

FINANCE BILL (NO. 6)

EXPLANATORY NOTE

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

PART I

SUBSTANTIVE PROVISIONS AND VALIDATION

Radio New Zealand Limited and Television New Zealand Limited

Clause 2 enables the Minister for State Owned Enterprises to—

- (a) Transfer to the Minister responsible for Radio New Zealand Limited all or any of the shares issued by the company to the Minister for State Owned Enterprises pursuant to section 4 of the Finance Act (No. 2) 1989:
- (b) Transfer to the Minister responsible for Television New Zealand Limited all or any of the shares issued by the company to the Minister for State Owned Enterprises pursuant to section 4 of the Finance Act (No. 2) 1989.

Presently, such a transfer is precluded by section 11 of the State-Owned Enterprises Act 1986.

Bonus Bonds

Clauses 3 and *4* relate to the unit trust established in connection with the transfer of the bonus bonds scheme under the Finance Act (No. 2) 1990.

That Act provided for the conversion of bonus bonds and Post Office bonus bonds into units in an approved unit trust established under the Unit Trusts Act 1960.

Section 4 of the Act provides that the Governor-General may, by Order in Council, authorise variations to the provisions of the unit trust that relate to entitlements to and the distribution of prizes.

The trust deed for the unit trust does not contain explicit provisions relating to entitlements and the distribution of prizes. This would prevent any alteration being made to the existing prize structure.

Clause 4 of the Bill authorises the manager of the unit trust to amend the trust deed to include provisions relating to entitlements to and the distribution of prizes and provides that such amendments are deemed to have been included in the trust deed as from the date on which it was entered into.

The clause validates action already taken under the trust deed.

Training, Retraining, and Employment of Maori

Clause 5 relates to section 6 of the Maori Affairs Amendment Act 1974, and certain schemes for the training, retraining, or education of Maori prepared and carried into effect under that section.

Section 6 was enacted in order to enable the exercise pursuant to statute of a power that had previously been exercised as part of the Crown's prerogative powers—the power to establish and administer (using money appropriated by Parliament for the purpose) programmes and schemes for the education or training of Maori.

The enactment of this statutory power has had 2 unlooked-for effects. First, because several of the schemes that have been put in place over the years have been put in place by means of a direction (under section 4 (1) of the Maori Affairs Act 1953) from the Minister of Maori Affairs to the chief executive of the Department of Maori Affairs or one of its successor departments, the Ministry of Maori Development now appears to be “locked in” as the agency by which those schemes must be administered. Secondly, the existence of an enactment giving the Minister of Maori Affairs specific powers in relation to schemes for the education or training of Maori appears to have limited considerably the powers of other Ministers of the Crown (through the departments of State they administer) to establish programmes for the education or training of Maori.

The clause—

- (a) Repeals section 6 of the Maori Affairs Amendment Act 1974:
- (b) Preserves for the time being the schemes established under it:
- (c) Transfers the administration of 3 of those schemes to the Education and Training Support Agency:
- (d) Empowers the Ministers of Maori Affairs and Education to transfer other schemes to other agencies.

It will be possible for the Minister of Maori Affairs, or any other Minister of the Crown, to establish new programmes or schemes for the training or education of Maori.

Whitebait Stands

Clause 6 validates the collection by the Crown of certain whitebait stand licence fees and rentals that were paid in respect of stands located at various places in the West Coast of the South Island. The licences concerned were issued in the period 1985 to 1988. Before 31 March 1987, the licences were issued by the Ministry of Transport and after that date were issued by the Department of Conservation. The licences purported to be issued under section 162 of the Harbours Act 1950, which only applied to land that was either vested in the Crown or over which the Crown had a sufficient power of disposal to grant such a licence.

In 1988 a number of the licences were investigated by an Ombudsman who found that the licences concerned had been issued in respect of private land. Consequently, the licences were all invalid and the collection of fees and rentals in those cases was unlawful.

The Ombudsman concluded that it would not be administratively feasible to locate all of the licensees concerned and refund the fees and rentals paid by them. Accordingly, the only practicable solution is to validate the collection of the fees and rentals.

The clause precludes convictions for earlier breaches of such licences and also precludes the recovery of rentals or fees demanded but not paid before the commencement of the clause.

PART II

DISSOLUTION OF CERTAIN BOARDS AND AMENDMENTS TO OTHER ENACTMENTS

Clerks of Works

Clause 7 requires the Clerks of Works Registration Board to put its affairs in order pending its dissolution, and to prepare final accounts.

Clause 8 dissolves the Board. The dissolution takes effect on 1 April 1993.

Clause 9 makes the Board's assets and liabilities, as at the close of 31 March 1993, assets and liabilities of the Minister of Commerce.

Clause 10 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 1993 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 11 relates to the Register of Clerks of Works, which is kept under the Clerks of Works Act 1944. On and after 1 April 1993, the Register is to be treated as the property of the New Zealand Institute of Clerks of Works, but no names are to be added to or deleted from it.

Clause 12 repeals the Clerks of Works Act 1944. The repeal takes effect on 1 April 1993.

Clause 13 revokes certain regulations. The revocation takes effect on 1 April 1993.

Quantity Surveyors

Clause 14 requires the Quantity Surveyors Registration Board to put its affairs in order pending its dissolution, and to prepare final accounts.

Clause 15 dissolves the Board. The dissolution takes effect on 1 April 1993.

Clause 16 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 1993, 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 17 makes the Board's assets and liabilities, as at the close of 31 March 1993 (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 18 repeals the Quantity Surveyors Act 1968. The repeal takes effect on 1 April 1993.

Clause 19 effects a consequential amendment to section 14 (2A) (b) of the Earthquake and War Damage Act 1944. The amendment takes effect on 1 April 1993.

Clause 20 revokes certain regulations. The revocations take effect on 1 April 1993.

Clauses 7 to 20 have been carried forward from the Finance Bill (No. 3), which was introduced in 1990 but has not been passed.

Higher Salaries Commission

Clauses 21 to 25 and the *Schedule* amend the Higher Salaries Commission Act 1977 and several other enactments.

The amendments, which are deemed to have come into force on 1 July 1992, make it clear that in any case where the Higher Salaries Commission has jurisdiction to determine the salary or remuneration of any person or group of persons (other than Judges or members of Parliament), the Commission may determine, but shall not be obliged to determine, in relation to any such person or to any member of any such group of persons the maximum amount that in any year may be paid by way of superannuation subsidy in respect of any such person or member who chooses to contribute to any registered superannuation scheme.

A number of existing Acts appear to preclude the making by the Higher Salaries Commission of determinations in respect of superannuation subsidies. In those cases, the broad power of the Higher Salaries Commission to determine an appropriate remuneration package is accordingly restricted. The proposed amendments will remove the restriction.

That restriction has a marked effect in those cases where the office holder was entitled, before 1 July 1992, to join the Government Superannuation Fund. In some of those cases the Act under which the office was constituted recognised that the office holder could join the Government Superannuation Fund and authorised the Higher Salaries Commission to determine only the office holder's salary and principal allowances.

It is not intended however that the Higher Salaries Commission should authorise the payment of a superannuation subsidy in every case. In some cases the office holder will be entitled, by virtue of the position or office held or previously held, to such superannuation rights that no further provision will need to be made.

In other cases it may be necessary to differentiate between full-time and part-time members of a statutory body.

Superannuation Schemes

Clause 27 relates to certain superannuation schemes that were constituted under the same trust deed but were deemed by section 53 of the Superannuation Schemes Act 1989 to be registered as separate schemes under that Act.

The schemes concerned were registered under the Superannuation Schemes Act 1976 and classified as either personal pension superannuation schemes or personal lump sum superannuation schemes. Pursuant to section 54 (b) of the new Act, 2 or more such schemes, if constituted under the same trust deed, could be merged for registration purposes so long as the application was received before 1 April 1990. In the cases concerned, this did not happen and section 53 deemed the schemes to be registered as separate schemes. Accordingly, in the case of single funds containing 2 or more parts (e.g., a lump sum and a pension), this meant that each part was treated as having been registered separately and separate accounts had to be prepared for each part.

The clause enables the Government Actuary to register one scheme in place of all the schemes constituted by the trust deed concerned. Applications must be received before 1 April 1993.

Clause 28 repeals, with effect from 1 October 1990, Parts III to VI of the principal Act. Those Parts contain transitional provisions and, with the exception of section 45A, are no longer required. Section 45A (which provides for the reduction of benefits where an employer is obliged to provide defined benefits) is kept in force for contracts of employment having effect on 1 August 1990 (the date on which section 45A came into force).

International Finance Agreements

Clause 30 amends the International Finance Agreements Act 1961 to incorporate amendments made to the Articles of Agreement of the International Monetary Fund (as set out in the First Schedule to the Act) and *clause 31* amends the Articles of Agreement of the International Finance Corporation (as set out in the Third Schedule to the Act).

Clause 30 relates to the suspension of member's voting rights where the member fails to fulfil its obligations under the Articles of Agreement of the International Monetary Fund. The principal changes are as follows:

- (a) At present, the persistent failure of a member to fulfil any of its obligations under the Articles of Agreement can result in the withdrawal of a member's membership of the Fund. This requires a decision of the Board of Directors where the majority holds at least 85 percent of the total voting power. The amendment introduces an interim step of suspension of a member's voting rights, which may be imposed by a majority of 75 percent of the total voting power:
- (b) A new Schedule L is added to set out the rules applying where a member's voting rights are suspended.

Clause 31 alters from three-fourths to four-fifths the majority vote required to increase capital stock, and alters from four-fifths to 85 percent the majority vote required to amend the Articles of Agreement of the International Finance Corporation.

Fire Service

Clause 33 amends section 48 of the Fire Service Act 1975 (which relates to the fire service levy) as follows:

- (a) Subsection (6) (which relates to the amount on which the levy is to be computed) is revised to cover cases where only partial indemnity earthquake cover is provided by the Earthquake and War Damage Commission. The levy in the case of full cover is to continue to be computed on the present basis, namely, on the amount on which the premium payable to the Commission under the Earthquake and War Damage Act 1944 is computed. In the case of partial cover, the levy is to be computed on the amount on which the premium payable to the Commission under that Act would have been computed had the premium been payable on the full indemnity sum insured:
- (b) New *subsection (6A)* is inserted to provide for the computation of the levy in cases where the property is neither residential property nor a motor vehicle, and where indemnity value earthquake cover is not provided through the Commission. In such cases, the owner of the property must furnish to the insurance company a statutory declaration and a valuation certificate stating a fair and reasonable indemnity value of the property. The levy is payable by the insurance company on the basis of the indemnity value so declared and certified.

Clause 34 validates the payment by the Crown of fire service levies on non-residential properties and applies in respect of the period 1 July 1991 to 31 December 1992. As a result of the passing of the Earthquake and War Damage Amendment Act 1991, the Crown ceased to be liable to pay the earthquake and war damage levy on non-residential property as from 1 July 1991.

The amendment creates a difficulty as the fire service levy is computed on the amount on which the earthquake and war damage premium is computed. Given

that the latter is no longer payable by the Crown, there is no basis for computing the fire service levy on the Crown's non-residential property. The Crown has continued to pay fire service levies on such properties and these payments are being validated to remove doubts as to their validity.

Private Savings Banks

Clause 36 corrects an error in the First Schedule to the Private Savings Banks (Transfer of Undertakings) Act 1992 by substituting the name A.N.Z. Savings Bank (New Zealand) Limited for ANZ Savings Bank Limited.

Crown Forest Assets

Clause 38 enables easements granted or reserved over or in favour of Crown forest land to be registered under the Land Transfer Act 1952 even though the land itself is not subject to that Act.

Accident Rehabilitation and Compensation Insurance

Clause 40 amends section 149 of the Accident Rehabilitation and Compensation Insurance Act 1992 by extending until 30 June 1993 the transitional provisions relating to payment for attendant care and home help.

Section 149 presently provides that, until 31 December 1992, claimants will receive payment at the appropriate level fixed under the previous legislation. When the transitional period (as amended by this clause) expires, the levels of payment will be fixed by regulations made under the new Act.

FINANCE (NO. 6)

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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. 6) 1992. 5

(2) Except as provided in sections 8 (2), 12 (2), 13 (2), 15 (2), 18 (2), 19 (2), 20 (2), 21 (2), 28 (4), 29 (2), and 34 (2) of this Act, this Act shall come into force on the day on which it receives the Royal assent. 10

PART I

SUBSTANTIVE PROVISIONS AND VALIDATION

Radio New Zealand Limited and Television New Zealand Limited

2. Power of Minister for State Owned Enterprises to transfer shares in Radio New Zealand Limited and Television New Zealand Limited—(1) Notwithstanding anything in section 11 of the State-Owned Enterprises Act 1986 or in any other Act, the Minister for State Owned Enterprises may— 15

(a) Transfer to the Minister responsible for Radio New Zealand Limited all or any of the equity securities issued to the Minister for State Owned Enterprises by the company pursuant to section 4 (2) of the Finance Act (No. 2) 1989: 20

(b) Transfer to the Minister responsible for Television New Zealand Limited all or any of the equity securities issued to the Minister for State Owned Enterprises by the company pursuant to the said section 4 (2). 25

(2) **Subsection (1)** of this section applies to equity securities issued before or on or after the commencement of this section. 30

Bonus Bonds

3. Interpretation—For the purposes of section 4 of this Act—

(a) “Bonus bonds trust deed” means the trust deed between ANZ Investment Services (New Zealand) Limited and The Trustees Executors and Agency Company of 35

New Zealand Limited dated the 17th day of September 1990 for the unit trust established under the Unit Trusts Act 1960 of which ANZ Investment Services (New Zealand) Limited is the manager, under which net income is distributed among the unit holders, in whole or in part, by prizes determined by ballot, and which was approved by the Minister by notice in the *Gazette**:

(b) Terms and expressions defined in the Finance Act (No. 2) 1990 have the meanings so defined.

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4. Authorising amendments to trust deed for bonus bonds unit trust—(1) Notwithstanding the provisions of any enactment or rule of law, but subject to **subsection (3)** of this section, the Bank is hereby authorised to amend the bonus bonds trust deed for the purpose of including provisions relating to entitlements to and the distribution of prizes.

(2) Any such amendments shall be deemed to have been included in the bonus bonds trust deed on the 17th day of September 1990.

(3) No amendments to the bonus bonds trust deed shall be made under this section without the prior written consent of the Minister.

(4) Where the bonus bonds trust deed is amended in accordance with this section, any action taken by any person that would, if the trust deed had contained the provisions included in it by any such amendments, have been valid, shall be deemed to be and always to have been valid.

Training, Retraining, and Employment of Maori

5. Training, retraining, and employment of Maori—

(1) In this section,—

“The Agency” means the Education and Training Support Agency established by section 270 of the Education Act 1989:

“Authorised scheme” means any scheme whose preparation and carrying into effect was authorised under the empowering section:

“The empowering section” means section 6 of the Maori Affairs Amendment Act 1974:

“Initial scheme” means any authorised scheme specified in **subsection (7)** of this section:

“The training Minister” means the Minister of the Crown who, under the authority of any warrant or with the

authority of the Prime Minister, is for the time being responsible for the administration of Part XXI of the Education Act 1989:

“Transferred scheme” means any scheme that is—

- (a) An initial scheme; or 5
- (b) An authorised scheme whose administration has been transferred by a notice under **subsection (5)** of this section:

“The transfer day”,—

- (a) In relation to an initial scheme, means the day 10 on which this section comes into force; and
- (b) In relation to any other transferred scheme, means the day specified in that behalf in the notice transferring its administration.

(2) The empowering section is hereby repealed. 15

(3) The repeal of the empowering section by **subsection (2)** of this section does not limit or affect—

- (a) Any direction given by the Minister of Maori Affairs—
 - (i) Under the empowering section; or
 - (ii) Pursuant to, under, or for the purposes of, any 20 authorised scheme; or

(b) The rights, powers, liabilities, functions, or duties of the Crown or the Minister of Maori Affairs under or in relation to any such direction or scheme; or

(c) The rights, powers, liabilities, functions, or duties of the 25 Ministry of Maori Development, or its chief executive, under or in relation to any such direction or scheme.

(4) On and after the transfer day of any initial scheme, Part XXI of the Education Act 1989 shall have effect as if the 30 scheme comprises activities and programmes relating to education or training determined by the training Minister to be administered by the Agency as part of its functions; and the training Minister may modify or discontinue the scheme accordingly. 35

(5) The Minister of Maori Affairs and the training Minister may jointly, by notice in the *Gazette*, transfer to—

- (a) Any department of State; or
- (b) Any body corporate created by or under statute,— 40 on a day specified in the notice, the administration of any authorised scheme that is not already a transferred scheme.

(6) On the transfer day of any transferred scheme,—

- (a) All rights (including rights of ownership or possession), powers, duties, and liabilities of the Minister of Maori 45 Affairs under or in respect of the scheme shall

become rights, powers, duties, and liabilities of the training Minister; and

5 (b) All rights (including rights of ownership or possession), powers, duties, and liabilities of the Ministry of Maori Development or its chief executive, under or in respect of the scheme shall become—

(i) In the case of an initial scheme, rights, powers, duties, and liabilities of the Board of the Agency; and

10 (ii) In the case of any other transferred scheme, rights, powers, duties, and liabilities of the body corporate, or the chief executive of the department of State, to which the scheme's administration has been transferred.

(7) The initial schemes comprise—

15 (a) The Enhanced Life Work Skills Programme; and

(b) The Joint Venture Training Programme; and

(c) The Training Development Project Programme.

Whitebait Stands

20 **6. Validation of collection of fees and rentals in respect of West Coast whitebait stands**—(1) All fees and rentals that were, before the commencement of this Act, collected by the Crown in respect of the issue of any whitebait stand licence to which this section applies are hereby declared to be and always to have been lawfully payable and lawfully collected.

25 (2) No person shall be convicted of any offence in respect of any whitebait stand licence to which this section applies by reason only that, before the commencement of this section, he or she failed to comply with any condition or other provision of the licence.

30 (3) No person shall be liable to pay any fee or rental in respect of any whitebait stand licence to which this section applies by reason only that, before the commencement of this section, he or she failed to pay any fee or rental demanded in respect of the licence.

35 (4) This section applies to every whitebait stand licence that—

(a) Was issued by or on behalf of the Secretary for Transport or the Director-General of Conservation; and

40 (b) Was issued in respect of any land situated on the West Coast of the South Island from Heaphy Bluff (at 40° 59' S and 172° 06' E) to Puysegur Point (at 46° 09' S and 166° 36' E); and

(c) Purported to be issued under section 162 of the Harbours Act 1950.

PART II

DISSOLUTION OF CERTAIN BOARDS AND AMENDMENTS TO
OTHER ENACTMENTS*Clerks of Works*

- 7. Winding up of operations of Board**—Having regard to **section 8** of this Act, the Clerks of Works Registration Board established by section 3 (1) of the Clerks of Works Act 1944 (in **sections 8 and 9** 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,—
- (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 1993.
- 8. Dissolution of Board**—(1) The Board is hereby dissolved.
- (2) This section shall come into force on the 1st day of April 1993.
- 9. Assets of Board**—Subject to **section 11** of this Act, all rights, assets, liabilities, and debts, that the Board has at the close of the 31st day of March 1993 shall, on the 1st day of April 1993, become rights, assets, liabilities, and debts of the Minister of Commerce.
- 10. 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 11** of this Act, referred to as the Institute) may at any time before the 1st day of April 1993, 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:
- (a) It shall be deemed to be the same body it was before:
- (b) It shall be deemed to have ceased to be incorporated under section 9 of the Clerks of Works Act 1944:
- (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
- (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.

5 (2) If the Institute does not before the 1st day of April 1993 become a society incorporated under the Incorporated Societies Act 1908,—

(a) It shall on that day be deemed to have been dissolved; and

10 (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

15 (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.

20 **11. 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):

(a) **Section 10** of this Act shall apply to it as if, immediately before that day, it had been the property of the Institute:

25 (b) Its owner shall ensure that no names are added to or deleted from it.

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

(a) The Clerks of Works Act 1944:

30 (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:

35 (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.

40 (2) This section shall come into force on the 1st day of April 1993.

13. 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: 5
- (c) The Clerks of Works Regulations 1945, Amendment No. 2.

(2) This section shall come into force on the **1st day of April 1993**.

Quantity Surveyors 10

14. Winding up of operations of Board—Having regard to **section 15** of this Act, the Quantity Surveyors Registration Board established by **section 3 (1)** of the Quantity Surveyors Act 1968 (in **sections 15 to 17** 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,— 15

- (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 1993. 20

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

(2) This section shall come into force on the **1st day of April 1993**. 25

16. Register, and certain other assets, to be transferred to Institute—(1) On the 1st day of April 1993,—

- (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 30
- (b) All office furniture and equipment, and similar fixed assets, owned by the Board at the close of the 31st day of March 1993,—

shall become the property of the New Zealand Institute of Quantity Surveyors Incorporated (hereafter in this section referred to as the Institute). 35

(2) On and after the 1st day of April 1993, the Institute 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 40
- (c) Ensure that no names are added to or deleted from it.

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

5 **17. Other assets of Board**—Subject to section 16 of this Act,—

- (a) All rights, assets, liabilities, and debts, that the Board has at the close of the 31st day of March 1993 shall, on the 1st day of April 1993, become rights, assets, liabilities, and debts of the Minister of Commerce; and
- 10 (b) As soon after the 1st day of April 1993 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.
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18. Repeals—(1) The following enactments are hereby repealed:

- (a) The Quantity Surveyors Act 1968;
- (b) The Quantity Surveyors Amendment Act 1969;
- 20 (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;
- (g) So much of the First Schedule to the Trade and Industry Act Repeal Act 1988 as relates to the Quantity Surveyors Act 1968;
- 25 (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.
- 30 (2) This section shall come into force on the 1st day of April 1993.

19. 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 “registered under the Quantity Surveyors Act 1968”, and substituting the words “possessing qualifications and experience suitable for the purposes of this Act”.

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(2) This section shall come into force on the 1st day of April 40 1993.

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

(a) The Quantity Surveyors Regulations 1969:

(b) The Quantity Surveyors Regulations 1969, Amendment No. 1: 5

(c) The Quantity Surveyors Regulations 1969, Amendment No. 2:

(d) The Quantity Surveyors Regulations 1969, Amendment No. 4.

(2) This section shall come into force on the 1st day of April 1993. 10

Higher Salaries Commission

21. Sections to be read with Higher Salaries Commission Act 1977—(1) This section and the next 4 succeeding sections and the Schedule to this Act shall be read together with and deemed part of the Higher Salaries Commission Act 1977* (in those sections and that Schedule referred to as the principal Act). 15

(2) This section and the next 4 succeeding sections and the Schedule to this Act shall be deemed to have come into force on the 1st day of July 1992. 20

*R.S. Vol. 19, p. 623

Amendments: 1988, No. 24; 1989, No. 35; 1992, No. 66

22. Superannuation—The principal Act is hereby amended by inserting, after section 12A (as inserted by section 3 of the Higher Salaries Commission Act 1982), the following section: 25

“12AA. (1) Notwithstanding anything in this Act or any other Act, where the Commission has jurisdiction to determine the salary or remuneration of any person or group of persons pursuant to any subparagraph of section 12 (1) (a) of this Act (other than subparagraph (i)), the Commission may determine, but shall not be obliged to determine, in relation to any such person or to any member of any such group of persons,— 30

“(a) The maximum amount that in any year may be paid by way of superannuation subsidy in respect of any such person or member who chooses to contribute to any registered superannuation scheme; and 35

“(b) The contribution that any such person or member must make to a registered superannuation scheme in order to be entitled to any of the subsidy referred to in paragraph (a) of this subsection, expressed as a ratio of the subsidy to the person’s or member’s contribution. 40

“(2) Any maximum amount determined under **subsection (1) (a)** of this section may be expressed as either a specified monetary amount or a percentage of salary, either of which may vary according to any category of person or member.

5 “(3) Any determination made under **subsection (1) (a)** of this section, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the determination or any other date, whether before or after
10 the date of the making of the determination or the date of the commencement of this section.

“(4) Every such determination, and every provision of any such determination, in respect of which no date is specified shall come into force on the date of the making of the
15 determination.

“(5) Where the salary of any person to whom a determination made under **subsection (1) (a)** of this section relates is payable out of public money, any superannuation subsidy required or allowed for by the determination may in
20 accordance with, and within any limits prescribed by, the determination be paid out of public money without further appropriation than this section.

“(6) For the avoidance of doubt, it is hereby declared—

25 “(a) That any determination made under **subsection (1) (a)** of this section may specify conditions that, in addition to the condition specified in **subsection (1) (b)** of this section, must be complied with before a superannuation subsidy or a superannuation subsidy of a specific amount or a specified maximum
30 amount is payable:

“(b) That any determination made under **subsection (1) (a)** of this section may, directly or by defining a category of persons or by reference to specified
35 circumstances, specify persons or classes of persons to whom or circumstances in which the determination is not to apply:

“(c) That where any employer or other person is, in accordance with a determination under **subsection (1) (a)** of this section, liable to pay a subsidy to a
40 registered superannuation scheme, the liability imposed on that employer or other person by that determination shall not, in relation to that scheme, exceed the amount of that subsidy.

“(7) In this section ‘registered superannuation scheme’ means any superannuation scheme that is registered under the Superannuation Schemes Act 1989.”

23. Implementation of determinations of Commission—The principal Act is hereby amended by repealing section 14, and substituting the following section: 5

“14. Every determination of the Commission shall have effect according to its tenor and, notwithstanding anything in any other enactment, where any such determination fixes the rates of any salaries or allowances, an Order in Council shall not be required to fix the rate of any such salary or allowance.” 10

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

25. Saving—Nothing in sections 22 to 24 of this Act affects the provisions of the Government Superannuation Fund Act 1956. 15

Superannuation Schemes

26. Sections to be read with Superannuation Schemes Act 1989—This section and the next 2 succeeding sections shall be read together with and deemed part of the Superannuation Schemes Act 1989* (in those sections referred to as the principal Act). 20

*1989, No. 10
Amendments: 1990, No. 67; 1990, No. 80

27. Merger of certain schemes under principal Act—
(1) Notwithstanding anything in any other enactment, in the case of any 2 or more registered superannuation schemes constituted by the same trust deed that— 25

- (a) Were approved under the Superannuation Schemes Act 1976; and
- (b) By virtue of section 53 (b) of the principal Act, were deemed to be registered as separate schemes under that Act; and 30
- (c) Immediately before their registration by virtue of section 53 (b) of the principal Act, were classified under section 13A (1) of the Superannuation Schemes Act 1976 as either a personal pension superannuation scheme or a personal lump sum superannuation scheme,— 35

the trustees may, before the 1st day of April 1993, apply to the Government Actuary to register one scheme under the

principal Act in place of the registration of any 2 or more such schemes.

(2) Upon receipt of an application under **subsection (1)** of this section, the Government Actuary may—

- 5 (a) Register one scheme under the principal Act in place of such other schemes; and
 (b) Cancel the registration under the principal Act of such other schemes—

10 with effect on and from the date of the receipt of the application by the Government Actuary or on and from such later date as may be agreed between the applicant and the Government Actuary.

15 (3) The Government Actuary shall not consider any application under **subsection (1)** of this section if the application is received by the Government Actuary after the 31st day of March 1993.

20 **28. Repeals**—(1) Part III (comprising sections 34 to 47), Part IV (comprising sections 48 to 57), Part V (comprising sections 58 to 67), and Part VI (comprising sections 68 to 71) of the principal Act are hereby repealed.

(2) Sections 4 and 5 of the Superannuation Schemes Amendment Act 1990 are hereby consequentially repealed.

25 (3) Notwithstanding **subsection (1)** of this section, section 45A of the principal Act (as inserted by section 4 of the Superannuation Schemes Amendment Act 1990) shall continue to have effect in relation to contracts of employment that were in force on the 1st day of August 1990, as if this section had not been enacted.

30 (4) This section shall be deemed to have come into force on the 1st day of October 1992.

International Finance Agreements

35 **29. Sections to be read with International Finance Agreements Act 1961**—(1) This section and the next 2 succeeding sections shall be read together with and deemed part of the International Finance Agreements Act 1961* (in those sections referred to as the principal Act).

(2) This section and the next 2 succeeding sections shall come into force on a date to be appointed by the Governor-General by Order in Council.

*R.S. Vol. 16, p. 207

40 **30. First Schedule amended**—(1) The First Schedule to the principal Act is hereby amended by adding to Section 3 (i) of Article XII the following item:

“(v) When the suspension of the voting rights of a member is terminated under Article XXVI, Section 2 (b), and the member is not entitled to appoint an Executive Director, the member may agree with all the members that have elected an Executive Director that the number of votes allotted to that member shall be cast by such Executive Director, provided that, if no regular election of Executive Directors has been conducted during the period of the suspension, the Executive Director in whose election the member had participated prior to the suspension, or his successor elected in accordance with paragraph 3 (c) (i) of Schedule L or with (f) above, shall be entitled to cast the number of votes allotted to the member. The member shall be deemed to have participated in the election of the Executive Director entitled to cast the number of votes allotted to the member.”

(2) The First Schedule to the principal Act is hereby amended by repealing items (b) and (c) of Section 2 of Article XXVI, and substituting the following items:

“(b) If, after the expiration of a reasonable period following a declaration of ineligibility under (a) above, the member persists in its failure to fulfil any of its obligations under this Agreement, the Fund may, by a seventy percent majority of the total voting power, suspend the voting rights of the member. During the period of the suspension, the provisions of Schedule L shall apply. The Fund may, by a 70 percent majority of the total voting power, terminate the suspension at any time.”

“(c) If, after the expiration of a reasonable period following a decision of suspension under (b) above, the member persists in its failure to fulfil any of its obligations under this Agreement, that member may be required to withdraw from membership in the Fund by a decision of the Board of Governors carried by a majority of the Governors having 85 percent of the total voting power.”

“(d) Regulations shall be adopted to ensure that before action is taken against any member under (a), (b), or (c) above, the member shall be informed in reasonable time of the complaint against it and given an adequate opportunity for stating its case, both orally and in writing.”

(3) The First Schedule to the principal Act is hereby amended by adding to paragraph 5 of Schedule D the following item:

“(f) When an Executive Director is entitled to cast the number of votes allotted to a member pursuant to Article XII, Section 3 (i) (v), the Councillor appointed by the group whose members elected such Executive Director shall be entitled to vote and cast the number of votes allotted to such member. The member shall be deemed to have participated in the appointment of the Councillor entitled to vote and cast the number of votes allotted to the member.”

(4) The First Schedule to the principal Act is hereby amended by inserting, after Schedule K, the following Schedule:

“SCHEDULE L

SUSPENSION OF VOTING RIGHTS

In the case of a suspension of voting rights of a member under Article XXVI, Section 2 (b), the following provisions shall apply:

1. The member shall not:

(a) participate in the adoption of a proposed amendment of this Agreement, or be counted in the total number of members for that purpose, except in the case of an amendment requiring acceptance by all members under Article XXVIII (b) or pertaining exclusively to the Special Drawing Rights Department;

(b) appoint a Governor or Alternate Governor, appoint or participate in the appointment of a Councillor or Alternate Councillor, or appoint, elect, or participate in the election of an Executive Director.

2. The number of votes allotted to the member shall not be cast in any organ of the Fund. They shall not be included in the calculation of the total voting power, except for purposes of the acceptance of a proposed amendment pertaining exclusively to the Special Drawing Rights Department.

3. (a) The Governor and Alternate Governor appointed by the member shall cease to hold office.

(b) The Councillor and Alternate Councillor appointed by the member, or in whose appointment the member has participated, shall cease to hold office, provided that, if such Councillor was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended, another Councillor and Alternate Councillor shall be appointed by such other members under Schedule D, and, pending such appointment, the Councillor and Alternate Councillor shall continue to hold office, but for a maximum of 30 days from the date of the suspension.

(c) The Executive Director appointed or elected by the member, or in whose election the member has participated, shall cease to hold office, unless such Executive Director was entitled to cast the number of votes allotted to other members whose voting rights have not been suspended. In the latter case:

(i) if more than 90 days remain before the next regular election of Executive Directors, another Executive Director shall be elected for the remainder of the term by such other members by a majority of the votes cast; pending such election, the Executive Director shall continue to hold office, but for a maximum of 30 days from the date of suspension;

(ii) if not more than 90 days remain before the next regular election of Executive Directors, the Executive Director shall continue to hold office for the remainder of the term.

The member shall be entitled to send a representative to attend any meeting of the Board of Governors, the Council, or the Executive Board, but not any meeting of their committees, when a request made by, or a matter particularly affecting, the member is under consideration.”

31. Third Schedule amended—(1) The Third Schedule to the principal Act is hereby amended by omitting from Section 2 (c) (ii) of Article II the expression “three-fourths”, and substituting the expression “four-fifths”.

(2) The Third Schedule to the principal Act is hereby amended by omitting from Article VII (a) the expression “four-fifths”, and substituting the expression “85 percent”.

Fire Service

32. Sections to be read with Fire Service Act 1975—This section and the next 2 succeeding sections shall be read together with and deemed part of the Fire Service Act 1975* (in those sections referred to as the principal Act).

*R.S. Vol. 27, p. 11

33. Levy—(1) Section 48 of the principal Act (as substituted by section 8 (1) of the Fire Service Amendment Act 1986) is hereby amended by repealing subsection (6), and substituting the following subsections:

“(6) Where any contract of fire insurance provides for the settlement of any claim for damage to or destruction of the property upon any basis more favourable to the insured person than its indemnity value or where there is no sum insured in the contract, the levy, at the rate payable under subsection (2) of this section, shall—

“(a) In the case of any contract for which full indemnity earthquake cover is provided by the Earthquake and War Damage Commission, be computed on the same amount as that on which the premium payable to the Commission under the Earthquake and War Damage Act 1944 is computed in respect of that contract; and

“(b) In the case of any contract for which partial indemnity earthquake cover is provided by the Commission, be computed on the amount on which the premium payable to the Commission under that Act would have been computed had the premium been payable on the full indemnity sum insured.

“(6A) Notwithstanding anything in subsection (6) of this section, where any contract of fire insurance in respect of any property (other than a residential property or a motor vehicle) is entered into with any insurance company and the contract does not provide for total or partial indemnity value earthquake cover through the Earthquake and War Damage Commission, the following provisions shall apply:

“(a) The owner of the property shall, when the contract is entered into and also when the contract is renewed, furnish to the insurance company—

- 5 “(i) A statutory declaration in the prescribed form signed by the owner to the effect that the indemnity value declared by the owner for the purposes of the levy is a fair and reasonable indemnity value in relation to the replacement value of the property; or
- “(ii) A valuation certificate—
- 10 “(A) Given by a registered architect, a valuer registered under the Valuers Act 1948, an engineer registered under the Engineers Registration Act 1924, or a quantity surveyor possessing qualifications and experience suitable for the purposes of this Act, being in any case a person who is competent to give such a valuation; and
- 15 “(B) Establishing clearly the indemnity value of the property for the purposes of the levy:
- “ (b) The insurance company shall hold for the purposes of audit under section 51 of this Act all such declarations and certificates.”

- 20 **34. Validation of levy paid by the Crown during period 1 July 1991 to 31 December 1992**—(1) Notwithstanding anything in section 14 (8) of the Earthquake and War Damages Act 1944 or in any other enactment, in the case of any contract of fire insurance entered into by the Crown that—
- 25 (a) Is expressed to take effect after the 30th day of June 1991 but not later than the **31st day of December 1992**; but
- (b) Does not render the Crown liable to pay a levy under the principal Act to the Earthquake and War Damage Commission,—
- 30 the Crown shall be deemed to be liable, and shall remain liable while the contract subsists, to pay such a levy to the Commission on—
- (c) The stated indemnity value of the contract (if any); or
- 35 (d) If the contract does not state an indemnity value, an indemnity value given by the insured.
- (2) This section shall come into force on the **1st day of January 1993**.

Private Savings Banks (Transfer of Undertakings)

- 40 **35. Sections to be read with Private Savings Banks (Transfer of Undertakings) Act 1992**—This section and the next succeeding section shall be read together with and deemed

part of the Private Savings Banks (Transfer of Undertakings) Act 1992* (in that section referred to as the principal Act).

*1992, No. 21

36. First Schedule amended—The First Schedule to the principal Act is hereby amended by omitting from the first column the name “ANZ Savings Bank Limited”, and substituting the name “A.N.Z. Savings Bank (New Zealand) Limited”. 5

Crown Forest Assets

37. Sections to be read with Crown Forest Assets Act 1989—This section and the next succeeding section shall be read together with and deemed part of the Crown Forest Assets Act 1989* (in that section referred to as the principal Act). 10

*1989, No. 99

38. Registration of easements—The principal Act is hereby amended by inserting, after section 8, the following section: 15

“8A. (1) Notwithstanding anything in the Land Transfer Act 1952, where an easement is granted or reserved over or in favour of Crown forest land for which no certificate of title has been issued a District Land Registrar shall, on written application by either of the responsible Ministers, register the instrument granting or reserving the easement by constituting it a folium of the register. 20

“(2) Before a District Land Registrar registers the instrument, the Chief Surveyor for the land district in which the Crown forest land is situated must issue a certificate as to the correctness of the description of the land contained in the instrument or endorse on the instrument a certificate to that effect. 25

“(3) A certificate in accordance with subsection (2) of this section shall be conclusive evidence to the District Land Registrar of the matters required to be stated therein. 30

“(4) Where an instrument granting or reserving an easement over or in favour of Crown forest land is constituted a folium of the register, the easement shall be treated for all purposes, including all subsequent dealings, as if it had been created under the Land Transfer Act 1952. 35

“(5) Where an instrument granting or reserving an easement over or in favour of Crown forest land is constituted a folium of the register and the land is registered under the Land Transfer Act 1952, before issuing a certificate of title under that Act in 40

respect of the land, the District Land Registrar shall make all entries necessary to record the registration of the easement.”

Accident Rehabilitation and Compensation Insurance

5 **39. Sections to be read with Accident Rehabilitation and Compensation Insurance Act 1992**—This section and the next succeeding section shall be read together with and deemed part of the Accident Rehabilitation and Compensation Insurance Act 1992* (in that section referred to as the principal Act).

*1992, No. 13

10 **40. Compensation for pecuniary loss not related to earnings**—Section 149 of the principal Act is hereby amended by adding, as subsection (2), the following subsection:

15 “(2) The reference to the 31st day of December 1992 in subsection (1) of this section shall be read as the 30th day of June 1993 in respect of compensation under section 121 of the Accident Compensation Act 1972 or section 80 of the Accident Compensation Act 1982 that is compensation in respect of—

20 “(a) Provision of attendant care (being personal care and mobility assistance necessary for the injured person);
or

25 “(b) Household help (being provision of assistance in respect of domestic activities that would be performed by the injured person if not injured and is necessary to enable the person to remain in or take up suitable residence).”

Section 24

SCHEDULE

ENACTMENTS AMENDED

Enactment	Amendment
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	<p>By repealing section 12, and substituting the following section:</p> <p>“12. Superannuation or retiring allowances of Ombudsmen and staff—For the purpose of providing superannuation or retiring allowances for any Ombudsman and any officer or employee appointed under this Act, there may from time to time be paid sums by way of contributions or subsidies to any scheme that is registered under the Superannuation Schemes Act 1989.”</p>
1985, No. 151—The Law Commission Act 1985	<p>By omitting from clause 1 (1) of the First Schedule the words “by way of fees, salary, wages, or allowances”.</p> <p>By repealing subclause (1) of clause 5 of the First Schedule, and substituting the following subclause:</p> <p>“(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Commission or for any full-time members of the Commission, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989.”</p>
1987, No. 176—The Maori Language Act 1987	<p>By omitting from clause 9 (1) of the Second Schedule the words “by way of fees, salary, wages, or allowances”.</p> <p>By repealing subclause (1) of clause 10 of the Second Schedule, and substituting the following subclause:</p> <p>“(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees of the Commission or for the Chairman of the Commission, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989.”</p>
1988, No. 2—The Police Complaints Authority Act 1988	<p>By omitting from section 9 (1) (a) the words “A salary at such rate”, and substituting the words “Such remuneration”.</p> <p>By repealing section 11, and substituting the following section:</p>

SCHEDULE—*continued*
ENACTMENTS AMENDED—*continued*

Enactment	Amendment
1988, No. 2—The Police Complaints Authority Act 1988— <i>continued</i>	<p>“11. Superannuation or retiring allowances—For the purpose of providing a superannuation fund or retiring allowance for the Authority, the Deputy Authority, and any officer or employee of the Authority, sums by way of subsidy may from time to time be paid into any superannuation scheme that is registered under the Superannuation Schemes Act 1989.”</p>