

CONSUMER COUNCIL ACT REPEAL BILL

EXPLANATORY NOTE

THIS Bill provides for the abolition of the Consumer Council and the Consumers Institute on 1 January 1989.

The Consumer Council is required to register an incorporated society under the Incorporated Societies Act 1908 before that date. The Bill provides for the undertaking of the Consumer Council and the Consumers Institute to vest in this society on 1 January 1989. It is intended that the society will then take over the functions of the Consumer Council and the Consumers Institute as from that date.

No. 55—1

Price
incl. GST \$1.90

Hon. Margaret Shields

CONSUMER COUNCIL ACT REPEAL

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A BILL INTITULED

An Act to abolish the Consumer Council and the Consumers Institute, to provide for the establishment of an incorporated society to succeed those bodies, and to repeal the Consumer Council Act 1966

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Consumer Council Act Repeal Act 1988.

(2) Except as provided in subsection (3) of this section, this Act shall come into force on the date on which it receives the Royal assent.

(3) Sections 4 to 10 of this Act shall come into force on the 1st day of January 1989.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Council” means the Consumer Council established under the Consumer Council Act 1966:

“Institute” means the Consumers Institute of New Zealand established under the Consumer Council Act 1966:

“Society” means the incorporated society registered in accordance with section 3 of this Act:

“Undertaking” means the property, rights, and liabilities of the Council or the Institute, including any grants, subsidies, donations, gifts, and subscriptions.

3. Council to register incorporated society—(1) The Council shall, before the 1st day of January 1989, register an incorporated society under the Incorporated Societies Act 1908 with the name “Consumers’ Institute of New Zealand Incorporated”. 5

(2) The society may be registered as if it were a society authorised by section 4 of the Incorporated Societies Act 1908 to become incorporated under that Act. 10

(3) Notwithstanding anything in section 7 of the Incorporated Societies Act 1908, the application shall be made by sending to the Registrar of Incorporated Societies—

(a) An application for incorporation in any written form sealed with the common seal of the Council; and 15

(b) Two copies of the proposed rules of the society, signed by the Chairman of the Council; and

(c) The fee prescribed under the Incorporated Societies Act 1908 for application for incorporation of a society. 20

(4) Nothing in section 35 of the Consumer Council Act 1966 shall apply to the society.

4. Transfer of undertaking—On the 1st day of January 1989—

(a) The undertaking of the Council and the Institute shall vest in the society; and 25

(b) All money payable to the Council or the Institute shall become payable to the society; and

(c) All proceedings pending by or against the Council or the Institute may be continued, completed, or enforced by or against the society. 30

5. Members of Institute—(1) On the 1st day of January 1989 every person who is a member of the Institute shall become a member of the society. 35

(2) This section shall not apply to any person who has given notice to the Institute on or before the 31st day of December 1988 that he or she wishes to terminate his or her membership of the Institute.

6. Employees of Council—(1) On the 1st day of January 1989 every employee of the Council shall become an employee of the society but, for the purposes of every enactment, law, 40

award, determination, contract, and agreement relating to the employment of each such employee, the contract of employment of that employee shall be deemed to have been unbroken and the period of service with the Council shall be
5 deemed to have been a period of service with the society.

(2) The terms and conditions of employment of each such employee shall, until varied, be identical with the terms and conditions of that employee's employment with the Council immediately before the 1st day of January 1989.

10 (3) No such employee shall be entitled to receive any payment or other benefit by reason only of that employee ceasing by virtue of this Act to be an employee of the Council.

7. Dissolution of Consumer Council and Consumers Institute—On the 1st day of January 1989—

15 (a) The Council, the Institute, and all other bodies established under the Consumer Council Act 1966 shall be dissolved; and

(b) Every member of the Council, and every member of any
20 other body established under the Consumer Council Act 1966, shall vacate office.

8. Final report of Consumer Council—(1) As soon as practicable after the 31st day of March 1989 the society shall arrange for a final report of the Council to be sent to the Minister of Consumer Affairs showing the Council's
25 proceedings and operations for the year ending with the 31st day of December 1988, and shall attach to the report a copy of the Council's accounts for that year certified by the Audit Office.

(2) A copy of the report and accounts shall be laid before the House of Representatives within 28 days after the date of its
30 receipt by that Minister if Parliament is then in session, and, if not, shall be laid before the House of Representatives within 28 days after the date of the commencement of the next ensuing session.

9. Consequential amendments — The enactments
35 specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

10. Repeals—The enactments specified in the Second Schedule to this Act are hereby repealed.

SCHEDULES**Section 9****FIRST SCHEDULE
ENACTMENTS AMENDED**

Title of Enactment	Amendment
1959, No. 98—The Public Bodies Contracts Act 1959 (Reprinted 1975, Vol. 3, p. 2251)	By omitting from Part II of the First Schedule the item relating to the Consumer Council.
1981, No. 47—The Flags, Emblems, and Names Protection Act 1981	By omitting from the Third Schedule the item relating to the Consumer Council Act 1966.
1982, No. 156—The Official Information Act 1982 (R.S. Vol. 21, p. 579)	By omitting from the First Schedule (as substituted by section 23 (1) of the Official Information Amendment Act 1987) the words "Consumer Council".
1988, No. 5—The Standards Act 1988	By omitting subparagraph (i) of section 4 (2) (f), and substituting the following subparagraph: “(i) Consumers’ Institute of New Zealand Incorporated.”

Section 10**SECOND SCHEDULE
ENACTMENTS REPEALED**

- 1966, No. 21—The Consumer Council Act 1966 (R.S. Vol. 17, p. 150.)
- 1969, No. 72—The Consumer Council Amendment Act 1969 (R.S. Vol. 17, p. 167.)
- 1980, No. 106—The Consumer Council Amendment Act 1980 (R.S. Vol. 17, p. 168.)
- 1982, No. 64—The Consumer Council Amendment Act 1982 (R.S. Vol. 17, p. 168.)
- 1985, No. 81—The Consumer Council Amendment Act 1985 (R.S. Vol. 17, p. 168.)
- 1988, No. 20—The State Sector Act 1988: So much of the Fifth Schedule as relates to the Consumer Council Act 1966.