisfactory ground for altering its judgment in the matter.

23rd July, 1901.

J. K. WARBURTON,  
Controller and Auditor-General.

## No. 17.

The Secretary to the Treasury.

THE Schedule attached hereto is of amounts paid after expiration of the prescribed period, approval to pay being given subsequent to date of payment.—E. M.—14/8/01.

*Schedule of Amounts chargeable under Section 6 of the Amendment Act of 1900.*

No.	District.	Name.	Due.	Paid.	Amount.
					£ s. d.
288	Onehunga ...	R. Ritchie ...	1 Dec., 1900	9 Mar., 1901	1 10 0
312	" ...	William Watts ...	1 " "	19 " "	0 13 4
1426	Christchurch ...	E. Jameson ...	1 Jan., 1901	11 " "	1 10 0
625	Invercargill ...	B. Power ...	1 " "	1 " "	1 10 0
308	Thames ...	J. Allen ...	1 " "	6 " "	1 10 0
419	Dunedin ...	Ann Long... ..	1 Nov., 1900	4 Feb., "	1 10 0
86	Masterton ...	John Smith ...	1 " "	7 " "	1 10 0
68	Gisborne ...	Ema Hamme ...	1 Jan., 1901	4 " "	1 10 0
69	" ...	Kere Hope ...	1 " 1900	4 " "	1 10 0
45	Blenheim ...	G. Adams... ..	1 Dec., "	30 Jan., "	1 10 0
79	" ...	J. Stark ...	1 " "	29 " "	1 10 0
142	" ...	George Withey ...	1 " "	29 " "	1 10 0
145	" ...	George Jarvis ...	1 " "	29 " "	1 10 0
345	Invercargill ...	Henry Dewe ...	1 " "	22 " "	1 6 8
5	Chatham Islands ...	Roka Tuteia ...	1 " "	15 " "	1 10 0
69	Raglan ...	Remuri R. W. ...	1 Oct., "	26 " "	1 10 0
288	Onehunga ...	R. Ritchie... ..	1 Jan., 1901	9 Mar., "	1 10 0
312	" ...	William Watts ...	1 " "	19 " "	0 13 4
339	Dunedin ...	Ann McIntyre ...	1 " "	26 " "	1 10 0
161	Reefton ...	Phoebe Lubbins ...	1 " "	26 " "	1 10 0
124	Invercargill ...	M. Colquhoun ...	1 " "	21 " "	1 10 0
42	Tauranga ...	Iraia te Waru ...	1 " "	23 " "	1 10 0
99	Whakatane ...	Wharekauri ...	1 Oct., 1900	9 " "	1 10 0
101	" ...	Te Owai W. ...	1 " "	9 " "	1 10 0
103	" ...	Tamaku Hik ...	1 " "	9 " "	1 10 0
104	" ...	Ripeka te Whi ...	1 " "	9 " "	1 10 0
106	" ...	Wi Patene ...	1 " "	9 " "	1 10 0
1282	Christchurch ...	J. Andrews ...	1 Dec., "	1 Feb., "	1 10 0
57	Feilding ...	M. Frost ...	1 Oct., "	26 Jan., "	1 10 0
308	Onehunga ...	F. Kelly ...	1 Dec., "	16 Mar., "	0 18 4
307	" ...	H. Kelly ...	1 " "	16 " "	1 10 0
69	Russell ...	C. Hargrave ...	1 " "	5 " "	1 6 8
530	Wellington ...	E. P. Jones ...	1 Jan., 1901	19 " "	1 10 0
61	Rawene ...	J. R. Gardiner ...	1 Nov., 1900	8 " "	1 6 8
69	Russell ...	C. Hargrave ...	1 " "	5 " "	1 6 8
1	Chatham Islands ...	D. Murphy ...	1 Feb., 1901	19 " "	1 10 0
2	" ...	M. D'Auvers ...	1 " "	19 " "	1 10 0
3	" ...	J. G. Engst ...	1 " "	19 " "	1 10 0
5	" ...	Roki Tutera ...	1 " "	19 " "	1 10 0
288	Onehunga ...	R. Ritchie ...	1 Oct., 1900	9 " "	1 10 0
74	Raglan ...	Te Rangi W. ...	1 " "	1 Oct., "	1 10 0
75	" ...	Kapo Te Aho ...	1 " "	2 Mar., "	1 10 0

*Schedule of Amounts chargeable under Section 6 of the Amendment Act of 1900—continued.*

No.	District.	Name.	Due.	Paid.	Amount.
					£ s. d.
106	Russell ...	Ritahi Mok ...	1 Oct., 1900	20 Mar., 1901	1 10 0
74	Raglan ...	Te Rangi W. ...	1 Nov., "	2 " "	1 10 0
75	" ...	Kapo Te Aho ...	1 " "	2 " "	1 10 0
288	Onehunga ...	R. Ritchie ...	1 " "	9 " "	1 10 0
61	Rawene ...	J. R. Gardiner ...	1 Oct., "	8 " "	1 6 8
263	Auckland ...	W. Wilson ...	1 " "	21 Nov., 1900	0 13 4
1161	Christchurch ...	A. Eaglesome ...	1 " "	14 " "	1 1 8
1	Balclutha ...	E. C. George ...	1 " "	2 " "	1 10 0
112	Gisborne ...	Karaitiana ...	1 " "	22 " "	1 10 0
34	Marton ...	C. Alsopp ...	1 " "	26 " "	1 10 0
561	Wellington ...	C. Campbell ...	1 " "	20 " "	1 10 0
158	Hamilton ...	Rapa Iranui ...	1 " "	1 Dec., "	1 10 0
146	" ...	Te Aria Paurau ...	1 " "	1 " "	1 10 0
144	" ...	Maituri Paurua ...	1 " "	6 " "	1 10 0
145	" ...	Hore Whare ...	1 " "	5 " "	1 10 0
77	Raglan ...	Ihaka Hamaka ...	1 " "	6 " "	1 10 0
175	New Plymouth ...	E. D. Smith ...	1 " "	3 " "	1 10 0
1008	Auckland ...	J. Broughton ...	1 Jan., 1901	11 Mar., 1901	0 1 8
157	Balclutha ...	A. Currie ...	1 Dec., 1900	12 Feb., "	1 10 0
87	Queenstown ...	K. Finlayson ...	1 " "	18 " "	1 10 0
94	Motueka ...	C. Hammerick ...	1 " "	14 " "	1 10 0
108	Tauranga ...	J. Bell ...	1 " "	3 Jan., "	1 10 0
23	Akaroa ...	Ihaka Tepia ...	1 Nov., "	23 Feb., "	1 8 4
106	Milton ...	E. Dobbie ...	1 Dec., "	2 Jan., "	1 10 0
1132	Dunedin ...	N. Crombie ...	1 " "	2 " "	1 10 0
564	" ...	A. Lorrimer ...	1 " "	2 " "	1 10 0
54	Masterton ...	J. McInnes ...	1 " "	2 " "	1 10 0
69	Rotorua ...	Mearcana Rangi ...	1 Nov., "	2 " "	1 10 0
65	Raglan ...	Rahapa Pempery ...	1 Oct., "	29 Dec., 1900	1 10 0
66	" ...	Hemi Manahi ...	1 " "	28 " "	1 10 0
37	Mongonui ...	H. Snelgar ...	1 " "	2 Jan., 1901	1 6 8
341	Greymouth ...	W. Collins ...	1 " "	3 Dec., 1900	1 10 0
316	Dunedin ...	C. Christie ...	1 Jan., 1901	16 Feb., 1901	1 10 0
191	Napier ...	R. Martin ...	1 " "	13 Mar., "	0 10 0
4	Chatham Islands ...	Ann Moore ...	1 Mar., "	6 April, "	1 10 0
113	Blenheim ...	James Howard ...	1 Feb., "	30 Mar., "	1 10 0
207	Dunedin ...	J. A. Wilson ...	1 Jan., "	1 April, "	1 10 0
30	Akaroa ...	Te Hare Wira ...	1 Feb., "	2 " "	1 10 0
73	Russell ...	E. Burns ...	1 Dec., 1900	1 " "	1 10 0
282	Thames ...	John Killeen ...	1 Nov., "	1 " "	1 10 0
108	Whakatane ...	Huka Hawiki ...	1 Oct., "	1 " "	1 10 0
			1 " "	18 " "	1 10 0
			1 Nov., "	18 " "	1 10 0
295	Oamaru ...	A. McKenzie ...	1 Jan., 1901	19 " "	1 10 0
346	Onehunga ...	Taka Puanaga ...	1 Dec., 1900	1 " "	1 10 0
531	Dunedin ...	E. Mitchell ...	1 Feb., 1901	31 May, "	1 10 0
8	Fairlie ...	J. Dennison ...	1 Jan., "	2 Feb., "	1 10 0
38	Marton ...	J. Hy. Hunt ...	1 Feb., "	2 Mar., "	1 10 0
71	Hawera ...	W. Sanson ...	1 " "	2 April, "	0 5 0
84	Masterton ...	E. Peagram ...	1 April "	3 May, "	0 15 0
638	Invercargill ...	C. Price ...	1 " "	16 " "	1 10 0
8	Hamilton ...	Josiah Hill ...	1 " "	2 " "	0 15 0
20	Onehunga ...	George Pegg ...	1 " "	29 " "	0 15 0
1010	Auckland ...	S. Chambers ...	1 Jan., "	22 April, "	0 11 8
167	Reefton ...	A. Sangster ...	1 April, "	1 June, "	1 10 0
291	Greymouth ...	J. T. Kelly ...	1 May, "	3 " "	1 10 0
					137 1 8

No. 18.

The Audit Office.

IN view of the approval of the Minister of the extension of the period so as to enable the instalments to be charged under the Act, and of the opinion of the Solicitor-General that such Ministerial extension can be given after the payment by the Postmaster has been made, will you assent to the vouchers being charged under the Act.

27th August, 1901.

JAS. B. HEYWOOD.

## No. 19.

THE Hon. the Colonial Treasurer is respectfully referred to the minutes which the Controller and Auditor-General addressed to him on the 8th March, 29th March, and 4th June, 1901, and which express the Audit Office judgment in the matter. These papers, it should be observed, appear to be but a portion of the whole, and the list which they comprise of the instalments in question differs from the list previously furnished.

It may be well to point out to the Solicitor-General the last sentence of the Audit Office minute of the 29th March last on his opinion of the 26th—namely, "The instalments in question are not paid by local Postmasters without a special authority or direction to pay from the Registrar of Old-age Pensions." To surcharge the Postmaster, therefore, would be for obeying his instructions to pay.

30th August, 1901.

J. K. WARBURTON,  
Controller and Auditor-General.

## No. 20.

The Treasury, New Zealand, Wellington, 4th September, 1901.

The Right Hon. the Colonial Treasurer.

THIS matter relates to instalments of old-age pensions paid by Postmasters after the limit of one calendar month and prior to the Colonial Treasurer exercising his power of extension as provided by "The Old-age Pensions Act Amendment Act, 1900." The instalments of pensions so paid amount to £137 1s. 8d. The extension provided by the Act has been made by the Minister, and the Solicitor-General has advised that the power to grant such extension may be exercised notwithstanding that the payments have been already made, and that "If the power of extension is duly exercised the payment is properly chargeable to the permanent appropriation under the Act."

The Audit Office are not satisfied with the Solicitor-General's opinion, and decline to allow the payments to be charged under the Act.

I suggest a warrant under section 9 of "The Public Revenues Acts Amendment Act, 1900," be applied for.

JAS. B. HEYWOOD,  
Secretary to the Treasury.

## No. 21.

APPROVED.—R. J. S.—4/9/01.

## No. 22.

Wellington, 6th September, 1901.

HIS Excellency the Governor is respectfully advised to sign the attached instrument, under section 9 of "The Public Revenues Acts Amendment Act, 1900," directing that the expenditure referred to in the schedule thereto should be charged under section 6 of "The Old-age Pensions Act Amendment Act, 1900."

R. J. SEDDON.

R.—9/9/01.

## No. 23.

RANFURLY, Governor.

WHEREAS by section nine of "The Public Revenues Acts Amendment Act, 1900," it is provided that in case any difference of opinion arises between the Audit Office and the Treasury as to the vote to which any expenditure ought to be charged, the question shall, if in the opinion of the Audit Office it involves questions of law, be determined by the Governor, having before him the opinion of the Attorney-General thereon: and whereas such difference of opinion as aforesaid has arisen as to the vote to which the expenditure referred to in the schedule hereto should be charged:

Now, therefore I, Uchter John Mark, Earl of Ranfurly, the Governor of the Colony of New Zealand, in exercise of the hereinbefore recited powers, and having before me the opinion of the Solicitor-General, do hereby determine the said question by directing that the said expenditure should be charged under section six of "The Old-age Pensions Act Amendment Act, 1900."

## Schedule.

SCHEDULE of Amounts chargeable under section 6 of the Amendment Act, 1900.

[See No. 17 for the amounts.]

Given under the hand of His Excellency the Governor, at the Government House at Wellington, this ninth day of September, one thousand nine hundred and one.

RANFURLY.

## No. 24.

Wellington, 9th September, 1901.

Memorandum for the Right Hon. the Premier.

IN view of the Solicitor-General's opinion that clause 6 of Act No. 28, 1900, may be retrospective, and the statement that the Colonial Treasurer has extended the period, the Governor has signed the instrument under section 9 of "The Public Revenues Acts Amendment Act, 1900," directing that the expenditure referred to in the schedule thereto should be charged as therein stated.

He desires to point out that the Solicitor-General, in his opinion, states that "the point is not free from doubt"; but the Governor, in giving his decision, feels that it was the intention of the Legislature that all payments of this nature under the Old-age Pensions should come within the vote named, and the powers conferred on the Colonial Treasurer by section 6 are manifestly given with a view to prevent hardships arising through illness, distance from place of receipt of pension,

and other causes, and it is evident that in some cases it may be impossible for the pensioner to obtain the Colonial Treasurer's extension of time prior to the month of grace having elapsed. The Governor, therefore, considers it must have been the intention of the Legislature that this clause should be retrospective where occasion needed.

The payments made in the schedule have been done so at payers' risk, should the Colonial Treasurer have refused the extension; but it would be unreasonable to make these old people possibly travel in a long distance a second time to receive their money, and many might have been in the interval in distress.

RANFURLY.

No. 25.

THE Audit Office.—To note.  
10th September, 1901

JAS. B. HEYWOOD.

No. 26.

Audit Office, 11th September, 1901.

The Hon. the Colonial Treasurer.

*Old-age Pension Instalment-Payments made subsequently to Expiration of Period of One Month after Due Date, without the Colonial Treasurer's Further Extension of such Period.*

THE question how certain payments of old-age pension instalments should be charged which were made subsequently to the expiration of the period of one month after the due date without the exercise by the Colonial Treasurer of his power "to further extend such period" having been determined, under section 9 of "The Public Revenues Acts Amendment Act, 1900," by the Governor deciding that such payments should be charged under section 6 of "The Old-age Pensions Act Amendment Act, 1900," the relative vouchers will now be passed, and the Controller and Auditor-General will, in ordinary course, lay before Parliament, in accordance with the provisions of the Public Revenues Act, a copy of the correspondence on the subject.

In order that the objection of the Audit Office may be more clearly understood, the facts of the case should be stated; and the facts are as follows:—

- (1.) An instalment was unpaid at the expiration of the period of one month after the due date.
- (2.) The pensioner made application for such extension of the period as the Colonial Treasurer alone could legally grant.
- (3.) The Registrar of Old-age Pensions, without the Colonial Treasurer having further extended such period, instructed the Post-office to pay the instalment.
- (4.) The Postmaster made the payment and claimed credit for it.
- (5.) The Treasury charged the relative voucher as for a payment authorised by the Old-age Pensions Act, under section 6.
- (6.) The Audit Office asked for the Colonial Treasurer's extension, before payment, of the period of payment.
- (7.) The Colonial Treasurer, not having granted any such extension, then extended, after the payment had been made, the period for making it.

On these facts the question arose whether the Post-office payment of the instalment could legally be charged as the Treasury proposed to charge it—whether, indeed, the payment was authorised or unauthorised; and this, being a question raised after the pensioner had received the instalment, obviously did not interrupt or delay its payment, or concern the pensioner who had received it.

The objection, then, of the Audit Office was not to the payment itself, but to the proposal of the Treasury to charge it as a payment authorised by section 6 of the Act. Now, as section 6 provides that "the period during which instalments are payable . . . is one calendar month after the due date," an instalment of which payment is made subsequently to the expiration of such period is not paid during the period in which it is legally payable unless that period is first extended by the Colonial Treasurer. His power "to further extend such period" is not regarded by the Audit Office as a power to validate the illegal payment.

It is respectfully submitted that if the pensioner's application had, on its arrival at Wellington, been laid before the Minister, and he had thought fit to grant the required extension, the payment of the instalment in accordance with the Registrar's instruction to the Post-office would in that case have been a charge according to section 6 of the Act, and the occasion for objecting to such charge would not then have arisen.

J. K. WARBURTON,  
Controller and Auditor-General.

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