

**(b) CASES IN WHICH THE PROVISIONS OF THE LAW HAVE NOT BEEN CARRIED OUT**

The Audit Office is required, in the exercise of its duties, to satisfy itself that all financial transactions of the State are supported by proper authority and that they contravene no provisions of the law. As stated in previous reports, circumstances arise which require or render it desirable that public moneys should be expended for purposes for which no specific authority exists and for which the statutory provisions governing "unauthorized expenditure" or "emergency expenditure" are not available, or not available to a sufficient amount. There are cases also in which circumstances may render it desirable that legislative restrictions should not apply.

Several cases covered by the foregoing explanation arose during the year, and the Audit Office, following past practice, agreed to pass the transactions on being informed by the Government that it would introduce at the earliest opportunity validating or amending legislation, or otherwise provide the authority required.

The necessary legislation in the following cases was passed during the financial year covered by this report :—

(1) The Finance Act 1944 (No. 3), section 6, which authorized payments at an increased rate from 1st October, 1944, of the family benefit payable under section 30 of the Social Security Act, 1938.

(2) The Education (Post-primary Teachers) Regulations 1945, which authorized the payment from 1st February, 1944, of salaries at an increased rate to teachers in secondary and technical schools.

(3) The Public Service Amending Regulations 1945, which authorized payment of lodging-allowances at an increased rate to officers, probationers, or persons temporarily employed in the Public Service who are stationed away from their homes.

(4) The Education Amending Regulations 1945, which authorized the payment from 1st September, 1944, of lodging-allowances at increased rates to training-college students.

Legislation giving retrospective effect to the regulations mentioned in above paragraphs (2), (3), and (4) was passed during the year and is contained in the Finance Act, 1944 (No. 3), sections 37 and 38.

In the following case the validating legislation was provided in the present parliamentary session :—

The Finance Act, 1945, section 5, authorized payment of increased remuneration to persons in receipt of retiring-allowances from the Public Service Superannuation Fund or the Teachers' Superannuation Fund and re-employed in the Public Service or Teaching Service without such increases being taken into consideration in fixing the maximum retiring-allowance payable in terms of sections 33 (2) and 78 (2) of the Public Service Superannuation Act, 1927.

My report last year referred to four cases in which validating legislation or other authority had not been provided at the date of the report. The transactions have been validated as follows :—

(1) The Finance Act, 1944 (No. 3), validated payment of benefits in excess of rates prescribed by section 17 of the National Provident Fund Act, 1926, to certain contributors who are incapacitated through illness or personal injury. (Section 7.)

(2) The Goods-service Charges Tribunal Emergency Regulations 1943, Amendment No. 2, provided for the payment to any member of the Tribunal who is an officer of the Public Service such remuneration as may from time to time be approved by the Minister of Finance.

(3) The Rehabilitation Amendment Act, 1944, provided for payment to members of the Rehabilitation Board appointed by the Governor-General such remuneration as the Minister of Finance approves in each case. (The provisions of the Public Service Act, 1912, do not now apply.) (Section 8.)

(4) Section 33 of the Finance Act, 1944 (No. 3), provided for the purchase by the Crown of the Tokaanu Hotel. (Authority, however, is required for carrying on the business in connection therewith.)