

[AS REPORTED FROM THE COMMITTEE OF THE WHOLE]

House of Representatives, 25 August 1966

Words struck out by the Committee of the Whole are shown in italics within bold round brackets, or with black rule at beginning and after last line of struck out matter; words inserted are shown in roman underlined with a double rule, or with double rule before first line and after last line of new matter.

Hon. Mr Marshall

CONSUMER COUNCIL

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A BILL INTITULED

An Act to make provision for the establishment of a Consumer Council and a Consumers Institute and to define the functions and powers of the Council

5 BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows:

No. 9—2

1. Short Title and commencement—(1) This Act may be cited as the Consumer Council Act 1966.

(2) Subject to section 7 and section 34 hereof, this Act shall come into force on the first day of April, nineteen hundred and sixty-seven.

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

“Appointments Committee” means the Appointments Committee established under section 4 of this Act:

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

“Institute” means the Consumers Institute of New Zealand established under this Act:

“Local authority” means a local authority within the meaning of Part I of the Local Authorities Loans Act 1956, whether by virtue of section 2 of that Act, or of any Order in Council thereunder, or by virtue of any other Act:

“Minister” means the Minister of Industries and Commerce.

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Consumer Council and Consumers Institute

3. Establishment of Consumer Council and Consumers Institute—(1) There is hereby established for the purposes of this Act a Council, to be known as the Consumer Council.

(2) The Council shall be a body corporate with perpetual succession and a common seal, and may hold real and personal property, and sue and be sued, and do and suffer all such acts and things as bodies corporate may lawfully do and suffer.

(3) There shall also be for the purposes of this Act an Institute, to be known as the Consumers Institute of New Zealand.

(4) The Institute shall consist of the Consumer Council established under this section, every District Consumer Committee established by the Council under section 12 of this Act, every committee of the Council appointed under section 13 of this Act, and every local authority, organisation, or person admitted to membership of the Institute under paragraph (g) of subsection (2) of section 17 of this Act.

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4. Appointments Committee—(1) There is hereby established for the purposes of this Act a committee, to be known as the Appointments Committee.

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(2) The Appointments Committee shall consist of—

(a) The Minister of Industries and Commerce, who shall be the Chairman:

(b) The Minister of Health:

5 (c) Two members to be appointed by the National Council of Women of New Zealand Incorporated, of whom one shall be the President for the time being of that body:

10 (d) *(The Chairwoman for the time being of the Joint Committee)* One member to be appointed by the Country Women's Co-ordinating Committee of the Dominion Federation of Country Women's Institutes Incorporated and the Women's Division of Federated Farmers of New Zealand Incorporated:

15 *Struck Out*

(e) The President for the time being of the Otago University Association of Home Science Alumnae:

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20 (e) The Dean of the Faculty of Home Science of the University of Otago:

(f) The President for the time being of the New Zealand Federation of Labour:

(g) The President for the time being of the New Zealand Manufacturers' Federation Incorporated:

25 (h) The President for the time being of the New Zealand Retailers' Federation Incorporated.

(3) Meetings of the Appointments Committee shall be held at such times and places as the Minister may from time to time appoint, for the purpose of making appointments pursuant to paragraph (a) of *(subsection (1) of)* section 5 of this Act.

30 (4) At any meeting of the Appointments Committee five members shall form a quorum.

(5) The Chairman shall preside at every meeting of the Appointments Committee at which he is present. If at any meeting the Chairman is not present, the Minister of Health shall preside at the meeting; and if the Minister of Health also is not present, the members present shall appoint one of their number to preside at that meeting. The Minister of Health or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

40 (6) In the absence from any meeting of any member of the Appointments Committee referred to in paragraphs (c) to (h) of subsection (2) of this section, he may authorise

any other member of the organisation which he represents to attend the meeting in his stead. While any such authorised person is attending a meeting under this subsection he shall be deemed for all purposes to be a member of the Appointments Committee.

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(7) Subsections (5) and (6) of section 11 of this Act (relating to meetings of the Council) shall, with the necessary modifications, apply to any meeting of the Appointments Committee.

(8) Subject to the provisions of this Act, the Appointments Committee may regulate its own procedure.

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(9) A resolution in writing signed by all the members of the Appointments Committee for the time being present in New Zealand and not incapacitated by disability from attending a meeting shall be as valid and effectual as if it had been passed at a duly constituted meeting of that Committee.

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5. Membership of Council—The Council shall consist of—

(a) Twelve members to be appointed, solely on the basis of personal qualifications, by the Appointments Committee:

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(b) The Secretary of Industries and Commerce:

(c) The Director-General of the Department of Scientific and Industrial Research:

(d) The Director-General of Health.

6. Term of office of members—(1) Except as otherwise provided in this Act, each of the appointed members of the Council shall hold office for a term not exceeding three years, and shall be eligible for reappointment from time to time.

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(2) Notwithstanding the provisions of subsection (1) of this section, every appointed member of the Council shall, unless he sooner vacates his office under section 8 of this Act, continue in office until his successor comes into office.

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7. Transitional provisions—Notwithstanding anything to the contrary in this Act, the following provisions shall apply in respect of the first members to be appointed to the Council:

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(a) Every person who, immediately before the passing of this Act, held office as a member of the Consumer Council established by section 8 of the Finance Act 1959 shall, on the passing of this Act, be deemed to have been reappointed to that Council in accordance with that section:

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- (b) On the commencement of this Act, the persons holding office as members of the said Consumer Council under paragraph (a) of this section shall be deemed to have been appointed as members of the Council established by this Act:
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- (c) On the expiry of the thirty-first day of July, nineteen hundred and sixty-seven, two members of the Council holding office under paragraph (b) of this section, and the Secretary of Labour, if on that date he is a member of the Council, shall retire; and on or before that date the Appointments Committee shall appoint four persons to be members of the Council. The persons so appointed shall assume office on the first day of August, nineteen hundred and sixty-seven:
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- (d) On the expiry of the thirty-first day of July, nineteen hundred and sixty-eight, another four members of the Council holding office under paragraph (b) of this section shall retire; and on or before that date the Appointments Committee shall appoint four additional persons to be members of the Council. The persons so appointed shall assume office on the first day of August, nineteen hundred and sixty-eight:
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- (e) On the expiry of the thirty-first day of July, nineteen hundred and sixty-nine, every remaining member of the Council holding office under paragraph (b) of this section shall retire; and on or before that date the Appointments Committee shall appoint four additional persons to be members of the Council. The persons so appointed shall assume office on the first day of August, nineteen hundred and sixty-nine:
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- (f) Paragraphs (c), (d), and (e) of this section shall not apply to the Secretary of Industries and Commerce, the Director-General of the Department of Scientific and Industrial Research, and the Director-General of Health, all of whom shall, on the commencement of this Act, assume office as members of the Council pursuant to paragraphs (b), (c), and (d) of section 5 of this Act:
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- (g) The members so to retire first in accordance with paragraph (c) of this section and the members so to retire second in accordance with paragraph (d) of this section shall (unless they otherwise agree among themselves) be determined by lot:
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(h) Section 8 of this Act shall, on and after the date of the passing of this Act, apply to every member of the Council holding office under paragraph (a) of this section:

(i) For the purposes of section 8 of this Act, every member of the Council holding office under paragraph (b) of this section shall be deemed to have been appointed by the Minister. 5

8. Extraordinary vacancies—(1) Any appointed member of the Council may at any time be removed from office by the Minister for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Minister, or may at any time resign his office by writing addressed to the Chairman of the Appointments Committee.

(2) When the office of any appointed member of the Council becomes vacant by death, resignation, or removal from office, the vacancy so created shall as soon as practicable be filled in the manner in which the appointment to the vacant office was originally made. Every person so appointed shall hold office for the residue of the term for which his predecessor would have held office if the vacancy had not occurred. 15 20

(3) The powers of the Council shall not be affected by any vacancy in its membership.

9. Appointment of Chairman—(1) The Council shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Chairman of the Council. 25

(2) The person so appointed shall hold that office for a period of two years unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of Chairman. 30

(3) Notwithstanding the provisions of subsection (2) of this section, the Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Council, continue to hold the office of Chairman until his successor is appointed, and shall be eligible for reappointment. 35

(4) When the office of Chairman becomes vacant the vacancy shall be filled within two months after its occurrence.

10. Appointment of Deputy Chairman—(1) The Council shall, at its first meeting after the commencement of this Act and from time to time thereafter, appoint one of its members to be the Deputy Chairman of the Council.

5 (2) The person so appointed shall hold that office for a period of two years unless he sooner vacates his office as a member of the Council, in which case he shall also vacate the office of Deputy Chairman.

10 (3) Notwithstanding the provisions of subsection (2) of this section, the Deputy Chairman shall, unless he dies or resigns that office or vacates his office as a member of the Council, continue to hold the office of Deputy Chairman until his successor is appointed, and shall be eligible for reappointment.

15 (4) When the office of Deputy Chairman becomes vacant the vacancy shall be filled within two months after its occurrence.

11. Meetings of Council—(1) The first meeting of the Council shall be held at a time and place to be appointed
20 by the Minister.

(2) Subsequent meetings of the Council shall be held at such times and places as the Council or the Chairman of the Council may from time to time appoint.

25 (3) At any meeting of the Council eight members shall form a quorum.

(4) The Chairman shall preside at every meeting of the Council at which he is present. If at any meeting the Chairman is not present, the Deputy Chairman shall preside at the meeting; and if the Deputy Chairman also is not present or
30 there is no Deputy Chairman, the members present shall appoint one of their number to preside at that meeting. The Deputy Chairman or person so appointed shall have and may exercise and perform in any such case all the powers and functions of the Chairman for the purposes of the meeting.

35 (5) At any meeting of the Council the person presiding shall have a deliberative vote, and, in the case of an equality of votes, shall also have a casting vote.

(6) Every question before any meeting of the Council shall be determined by a majority of the votes of the members
40 present and voting thereon.

(7) In the absence from any meeting of any member of the Council, other than an appointed member, he may authorise any other officer of his Department to attend the

meeting in his stead. While any such officer is attending a meeting under this subsection he shall be deemed for all purposes to be a member of the Council. The fact that any person attends and acts as such a member at any meeting shall be sufficient evidence of his authority to do so in the absence of proof to the contrary. 5

(8) The Chairman may at any time call a special meeting of the Council; and it shall be the duty of the Chairman to call a special meeting at any time when requested to do so by a requisition in writing signed by four members of the Council; 10

Provided that no special meeting shall be held unless at least seven clear days' notice in writing thereof and of the business to be transacted at the meeting has been given to members of the Council. 15

(9) Subject to the provisions of this Act and subject to the rules of the Council made under section 15 of this Act, the Council may regulate its own procedure.

12. District Consumer Committees—(1) The Council may from time to time, by resolution, establish or reconstitute or dissolve such District Consumer Committees as it thinks fit to act as agents of the Council in New Zealand, with such functions and powers, not inconsistent with this Act, as the Council may from time to time determine or as may be prescribed by the rules of the Council. 20 25

(2) The members of every District Consumer Committee shall be appointed by the Council and shall hold office during the pleasure of the Council.

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(2A) The Council may from time to time appoint any member of a District Consumer Committee to be the Chairman of the Committee. Every person so appointed shall hold office as Chairman during the pleasure of the Council. 30

(3) The maximum number of members to be appointed to any District Consumer Committee under subsection (2) of this section shall be such as the Council may from time to time determine or as may be prescribed by the rules of the Council. 35

(4) Any person may be appointed to be a member of a District Consumer Committee under this section notwithstanding that he is not a member of the Council. 40

(5) Subject to the rules of the Council, and to any directions given by the Council, every District Consumer Committee may regulate its own procedure.

13. **Committees**—(1) The Council may from time to time, by resolution, appoint or discharge or alter or continue or reconstitute such committees as it thinks fit to advise it on such matters concerning its functions as are referred to them
5 by the Council and to exercise and perform such of the Council's powers and functions as may be delegated to them.

(2) Any person may be appointed to be a member of a committee under this section notwithstanding that he is not a member of the Council.

10 (3) Subject to the rules of the Council, and to any directions given by the Council, every committee may regulate its own procedure.

Functions and Powers

14. **Delegation of functions and powers**—(1) The Council
15 may from time to time delegate any of its functions and powers (except this power of delegation) to any District Consumer Committee established under section 12 of this Act or to any committee appointed under section 13 of this Act.

20 (2) Subject to any general or special directions given or conditions imposed by the Council, any District Consumer Committee or any other committee to which any such delegation is made may, without confirmation by the Council, perform or exercise the delegated functions or powers in like manner and with the same effect as the Council could itself
25 have performed or exercised them.

(3) Where any District Consumer Committee or any other committee purports to act pursuant to any such delegation, it shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

30 (4) Every such delegation shall be revocable at will and no such delegation shall prevent the performance or exercise of any function or power by the Council.

(5) Until any such delegation is revoked, it shall continue in force according to its tenor.

35 15. **Power to make rules**—(1) The Council may from time to time, by resolution, make, alter, and rescind rules not inconsistent with this Act for all or any of the following purposes:

40 (a) Prescribing the functions and powers of District Consumer Committees established under section 12 of this Act:

(b) Prescribing the maximum number of members that may be appointed to any District Consumer Committee:

- (c) Prescribing the procedure to be followed at any meeting of the Council, or at any meeting of a District Consumer Committee or any other committee of the Council:
 - (d) Prescribing the sale price or methods of fixing the sale price of any publications issued by the Institute or the Council: 5
 - (e) Prescribing the amount of the subscription required to be paid for admission to membership of the Institute: 10
 - (f) Prescribing the terms and conditions under which honorary or life membership of the Institute may be granted:
 - (g) Prescribing the duties of its employees:
 - (h) Providing for the custody of the property of the Council, and the custody and use of its common seal: 15
 - (i) Providing for such matters as may be necessary for the administration of the affairs of the Council.
- (2) Where it is proposed to submit to any meeting of the Council a motion for the making, alteration, or rescission of any such rules, written notice of the motion shall be given to every member of the Council for the time being in New Zealand at least fourteen days before the date of the meeting. 20

16. Functions of the Council—The functions of the Council shall be to protect and promote the interests of consumers of goods and services by whatever lawful means appear to it expedient, and by so doing to encourage the improvement and development of industry and commerce. 25

17. Powers of the Council—(1) The Council shall have all such powers as may be reasonably necessary to enable it to carry out its functions. 30

(2) Without limiting the generality of the powers of the Council under subsection (1) of this section, it may—

- (a) Purchase or otherwise acquire goods and services and undertake examination and testing of any such goods and services; and, for the purpose of examining and testing goods, establish such laboratories and other facilities as it thinks fit: 35
- (b) Encourage or undertake educational work in the interests of consumers of goods and services: 40
- (c) Conduct research and investigation into matters affecting the welfare of consumers as such, and report thereon to any appropriate organisation or authority:

- (d) Collect and disseminate information relating to consumer matters, including the publication of reports, magazines, pamphlets, booklets, journals, and any other publications:
- 5 (e) Develop and maintain a collection of library material and a museum collection relating to consumer matters:
- 10 (f) Cooperate with any person, association, or organisation outside New Zealand having similar functions or objects with a view to furthering the functions of the Council:
- 15 (g) Solicit and accept for the purposes of the Council any money, land, or other property from any local authority, public body, organisation, or person by way of grant, subsidy, donation, gift, subscription, or otherwise; and grant membership of the Institute, on such terms and conditions as it thinks fit, to any local authority, public body, organisation, or person from which or from whom it accepts any money, land, or other property as aforesaid:
- 20 (h) Become a member of or affiliate to any international body concerned with consumer matters.

18. Appointment and conditions of service of employees—

25 (1) The Council may from time to time appoint such employees, including acting or temporary or casual employees, as it thinks necessary for the efficient performance and exercise of its functions and powers under this Act, and, subject to subsection (3) of this section and to any contract of service, may at any time remove any employee from his employment.

30 (2) Employees of the Council shall be paid such salaries and allowances (within scales fixed by the Council in agreement with the State Services Commission) as the Council from time to time determines.

35 (3) Employees of the Council shall be employed on terms and conditions of employment from time to time determined by the Council in agreement with the State Services Commission.

40 (4) The Council shall out of its funds subsidise or contribute to the National Provident Fund or any other fund or scheme established with the approval of the Minister of Finance for the purpose of providing superannuation or retiring allowances for its employees.

(5) Any person who immediately before the date of the commencement of this Act was employed in the Department of Industries and Commerce and was a contributor to the Government Superannuation Fund shall, if he is employed by the Council within thirteen weeks after that date and has continued to be employed in the Government service until he commences to be employed by the Council, be deemed, for the purposes of the Superannuation Act 1956, to have remained in the Government service; and the provisions of that Act shall apply to any such person employed as aforesaid in all respects as if his service in the employment of the Council were Government service. For the purposes of the Superannuation Act 1956, the controlling authority in relation to any such person shall be the Council.

(6) Any person who immediately before the date of the commencement of this Act was employed in the Department of Industries and Commerce and who is employed by the Council within thirteen weeks after that date may, at any time within one year after the date of his appointment as an employee of the Council, elect to resume employment in the Public Service; and in any such case, notwithstanding the provisions of any enactment to the contrary, his employment in the Public Service shall be deemed to have continued without interruption:

Provided that no person shall be entitled to receive any salary as a member of the Public Service in respect of any period during which he was employed by the Council.

(7) Before any employee entrusted by the Council with the custody or control of money by virtue of his employment enters on the duties of his employment, the Council shall take sufficient security for the faithful execution of his employment.

(8) For a period not exceeding twelve weeks after the commencement of this Act, the Department of Industries and Commerce may provide the Council with such staff and services as may be agreed on between the Council and the Secretary of Industries and Commerce. Any staff so provided shall be deemed to have continued their employment in the Public Service as officers of the Department of Industries and Commerce, and shall be paid such salaries and allowances and be employed on such terms and conditions as may be determined by the State Services Commission.

19. **Power to acquire land and buildings**—With the approval of the Minister, the Council may, out of its funds, purchase, take on lease, hire, or otherwise acquire such land, or buildings, or parts of buildings as in the opinion of the
5 Council are necessary for the performance of its functions.

20. **Power to sell or exchange land**—(1) With the approval of the Minister, the Council may sell or exchange any land vested in the Council other than land held in trust for any special purpose, and may pay or receive any money by way
10 of equality of exchange.

(2) Nothing in this section shall authorise the sale or exchange of any land granted by the Crown or by any Act as an endowment to the Council.

(3) The powers of selling or exchanging land conferred
15 on the Council by this section shall, with the consent of the Minister, extend to land held in trust for any special purpose, notwithstanding the terms of that trust; but the proceeds of any such sale, and the land or money obtained by any such exchange, shall be subject to the same trusts, so far as may be
20 practicable, as those applying to the land so disposed of, or to similar trusts approved by the Minister.

21. **Power to grant leases**—The Council may grant leases of any land vested in the Council for such term or terms at such rent and generally upon such terms and conditions as
25 the Council considers advisable or expedient:

Provided that no lease shall be granted for a term exceeding ten years unless the consent in writing of the Minister has been previously given.

22. **Power to acquire plant, etc.**—The Council may, out of
30 its funds, purchase, take on lease, hire, or otherwise acquire such plant, machinery, and equipment as in the opinion of the Council are necessary for the performance of its functions.

Financial Provisions

23. **Funds and property of Council**—The funds and
35 property of the Council shall consist of:

(a) Any money appropriated by Parliament and paid to the Council for the purposes of the Council:

(b) All money paid to the Council by way of grants, subsidies, donations, gifts, fees, subscriptions, rent,
40 interest, and royalties:

- (c) All money derived from the sale of any property held by or on behalf of the Council:
- (d) All other money and property lawfully received by the Council for the purposes of the Council:
- (e) All accumulations of income derived from any such property or money. 5

24. Investment of funds—Subject to the terms of any trust or endowment, any money belonging to the Council and available for investment may be invested in accordance with the provisions of the Trustee Act 1956 for the investment of trust funds. 10

25. Borrowing powers—With the prior consent in writing of the Minister of Finance, the Council may borrow money from the Crown or from any corporation or person; and (for the purpose of securing any money so borrowed) may mortgage, charge, or pledge any right, title, estate, or interest in any of its property. 15

26. Money to be paid into bank—(1) All money received by the Council, or by an employee of the Council, amounting to ten pounds and upwards shall, as soon as practicable after it has come into the hands of any of them, be paid into such bank account or accounts of the Council as the Council from time to time determines. 20

(2) No such money shall be withdrawn from the bank except by cheque signed by an employee of the Council approved by the Council, and countersigned by another such employee, or by a member of the Council, approved by the Council: 25

Provided that it shall be lawful, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes, for any money to be paid by the Council by cheque bearing facsimiles of the signatures of the persons so authorised to sign cheques, and every cheque bearing such facsimiles shall be deemed to have been duly signed in accordance with this subsection. 30

(3) Notwithstanding the provisions of section 14 of this Act, every payment of money by the Council shall be authorised by a prior resolution of the Council or shall be submitted to the Council for confirmation at its first ordinary meeting after the date of payment. 35 40

27. Accounts—(1) The Council shall keep full and correct accounts of all money received and expended by it.

(2) The accounts shall be audited by the Audit Office, which for that purpose shall have and may exercise all the powers that it has under the Public Revenues Act 1953 in respect of public money and the audit of the accounts of local authorities.

(3) As soon as practicable after the end of each financial year ending with the thirty-first day of March, the Council shall cause to be prepared and submitted to the Audit Office full and true statements and accounts of all its income and expenditure in that year and of its assets and liabilities at the end of that year.

28. Exemption from taxes—(1) All land owned by or held in trust for the Council shall be exempt from land tax.

(2) The income of the Council shall be exempt from income tax.

29. Individual members of Council, District Consumer Committees, and committees not personally liable—(1) No member of the Council and no member of any District Consumer Committee or any other committee appointed under section 12 or section 13 of this Act shall be personally liable for any act done or default made by the Council or any District Consumer Committee or any other committee in good faith in the course of operations of the Council or any District Consumer Committee or any other committee.

(2) Without limiting the provisions of subsection (1) of this section, in any proceedings against any such member in respect of any such act or default alleged to be not in good faith as aforesaid, the member shall not be personally liable if he shows—

(a) Where the act or default was pursuant to a resolution passed at a meeting of the Council or District Consumer Committee or other committee of which he is a member, that he was not present when the resolution was passed or that he voted against the resolution; or

(b) Where the act or default was not pursuant to such a resolution, that it occurred without his knowledge, or, if with his knowledge, then against his protest made at or before the time when it occurred.

(3) For the purposes of this section, any such member may at any meeting demand a poll on any proposal before the meeting and require that his vote be recorded thereon, and the person presiding at the meeting shall record the vote accordingly.

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29A. Indemnity insurance—The Council may from time to time enter into contracts of insurance indemnifying itself and its employees against claims made against it or against any of its employees for loss or damage arising from any act or default of the Council or of any of its employees while acting within the scope of their employment, and pay the premiums payable in respect of any such contracts.

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30. Fees, salaries, and travelling allowances—(1) The Council, the Appointments Committee, every District Consumer Committee, and every other committee of the Council, are hereby declared to be statutory Boards within the meaning of the Fees and Travelling Allowances Act 1951.

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(2) There shall be paid to members of the Council, the Appointments Committee, any District Consumer Committee, and any other committee, out of the funds of the Council, remuneration by way of fees, salary or allowances, and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

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31. Unauthorised expenditure—The Council may in any financial year, out of its funds, expend for purposes not authorised by any Act or law for the time being in force any sum or sums not amounting in the whole to more than two hundred pounds.

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32. Local authorities, etc., may contribute to funds of Council—For the purpose of providing funds for the performance of the functions of the Council, any local authority or public body may from time to time make grants out of its general funds to the Council of such amounts as it thinks fit.

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33. Insurance of members—The Council may from time to time enter into contracts of insurance insuring members of the Council and members of any District Consumer Committee or any other committee appointed by the Council against loss from personal accident arising out of and in the course of the

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exercise and performance of their powers and duties as members, and pay the premiums payable in respect of any such contracts.

Miscellaneous Provisions

5 **34. Restriction on use of word "Consumer" in certain names**—(1) Except with the consent of the Governor-General in Council, no association of persons, whether a body corporate or not, shall exercise the functions for which it is formed under a name which contains the words "Consumer
10 Council" or "Consumers Institute", or any abbreviation of those words, or under a name which is calculated to suggest connection with or endorsement by the Council or the Institute.

(2) Where any Act provides for the registration of any
15 association of persons, the registering authority may refuse registration if in its opinion the use of the name by which the association desires to be registered is prohibited by subsection (1) of this section.

(3) The provisions of this section shall, with the necessary
20 modifications, apply to a person carrying on business under any name or style other than his own.

(4) Any association which, or person who, does any act in contravention of the provisions of this section commits an offence and is liable on summary conviction to a fine not
25 exceeding fifty pounds.

(5) Nothing in this section shall apply to the use by any association or person of any name that was in use in New Zealand by that association or person, or any predecessor in business of that association or person, immediately before the
30 (coming into force) passing of this Act.

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(6) In any prosecution for an offence against this section it shall be for the defendant to prove that he acted with the consent of the Governor-General in Council or that the act
35 complained of was not an offence by virtue of subsection (5) of this section.

(7) This section shall come into force on the passing of this Act.

**34A. Advertisements not to imply approval by Council or
40 Institute**—(1) Every person who, without the consent in writing of the Council, publishes, or causes to be published, any advertisement which states, either expressly or by implication, that the Council or Institute or any District Consumer

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Committee or any other committee of the Council or any member or employee thereof has approved, or has refrained from disapproving, the advertisement or any of the claims or statements made in the advertisement or any goods or services depicted or described, whether by a trade name or otherwise, in the advertisement, commits an offence and is liable on summary conviction to a fine not exceeding one hundred pounds, and, if the offence is a continuing one, to a further fine not exceeding ten pounds for every day during which the offence has continued. 5 10

(2) For the purposes of this section the term "advertisement" means any words, whether written or spoken, or any picture, drawing, or figure—

(a) Inserted in any newspaper or other periodical publication; or 15

(b) Brought to the notice of members of the public in any other manner whatsoever.

(3) In any prosecution for an offence against this section it shall be for the defendant to prove that he acted with the written consent of the Council. 20

35. Annual report—(1) As soon as practicable after the thirtieth day of June in each year, the Council shall furnish to the Minister a report of its proceedings and operations for the preceding financial year, and shall attach to the report a copy of its accounts for that year certified by the Audit Office. 25

(2) A copy of the annual report of the Council (including the accounts so certified attached thereto) shall be laid before Parliament within twenty-eight days after the date of its receipt by the Minister if Parliament is then in session, and, if not, shall be laid before Parliament within twenty-eight days after the date of the commencement of the next ensuing session. 30

36. Transfer of assets and liabilities—(1) All real and personal property of every description vested in the Consumer Council established by section 8 of the Finance Act 1959 shall vest without conveyance or assignment in the Consumer Council established by this Act, subject to all charges, encumbrances, estates, and interests affecting that property. 35 40

(2) All liabilities of the Consumer Council established by section 8 of the Finance Act 1959 shall be deemed to be liabilities of the Consumer Council established by this Act.

37. **Transfer of records**—Notwithstanding anything to the contrary in the Archives Act 1957, all or any of the public records (as defined in section 2 of that Act) which relate to consumer matters, and which, at the date of commencement
5 of this Act, are held by or in the possession of the Department of Industries and Commerce, may be transferred to and vested in the Council.

38. **Contracts of Council and members**—(1) Part II of the First Schedule to the Public Bodies Contracts Act 1959 is hereby amended by inserting in its appropriate alphabetical order the following item:

15	“The Consumer Council	1966, No. 00—(The Consumers Institute Act) <u>The Consumer Council Act</u> 1966.”
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(2) Part II of the First Schedule to the Local Authorities (Members' Contracts) Act 1954 is hereby amended by inserting in its appropriate alphabetical order the following item:

20	“The Consumer Council	1966, No. 00—(The Consumers Institute Act) <u>The Consumer Council Act</u> 1966.”
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39. **Repeal and revocations**—(1) Section 8 of the Finance
25 Act 1959 is hereby repealed.

(2) The following regulations are hereby revoked:

(a) The Consumer Council Regulations 1960:

(b) The Consumer Council Regulations 1960, Amendment No. 1.