

FINANCE BILL (NO. 3)

EXPLANATORY NOTE

Clause 1 relates to the Short Title and commencement of the Bill.

PART I

SUBSTANTIVE PROVISIONS

Clerks of Works

Clause 2 requires the Clerks of Works Registration Board to put its affairs in order pending its dissolution, and to prepare final accounts.

Clause 3 dissolves the Board. The dissolution takes effect on 1 April 1991.

Clause 4 makes the Board's assets and liabilities, as at the close of 31 March 1991, assets and liabilities of the Minister of Commerce.

Clause 5 gives the New Zealand Institute of Clerks of Works (which is at present incorporated under the Clerks of Works Act 1944) until the commencement of 1 April 1991 to incorporate under the Incorporated Societies Act 1908. If it does not do so, it will on that day be deemed to have been dissolved.

Clause 6 relates to the Register of Clerks of Works, which is kept under the Clerks of Works Act 1944. On and after 1 April 1991, the Register is to be treated as property of the New Zealand Institute of Clerks of Works, but no names are to be added to or deleted from it.

Clause 7 repeals the Clerks of Works Act 1944. The repeal takes effect on 1 April 1991.

Clause 8 revokes certain regulations. The revocation takes effect on 1 April 1991.

Engineering Associates

Clause 9 requires the Engineering Associates Registration Board and the Engineering Associates Investigation Committee to put their affairs in order pending their dissolution, and to prepare final accounts.

Clause 10 dissolves the Board. The dissolution takes effect on 1 October 1990.

Clause 11 dissolves the Committee. The dissolution takes effect on 1 October 1990.

Clause 12 relates to the Register of Engineering Associates, which is kept under the Engineering Associates Act 1968. On and after 1 October 1990, the Register is to be held by the Secretary of Commerce, and no names are to be added to or deleted from it.

Clause 13 makes the assets and liabilities of the Board and the Committee, as at the close of 30 September 1990, assets and liabilities of the Minister of Commerce.

Clause 14 repeals the Engineering Associates Act 1961. The repeal takes effect on 1 October 1990.

Clause 15 revokes the Engineering Associates Fees Regulations 1987. The revocation takes effect on 1 October 1990.

Engineers

Clause 16 requires the Engineers Registration Board to put its affairs in order pending its dissolution, and to prepare final accounts.

Clause 17 dissolves the Board. The dissolution takes effect on 1 April 1991.

Clause 18 relates to the Register of Engineers, which is kept under the Engineers Registration Act 1924, and to the Board's records. On and after 1 April 1991, the Register and those records are to be treated as property of the Institution of Professional Engineers of New Zealand, but no names are to be added to or deleted from the Register.

Clause 19 makes the Board's assets and liabilities, as at the close of 31 March 1991 (other than the Register and the records), assets and liabilities of the Minister of Commerce; and requires the Minister to pay the net assets to the Institution.

Clause 20 repeals the Engineers Registration Act 1924. The repeal takes effect on 1 April 1991.

Clause 21 effects related amendments to other Acts. The amendments take effect on 1 April 1991.

Clause 22 effects related amendments to regulations. The amendments take effect on 1 April 1991.

Clause 23 revokes certain regulations. The revocations take effect on 1 April 1991.

Quantity Surveyors

Clause 24 requires the Quantity Surveyors Registration Board to put its affairs in order pending its dissolution, and to prepare final accounts.

Clause 25 dissolves the Board. The dissolution takes effect on 1 April 1991.

Clause 26 relates to the Register of Quantity Surveyors, which is kept under the Quantity Surveyors Act 1968, and to the Board's office furniture and equipment. On and after 1 April 1991, the Register and that office furniture and equipment are to be treated as property of the New Zealand Institute of Quantity Surveyors, but no names are to be added to or deleted from the Register.

Clause 27 makes the Board's assets and liabilities, as at the close of 31 March 1991 (other than the Register and the office furniture and equipment), assets and liabilities of the Minister of Commerce; and requires the Minister to pay the net assets to the trustees of the H. H. Bunkenburg Memorial Trust.

Clause 28 repeals the Quantity Surveyors Act 1968. The repeal takes effect on 1 April 1991.

Clause 29 effects a consequential amendment to section 14 (2A) (b) of the Earthquake and War Damage Act 1944. The amendment takes effect on 1 April 1991.

Clause 30 revokes certain regulations. The revocations take effect on 1 April 1991.

Confirmation and Validation of Subordinate Legislation

Clauses 31 to 37 validate and confirm certain subordinate legislation that will lapse at the close of the present session of Parliament unless validated and confirmed by Act before that close.

Clause 31 relates to regulations under the Agriculture (Emergency Powers) Act 1934.

Clause 32 relates to regulations under the Primary Products Marketing Act 1953.

Clause 33 relates to an order under the War Pensions Act 1954.

Clause 34 relates to an order under the Social Security Act 1964.

Clause 35 relates to orders under the Customs Act 1966.

Clause 36 relates to orders under the Tariff Act 1988.

Clause 37 consequentially repeals certain enactments, and saves a validation made by one of them.

PART II

AMENDMENTS TO OTHER ENACTMENTS

Chiropractors

Clauses 39 to 44 amend the Chiropractors Act 1982, and will come into force on 1 January 1991. The principal effect of the amendments is to constitute the Chiropractic Board as a body corporate. Various amendments are made to the Chiropractors Act 1982 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 40* and the proposed *new sections 11A to 11L*). Of particular note is the proposed *new section 11E*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Dietitians

Clauses 46 to 53 amend the Dietitians Act 1950, and will come into force on 1 January 1991.

The principal effect of the amendments is to constitute the Dietitians Board as a body corporate. Various amendments are made to the Dietitians Act 1950 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 47* and the proposed *new sections 8B to 8M*). Of particular note is the proposed *new section 8F*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Clause 46 (2) and (3) alter the membership of the Dietitians Board. The Registrar of Dietitians, who will in future be an employee of the Board, will no

longer be a member of the Board. The lay membership of the Board is accordingly increased from 1 to 2.

Electrical Registration

Clauses 55 to 58 amend the Electrical Registration Act 1979. The amendments are consequential on the repeal of the Engineers Registration Act 1924 and the Engineering Associates Act 1961.

Clause 55 makes amendments coming into force on 1 October 1990 (the day on which the repeal of the Engineering Associates Act 1961 takes effect).

Clause 56 makes amendments coming into force on 1 April 1991 (the day on which the repeal of the Engineers Registration Act 1924 takes effect).

Clause 57 is a transitional provision preserving the rights of people registered under the Electrical Registration Act 1979 by virtue of their registration as engineering associates.

Clause 58 is a transitional provision preserving the rights of people registered under the Electrical Registration Act 1979 by virtue of their registration as engineers.

Electric Lineman

Clause 60 amends the Electric Linemen Act 1959. The amendments are consequential on the repeal of the Engineers Registration Act 1924 and the Engineering Associates Act 1961.

Geothermal Energy

Clause 62 amends section 10 of the Geothermal Energy Act 1953 by repealing subsection (2), and substituting a new subsection.

That subsection, as amended in 1989, requires that rental payable for the use of geothermal energy be paid into a Departmental Bank Account. The new subsection requires instead that that rental be paid into the Crown Bank Account.

Clause 63 makes consequential repeals.

Medical Auxiliaries

Clauses 65 to 70 amend the Medical Auxiliaries Act 1966, and will come into force on 1 January 1991.

The principal effect of the amendments is to provide that the various registration Boards constituted under that Act are to be bodies corporate. Various amendments are made to the Medical Auxiliaries Act 1966 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the registration Boards, superannuation, and financial provisions (see *clause 67* and the proposed *new sections 12A to 12L*). Of particular note is the proposed *new section 12E*, which provides for the funding of the various registration Boards. In future, the Boards are to be self-funding, with their income derived from registration and other fees charged by each Board.

Ministry of Energy (Abolition)

Clause 72 repeals section 30 of the Ministry of Energy (Abolition) Act 1989, and substitutes a new section. Section 30, as enacted in 1989, requires that all money received under Part III of that Act (which relates to levies) shall be paid into the Crown Bank Account. The effect of the proposed new section is to require that money to be paid instead into a Departmental Bank Account.

Occupational Therapy

Clauses 74 to 83 amend the Occupational Therapy Act 1949, and will come into force on 1 January 1991.

The principal effect of the amendments is to constitute the Occupational Therapy Board as a body corporate. Various amendments are made to the Occupational Therapy Act 1949 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 77* and the proposed *new sections 8A to 8L*). Of particular note is the proposed *new section 8E*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Clause 74 (2) alters the membership of the Occupational Therapy Board. The Registrar of Occupational Therapists, who will in future be an employee of the Board, will no longer be a member of the Board. The lay membership of the Board is accordingly increased from 2 to 3.

Clause 75 repeals section 5 of the principal Act and substitutes a *new section 5*. The effect of the amendment is that the Director-General of Health will no longer be the Chairman of the Board. Provision is made for the Board itself to elect annually a Chairman and a Deputy Chairman.

Clause 76 makes amendments to section 6 of the principal Act as a consequence of the *new section 5* (as inserted by *clause 75*).

Optometrists and Dispensing Opticians

Clauses 85 to 94 amend the Optometrists and Dispensing Opticians Act 1976, and will come into force on 1 January 1991.

The principal effect of the amendments is to constitute the Opticians Board as a body corporate. Various amendments are made to the Optometrists and Dispensing Opticians Act 1976 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 87*, *clause 88*, and the proposed *new sections 12A to 12K*). Of particular note is the proposed *new section 12D*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Physiotherapy

Clauses 96 to 105 amend the Physiotherapy Act 1949, and will come into force on 1 January 1991.

The principal effect of the amendments is to constitute the Physiotherapy Board as a body corporate. Various amendments are made to the Physiotherapy Act 1949 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 99* and the proposed *new sections 8B to 8M*). Of particular note is the proposed *new section 8F*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Clause 96 (2) and (3) alter the membership of the Physiotherapy Board. The Registrar of Physiotherapists, who will in future be an employee of the Board, will no longer be a member of the Board. The membership of the Board is accordingly increased by providing for the appointment of 1 lay person.

Clause 97 repeals section 5 of the principal Act and substitutes a *new section 5*. The effect of the amendment is that the Director-General of Health will no longer be the Chairman of the Board. Provision is made for the Board itself to elect annually a Chairman and a Deputy Chairman.

Clause 98 makes amendments to section 6 of the principal Act as a consequence of the *new section 5* (as inserted by *clause 97*).

Port Companies

Clauses 107 to 116 amend the Port Companies Act 1988 in a number of respects. The most significant is the removal of the requirement that 51 percent of the equity securities in a port company must be held by local authorities. Related changes are made to the Commerce Act 1986. Other amendments recognise recent changes in local government and the abolition of most Harbour Boards. Special provision is made in relation to the liabilities of the Taranaki Harbours Board.

Clause 107 defines the terms “local authority trading enterprise”, “regional council”, and “territorial authority”. It also provides that a reference in the principal Act to a Harbour Board includes a reference to a regional council or territorial authority to which the property, rights, liabilities, functions, duties, and powers of a Harbour Board have been transferred.

Clause 108 inserts a new provision relating to the functions, duties, and powers of regional councils and territorial authorities under the principal Act in their capacities as successors to Harbour Boards.

The functions and powers are to be determined by agreement, and failing agreement then by the Local Government Commission. Duties are to be similarly allocated except that duties in respect of property rights or liabilities that are vested solely in one local authority are to be performed by that local authority.

Clause 109 repeals the present section 7 but effectively preserves the present section 7 (5) which empowers local authorities to hold equity securities in port companies. The repeal of section 7 removes the requirement that the articles of a port company must provide for a class of shares that carry 51 percent of the voting rights and can be held only by Harbour Boards and local authorities.

Clause 110 inserts a *new section 7A* into the principal Act. This requires port companies to arrange for the removal from their memorandum of association and articles of association of provisions that comply with the present section 7 and submit amendments to that effect to the Minister by 1 December 1990.

If a port company does not do so, the Minister may make the necessary amendments.

Clause 111 allows for the exclusion in relation to a port company of the special requirements of the principal Act as to approval of memorandum and articles, principal objectives, directorships, statements of corporate intent, reporting, non-commercial activities, and audit, and for the exclusion of section 20 in relation to related and associated companies where the Minister is satisfied that at least 50 percent of the equity securities of the port company are no longer held by or on behalf of local authorities.

Clause 112 limits the cases where a local authority can require a port company to provide goods or services to those cases where the local authority is exercising the functions, duties, or powers of a former Harbour Board. The effect of the

provision is to ensure that section 18 of the principal Act is not broadened in its effect by the recent local government reforms.

Clause 113 ensures that companies (such as airport companies or abattoirs) that have common shareholding with port companies are not subject to the provisions of the Port Companies Act 1988.

Clause 114 is a special provision affecting the Taranaki Harbours Board and its successor regional council and territorial authorities.

Ordinarily, a port company is required by the port company plan to issue debt securities to its Harbour Board (or successor local authorities) to enable the successor local authorities to meet the liabilities they have that relate to port-related commercial undertakings transferred to that port company. This is because, unless all parties (including creditors) agree otherwise, when a port-related commercial undertaking is transferred to a port company the related liabilities remain with the Harbour Board or its successors. In the case of Taranaki, the liabilities will be those of the successor local authorities, but the port company will not be obliged to create sufficient debt securities to meet the liabilities in full.

Clause 115 repeals a provision in the Harbours Act 1950 that empowers a Harbour Board to guarantee any debt or obligation of a port company. Now that local authorities have replaced Harbour Boards this change is proposed in order to create a similar situation to that which exists in respect of local authority trading enterprises. Section 594ZP of the Local Government Act 1974 prohibits local authorities from guaranteeing the obligations of a local authority trading enterprise.

Existing guarantees are not affected.

Clause 116 amends the Commerce Act 1986 in 2 respects.

The first amendment makes it clear that the exemption from Part II of the Commerce Act 1986 (relating to restrictive trade practices) in respect of carriage of goods by sea to or from New Zealand does not apply to practices relating to the carriage of goods to or from a ship or the loading or unloading of a ship.

The second amendment includes, in the First Schedule to the Commerce Act 1986, in the classes of mergers and takeovers requiring Commerce Commission approval, mergers or takeovers, by persons engaged in the provision of fixed facilities at any port, of any similar facilities at that or any other port. Pilotage, towage, stevedoring services, and the provision of readily moveable cargo handling equipment are excluded.

The First Schedule to the Commerce Act 1986 is repealed on 1 January 1991 by section 44 of the Commerce Amendment Act 1990. With effect from that date, the existing system requiring prior clearances or authorisations of merger or takeover proposals will be replaced with a system of voluntary notification.

Psychologists

Clauses 118 to 123 amend the Psychologists Act 1981, and will come into force on 1 January 1991. The principal effect of the amendments is to constitute the Psychologists Board as a body corporate. Various amendments are made to the Psychologists Act 1981 as a consequence of that change, including the insertion of provisions relating to the appointment of the staff of the Board, superannuation, and financial provisions (see *clause 119* and the proposed *new sections 11A to 11L*). Of particular note is the proposed *new section 11E*, which provides for the funding of the Board. In future, the Board is to be self-funding, with its income derived from registration and other fees charged by the Board.

Shipping and Seamen

Clauses 125 to 127, which come into force on 1 September 1990, amend the Shipping and Seamen Act 1952 by repealing the provisions that impose liability for coastal light dues, and substituting provisions empowering the making of regulations imposing marine safety charges.

The principal changes are—

- (a) The power to impose the charges not only on ships entering any port in New Zealand but also on ships operating in New Zealand waters;
- (b) The wider range of services covered by the charges, which now include matters such as coastal distress radio;
- (c) The omission of the provisions of section 375 of the Shipping and Seamen Act 1952 which exempt certain ships and which impose restrictions on the distraint of cargo and the detention of certain ships.

Ships specifically exempted under section 375 of the Shipping and Seamen Act 1952 at present comprise—

- (a) Her Majesty's ships;
- (b) Ships of or in the service of the naval, military, or air forces of the Government of any Commonwealth country or foreign country;
- (c) Ships carrying mails under any contract made with the Postmaster-General, in any case where it is provided by the terms of the contract that those ships shall not be so liable;
- (d) Ships, not being factory or depot ships, engaged solely in whaling or sealing;
- (e) Missionary ships;
- (f) Pleasure yachts of less than 70 feet register length;
- (g) Ships employed solely for scientific, marine surveying, or exploration purposes;
- (h) Ships, other than tugs or pleasure yachts, when navigated wholly and *bona fide* in ballast, on which no freight is earned and no passenger is carried;
- (i) Ships putting in for any of the following reasons:
 - (i) To take on fuel, stores, provisions, or water solely for use on board; or
 - (ii) From stress of weather or for the purpose of repairing or because of damage.

Exemptions are, under the proposed new sections, to be specified in regulations and not in the Act.

Hon. David Caygill

FINANCE (NO. 3)

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A BILL INTITULED

An Act to make provision with respect to public finances and other matters

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

1. Short Title and commencement—(1) This Act may be cited as the Finance Act (No. 3) 1990.

(2) Except as provided in sections 3 (2), 7 (2), 8 (2), 10 (2), 11 (2), 14 (2), 15 (2), 17 (2), 20 (2), 21 (4), 22 (5), 23 (2), 25 (2), 28 (2), 29 (2), 30 (2), and Part II of this Act, this Act shall come into force on the day on which it receives the Royal assent. 5

PART I

SUBSTANTIVE PROVISIONS

Clerks of Works

2. Winding up of operations of Board—Having regard to section 3 of this Act, the Clerks of Works Registration Board established by section 3 (1) of the Clerks of Works Act 1944 (in sections 3 and 4 of this Act referred to as the Board) shall do all in its power to have its affairs in an orderly state when it is dissolved, and, in particular,— 10

(a) Shall do all in its power to secure the payment of all money it owes, and the recovery of all debts it is due; and 15

(b) Shall cause to be prepared final accounts as at the close of the 31st day of March 1991. 20

3. Dissolution of Board—(1) The Board is hereby dissolved.

(2) This section shall come into force on the 1st day of April 1991.

4. Assets of Board—Subject to section 6 of this Act, all rights, assets, liabilities, and debts, that the Board has at the close of the 31st day of March 1991 shall on the 1st day of April 1991 become rights, assets, liabilities, and debts of the Minister of Commerce. 25

5. Incorporation of New Zealand Institute of Clerks of Works—(1) Notwithstanding its existing incorporation under section 9 of the Clerks of Works Act 1944, the New Zealand Institute of Clerks of Works (hereafter in this section, and in section 6 of this Act, referred to as the Institute) may at any time before the 1st day of April 1991, in accordance with the Incorporated Societies Act 1908, become a society incorporated under the latter Act; and if it does so, the following provisions shall apply: 30

(a) It shall be deemed to be the same body as it was before: 35

(b) It shall be deemed to have ceased to be incorporated under section 9 of the Clerks of Works Act 1944: 40

- (c) Subject to its rules and the Incorporated Societies Act 1908,—
- (i) Its members and officers shall continue to be its members and officers; and
- 5 (ii) Its ceasing to be incorporated under section 9 of the Clerks of Works Act 1944, and becoming a society incorporated under the Incorporated Societies Act 1908, shall not affect its name, assets, or liabilities.
- 10 (2) If the Institute does not before the 1st day of April 1991 become a society incorporated under the Incorporated Societies Act 1908,—
- (a) It shall on that day be deemed to have been dissolved; and
- 15 (b) All its surplus assets, after payment of all costs, debts, and liabilities, shall be disposed of—
- (i) If, before that day, its Council has decided on the manner in which the assets are to be disposed of, in that manner; and
- 20 (ii) To the extent that, before that day, its Council has not done so, in a manner determined by the Governor-General by Order in Council.

6. Register of Clerks of Works—On and after the 1st day of April 1991, the following provisions shall apply to the Register of Clerks of Works (kept under the Clerks of Works Act 1944):

- 25 (a) **Section 5** of this Act shall apply to it as if, immediately before that day, it had been the property of the Institute:
- 30 (b) Its owner shall ensure that no names are added to or deleted from it.

7. Repeals—(1) The following enactments are hereby repealed:

- 35 (a) The Clerks of Works Act 1944;
- (b) So much of the Second Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Clerks of Works Act 1944;
- (c) The Clerks of Works Amendment Act 1963;
- (d) The Clerks of Works Amendment Act 1974;
- 40 (e) The Clerks of Works Amendment Act 1976;
- (f) The Clerks of Works Amendment Act 1980;
- (g) The Clerks of Works Amendment Act 1987:

(h) So much of the First Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Clerks of Works Act 1944.

(2) This section shall come into force on the 1st day of April 1991.

5

8. Revocations—(1) The following regulations are hereby revoked:

(a) The Clerks of Works Regulations 1945:

(b) The Clerks of Works Amendment Act Commencement Order 1981:

10

(c) The Clerks of Works Regulations 1945, Amendment No. 2.

(2) This section shall come into force on the 1st day of April 1991.

Engineering Associates

15

9. Winding up of operations of Board and Committee—Having regard to sections 10 and 11 of this Act, the Engineering Associates Registration Board established by section 3 (1) of the Engineering Associates Act 1961 (in sections 10, 12, and 13 of this Act referred to as the Board) and the Engineering Associates Investigation Committee constituted under section 8 of the Engineering Associates Act 1961 (in sections 11 and 13 of this Act referred to as the Committee) shall each do all in its power to have its affairs in an orderly state when it is dissolved, and, in particular,—

20

(a) Shall do all in its power to secure the payment of all money it owes, and the recovery of all debts it is due; and

25

(b) Shall cause to be prepared final accounts as at the close of the 30th day of September 1990.

30

10. Dissolution of Board—(1) The Board is hereby dissolved.

(2) This section shall come into force on the 1st day of October 1990.

11. Dissolution of Committee—(1) The Committee is hereby dissolved.

35

(2) This section shall come into force on the 1st day of October 1990.

12. Register to be held by Secretary of Commerce—On and after the 1st day of October 1990, the Secretary of Commerce shall—

- 5 (a) Have custody of the register kept (under section 11 (4) of the Engineering Associates Act 1961) by the Registrar of the Board; and
- (b) Keep it in good condition; and
- (c) At all reasonable times make it available for inspection (without charge) by any person; and
- 10 (d) Ensure that no names are added to or deleted from it.

13. Assets of Board and Committee—Subject to section 12 of this Act, all rights, assets, liabilities, and debts, that the Board or the Committee has at the close of the 30th day of September 1990, shall on the 1st day of October 1990 become rights, assets, liabilities, and debts of the Minister of Commerce.

15

14. Repeals—(1) The following enactments are hereby repealed:

- (a) The Engineering Associates Act 1961:
- (b) The Engineering Associates Amendment Act 1964:
- 20 (c) The Engineering Associates Amendment Act 1968:
- (d) The Engineering Associates Amendment Act 1976:
- (e) So much of the First Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Engineering Associates Act 1961:
- 25 (f) So much of the Schedule to the Regulations (Disallowance) Act 1989 as relates to the Engineering Associates Act 1961.

(2) This section comes into force on the 1st day of October 1990.

30 **15. Revocation**—(1) The Engineering Associates Fees Regulations 1987 are hereby consequentially revoked.

(2) This section shall come into force on the 1st day of October 1990.

Engineers

35 **16. Winding up of operations of Board**—Having regard to section 17 of this Act, the Engineers Registration Board established under section 3 (1) of the Engineers Registration Act 1924 (in sections 17 to 19 of this Act referred to as the Board) shall do all in its power to have its affairs in an orderly state

40 when it is dissolved, and, in particular,—

- (a) Shall do all in its power to secure the payment of all money it owes, and the recovery of all debts it is due; and
- (b) Shall cause to be prepared final accounts as at the close of the 31st day of March 1991.

5

17. Dissolution of Board—(1) The Board is hereby dissolved.

(2) This section shall come into force on the 1st day of April 1991.

18. Register and records to be transferred to Institution—(1) On the 1st day of April 1991,—

10

- (a) The register kept (under section 5 of the Engineers Registration Act 1924) by the Registrar appointed under that Act; and
- (b) All the Board's records as at the close of the 31st day of March 1991,—

15

shall become the property of the Institution of Professional Engineers of New Zealand (Incorporated) (hereafter in this section and in **section 19** of this Act referred to as the Institution).

20

(2) On and after the 1st day of April 1991, the Institution shall—

- (a) Keep the said register in good condition; and
- (b) At all reasonable times make it available for inspection (without charge) by any person; and
- (c) Ensure that no names are added to or deleted from it.

25

(3) As soon as is practicable after obtaining possession of the said register, the Institution shall give a copy to the Minister of Commerce.

19. Assets of Board—Subject to **section 18** of this Act,—

30

- (a) All rights, assets, liabilities, and debts, that the Board has at the close of the 31st day of March 1991 shall on the 1st day of April 1991 become rights, assets, liabilities, and debts of the Minister of Commerce; and

35

- (b) As soon after the 1st day of April 1991 as the net assets of the Board are known, the Minister of Commerce shall transfer them to the Institution.

20. Repeals—(1) The following enactments are hereby repealed:

40

- (a) The Engineers Registration Act 1924:

- (b) Section 80 (4) of the Soil Conservation and Rivers Control Act 1941:
- (c) The Finance Act (No. 2) 1949:
- 5 (d) So much of the Second Schedule to the Fees and Travelling Allowances Act 1951 as relates to the Engineers Registration Act 1924:
- (e) The Engineers Registration Amendment Act 1972:
- (f) The Engineers Registration Amendment Act 1977:
- (g) The Engineers Registration Amendment Act 1988:
- 10 (h) So much of the First Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Engineers Registration Act 1924 or the Engineers Registration Amendment Act 1944:
- (i) So much of the Second Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Engineers Registration Amendment Act 1988.
- 15 (2) This section shall come into force on the 1st day of April 1991.

21. Related amendments to other Acts—(1) Section 80 of the Soil Conservation and Rivers Control Act 1941 is hereby consequentially amended by repealing subsection (4), and substituting the following subsection:

- “(4) No person shall be appointed—
- “(a) As Engineer to any Board; or
- 25 “(b) If there are more engineers than one, as the chief or principal engineer to any Board,—
- unless the person has qualifications and experience suitable for the purposes of this Act.”

(2) Section 14 (2A) (b) of the Earthquake and War Damage Act 1944 (as substituted by section 2 (1) of the Earthquake and War Damage Amendment Act 1983) is hereby consequentially amended by omitting the words “registered under the Engineers Registration Act 1924”, and substituting the words “with qualifications and experience suitable for the purposes of

35 this Act”.

(3) Section 57 (1) of the Plumbers, Gasfitters, and Drainlayers Act 1976 is hereby consequentially amended by repealing paragraph (a), and substituting the following paragraph:

- 40 “(a) Has satisfied the Board that the person has qualifications and experience suitable for the purposes of this Act; and”.

(4) This section shall come into force on the 1st day of April 1991.

22. Related amendments to regulations—(1) Regulation 5 (1) (b) of the Surveyors Professional Regulations 1977 is hereby amended by omitting the words “or a registered civil engineer”, and substituting the words “, or a civil engineer who has satisfied the Board that the engineer has qualifications and experience suitable for the purposes of this Act”. 5

(2) Regulation 2 (1) of the Drainage and Plumbing Regulations 1978 is hereby consequentially amended by omitting from the definition of the term “Engineer”, the words “which person shall be either a person registered under the Engineers Registration Act 1924 or a person qualified as a Health Inspector in accordance with any regulations for the time being in force under the Health Act 1956”. 10

(3) Regulation 2 (1) of the Amusement Devices Regulations 1978 is hereby consequentially amended by repealing the definition of the term “engineer”, and substituting the following definition: 15

“‘Engineer’ means a person who—

“(a) Has satisfied a local authority that the person has qualifications and experience suitable for the purposes of these regulations; and 20

“(b) Has been appointed by the local authority to perform engineering duties for the purposes of these regulations.”.

(4) The amendment by this section of the regulations specified in **subsections (1) to (3)** of this section shall be without prejudice to any power of amending or revoking those regulations. 25

(5) This section shall come into force on the 1st day of April 1991. 30

23. Revocations—(1) The following regulations are hereby revoked:

(a) The Engineers Registration Regulations 1951:

(b) The Engineers Registration Regulations 1951, Amendment No. 1: 35

(c) The Engineers Registration Regulations 1951, Amendment No. 2:

(d) Regulation 2 (1) (a) of the Water Supplies Protection Regulations 1961:

(e) The Engineers Registration Regulations 1951, Amendment No. 8. 40

(2) This section shall come into force on the 1st day of April 1991.

Quantity Surveyors

5 **24. Winding up of operations of Board**—Having regard to section 25 of this Act, the Quantity Surveyors Registration Board established by section 3 (1) of the Quantity Surveyors Act 1968 (in sections 25 to 27 of this Act referred to as the Board) shall do all in its power to have its affairs in an orderly state when it is dissolved, and, in particular,—

- 10 (a) Shall do all in its power to secure the payment of all money it owes, and the recovery of all debts it is due; and
10 (b) Shall cause to be prepared final accounts as at the close of the 31st day of March 1991.

25. Dissolution of Board—(1) The Board is hereby dissolved.

15 (2) This section shall come into force on the 1st day of April 1991.

26. Register, and certain other assets, to be transferred to Institute—(1) On the 1st day of April 1991,—

- 20 (a) The register kept (under section 12 (6) of the Quantity Surveyors Act 1968) by the Registrar of Quantity Surveyors (appointed under section 8 of that Act); and
20 (b) All office furniture and equipment, and similar fixed assets, owned by the Board at the close of the 31st day of March 1991,—

25 shall become the property of the New Zealand Institute of Quantity Surveyors Incorporated (hereafter in this section referred to as the Institute).

(2) On and after the 1st day of April 1991, the Institute shall—

- 30 (a) Keep the said register in good condition; and
30 (b) At all reasonable times make it available for inspection (without charge) by any person; and
30 (c) Ensure that no names are added to or deleted from it.
35 (3) As soon as is practicable after obtaining possession of the said register, the Institute shall give a copy to the Minister of Commerce.

27. Other assets of Board—Subject to section 26 of this Act,—

- 40 (a) All rights, assets, liabilities, and debts, that the Board has at the close of the 31st day of March 1991 shall on the 1st day of April 1990 become rights, assets,

liabilities, and debts of the Minister of Commerce;
and

- (b) As soon after the 1st day of April 1991 as the net assets of the Board are known, the Minister of Commerce shall transfer them to the trustees of the H. H. Bunkenburg Memorial Trust, to be held by those trustees subject to and for the purposes of that trust. 5

28. Repeals—(1) The following enactments are hereby repealed:

- (a) The Quantity Surveyors Act 1968: 10
 (b) The Quantity Surveyors Amendment Act 1969:
 (c) The Quantity Surveyors Amendment Act 1979:
 (d) The Quantity Surveyors Amendment Act 1983:
 (e) The Quantity Surveyors Amendment Act 1987:
 (f) The Quantity Surveyors Amendment Act 1988: 15
 (g) So much of the First Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Quantity Surveyors Act 1968:
 (h) So much of the Second Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Quantity Surveyors Amendment Act 1988. 20

(2) This section shall come into force on the 1st day of April 1991.

29. Consequential amendment—(1) Section 14 (2A) (b) of the Earthquake and War Damage Act 1944 (as substituted by section 2 (1) of the Earthquake and War Damage Amendment Act 1983) is hereby consequentially amended by omitting the words “or a quantity surveyor registered under the Quantity Surveyors Act 1968”. 25

(2) This section shall come into force on the 1st day of April 1991. 30

30. Revocations—(1) The following regulations are hereby revoked:

- (a) The Quantity Surveyors Regulations 1969:
 (b) The Quantity Surveyors Regulations 1969, Amendment No. 1: 35
 (c) The Quantity Surveyors Regulations 1969, Amendment No. 2:
 (d) The Quantity Surveyors Regulations 1969, Amendment No. 4. 40

(2) This section shall come into force on the 1st day of April 1991.

*Confirmation and Validation of Subordinate Legislation***31. Regulations under Agriculture (Emergency Powers)**

Act 1934—The Dairy Factory Supply Regulations 1989 are hereby validated and confirmed.

5 **32. Regulations under Primary Products Marketing Act 1953**—The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 4 are hereby confirmed.

10 **33. Order under War Pensions Act 1954**—The War Pensions (Rates of Pensions and Allowances) Order 1990 is hereby validated and confirmed.

34. Order under Social Security Act 1964—The Social Security (Rates of Benefits) Order 1990 is hereby validated and confirmed.

15 **35. Orders under Customs Act 1966**—The following Orders in Council are hereby confirmed:

- (a) The Excise Duty (Alcoholic Beverages Indexation) Amendment Order 1989;
- (b) The Excise Duty (Tobacco Products Indexation) Amendment Order 1990;
- 20 (c) The Excise Duty (Alcoholic Beverages Indexation) Amendment Order 1990.

36. Orders under Tariff Act 1988—The following Orders in Council are hereby validated and confirmed:

- 25 (a) The Tariff Concessions (Baggage and Effects Accompanying Passengers) Amendment Order 1989;
- (b) The Tariff (Alcoholic Beverages Indexation) Amendment Order 1989;
- (c) The Tariff (Miscellaneous) Amendment Order (No. 4) 1989;
- 30 (d) The Tariff (Tobacco Products Indexation) Amendment Order 1990;
- (e) The Tariff (Miscellaneous) Amendment Order 1990;
- (f) The Tariff (Float Glass) Amendment Order 1990;
- 35 (g) The Tariff (Alcoholic Beverages Indexation) Amendment Order 1990;
- (h) The Tariff (Miscellaneous) Amendment Order (No. 2) 1990.

37. Repeals and savings—(1) The following enactments are hereby repealed:

- (a) The Tariff Amendment Orders Confirmation Act 1989:
- (b) Part II of the Finance Act (No. 2) 1989:
- (c) The Subordinate Legislation (Confirmation and Validation) Act 1989.
- (2) The repeal by **subsection (1)** of this section of section 7 of the Subordinate Legislation (Confirmation and Validation) Act 1989 does not affect—
 - (a) The validity of the notices specified in the Schedule to that Act; or
 - (b) The rights referred to in section 7 (2) of that Act.

PART II

AMENDMENTS TO OTHER ENACTMENTS

*Chiropractors***38. Sections to be read with Chiropractors Act 1982—**

- (1) This section and the next **6 succeeding sections** shall be read together with and deemed part of the Chiropractors Act 1982* (in those sections referred to as the principal Act).
- (2) This section and the next **6 succeeding sections** shall come into force on the **1st day of January 1991**.

*1982, No. 32

39. Constitution of Board—Section 3 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

40. New sections inserted—The principal Act is hereby amended by inserting, after section 11, the following sections:

“11A. **Staff**—(1) The Board may from time to time appoint a Secretary and such other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers.

“(2) Officers and employees appointed under **subsection (1)** of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines.

“11B. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any

scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

5 “11c. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or enter into any arrangement for the execution or provision by the Government department for the Board of any work or
10 service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

 “11d. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, the Complaints Assessment Committee, or any committee appointed by the Board, or by reason only of that
15 person’s employment under **section 11A** of this Act.
20

 “11e. **Funds of Board**—The funds of the Board shall consist of—

 “(a) All money lawfully received by the Board for the purposes of the Board:

25 “(b) All accumulations of income derived from any such money.

 “11f. **Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

30 “(2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

35 “(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

 “(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

40 “11g. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

“11H. **Auditor**—(1) The Board shall from time to time appoint an auditor.

“(2) No person shall be appointed under subsection (1) of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955. 5

“(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board.

“11I. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds. 10

“(2) The financial year of the Board shall end on the 30th day of June.

“(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year. 15

“(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and balance sheet to its auditor for audit. 20

“11J. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes.

“11K. **Exemption from income tax**—The income of the Board shall be exempt from income tax. 25

“11L. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year.

“(2) The Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.” 30

41. Register of chiropractors—Section 12 (3) of the principal Act is hereby amended by omitting the words “in Wellington”. 35

42. Disciplinary powers of Board—Section 32 (9) of the principal Act is hereby amended by omitting the word “Crown”, and substituting the word “Board”.

43. Application of fees and payment of expenses incurred in administration of Act—The principal Act is 40

hereby amended by repealing section 41, and substituting the following section:

5 “41. (1) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Secretary.

“(2) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

10 “(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.”

44. Consequential amendments to principal Act—

15 (1) Section 2 of the principal Act is hereby consequentially amended by omitting from the definition of the term “Secretary” the expression “section 6”, and substituting the expression “**section 11A**”.

(2) Sections 6 and 42 of the principal Act are hereby consequentially repealed.

Dietitians

45. Sections to be read with Dietitians Act 1950—

20 (1) This section and the next **8 succeeding sections** shall be read together with and deemed part of the Dietitians Act 1950* (in those sections referred to as the principal Act).

(2) This section and the next **8 succeeding sections** shall come into force on the **1st day of January 1991**.

*Reprinted 1976, Vol. 4, p. 3423
Amendments: 1979, No. 44; 1982, No. 67

25 **46. Dietitians Board constituted—**(1) Section 4 of the principal Act (as substituted by section 3 of the Dietitians Amendment Act 1979) is hereby amended by inserting, after subsection (1), the following subsection:

30 “(1A) The Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

35 (2) Section 4 (2) of the principal Act (as so substituted) is hereby amended by repealing paragraph (f), and substituting the following paragraph:

“(f) Two other persons to be nominated by the Board.”

(3) Section 4 (2) of the principal Act (as so substituted) is hereby amended by repealing paragraph (g).

47. New sections inserted—The principal Act is hereby amended by inserting, after section 8A (as inserted by section 5 of the Dietitians Amendment Act 1979), the following sections:

“8B. **Staff**—(1) The Board may from time to time appoint a Registrar of Dietitians and such Deputy Registrars and other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers. 5

“(2) Officers and employees appointed under subsection (1) of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines. 10

“8C. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section. 15

“8D. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or enter into any arrangement for the execution or provision by the Government department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed. 20 25

“8E. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, or by reason only of that person’s employment under section 8B of this Act. 30

“8F. **Funds of Board**—The funds of the Board shall consist of— 35

“(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money. 40

“8G. **Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

“(2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

5 “(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

“(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

10 “8H. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

15 “8I. **Auditor**—(1) The Board shall from time to time appoint an auditor.

“(2) No person shall be appointed under **subsection (1)** of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955.

20 “(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board.

“8J. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds.

25 “(2) The financial year of the Board shall end on the 30th day of June.

“(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

30 “(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and balance sheet to its auditor for audit.

35 “8K. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes.

“8L. **Exemption from income tax**—The income of the Board shall be exempt from income tax.

40 “8M. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year.

“(2) The Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.”

48. Inspection of register—Section 14A of the principal Act (as inserted by section 7 of the Dietitians Amendment Act 1964) is hereby amended by omitting the words “at Wellington”.

49. Disciplinary powers of Board—Section 25B (8) of the principal Act (as inserted by section 12 of the Dietitians Amendment Act 1979) is hereby amended by omitting the word “Crown”, and substituting the word “Board”.

50. Appointment of legal assessor—Section 25E of the principal Act (as inserted by section 12 of the Dietitians Amendment Act 1979) is hereby amended by omitting the words “With the consent of the Minister,”.

51. Application of fees, etc.—The principal Act is hereby amended by repealing section 31, and substituting the following section:

“31. (1) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Registrar.

“(2) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

“(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.”

52. Consequential amendments to principal Act—(1) Section 2 of the principal Act is hereby consequentially amended by repealing the definition of the term “Registrar”, and substituting the following definition:

“‘Registrar’ means the Registrar of Dietitians appointed under section 8B of this Act; and includes any Deputy Registrar so appointed.”

(2) Sections 3 and 3A of the principal Act are hereby consequentially repealed.

53. Repeals—The following enactments are hereby consequentially repealed:

(a) Section 3 of the Dietitians Amendment Act 1964:

(b) Section 2 of the Dietitians Amendment Act 1970.

Electrical Registration

54. Sections to be read with Electrical Registration Act 1979—(1) This section and the next 4 succeeding sections shall be read together with and deemed part of the Electrical Registration Act 1979* (in those sections referred to as the principal Act).

(2) Except as provided in sections 56 (2) and 58 (2) of this Act, this section and the next 4 succeeding sections shall come into force on the 1st day of October 1990.

*1979, No. 139

Amendment: 1982, No. 52

10 55. Consequential amendments coming into force on 1 October 1990—The principal Act is hereby amended—

- (a) By omitting from sections 26 (1) (a) (i), 26 (1) (a) (iii), 29 (2) (c), 29 (2) (d), 34 (4), 39 (3), and 40 (4), and paragraph (b) of the proviso to section 38 (2), the words “or the Engineering Associates Act 1961”; and
- (b) By omitting from section 34 (3) (a) the words “or under the Engineering Associates Act 1961”.

20 56. Consequential amendments coming into force on 1 April 1991—(1) The principal Act is hereby amended—

- (a) By omitting from section 26 (1) (a) (i) the words “or is registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924”; and
- (b) By omitting from section 26 (1) (a) (iii) the words “or a person registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924”; and
- (c) By omitting from section 29 (2) (c) the words “or is no longer registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924”; and
- (d) By omitting from section 29 (2) (d) the words “or if by virtue of qualifications in electrical engineering he is registered under the Engineers Registration Act 1924”; and
- (e) By repealing section 34 (3) (a); and
- (f) By omitting from section 34 (4) the words “or a person who is registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924”; and
- (g) By omitting from paragraph (b) of the proviso to section 38 (2) the words “or a person registered by virtue of

qualifications in electrical engineering under the Engineers Registration Act 1924”; and

- (h) By omitting from section 39 (3) the words “registered electrician or person registered by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924”, and substituting the words “or registered electrician”; and

- (i) By repealing section 40 (4).

(2) This section shall come into force on the 1st day of April 1991.

57. Transitional provision coming into force on 1 October 1990—The principal Act shall apply to every person who, on the 30th day of September 1990, was a person registered under the principal Act by virtue of qualifications in electrical engineering under the Engineering Associates Act 1961 as if that person had on the 1st day of October 1990 been registered as an electrician by virtue of having satisfied the Board that the person—

- (a) Had obtained experience satisfactory to the Board with the permission of the Board in accordance with section 35 of the principal Act; and
- (b) Had passed examinations approved by the Board as being of standing equivalent to the electricians examination conducted in accordance with regulations made under the principal Act.

58. Transitional provision coming into force on 1 April 1991—(1) The principal Act and the Electric Linemen Act 1959 shall apply to every person who, on the 31st day of March 1991, was a person registered under the principal Act by virtue of qualifications in electrical engineering under the Engineers Registration Act 1924 as if that person had on the 1st day of April 1991 been registered as an electrician by virtue of having satisfied the Board that the person—

- (a) Had obtained experience satisfactory to the Board with the permission of the Board in accordance with section 35 of the principal Act; and
- (b) Had passed examinations approved by the Board as being of standing equivalent to the electricians examination conducted in accordance with regulations made under the principal Act.

(2) This section shall come into force on the 1st day of April 1991.

Electric Linemen

59. Sections to be read with Electric Linemen Act 1959—(1) This section and the next succeeding section shall be read together with and deemed part of the Electric Linemen Act 1959* (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall come into force on the 1st day of April 1991.

*Reprinted 1976, Vol. 4, p.3445
Amendment: 1985, No. 174

60. Consequential amendments—The principal Act is hereby amended—

- 10 (a) By omitting from section 3 (2) (a) the words “who shall be an electrical engineer registered under the Engineers Registration Act 1924 and”; and
- (b) By omitting from section 3 (2) (b) the words “electrical engineers registered under the Engineers Registration Act 1924”, and substituting the word “persons”; and
- 15 (c) By repealing section 19 (1) (a).

Geothermal Energy

61. Sections to be read with Geothermal Energy Act 1953—This section and the next 2 succeeding sections shall be read together with and deemed part of the Geothermal Energy Act 1953* (in those sections referred to as the principal Act).

*Reprinted 1975, Vol. 3, p. 2019
Amendments: 1977, No. 89; 1980, No. 113; 1988, No. 62

62. Rental payable for use of geothermal energy—Section 10 of the principal Act (as substituted by section 4 (1) of the Geothermal Energy Amendment Act 1966) is hereby amended by repealing subsection (2), and substituting the following subsection:

25 “(2) The rental payable under this section shall be recoverable from the licensee or, where there is no licensee, from the person using or tapping the geothermal energy as a debt due to the Crown, and shall be paid into the Crown Bank Account; and all expenses incurred in collecting such rentals shall be paid out of that Account.”

30

63. Repeals—The following enactments are hereby repealed:

- 35 (a) Section 2 of the Geothermal Energy Amendment Act 1980;
- (b) So much of the First Schedule to the Public Finance Act 1989 as relates to section 10 (2) of the principal Act.

Medical Auxiliaries

64. Sections to be read with Medical Auxiliaries Act 1966—(1) This section and the next 6 succeeding sections shall be read together with and deemed part of the Medical Auxiliaries Act 1966* (in those sections referred to as the principal Act). 5

(2) This section and the next 6 succeeding sections shall come into force on the 1st day of January 1991.

*R.S. Vol. 17, p. 331
Amendment: 1988, No. 200

65. Constitution of Boards—Section 4 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection: 10

“(1A) Every Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.” 15

66. Secretary to Board—Section 8 of the principal Act is hereby repealed.

67. New sections inserted—The principal Act is hereby amended by inserting, after section 12, the following sections:

“12A. **Staff**—(1) Every Board may from time to time appoint a Secretary and such other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers. 20

“(2) Officers and employees appointed under subsection (1) of this section by a Board shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines. 25

“12B. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of a Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section. 30 35

“12C. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of any Board, execute any work or enter into any arrangement for the execution or provision by the Government department for that Board of any work or 40

service, or for the supply to that Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

5 “12D. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of a Board, or by reason only of that person’s employment under
10 **section 12A** of this Act.

 “12E. **Funds of Board**—The funds of a Board shall consist of—

- “(a) All money lawfully received by the Board for the purposes of the Board:
15 “(b) All accumulations of income derived from any such money.

 “12F. **Bank accounts**—(1) Every Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

20 “(2) All money received by a Board, or by any officer or employee of a Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of that Board as that Board from time to time determines.

25 “(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

 “(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

30 “12G. **Investment of money**—Any money that belongs to a Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

35 “12H. **Auditor**—(1) Every Board shall from time to time appoint an auditor.

 “(2) No person shall be appointed under **subsection (1)** of this section as auditor of a Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955.

40 “(3) The fees and expenses of the auditor of a Board shall be paid out of the funds of the Board.

“12i. **Accounts and audit**—(1) Every Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds.

“(2) The financial year of every Board shall end on the 30th day of June. 5

“(3) As soon as practicable after the end of each financial year, each Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year. 10

“(4) As soon as practicable after the end of its financial year, each Board shall submit its income and expenditure account and balance sheet to its auditor for audit.

“12j. **Seal**—Every Board’s seal shall be judicially noticed in all Courts and for all purposes. 15

“12k. **Exemption from income tax**—The income of every Board shall be exempt from income tax.

“12l. **Annual report**—(1) Each Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operations of the Board during that year. 20

“(2) Each Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.” 25

68. Register to be open to inspection—Section 24 of the principal Act is hereby amended by omitting the words “in Wellington”.

69. Investigators—Section 25 (3) of the principal Act is hereby repealed. 30

70. Fees—The principal Act is hereby amended by repealing section 36, and substituting the following section:

“36. (1) The appropriate Secretary shall take and receive such fees in respect of such matters under this Act as are from time to time prescribed. 35

“(2) Until the appropriate fee has been paid, the appropriate Secretary may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable.

“(3) There shall be paid out of the funds of a Board all costs and expenses incurred under this Act in relation to the registrable occupation for which the Board is constituted.”

Ministry of Energy (Abolition)

5 **71. Sections to be read with Ministry of Energy (Abolition) Act 1989**—This section and the next succeeding section shall be read together with and deemed part of the Ministry of Energy (Abolition) Act 1989* (in that section referred to as the principal Act).

*1989, No. 140

10 **72. Payment into Departmental Bank Account**—The principal Act is hereby amended by repealing section 30, and substituting the following section:

“30. All money received by the Secretary under this Part of this Act shall be paid into a Departmental Bank Account.”

15 *Occupational Therapy*

73. Sections to be read with Occupational Therapy Act 1949—(1) This section and the next 10 succeeding sections shall be read together with and deemed part of the Occupational Therapy Act 1949* (in those sections referred to as the principal Act).

20 (2) This section and the next 10 succeeding sections shall come into force on the 1st day of January 1991.

*Reprinted 1976, Vol. 5, p. 4227
Amendment: 1980, No. 128

74. Occupational Therapy Board constituted—(1) Section 4 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

25 “(1A) The Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

30 (2) Section 4 of the principal Act is hereby amended by repealing subsection (2) (as substituted by section 3 (1) of the Occupational Therapy Amendment Act 1959 and amended by section 3 (1) of the Occupational Therapy Amendment Act 1972, section 2 of the Occupational Therapy Amendment Act 1980, and section 98 of the Area Health Boards Act 1983), and substituting the following subsection:

35 “(2) The Board shall consist of—
 “(a) The Director-General of Health:

- “(b) One person, being a psychiatrist employed in a psychiatric hospital within the meaning of the Mental Health Act 1969:
- “(c) One person, being a medical practitioner employed in a hospital, other than a psychiatric hospital within the meaning of the Mental Health Act 1969, controlled by an area health board or a Hospital Board: 5
- “(d) One person, being a registered occupational therapist charged with the training of persons in occupational therapy at an approved training school: 10
- “(e) Two persons, being registered occupational therapists engaged in the practice of occupational therapy, of whom—
- “(i) One is employed in a psychiatric hospital within the meaning of the Mental Health Act 1969, or in the psychiatric department of any other hospital controlled by an area health board or a Hospital Board: 15
- “(ii) One is employed in a department, other than the psychiatric department, of a hospital controlled by a Hospital Board, other than a hospital within the meaning of the Mental Health Act 1969: 20
- “(f) Three other persons.”
- (3) Section 4 (3) of the principal Act is hereby amended by omitting the expression “paragraph (f)”, and substituting the expression “paragraph (e)”. 25

75. Chairman and Deputy Chairman of Board—The principal Act is hereby amended by repealing section 5, and substituting the following section:

“5. (1) At its first meeting after the commencement of this section, and at its first meeting in each subsequent year, the Board shall elect 1 of its members to be its Chairman, and another to be its Deputy Chairman. 30

“(2) Every person elected as Chairman or Deputy Chairman, unless he or she sooner resigns that office or vacates his or her office as a member of the Board, shall hold office until his or her successor is elected under this section, and shall be eligible for re-election. 35

“(3) If any person who is for the time being holding office as Chairman or Deputy Chairman vacates office as a member of the Board, an election to fill the vacancy in the office of Chairman or Deputy Chairman shall be held at the first meeting of the Board held after the vacancy on the Board has been filled. 40

“(4) Where the office of Chairman or Deputy Chairman becomes vacant in any other case, the Board shall elect 1 of its members to fill that vacancy as soon as practicable after its occurrence.

5 “(5) During every vacancy in the office of Chairman, or while the Chairman is for any reason unable to perform his or her functions, powers, and duties, the Deputy Chairman shall perform the functions, powers, and duties of the Chairman.

10 “(6) Subject to **subsection (7)** of this section, during the intervals between meetings of the Board, the Chairman shall have the power to act on all matters on behalf of the Board.

15 “(7) Where, pursuant to **subsection (6)** of this section, the Chairman or Deputy Chairman acts on behalf of the Board in a matter which by this Act requires a decision of the Board, he or she shall first consult the Registrar and shall report at the next meeting of the Board the action that has been taken, and the Board may confirm, reverse, or modify the decision of the Chairman or Deputy Chairman.”

20 **76. Meetings of Board**—(1) Section 6 (4) of the principal Act is hereby amended by omitting the word “Chairman”, and substituting the words “presiding member”.

(2) Section 6 of the principal Act is hereby amended by inserting, after subsection (4), the following subsections:

25 “(4A) The Chairman shall preside at all meetings of the Board at which he or she is present.

“(4B) If at any meeting the Chairman is not present, the Deputy Chairman shall preside at that meeting.

30 “(4C) In the absence of both the Chairman and the Deputy Chairman from any meeting of the Board, the members present shall elect 1 of their number to preside at that meeting, and the member presiding shall have all the powers of the Chairman for the purposes of that meeting.”

77. New sections inserted—The principal Act is hereby amended by inserting, after section 8, the following sections:

35 **“8A. Staff**—(1) The Board may from time to time appoint a Registrar of Occupational Therapists and such Deputy Registrars and other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers.

40 “(2) Officers and employees appointed under **subsection (1)** of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines.

“**8B. Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section. 5

“**8C. Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or enter into any arrangement for the execution or provision by the Government department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed. 10 15

“**8D. Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, or by reason only of that person’s employment under section 8A of this Act. 20

“**8E. Funds of Board**—The funds of the Board shall consist of— 25

“(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money.

“**8F. Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers. 30

“(2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines. 35

“(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

“(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise. 40

“8G. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

5 “8H. **Auditor**—(1) The Board shall from time to time appoint an auditor.

“(2) No person shall be appointed under subsection (1) of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies
10 Act 1955.

“(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board.

“8I. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets,
15 liabilities, and funds.

“(2) The financial year of the Board shall end on the 30th day of June.

“(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that
20 year, together with a balance sheet as at the last day of the financial year.

“(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and
25 balance sheet to its auditor for audit.

“8J. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes.

“8K. **Exemption from income tax**—The income of the Board shall be exempt from income tax.

30 “8L. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year.

“(2) The Board shall include in every annual report of the
35 Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.”

78. Inspection of register—Section 14A of the principal Act (as inserted by section 6 of the Occupational Therapy Amendment Act 1964) is hereby amended by omitting the
40 words “at Wellington”.

79. Notification of disability and suspension of registration—Section 23 (9) of the principal Act (as substituted by section 9 of the Occupational Therapy Amendment Act 1964) is hereby amended by omitting the words “, or person for the time being acting as the Chairman of the Board under subsection (2) of section 5 of this Act”, and substituting the words “or the Deputy Chairman”. 5

80. Disciplinary powers of Board—Section 25 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsections: 10

“(7) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Board.

“(7A) If any such penalty is not paid within the time specified by the Board in that behalf, or within such extended time as the Board may allow, the Board may suspend the registration of the person liable for the payment until the penalty is paid.” 15

81. Application of fees, etc.—The principal Act is hereby amended by repealing section 31, and substituting the following section:

“31. (1) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Registrar. 20

“(2) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

“(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.” 25

82. Consequential amendments to principal Act—(1) Section 2 of the principal Act is hereby amended by repealing the definition of the term “Registrar”, and substituting the following definition: 30

“‘Registrar’ means the Registrar of Occupational Therapists appointed under section 8A of this Act; and includes any Deputy Registrar so appointed.”.

(2) Sections 3 and 3A of the principal Act are hereby consequentially repealed. 35

83. Repeals—The following enactments are hereby consequentially repealed:

(a) Section 3 (1) of the Occupational Therapy Amendment Act 1959: 40

- (b) Sections 2, 3, and 4 of the Occupational Therapy Amendment Act 1964:
- (c) Section 3 (1) of the Occupational Therapy Amendment Act 1972:
- 5 (d) Section 2 of the Occupational Therapy Amendment Act 1980:
- (e) So much of the Schedule to the Area Health Boards Act 1983 as relates to section 4 (2) of the principal Act.

Optometrists and Dispensing Opticians

- 10 **84. Sections to be read with Optometrists and Dispensing Opticians Act 1976**—(1) This section and the next 10 succeeding sections shall be read together with and deemed part of the Optometrists and Dispensing Opticians Act 1976* (in those sections referred to as the principal Act).
- 15 (2) This section and the next 10 succeeding sections shall come into force on the 1st day of January 1991.

*1976, No. 61

Amendments: 1980, No. 129; 1982, No. 90

- 85. Constitution of Opticians Board**—Section 3 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:
- 20 “(1A) The Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”
- 25 **86. Penal Cases Committee**—Section 10 (10) of the principal Act is hereby amended by omitting the words “Director-General of Health”, and substituting the word “Board”.

- 87. Staff**—The principal Act is hereby amended by repealing
- 30 section 12, and substituting the following section:
- “12. (1) The Board may from time to time appoint a Secretary and such other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers.
- 35 “(2) Officers and employees appointed under subsection (1) of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines.”

88. New sections inserted—The principal Act is hereby amended by inserting, after section 12, the following sections:

“12A. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

“12B. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or enter into any arrangement for the execution or provision by the Government department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

“12C. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, or any committee appointed by the Board, or by reason only of that person’s employment under **section 12** of this Act.

“12D. **Funds of Board**—The funds of the Board shall consist of—

“(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money.

“12E. **Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

“(2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

“(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

“(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

5 “12F. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

“12G. **Auditor**—(1) The Board shall from time to time appoint an auditor.

10 “(2) No person shall be appointed under subsection (1) of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955.

15 “(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board.

“12H. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds.

20 “(2) The financial year of the Board shall end on the 30th day of June.

25 “(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

“(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and balance sheet to its auditor for audit.

30 “12I. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes.

“12J. **Exemption from income tax**—The income of the Board shall be exempt from income tax.

35 “12K. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year.

40 “(2) The Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.”

89. Fees—The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) The Secretary or any other officer of the Board shall take and receive such fees in respect of such matters under this Act as are from time to time prescribed.

“(2) Until the prescribed fee has been paid, the Secretary or other officer may decline to do any act, or to permit any act to be done, or to receive any document in respect of which that fee is payable. 5

“(3) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Secretary. 10

“(4) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

“(5) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.” 15

90. Amendment of register on change of name, and removal of name on request—Section 26 (2) of the principal Act is hereby amended by omitting the words “or of the Department of Health”.

91. Disciplinary powers of Board—Section 33 (8) of the principal Act is hereby amended by omitting the word “Crown”, and substituting the word “Board”. 20

92. Appointment of legal assessor—(1) Section 35 (1) of the principal Act is hereby amended by omitting the words “, with the approval of the Director-General of Health,”. 25

(2) Section 35 (2) of the principal Act is hereby amended by omitting the words “with the approval of the Director-General”.

(3) Section 35 (3) of the principal Act is hereby amended by omitting the words “money appropriated by Parliament for the purpose”, and substituting the words “the funds of the Board”. 30

93. Witnesses’ expenses—Section 38 (2) of the principal Act is hereby amended by omitting the words “money appropriated by Parliament for the purpose”, and substituting the words “the funds of the Board”. 35

94. Repeal—Section 52 of the principal Act is hereby repealed.

Physiotherapy

95. Sections to be read with Physiotherapy Therapy Act 1949—(1) This section and the next 10 succeeding sections shall be read together with and deemed part of the
5 Physiotherapy Act 1949* (in those sections referred to as the principal Act).

(2) This section and the next 10 succeeding sections shall come into force on the 1st day of January 1991.

*Reprinted 1976, Vol. 5, p. 4323
Amendment: 1982, No. 94

96. Physiotherapy Board constituted—(1) Section 4 of
10 the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

“(1A) The Board shall be a body corporate with perpetual
15 succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

(2) Section 4 (2) of the principal Act is hereby amended by
repealing paragraph (b) (as substituted by section 4 (1) of the
Physiotherapy Amendment Act 1964).

20 (3) Section 4 (2) of the principal Act is hereby amended by adding the following paragraph:

“(f) One other person.”

97. Chairman and Deputy Chairman of Board—The
principal Act is hereby amended by repealing section 5, and
25 substituting the following section:

“5. (1) At its first meeting after the commencement of this
section, and at its first meeting in each subsequent year, the
Board shall elect 1 of its members to be its Chairman, and
another to be its Deputy Chairman.

30 “(2) Every person elected as Chairman or Deputy Chairman, unless he or she sooner resigns that office or vacates his or her office as a member of the Board, shall hold office until his or her successor is elected under this section, and shall be eligible for re-election.

35 “(3) If any person who is for the time being holding office as Chairman or Deputy Chairman vacates office as a member of the Board, an election to fill the vacancy in the office of Chairman or Deputy Chairman shall be held at the first meeting of the Board held after the vacancy on the Board has
40 been filled.

“(4) Where the office of Chairman or Deputy Chairman becomes vacant in any other case, the Board shall elect 1 of its

members to fill that vacancy as soon as practicable after its occurrence.

“(5) During every vacancy in the office of Chairman, or while the Chairman is for any reason unable to perform his or her functions, powers, and duties, the Deputy Chairman shall perform the functions, powers, and duties of the Chairman.” 5

“(6) Subject to subsection (7) of this section, during the intervals between meetings of the Board, the Chairman shall have the power to act on all matters on behalf of the Board.

“(7) Where, pursuant to subsection (6) of this section, the Chairman or Deputy Chairman acts on behalf of the Board in a matter which by this Act requires a decision of the Board, he or she shall first consult the Registrar and shall report at the next meeting of the Board the action that has been taken, and the Board may confirm, reverse, or modify the decision of the Chairman or Deputy Chairman.” 10 15

98. Meetings of Board—(1) Section 6 (4) of the principal Act is hereby amended by omitting the word “Chairman”, and substituting the words “presiding member”.

(2) Section 6 of the principal Act is hereby amended by inserting, after subsection (4), the following subsections: 20

“(4A) The Chairman shall preside at all meetings of the Board at which he or she is present.

“(4B) If at any meeting the Chairman is not present, the Deputy Chairman shall preside at that meeting.” 25

“(4C) In the absence of both the Chairman and the Deputy Chairman from any meeting of the Board, the members present shall elect 1 of their number to preside at that meeting, and the member presiding shall have all the powers of the Chairman for the purposes of that meeting.” 30

99. New sections inserted—The principal Act is hereby amended by inserting, after section 8A, the following sections:

“8B. **Staff**—(1) The Board may from time to time appoint a Registrar of Physiotherapists and such Deputy Registrars and other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers.” 35

“(2) Officers and employees appointed under subsection (1) of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines.” 40

“8c. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring

allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-
 5 subsidised scheme approved by the Minister of Finance for the purposes of this section.

“8D. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or
 10 enter into any arrangement for the execution or provision by the Government department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

15 “8E. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the
 20 Board, or any committee appointed by the Board, or by reason only of that person’s employment under **section 8B** of this Act.

“8F. **Funds of Board**—The funds of the Board shall consist of—

25 “(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money.

30 “8G. **Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

“2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

35 “3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

40 “4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

“8H. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure

by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

“8i. **Auditor**—(1) The Board shall from time to time appoint an auditor.

“(2) No person shall be appointed under **subsection (1)** of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955. 5

“(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board. 10

“8j. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds.

“(2) The financial year of the Board shall end on the 30th day of June. 15

“(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year. 20

“(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and balance sheet to its auditor for audit.

“8k. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes. 25

“8l. **Exemption from income tax**—The income of the Board shall be exempt from income tax.

“8m. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year. 30

“(2) The Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.” 35

100. Inspection of register—Section 14A of the principal Act (as inserted by section 6 of the Physiotherapy Amendment Act 1964) is hereby amended by omitting the words “at Wellington”.

101. Notification of disability and suspension of registration—Section 22 (9) of the principal Act (as substituted 40

by section 9 of the Physiotherapy Amendment Act 1964) is hereby amended by omitting the words “, or person for the time being acting as the Chairman of the Board under subsection (2) of section 5 of this Act”, and substituting the words “or the Deputy Chairman”.

102. Disciplinary powers of Board—Section 24 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsections:

“(7) Every monetary penalty imposed by the Board under this section shall be recoverable as a debt due to the Board.

“(7A) If any such penalty is not paid within the time specified by the Board in that behalf, or within such extended time as the Board may allow, the Board may suspend the registration of the person liable for the payment until the penalty is paid.”

103. Application of fees, etc.—The principal Act is hereby amended by repealing section 30, and substituting the following section:

“30. (1) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Registrar.

“(2) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

“(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.”

104. Consequential amendments to principal Act—(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “Registrar”, and substituting the following definition:

“‘Registrar’ means the Registrar of Physiotherapists appointed under section 8B of this Act; and includes any Deputy Registrar so appointed.”

(2) Sections 3 and 3A of the principal Act are hereby consequentially repealed.

105. Repeals—Sections 4 (1) and 5 of the Physiotherapy Amendment Act 1964 are hereby consequentially repealed.

Port Companies

106. Sections to be read with Port Companies Act 1988—This section and the next 10 succeeding sections shall be

read together with and deemed part of the Port Companies Act 1988* (in those sections referred to as the principal Act).

*1988. No. 91

107. Interpretation—(1) Section 2 of the principal Act is hereby amended by inserting, after the definition of the term “liabilities”, the following definition: 5

“‘Local authority trading enterprise’ means a local authority trading enterprise within the meaning of section 594B of the Local Government Act 1974.”

(2) Section 2 of the principal Act is hereby further amended by inserting, after the definition of the term “property”, the following definition: 10

“‘Regional council’ means a regional council within the meaning of the Local Government Act 1974.”

(3) Section 2 of the principal Act is hereby further amended by adding the following definition: 15

“‘Territorial authority’ means a territorial authority within the meaning of the Local Government Act 1974.”

(4) Section 2 of the principal Act is hereby further amended by adding, as subsection (2), the following subsection: 20

“(2) Every reference in this Act to the expression ‘Harbour Board’ shall be construed as including a reference to a regional council or a territorial authority to which any property, rights, liabilities, functions, duties, or powers of a Harbour Board have been transferred pursuant to any Order in Council made under section 36 of the Local Government Act 1974.” 25

108. Special provisions where more than one regional council or territorial authority succeeds Harbour Board—The principal Act is hereby amended by inserting, after section 2, the following section: 30

“2A. (1) Where any functions and powers of a Harbour Board have been transferred to more than one regional council or territorial authority pursuant to an Order in Council made under section 36 of the Local Government Act 1974, the regional councils and territorial authorities shall determine by agreement between them which of them is to have the functions and powers of the Harbour Board under this Act. 35

“(2) Where any duties of a Harbour Board have been transferred to more than one regional council or territorial authority pursuant to an Order in Council made under section 36 of the Local Government Act 1974, then, except as provided in subsection (3) of this section, every duty of a Harbour Board under this Act shall be the duty of each of the regional councils 40

and territorial authorities; but the regional councils and territorial authorities may determine by agreement between them which of them is to perform the duty.

5 “(3) Where any property, rights, or liabilities of a Harbour Board are vested in a regional council or territorial authority (or any combination of them) pursuant to any Order in Council made under section 36 of the Local Government Act 1974, every duty of the Harbour Board under this Act in respect of that property, right, or liability shall be the duty of the regional
10 council or territorial authority (or combination of them) concerned.

“(4) Where regional councils and territorial authorities are unable to reach any agreement pursuant to **subsection (1) or subsection (2)** of this section, any of them may refer the matter to
15 the Local Government Commission for determination.”

109. Shareholding of port companies—The principal Act is hereby amended by repealing section 7, and substituting the following section:

20 “7. (1) Harbour Boards, regional councils, and territorial authorities are hereby authorised to subscribe for, otherwise acquire, hold, or dispose of, equity securities in port companies.

“(2) Nothing in **subsection (1)** of this section limits or prevents any other person from subscribing for, otherwise acquiring, holding, or disposing of, equity securities in port companies.”

25 **110. Removal of restrictions on holding of equity securities**—The principal Act is hereby amended by inserting, after section 7 (as substituted by **section 109** of this Act), the following section:

30 “7A. (1) Every port company that has in its memorandum of association or articles of association any provision providing for the class of shares referred to in subsection (1) of section 7 of this Act (as repealed by **section 109** of the Finance Act (No. 3) 1990), or any provisions permitted by subsection (2) of that section (as so repealed), shall ensure that those provisions and
35 all related provisions are removed from the memorandum of association or articles of association and submit alterations to that effect to the Minister before the 1st day of December 1990 for approval before their adoption.

40 “(2) Where a port company does not comply with **subsection (1)** of this section, the Minister may, in accordance with this section, make such alterations to the memorandum of association and articles of association of the port company as

the Minister considers appropriate in order to achieve the purpose of **subsection (1)** of this section.

“(3) The Minister shall give notice of all alterations to the port company and to every holder of equity securities in the company at the address of that person as shown in the share register of the company or otherwise known to the Minister. 5

“(4) The Minister shall specify a date, which shall be not earlier than 14 days after the sending of the last of the notices referred to in **subsection (3)** of this section, on which those alterations shall take effect. 10

“(5) Every alteration shall have effect as if it was an alteration to the memorandum of association or articles of association made in accordance with the Companies Act 1955 and, for the purposes of that Act, the notice of the alteration given to the port company by the Minister under **subsection (3)** of this section shall be deemed to be a special resolution of the port company concerned made on the date on which the last of the notices was sent under that subsection. 15

“(6) The Minister may decline to act under **subsection (2)** of this section if the Minister is satisfied that the memorandum of association or articles of association of the port company are likely to be altered within a reasonable time so as to achieve the purpose of **subsection (1)** of this section.” 20

111. Power of Minister to direct certain provisions not to apply—The principal Act is hereby amended by repealing section 14, and substituting the following section: 25

“14. (1) In any case where the Minister is satisfied that, on and from a specified date, at least 50 percent of the equity securities of the port company that confer rights to vote at a general meeting of the company will be held or beneficially owned by persons other than Harbour Boards, regional councils, territorial authorities, or local authority trading enterprises, or a combination of them, the Minister may, by notice in the *Gazette*, direct that— 30

“(a) Unless the port company otherwise elects, all of sections 4 (2), 5, 6, 8 to 12, 16, 18, and 19 of this Act are not to apply in respect of that port company from that date; and 35

“(b) Unless the company concerned otherwise elects, section 20 of this Act shall not apply to— 40

“(i) A company that is a related company to the port company; or

“(ii) A company that consists substantially of the same shareholders as the port company, or is under the control of the same persons,—
 5 and any such direction may contain such transitional provisions as the Minister thinks fit.

“(2) In any case where not more than 49 percent of the equity securities of a port company that confer rights to vote at a general meeting of the port company are held or beneficially
 10 owned by persons other than Harbour Boards, regional councils, territorial authorities, or local authority trading enterprises, or a combination of them, the Minister may, by notice in the *Gazette*,—

“(a) Direct that the port company need not prepare a statement of corporate intent under sections 8 and 9
 15 of this Act; and

“(b) Inform the company that it may regard its current statement of corporate intent as ceasing to be of continuing effect.

“(3) Any direction under this section may be revoked at any
 20 time by the Minister, by notice in the *Gazette*, if the Minister is satisfied that the circumstances that led to the giving of the direction no longer exist.”

112. Non-commercial activities—Section 18 of the principal Act is hereby amended by adding the following
 25 subsection:

“(3) This section applies to a Harbour Board that is a regional council or a territorial authority only in relation to statutory functions, duties, or powers transferred from a Harbour Board specified in the First Schedule to this Act to that regional
 30 council or territorial authority pursuant to an Order in Council made under section 36 of the Local Government Act 1974.”

113. Application of principal Act to related and associated companies—The principal Act is hereby amended by repealing section 20, and substituting the following section:

35 “20. (1) Subject to subsection (2) of this section, sections 4 (except subsections (1), (3), (6), and (7)), 5, 6, 7, 15, and 18 of this Act shall apply to every company that is—

“(a) A related company (as defined in section 2 (5) of the Companies Act 1955) to a port company; or

40 “(b) A company that consists substantially of the same shareholders as the port company, or is under the control of the same persons—

as if that company were a port company within the meaning of this Act.

“(2) Nothing in **subsection (1)** of this section applies in relation to a company that the Minister notifies in writing is exempt from the provisions of that subsection. 5

“(3) The Minister shall not exempt a company from the application of **subsection (1)** of this section unless the Minister is satisfied that the company does not carry on activities that if carried on by a Harbour Board would constitute a port-related commercial undertaking or would otherwise be likely to be carried on by a port company.” 10

114. Liabilities in respect of port-related commercial undertakings—Section 29 of the principal Act is hereby amended by adding the following subsection:

“(5) The Minister may, by notice in the *Gazette*, direct that the port company plan of the Taranaki Harbours Board, or the Taranaki Regional Council or any territorial authority as the successor to the obligations of that Board, as the case may be, to the extent specified in the notice, is not required to comply with the requirements of subsection (4) of this section. Any such direction shall have effect according to its tenor.” 15 20

115. Amendment to Harbours Act 1950—(1) Section 49A of the Harbours Act 1950 (as substituted by section 4 of the Harbours Amendment Act (No. 2) 1988) is hereby amended by repealing subsection (2). 25

(2) The repeal of section 49A (2) of the Harbours Act 1950 by **subsection (1)** of this section does not affect the validity of, or the rights or obligations of any person under or in respect of, any guarantee entered into before the coming into force of this Act.

116. Amendments to Commerce Act 1986—(1) Section 44 of the Commerce Act 1986 is hereby amended by adding the following subsection: 30

“(3) For the purposes of subsection (2) of this section, a provision of a contract, arrangement, or understanding is not a provision exclusively for the carriage of goods by sea if it relates to the carriage of goods to or from a ship or the loading or unloading of a ship.” 35

(2) The First Schedule to the Commerce Act 1986 (as amended by section 83 of the Broadcasting Act 1989) is hereby amended by adding to Class B the following item: 40

“The provision at any port of facilities for the navigation, berthing, protection, loading, or unloading of ships engaged in coastal or international trade but not including pilotage, towage, cargo-handling plant that is readily capable of being moved to another port, or stevedoring services.

“The provision at any port of facilities for the navigation, berthing, protection, loading, or unloading of ships engaged in coastal or international trade but not including pilotage, towage, cargo-handling plant that is readily capable of being moved to another port, or stevedoring services.”

(3) **Subsection (2)** of this section shall expire with the close of the 31st day of December 1990.

Psychologists

117. Sections to be read with Psychologists Act 1981—

5 (1) This section and the next **6 succeeding sections** shall be read together with and deemed part of the Psychologists Act 1981* (in those sections referred to as the principal Act).

(2) This section and the next **6 succeeding sections** shall come into force on the **1st day of January 1991**.

*1981, No. 5

10 **118. Constitution of Board**—Section 3 of the principal Act is hereby amended by inserting, after subsection (1), the following subsection:

15 “(1A) The Board shall be a body corporate with perpetual succession and a common seal, and shall have and may exercise all the rights, powers, and privileges, and may incur all the liabilities and obligations, of a natural person of full age and capacity.”

119. New sections inserted—The principal Act is hereby amended by inserting, after section 11, the following sections:

20 “11A. **Staff**—(1) The Board may from time to time appoint a Secretary and such other officers and employees as may be necessary for the efficient carrying out of its functions, duties, and powers.

25 “(2) Officers and employees appointed under **subsection (1)** of this section shall be employed on such terms and conditions of employment, and shall be paid such salaries and allowances, as the Board from time to time determines.

30 “11B. **Superannuation or retiring allowances**—For the purposes of providing a superannuation fund or retiring allowance for any of the officers or employees of the Board, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing

provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

“11C. **Crown may provide services for Board**—The Crown, acting through any Government department, may from time to time, at the request of the Board, execute any work or enter into any arrangement for the execution or provision by the Government department for the Board of any work or service, or for the supply to the Board of any goods, stores, or equipment, on and subject to such terms and conditions as may be agreed.

“11D. **Application of certain Acts to members and employees**—No person shall be deemed to be employed in the service of the Crown for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956 by reason only of that person’s appointment as a member of the Board, a Complaints Assessment Committee, or any committee appointed by the Board, or by reason only of that person’s employment under **section 11A** of this Act.

“11E. **Funds of Board**—The funds of the Board shall consist of—

“(a) All money lawfully received by the Board for the purposes of the Board:

“(b) All accumulations of income derived from any such money.

“11F. **Bank accounts**—(1) The Board shall establish, maintain, and operate, at any bank or banks, such accounts as are necessary for the exercise of its functions and powers.

“(2) All money received by the Board, or by any officer or employee of the Board, shall, as soon as practicable after it has been received, be paid into such bank accounts of the Board as the Board from time to time determines.

“(3) The withdrawal or payment of money from any such account shall be authorised in such manner as the Board thinks fit.

“(4) The withdrawal or payment of money from any such account shall be by cheque signed by such person or persons as the Board may from time to time authorise.

“11G. **Investment of money**—Any money that belongs to the Board and that is not immediately required for expenditure by the Board may be invested in accordance with the provisions of the Trustee Act 1956 as to the investment of trust funds.

“11H. **Auditor**—(1) The Board shall from time to time appoint an auditor.

5 “(2) No person shall be appointed under **subsection (1)** of this section as auditor of the Board unless that person is qualified for appointment as auditor of a company under the Companies Act 1955.

“(3) The fees and expenses of the auditor of the Board shall be paid out of the funds of the Board.

10 “11I. **Accounts and audit**—(1) The Board shall keep full and correct accounts of all its financial transactions, assets, liabilities, and funds.

“(2) The financial year of the Board shall end on the 30th day of June.

15 “(3) As soon as practicable after the end of each financial year, the Board shall cause to be prepared an income and expenditure account showing its financial transactions for that year, together with a balance sheet as at the last day of the financial year.

20 “(4) As soon as practicable after the end of its financial year, the Board shall submit its income and expenditure account and balance sheet to its auditor for audit.

“11J. **Seal**—The Board’s seal shall be judicially noticed in all Courts and for all purposes.

25 “11K. **Exemption from income tax**—The income of the Board shall be exempt from income tax.

30 “11L. **Annual report**—(1) The Board shall, as soon as practicable after the end of each financial year, furnish to the Minister a report with respect to the operation of this Act during that year.

“(2) The Board shall include in every annual report of the Board its duly audited accounts for the financial year to which the report relates, together with the audit report relating to those accounts.”

35 **120. Register of Psychologists**—Section 12 (3) of the principal Act is hereby amended by omitting the words “in Wellington”.

40 **121. Disciplinary powers of Board**—Section 32 (9) of the principal Act is hereby amended by omitting the word “Crown”, and substituting the word “Board”.

122. Application of fees—The principal Act is hereby amended by repealing section 41, and substituting the following section:

“41. (1) All fees, fines, and other money payable under this Act shall be payable to the Board, and shall be paid to the Secretary. 5

“(2) All costs and expenses incurred under this Act by the Board shall be paid out of the funds of the Board.

“(3) For the purposes of this section, the term ‘fine’ does not include a fine imposed in respect of the commission of an offence against any provision of this Act.” 10

123. Consequential amendments to principal Act—

(1) Section 2 of the principal Act is hereby consequentially amended by omitting from the definition of the term “Secretary” the expression “section 6”, and substituting the expression “section 11A”. 15

(2) Section 6 of the principal Act is hereby consequentially repealed.

Shipping and Seamen

124. Sections to be read with Shipping and Seamen Act 1952—(1) This section and the next 3 succeeding sections shall be read together with and deemed part of the Shipping and Seamen Act 1952* (in those sections referred to as the principal Act). 20

(2) This section and the next 3 succeeding sections shall come into force on the 1st day of September 1990. 25

**R.S. Vol. 4, p. 275

Amendments: 1985, No. 49; 1987, No. 184; 1988, No. 118; 1988, No. 211

125. New sections substituted—The principal Act is hereby amended by repealing sections 375 to 378 and the heading above section 375, and substituting the following heading and sections: 30

“Marine Safety Charges

“375. Marine safety charges—(1) The Governor-General may from time to time, by Order in Council, make regulations providing for the payment of marine safety charges in respect of ships entering any port in New Zealand or operating in New Zealand waters and prescribing the amounts of those charges. 35

“(2) The purpose of marine safety charges is to provide funding to enable the provision of—

- “(a) Lighthouses and buoys, beacons, and other shore-based aids to marine navigation to which section 113 of the Harbours Act 1950 does not apply; and
- “(b) Coastal distress radio; and
- 5 “(c) Other services related to the safety of shipping.
- “(3) Any such regulations may—
- “(a) Specify the persons by whom the marine safety charges are payable including (without limitation) all or any of the master, owner, charterer, person responsible for the management of the ship, or any agent of any of those persons who by law or by contract is liable to pay any other charge on account of the ship:
- 10 “(b) Prescribe different marine safety charges for different classes of ship based on length, tonnage, equipment available for use on board the ship, or such other criteria as may be specified in the regulations:
- 15 “(c) Provide for the refund or waiver of any marine safety charge in whole or in part, in any specified case or class of cases:
- 20 “(d) Provide that the marine safety charges are payable on an annual or other regular basis in advance or otherwise, or on a per voyage basis at the option of either the Secretary or the person liable to pay the marine safety charges; provide for the changing of those options, and for the making of adjustments where an option is changed.
- 25 “(4) Nothing in this section limits the provisions of section 504 of this Act.
- “376. **Exemptions from marine safety charges—**
- 30 Regulations made under this Act may—
- “(a) Exempt any ship or class or description of ship or any ship used for a purpose specified in the regulations from liability in respect of marine safety charges, either totally or partially, and subject to such conditions as may be imposed in the regulations:
- 35 “(b) Specify circumstances in which any ship or class or description of ship is exempt from liability in respect of marine safety charges, either totally or partially.
- 40 “377. **Power to appoint agents to collect marine safety charges—**(1) The Secretary may appoint any person or the holder for the time being of any office (whether or not within the Public Service) to be the agent of the Secretary for the purpose of collecting marine safety charges or any class of marine safety charges.

“(2) Any appointment under **subsection (1)** of this section may—

“(a) Provide for the payment of a fee by the Secretary for the collection of marine safety charges; or

“(b) Permit the agent to retain a specified proportion of the marine safety charges as a collection fee; or 5

“(c) Both.

“**378. Power of agent of ship, etc., to retain marine safety charges out of other money**—Any agent who by any regulations made under this Act is liable for the payment of marine safety charges in respect of any ship may, out of the money received by the agent on account of that ship or belonging to the owner thereof, retain the amount of all such charges paid by the agent, together with any reasonable expenses incurred by reason of the payment of the charges or the agent’s liability to pay the charges. 10 15

Cf. 1952, No. 49, s. 376 (1), (2)

“**378A. Recovery in certain cases where marine safety charges not paid**—(1) This section shall apply only where a marine safety charge is payable to the Secretary or the Collector of Customs at any port, and not where the charge is payable to any other person or any agent of the Secretary. 20

“(2) If the person liable to pay any marine safety charge in respect of any ship fails to do so on demand, and the charge is not paid by any other person, the Secretary or the Collector may, in addition to any other remedy, enter on the ship and distrain the cargo and any other property belonging to or on board the ship, and may detain that distress until that charge is paid. 25

“(3) If payment of that charge is not made within the period of 3 days next following the distress, the Secretary or the Collector may at any time during the continuance of the non-payment sell the cargo and other property distrained, and apply the proceeds in payment of that charge, together with all reasonable expenses incurred by the Secretary or the Collector under this section, paying the surplus (if any), on demand, to the owner or other person for the time being responsible for the management of the ship, or to the master of the ship. 30 35

Cf. 1952, No. 49, s. 377

“**378B. Obligation to issue receipt for marine safety charge**—Every person who receives any marine safety charge shall issue to the person paying the charge a receipt showing 40

clearly the ship in respect of which the charge is paid and the period to which the charge relates.

Cf. 1952, No. 49, s. 378 (1); 1964, No. 127, s. 12

5 “378c. **Detention of ship where marine safety charges not paid or receipt not produced**—(1) Where, on demand being made by any person for the payment of any marine safety charge,—

“(a) The charge is not paid; or

10 “(b) A receipt for the earlier payment of the charge is not produced,—

the Secretary or any Collector of Customs may detain the ship concerned until the charge is paid or the receipt is produced.

15 “(2) Where a ship is detained under **subsection (1)** of this section, the Crown, the Secretary, and the Collector of Customs or any person acting under their direction or authority under this section shall not be liable for any loss or damage arising directly or indirectly from the detention of the ship unless it is proved to the satisfaction of a Court that the person acted in bad faith.”

20 Cf. 1952, No. 49, s. 378 (2); 1964, No. 127, s. 12

25 **126. Savings and transitional provisions**—(1) Notwithstanding the repeal of sections 375 to 378 of the principal Act by **section 62** of this Act, the Coastal Light Dues Order 1988 (S.R. 1988/56) shall, subject to the exemptions specified in section 375 (2) of the principal Act, continue in force as if those sections had not been repealed; and may be revoked by regulations made under section 375 of the principal Act (as substituted by **section 108** of this Act).

30 (2) Until the Coastal Light Dues Order 1988 is revoked, coastal light dues shall continue to be payable under that order and sections 375 to 378 of the principal Act as if this Act had not been passed.

35 (3) Any dues paid in advance under clause 5 of the Coastal Light Dues Order 1988 for any ship in respect of any period commencing on or after the 1st day of April 1990 shall be deemed to be marine safety charges paid under regulations made under section 375 of the principal Act (as substituted by **section 125** of this Act) and the liability to pay marine safety charges in respect of that ship shall be adjusted accordingly.

40 **127. Consequential repeals**—The following enactments are hereby consequentially repealed:

- (a) Section 64 of the Shipping and Seamen Amendment Act 1959:
- (b) Sections 9 to 12 of the Shipping and Seamen Amendment Act 1964:
- (c) Section 19 of the Shipping and Seamen Amendment Act 1968: 5
- (d) Section 19 of the Shipping and Seamen Amendment Act 1987.