

STATUTES AMENDMENT BILL

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Apprenticeship

Clause 3 replaces section 48 of the Apprenticeship Act 1983 with a redrafted section that enables the payment of travelling allowances and expenses (but not fees) in respect of the attendance at meetings of New Zealand apprenticeship committees of advisors appointed by the Chief Executive Officer of the Vocational Training Council.

Arms

Clause 5 makes amendments designed to make subsection (2) of section 45 of the Arms Act 1983 consistent with subsection (1) of that section and to make subsection (1) of section 46 of that Act consistent with subsection (2) of that section.

Clause 6 corrects an error by inserting the word "in" in section 53 (2) of the Arms Act 1983.

Chattels Transfer

Clause 8 provides that where—

- (a) The grantee under an instrument by way of security is the Rural Banking and Finance Corporation of New Zealand; and
- (b) A memorandum of satisfaction of that security is executed on behalf of that Corporation in accordance with section 16 of the Rural Banking and Finance Corporation Act 1974,—

it is not necessary for the execution of the memorandum to be verified by affidavit of a witness.

Similar provision is made by the clause in respect of the execution of a memorandum of satisfaction by the Housing Corporation of New Zealand.

Commerce

Clause 10 inserts a new *subsection (5A)* in section 122A of the Commerce Act 1975. The new *subsection (5A)* authorises the payment of fees, salary, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling

Allowances Act 1951 to be made to the lay members appointed to the High Court for the purposes of its appellate jurisdiction in respect of determinations by the Commerce Commission.

Clause 11 makes a number of amendments to provisions in the Commerce Act 1975.

Subclause (1) amends section 67 (4). Section 67 (4) specifies the method of determining the value of the assets in a section of a business involved in a merger or takeover proposal. Under subsection (2) (c) a proposal which would otherwise be a merger or takeover proposal under subsection (1) (c) is excluded if the transferee already holds an equity interest of more than 50 percent of the value of the assets employed in the business or section of the business to which the proposal relates. The amendment to subsection (4) makes it clear that the criteria for determining the value of assets applies for the purposes of subsection (2) (c) as well.

Subclause (2) adds new *subsections (5) to (7)* to section 68. Section 68 makes it an offence to implement a merger or takeover proposal that belongs to a class described in the Third Schedule to the principal Act unless the proposal is consented to under Part III and the conditions of the consent are complied with. The new *subsections (5) and (6)* specify the method of valuing the assets of a participant in the merger or takeover and are in substantially the same terms as section 68 (5) of the principal Act before its repeal by section 26 of the Commerce Amendment Act 1983. That subsection was omitted from the substituted section 68. The new *subsection (7)* provides that no prosecution for an offence against section 68 of the principal Act shall be commenced except by the Examiner of Commercial Practices. The addition of the new *subsection (7)* is consequential upon the repeal of section 81F and the substitution of a new section 81F in the principal Act by section 33 of the Commerce Amendment Act 1983.

Subclause (3) amends section 81G (3). Section 81G (3) provides that where in a prosecution under section 81F the Court finds that any provision of Part III of the Commerce Act 1975 has been contravened, the Court may make orders to redress the consequences of the offence. The effect of the amendment is to authorise the Court to make such orders in a prosecution under section 68 of the principal Act as well. The amendment is also consequential upon the repeal of section 81F and substitution of a new section 81F by section 33 of the Commerce Amendment Act 1983.

Subclause (4) makes a similar amendment to that made by *subclause (3)*.

Subclause (5) amends section 81I. The amendment to subsection (1) omits the reference to subsection (2) of section 81I. That subsection was repealed without any corresponding enactment by section 36 of the Commerce Amendment Act 1983. The amendment to subsection (5) is similar to the amendments made by *subclauses (3) and (4)*.

Subclause (6) corrects a printing error.

Contractual Mistakes

Clause 13 effects amendments that are consequential on the increase in the jurisdiction of Small Claims Tribunals that is being effected by *clause 80* of the Bill.

Contractual Remedies

Clause 15 effects amendments that are consequential on the increase in the jurisdiction of Small Claims Tribunals that is being effected by *clause 80* of the Bill.

Criminal Justice

Clause 17 repeals and replaces section 7 of the Criminal Justice Amendment Act 1962, relating to the administration of work centres. The principal changes made may be summarised as follows:

- (a) The Warden's power to make rules (which then require the approval of the Secretary for Justice) is removed and vested in the Secretary himself;
- (b) The clause gives officers of the work centre the powers of a Warden, and empowers the Warden to delegate his powers to employees of the work centre. At present, the Warden may delegate his powers only to officers of the work centre;
- (c) The class of persons whom the Secretary for Justice may direct to exercise the powers of a Warden during his incapacity or absence is broadened to include any officer or employee of the Department of Justice (rather than any officer or employee of the work centre, as a present).

Dairy Board

Clause 19 amends the Dairy Board Act 1961. It alters the boundary between the Wellington and Taranaki Wards by transferring to the Wellington Ward from the Taranaki Ward those parts of the Wellington Land District between the Wanganui and Waitotara Rivers.

Diplomatic Privileges and Immunities

Clause 21 consolidates and amends various definitions contained in the Diplomatic Privileges and Immunities Act 1968. The principal change relates to the definition of the term "State". This is broadened to include the Cook Islands and Niue. The effect is to allow representatives of the Cook Islands and Niue to be accorded the same privileges and immunities as they would enjoy if the Cook Islands and Niue were fully independent sovereign States.

Disabled Persons Employment Promotion

Clause 23 repeals the definition of the term "Minister" in section 2 of the Disabled Persons Employment Promotion Act 1960, and substitutes a new definition of that term. The Minister of Employment replaces the Minister of Labour as the Minister charged with functions under that Act.

District Courts

Clause 25 is consequential on the passing of the Town and Country Planning Amendment Act 1983. Section 18 of that Act (which came into force on 1 February 1984) provided for the appointment of a Principal Planning Judge. The clause, which is deemed to have come into force on 1 April 1984, enables a salary higher than that paid to the other District Court Judges to be prescribed as payable to the Principal Planning Judge.

Domestic Protection

Clause 27 effects amendments that are consequential on the amendments made to the District Courts Act 1947 by section 4 (1) of the District Courts Amendment Act 1983.

Earthquake and War Damage

Clause 29 amends section 12 of the Earthquake and War Damage Act 1944 to provide that only the remuneration of members of the Earthquake and War Damage Commission is to be appropriated by Parliament.

Family Proceedings

Clause 31 effects amendments that are consequential on the amendments made to the District Courts Act 1947 by section 4 (1) of the District Courts Amendment Act 1983.

Food

Clause 33 amends section 42 of the Food Act 1981 to make it clear that references in any regulations made under that section to the current edition of any specified publication means "current" at any material time, rather than at the time of the making of the regulations.

Guardianship

Clause 35 effects amendments that are consequential on the amendments made to the District Courts Act 1947 by section 4 (1) of the District Courts Amendment Act 1983.

Higher Salaries Commission

Clause 37 effects amendments that are consequential on the passing of the Health Service Personnel Act 1983.

Clause 38 gives to the Higher Salaries Commission the function of determining the salaries of the highest paid administrative officer and the highest paid professional or technical officer of each United Council.

Hire Purchase

Clause 40 effects amendments that are consequential on the increase in the jurisdiction of Small Claims Tribunals that is being effected by *clause 80* of the Bill.

Historic Places

Clause 42 allows persons authorised by the Board of Trustees, in addition to members of the Board, to countersign cheques of the Historic Places Trust.

Human Rights Commission

Clauses 44 and 45 provide for the appointment of alternate members of the Human Rights Commission.

Illegal Contracts

Clause 47 effects amendments that are consequential on the increase in the jurisdiction of Small Claims Tribunals that is being effected by *clause 80* of the Bill.

Industrial Training Levies

Clause 49 repeals the definition of the term "Minister" in section 2 of the Industrial Training Levies Act 1978, and substitutes a new definition of that term. The Minister of Employment replaces the Minister of Labour as the Minister charged with functions under that Act.

Law Practitioners

Clause 51 corrects an erroneous cross-reference in section 55 (6) of the Law Practitioners Act 1982.

Clause 52 increases from 2 to 3 the lay membership of the New Zealand Law Practitioners Disciplinary Tribunal.

Marriage

Clause 54 makes 2 minor amendments to definitions in the Marriage Act 1955 consequential on the passage of the Commonwealth Countries Act 1977 and the Foreign Affairs and Overseas Service Act 1983.

Clause 55 amends section 9 of the Marriage Act 1955 to deal with approved organisations that change names or objects. Any such change must be notified to the Registrar-General. Where an organisation's objects and beliefs have so changed that it no longer qualifies for approval, the Minister of Justice may withdraw the approval of the organisation.

Matrimonial Property

Clause 57 effects amendments that are consequential on the amendments made to the District Courts Act 1947 by section 4 (1) of the District Courts Amendment Act 1983.

Medicines

Clause 59 repeals section 21 (1) (a) of the Medicines Act 1981 which would require applications for the Minister's consent to the distribution of new medicines to be made in the prescribed form. This provision was not brought into force with the rest of the Act (on 1 August 1984), and the Medicines Regulations 1984 do not in fact prescribe such a form.

Clause 60 effects 2 consequential amendments that were overlooked when the Area Health Boards Act 1983 was prepared and passed.

Minors' Contracts

Clause 62 effects amendments that are consequential on the increase in the jurisdiction of Small Claims Tribunals that is being effected by *clause 80* of the Bill.

Motor Vehicle Dealers

Clause 64 repeals section 66 (2) of the Motor Vehicle Dealers Act 1975. As originally enacted, that provision allowed for the registration of a salesman, without the requisite 1 year's experience, if the salesman was employed as a salesman at the commencement of Part V of the principal Act and he applied for registration within 12 months after the commencement of that Part. In 1976 this period was changed to 12 months after the first meeting of the Motor Vehicle Salesmen Registration Board. In 1979, the paragraph requiring application within that period was repealed. The effect is that, at present, any person who was employed at the commencement of Part V of the Motor Vehicle Dealers Act 1975 may apply at any time for registration without the requisite experience. This clause removes that right.

New Zealand Walkways

Clause 66 inserts a new section 4A in the New Zealand Walkways Act 1975.

The new section empowers the New Zealand Walkway Commission, with the prior consent of the Minister of Lands, to co-opt not more than 2 persons to assist it in the exercise and performance of its powers and functions.

Any person co-opted will be able to be present and be heard, but not vote, at every meeting of the Commission.

Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund

Clause 68 amends section 4 (2) of the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Act 1945 to increase from 3 to 4 the number of discharged servicemen on the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Board. The opportunity has been taken to incorporate amendments to the principal Act effected by 2 earlier amending Acts, and to repeal those Acts.

Nurses

Clause 70 corrects an error in the Nurses Act 1977 that arises from the Nurses Amendment Act 1983. Section 17 of the Nurses Act specifies the qualifications entitling a person to registration or enrolment under the Act. When a new section 17 was substituted in 1983, only subsection (1) was expressed to be subject to section 19 of the Act, which provides that no person may be registered or enrolled unless the Nursing Council is satisfied that the person is of good character and a fit and proper person to be registered or enrolled. That provision ought to apply to applicants for registration of any class and to applicants for enrolment, and while the statute might be so construed without express provision, it is considered desirable to place the matter beyond doubt by correcting the express relationship of the provisions. The opportunity has been taken to expressly provide that section 17 is also subject to section 17A which imposes restrictions on the registration of general nurses and obstetric nurses.

Petroleum

Clause 72 amends Part II of the Petroleum Act 1937 relating to petroleum pipelines.

The amendment excludes from the definition of "pipeline" pipelines owned by gas franchise holders and used for the conveyance of manufactured gas.

Clause 73 amends section 72 of the Petroleum Act 1937 to remove the requirement to forward 3 copies of the final survey plans of pipelines to the Secretary of Energy.

Plumbers, Gasfitters, and Drainlayers

Clause 75 increases from \$200 to \$500 the amount that the Plumbers, Gasfitters, and Drainlayers Board may spend in any year for purposes not otherwise authorised by the Plumbers, Gasfitters, and Drainlayers Act 1976.

Shipping and Seamen

Clauses 77 and 78 relate to the duration of certificates of survey in respect of restricted-limit ships, and of Safety Convention certificates. A "restricted-limit ship" is a ship (other than a New Zealand fishing boat) in respect of which a certificate is for the time being in force to the effect that the ship is not fit to

ply or proceed beyond the restricted limits specified in the certificate. A "Safety Convention certificate" is a certificate issued pursuant to and for the purposes of the International Conventions for the Safety of Life at Sea.

The amendments—

- (a) Provide that a certificate of survey for a restricted-limit ship will remain in force for 4 years, instead of 1 year as at present:
- (b) Such a certificate will be liable for cancellation for failure to undergo and pass satisfactorily a required survey in the same circumstances as now apply to fishing boats:
- (c) That the maximum period for which a Safety Convention certificate may be issued or extended shall be the period prescribed in the Safety Convention, instead of the various periods presently prescribed in the principal Act.

Small Claims Tribunals

Clause 80 increases the jurisdiction of Small Claims Tribunals. Under the Act, as enacted in 1976, a claim is within the jurisdiction of a Tribunal only if the total amount in respect of which an order of the Tribunal is sought does not exceed \$500. This clause increases that total amount to \$1,000.

Clause 81 corrects a printing error.

Taratahi Agricultural Training Centre (Wairarapa)

Clause 83 amends section 3 of the Taratahi Agricultural Training Centre (Wairarapa) Act 1969 to change the membership of the Trust Board which administers the training centre.

At present the Trust Board consists of 7 members. Six members are appointed by the Minister of Agriculture and Fisheries as follows:

- (a) Two members appointed on the nomination of the committee of the Masterton Agricultural and Pastoral Association:
- (b) Two members appointed on the nomination of the committee of the Wairarapa and East Coast Pastoral and Agricultural Society:
- (c) Two members directly appointed by the Minister.

The Director-General of Agriculture and Fisheries is the other member.

The amendment provides for the Trust Board to consist of 8 members. Seven are to be appointed by the Minister as follows:

- (a) One member appointed on the nomination of the committee of the Masterton Agricultural and Pastoral Association:
- (b) One member appointed on the nomination of the committee of the Wairarapa and East Coast Pastoral and Agricultural Society:
- (c) One member appointed on the nomination of the Federated Farmers of New Zealand Wairarapa Provincial District Incorporated:
- (d) One member appointed on the nomination of the committee of the Farm Cadet Scheme of the Federated Farmers of New Zealand Wairarapa Provincial District Incorporated:
- (e) One member appointed on the nomination of the Wairarapa Agricultural Regional Training Council:
- (f) One member appointed on the nomination of the Minister of Education:
- (g) One member directly appointed by the Minister.

The Director-General of Agriculture and Fisheries is the other member.

Technicians Training

Clause 85 repeals the definition of the term "Minister" in section 2 of the Technicians Training Act 1967, and substitutes a new definition of that term. The Minister of Employment replaces the Minister of Labour as the Minister charged with functions under that Act.

Trade and Industry

Clause 87 changes the title of the Minister of Overseas Trade to the Minister of Overseas Trade and Marketing.

Clause 88 amends the provisions relating to the control of imports to enable the forms required for the purposes of these provisions to be prescribed by the Secretary of Trade and Industry instead of by the Comptroller of Customs.

Trade Marks

Clause 90 corrects an error in section 12 of the Trade Marks Act 1953. Section 12 (b) refers to section 8 (1) (a) of the principal Act. It should, however, refer to section 8 (1) (b).

Urban Transport

Clause 92 provides for the appointment of permanent deputies for those members of the Urban Transport Council appointed by regional authorities, the Municipal Association of New Zealand Incorporated and the New Zealand Counties Association Incorporated (jointly), the President of the Road Transport Council of New Zealand Incorporated, the Federation of Labour, and the Chairman of the National Roads Board.

Clause 93 relates to the exercise of jurisdiction in respect of applications relating to passenger-service licences and harbour-ferry service licences that are operated or intended to be operated within the district of the Auckland Regional Authority.

Section 120A of the Transport Act 1962 provided that applications relating to such matters were to be heard by the Regional Transport Licensing Authority, rather than the Licensing Authority that would otherwise have jurisdiction. The Regional Transport Licensing Authority consisted of the Licensing Authority (or the Chairman in the case of a 3 member Authority) and 2 additional members, 1 of whom was appointed on the recommendation of the Regional Authority.

Section 120A of the Transport Act 1962 was repealed by section 44 (1) (a) of the Urban Transport Act 1980, which came into force on 1 April 1981. However, section 44 (3) of the Urban Transport Act 1980 provided that section 120A was to continue to have effect in respect only of the district of the Auckland Regional Authority until there is an approved urban transport scheme for the urban transport area of the Auckland Regional Authority. The scheme is not expected to be approved before 1986.

On 1 June 1984 the system of qualitative transport licensing established by the Transport Amendment Act (No. 2) 1983 came into force.

From that date the Number Two Transport Licensing Authority exercised the jurisdiction that should have continued to be exercised by the Auckland Regional Transport Licensing Authority. This was done with the consent of the Auckland Regional Authority.

The effect of this clause is to repeal section 44 (3) of the Urban Transport Act 1980, which continued in force section 120A of the Transport Act 1962 in the district of the Auckland Regional Authority. The clause also provides that the exercise by a transport licensing authority of the jurisdiction of the Auckland

Regional Transport Licensing Authority and the related actions of any person are as valid as they would have been if section 44 (3) of the Urban Transport Act 1980 had been repealed on and from 1 June 1984.

Valuation of Land

Clause 95 repeals sections 26 and 27 of the Valuation of Land Act 1951 which relate to supplementary rolls.

Vocational Training Council

Clause 97 replaces the references in the Vocational Training Council Act 1982 to the Minister of Labour by references to the Minister of Employment. The Minister of Employment replaces the Minister of Labour as the Minister responsible for the administration of the Act.

Clause 98 authorises the Minister of Employment to vary or amend any notice establishing an Industrial Training Board pursuant to section 34 of the Vocational Training Council Act 1982.

Volunteers Employment Protection

Clause 100 amends section 2 (1) of the Volunteers Employment Protection Act 1973 by repealing the definition of the term "Minister". The definition is unnecessary as the term "Minister" is not used in the other provisions of the Act.

Winston Churchill Memorial Trust

Clause 102 authorises the Winston Churchill Memorial Trust Board to borrow by way of overdraft.

Hon. Geoffrey Palmer

STATUTES AMENDMENT

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A BILL INTITULED

An Act to amend certain enactments of the General Assembly

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

1. Short Title—This Act may be cited as the Statutes Amendment Act 1984.

Apprenticeship

10 **2. Sections to be read with Apprenticeship Act 1983**—This section and the next succeeding section shall be read together with and deemed part of the Apprenticeship Act 1983* (in that section referred to as the principal Act).

*1983, No. 16

3. Remuneration of committee members, and advisors to New Zealand committees—The principal Act is hereby amended by repealing section 48, and substituting the following section:

“48. There shall be paid, out of money appropriated by Parliament for the purpose,— 5

“(a) To nominated members of New Zealand committees and local committees, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses; and 10

“(b) To advisors to New Zealand committees appointed under section 31 (4) of this Act, travelling allowances and expenses,—

in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if— 15

“(c) Every such committee, and every subcommittee of a local committee, were a statutory Board within the meaning of that Act; and

“(d) Every such advisor were a member of the New Zealand committee in respect of which the appointment of that advisor was made.” 20

Arms

4. Sections to be read with Arms Act 1983—This section and the next 2 succeeding sections shall be read together with and deemed part of the Arms Act 1983* (in those sections referred to as the principal Act). 25

*1983, No. 44

5. Carrying or possession of firearms, airguns, pistols, restricted weapons, or explosives and carrying of imitation firearms—The principal Act is hereby amended by omitting from section 45 (2), and also from section 46 (1), the words “or sufficient purpose”, and substituting in each case the words “and sufficient purpose”. 30

6. Careless use of firearm, airgun, pistol, or restricted weapon—Section 53 (2) of the principal Act is hereby amended by inserting, after the word “whether”, the word “in”. 35

Chattels Transfer

7. Sections to be read with Chattels Transfer Act 1924—

This section and the next succeeding section shall be read together with and deemed part of the Chattels Transfer Act 5 1924* (in that section referred to as the principal Act).

*R.S. Vol. 15, p. 33

8. Execution of memorandum of satisfaction—(1) Section 42 (2) of the principal Act is hereby amended by repealing the proviso (as added by section 2 of the Chattels Transfer Amendment Act 1961), and substituting the following proviso:

10 “Provided that it shall not be necessary for the execution of the memorandum to be verified by affidavit of the witness if—

15 “(a) The witness is a Registrar, notary public, Justice of the Peace, Postmaster, or a solicitor of the High Court, resident in New Zealand; or

“(b) The grantee is the Housing Corporation of New Zealand and the memorandum is executed on behalf of that Corporation in accordance with section 15 of the Housing Corporation Act 1974; or

20 “(c) The grantee is the Rural Banking and Finance Corporation of New Zealand and the memorandum is executed on behalf of that Corporation in accordance with section 16 of the Rural Banking and Finance Corporation Act 1974; or

25 “(d) The grantee is a corporation and the memorandum is executed by the corporation affixing thereto its common seal or its official seal for use in New Zealand.”

30 (2) The Chattels Transfer Amendment Act 1961 is hereby consequentially repealed.

Commerce

9. Sections to be read with Commerce Act 1975—This section and the next 2 succeeding sections shall be read together with and deemed part of the Commerce Act 1975* (in those 35 sections referred to as the principal Act).

*R.S. Vol. 7, p. 1
Amendment: 1983, No. 144

10. Additional lay members of High Court for purposes of appellate jurisdiction in respect of Commission determinations, etc.—Section 122A of the principal Act (as inserted by section 41 of the Commerce Amendment Act 1983) is hereby amended by inserting after subsection (5), the following subsection: 5

“(5A) There shall be paid to the lay members of the Court, out of money appropriated by Parliament for the purpose, remuneration by way of fees, salary, or allowances, and travelling allowances and expenses, in accordance with the Fees and Travelling Allowances Act 1951; and the provisions of that Act shall apply accordingly as if the Court were a statutory Board within the meaning of that Act.” 10

11. Miscellaneous amendments—(1) Section 67 of the principal Act (as substituted by section 26 of the Commerce Amendment Act 1983) is hereby amended by omitting from subsection (4) the words “paragraph (c) (ii) of the definition of the term ‘merger or takeover proposal’ in subsection (1)”, and substituting the words “subsection (1) (c) (ii) and subsection (2) (c)”. 15 20

(2) Section 68 of the principal Act (as so substituted) is hereby amended by adding the following subsections:

“(5) Subject to **subsection (6)** of this section, for the purposes of this section and the Third Schedule to this Act, the value of the assets of any participant in any merger or takeover proposal shall be determined by reference to the value at which the assets stand in the books of the participant, less any relevant provisions for depreciation, at the date when a notice in respect of the merger or takeover proposal is given under section 70 (1) of this Act or, where there is a failure to give such notice, the date of implementation of the proposal. 25 30

“(6) Where any assets are newly given a value, or are shown as having a higher value than determined in accordance with **subsection (5)** of this section in any valuation or assessment or determination of price made, for the purposes of the merger or takeover proposal, the value of those assets shall be determined by reference to that value or higher value. 35

“(7) No prosecution for an offence against this section shall be commenced except by the Examiner.”

(3) Section 81G (3) of the principal Act (as substituted by section 22 of the Commerce Amendment Act 1976) is hereby amended by inserting, after the words “proceeding instituted under”, the words “section 68 or”. 40

(4) Section 81H (1) of the principal Act (as so substituted) is hereby amended by inserting, after the words “an offence against” wherever they occur, the words “section 68 or”.

(5) Section 81I of the principal Act (as so substituted and as amended by section 36 of the Commerce Amendment Act 1983) is hereby amended—

(a) By omitting from subsection (1) the words “, but subject to subsection (2) of this section,”; and

(b) By inserting in subsection (5), after the words “an offence against”, the words “section 68 or”.

(6) Section 130 (2) of the principal Act (as substituted by section 43 of the Commerce Amendment Act 1983) is hereby amended by omitting the word “Commissioner’s”, and substituting the word “Commission’s,”.

15 *Contractual Mistakes*

12. Sections to be read with Contractual Mistakes Act 1977—This section and the **next succeeding** section shall be read together with and deemed part of the Contractual Mistakes Act 1977* (in that section referred to as the principal Act).

*1977, No. 54

20 **13. Jurisdiction of Small Claims Tribunals**—Section 10 of the principal Act is hereby amended by omitting the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”.

Contractual Remedies

25 **14. Sections to be read with Contractual Remedies Act 1979**—This section and the **next succeeding** section shall be read together with and deemed part of the Contractual Remedies Act 1979* (in that section referred to as the principal Act).

*1979, No. 11

30 **15. Jurisdiction of Small Claims Tribunals**—Section 13 of the principal Act is hereby amended by omitting the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”.

Criminal Justice

35 **16. Sections to be read with Criminal Justice Act 1954**—This section and the **next succeeding** section shall be read together with and deemed part of the Criminal Justice Act 1954*.

17. Two new sections (relating to administration of work centres) substituted—(1) The Criminal Justice Amendment Act 1962 is hereby amended by repealing section 7, and substituting the following sections:

“7. Warden charged with general administration of work centre—(1) Subject to the provisions of this Act and to the control of the Secretary for Justice, every Warden of a work centre shall be charged with the general management of the work centre. 5

“(2) Every officer of a work centre shall have all of the powers of the Warden under this Act, except the power of delegation conferred by **subsection (3)** of this section. 10

“(3) Any Warden may, subject to any regulations made under this Act and to any directions given by the Secretary for Justice, delegate to any employee engaged at the work centre all or any of his powers under this Act, except the power to delegate under this section. 15

“(4) On the request of any Warden of a work centre, any Warden or other officer of any other work centre may, subject to any regulations made under this Act and to any directions given by the Secretary for Justice, exercise the requesting Warden’s powers under this Act for any period not exceeding 2 weeks. 20

“(5) In the event of the incapacity, illness, sudden absence, or death of a Warden, the Secretary for Justice may, by notice in writing, direct any officer or employee of the Department of Justice to exercise the powers of the Warden under this Act until— 25

“(a) The Warden returns to work; or

“(b) A new or temporary Warden is appointed or employed,— 30

whichever sooner occurs.

“(6) In this section every reference to the powers of a Warden under this Act shall be deemed to include his duties and functions under this Act. 35

“(7) The fact that any officer or employee of the Department of Justice exercises or performs any power, duty, or function of a Warden shall be conclusive evidence of his authority to do so.

“7A. Secretary for Justice may make rules—(1) The Secretary for Justice may from time to time make such rules as he thinks fit, not inconsistent with this Act or with any 40

regulations made under this Act, for the management of any work centre and for the conduct and safe custody of the offenders.

“(2) Any such rules may be made for work centres generally,
5 or for such work centre or work centres as may be specified in the rules.”

(2) The following enactments are hereby consequentially repealed:

- 10 (a) Section 8 of the Criminal Justice Amendment Act (No. 2) 1976:
(b) Section 24 of the Criminal Justice Amendment Act 1980:
(c) Section 9 of the Criminal Justice Amendment Act (No. 2) 1980:
(d) Section 3 (2) of the Criminal Justice Amendment Act 1983.

15

Dairy Board

18. Sections to be read with Dairy Board Act 1961—This section and the next succeeding section shall be read together with and deemed part of the Dairy Board Act 1961* (in that section referred to as the principal Act).

*Reprinted 1976, Vol. 4, p. 3337
Amendments: 1977, No. 149; 1979, No. 22; 1980, No. 81

20 **19. Alteration of boundary between Wellington and Taranaki Wards**—The Second Schedule to the principal Act is hereby amended by omitting the words “north of the Waitotara”, and substituting the words “west of the Wanganui”.

25

Diplomatic Privileges and Immunities

20. Sections to be read with Diplomatic Privileges and Immunities Act 1968—This section and the next succeeding section shall be read together with and deemed part of the Diplomatic Privileges and Immunities Act 1968* (in that section
30 referred to as the principal Act).

*1968, No. 36
Amendment: 1971, No. 96

21. Interpretation—(1) The principal Act is hereby amended by repealing section 2, and substituting the following section:

“2. (1) In this Act, unless the context otherwise requires,—

“‘The Convention’ means the Vienna Convention on Diplomatic Relations signed in 1961, a copy of the English text of which is set out in the First Schedule to this Act: 5

“‘Minister’ means the Minister of Foreign Affairs:

“‘Mission’ means a diplomatic mission of any State:

“‘State’ means a foreign state or a Commonwealth country; and includes the Cook Islands and Niue: 10

“Expressions defined in Article 1 of the Convention have the meanings so defined.

“(2) For the purposes of this Act the term ‘State’ when used in the Convention shall have the meaning assigned to that term by **subsection (1)** of this section.” 15

(2) Section 19 (1) (a) of the principal Act is hereby amended by omitting the words “(as defined in section 8 of this Act)”.

(3) Sections 3 and 8 of the principal Act are hereby consequentially repealed. 20

Disabled Persons Employment Promotion

22. Sections to be read with Disabled Persons Employment Promotion Act 1960—This section and the next succeeding section shall be read together with and deemed part of the Disabled Persons Employment Promotion Act 1960* (in that section referred to as the principal Act). 25

*R.S. Vol. 6, p. 149

23. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:

“‘Minister’ means the Minister of Employment:” 30

District Courts

24. Sections to be read with District Courts Act 1947—

(1) This section and the next succeeding section shall be read together with and deemed part of the District Courts Act 1947* (in that section referred to as the principal Act). 35

(2) This section and the next succeeding section shall be deemed to have come into force on the 1st day of April 1984.

*R.S. Vol. 5, p. 1

Amendments: 1980, No. 83; 1981, No. 21; 1982, No. 5; 1982, No. 130; 1983, No. 49

25. Salaries and allowances—Section 6 of the principal Act (as substituted by section 2 of the District Courts Amendment Act 1978) is hereby amended by inserting, after the words “the Principal Family Court Judge,” (as inserted by section 17 of the Family Courts Act 1980), the words “the Principal Planning Judge,”.

Domestic Protection

26. Sections to be read with Domestic Protection Act 1982—This section and the **next succeeding** section shall be read together with and deemed part of the Domestic Protection Act 1982* (in that section referred to as the principal Act).

*1982, No. 120
Amendment: 1983, No. 69

27. Appeals—Section 38 (1) of the principal Act is hereby amended by omitting the expression “section 71”, and substituting the expression “subsections (1), (3), and (5) of section 71A”.

Earthquake and War Damage

28. Sections to be read with Earthquake and War Damage Act 1944—This section and the **next succeeding** section shall be read together with and deemed part of the Earthquake and War Damage Act 1944* (in that section referred to as the principal Act).

*R.S. Vol. 6, p. 207
Amendment: 1983, No. 140

29. Money payable out of Fund—(1) Section 12 (1) of the principal Act is hereby amended by adding the following paragraph:

25 “(e) Except as provided by subsection (2) of this section, all salaries and allowances and other expenditure incurred in the administration of this Act.”

(2) Section 12 of the principal Act is hereby amended by repealing subsection (2), and substituting the following
30 subsection:

“(2) The remuneration paid under section 4 (6) of this Act shall be payable out of money in the Fund appropriated by Parliament for the purpose.”

Family Proceedings

30. Sections to be read with Family Proceedings Act 1980—This section and the **next succeeding** section shall be read together with and deemed part of the Family Proceedings Act 1980* (in that section referred to as the principal Act). 5

*1980, No. 94

Amendments: 1981, No. 64; 1982, No. 70; 1983, No. 73

31. Appeals from decisions of District Courts and Family Courts—Section 174 (1) of the principal Act is hereby amended by omitting the expression “section 71”, and substituting the expression “subsections (1), (3), and (5) of section 71A”.

Food

10

32. Sections to be read with Food Act 1981—This section and the **next succeeding** section shall be read together with and deemed part of the Food Act 1981* (in that section referred to as the principal Act).

*1981, No. 45

33. Regulations—Section 42 of the principal Act is hereby 15 amended by adding the following subsection:

“(6) Every reference in any regulations made under this section to the current edition of any specified publication shall be construed at any particular time as the latest edition of that publication available at that time, together with any 20 amendments, additions, and deletions made to or from it up to that time.”

Guardianship

34. Sections to be read with Guardianship Act 1968—This section and the **next succeeding** section shall be read 25 together with and deemed part of the Guardianship Act 1968* (in that section referred to as the principal Act).

*R.S. Vol. 9, p. 147

Amendments: 1982, No. 74; 1983, No. 76

35. Appeals—Section 31 (1) of the principal Act (as substituted by section 19 of the Guardianship Amendment Act 1980) is hereby amended by omitting the expression “section 30 71”, and substituting the expression “subsections (1), (3), and (5) of section 71A”.

Higher Salaries Commission

36. Sections to be read with Higher Salaries Commission Act 1977—This section and the next succeeding section shall be read together with and deemed part of the Higher Salaries Commission Act 1977* (in that section referred to as the principal Act).

*1977, No. 110

Amendments: 1980, No. 31; 1982, No. 40; 1983, No. 125

37. Amendments consequential on the passing of the Health Service Personnel Act 1983—(1) Section 12 (1) (a) of the principal Act is hereby amended by repealing subparagraph (vii), and substituting the following subparagraph:

“(vii) The remuneration of medical practitioners employed as medical officers in the Health Service (as defined in section 2 of the Health Service Personnel Act 1983), and of persons who, in their capacity as persons studying to qualify as medical practitioners, are employed in the Health Service (as so defined):”.

(2) Section 22 of the principal Act is hereby amended by repealing paragraph (b), and substituting the following paragraph:

“(b) In making any determination of remuneration under section 12 (1) (a) (vii) of this Act, have due regard to any recommendations of the Health Medical Officers’ Advisory Committee appointed under section 12 (7) of the Health Service Personnel Act 1983:”.

(3) Section 26 (2) of the principal Act (as substituted by section 2 (1) of the Higher Salaries Commission Amendment Act 1980) is hereby amended by repealing paragraph (e), and substituting the following paragraph:

“(e) To the Health Medical Officers’ Advisory Committee, in respect of the remuneration for any position to which section 12 (1) (a) (vii) of this Act applies.”

38. Third Schedule amended—The Third Schedule to the principal Act is hereby amended by inserting in Part I, after the item relating to Town Councils, the following item:

“United Councils.”

Hire Purchase

39. Sections to be read with Hire Purchase Act 1971—
 This section and the **next succeeding** section shall be read together with and deemed part of the Hire Purchase Act 1971* (in that section referred to as the principal Act). 5

*1971, No. 147
 Amendment: 1974, No. 49

40. Jurisdiction of Small Claims Tribunals—Section 47A of the principal Act (as inserted by section 45 of the Small Claims Tribunals Act 1976) is hereby amended by omitting the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”. 10

Historic Places

41. Sections to be read with Historic Places Act 1980—
 This section and the **next succeeding** section shall be read together with and deemed part of the Historic Places Act 1980* (in that section referred to as the principal Act). 15

*1980, No. 16
 Amendment: 1982, No. 75

42. Payment to and withdrawal from bank accounts—
 Section 26 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsections:
 “(2) No money shall be paid out of any bank account of the Trust except with the authority, and in accordance with any general or special directions, of the Board. 20
 “(3) A bank account of the Trust may only be operated on by cheque or other instrument (not being a promissory note or a bill) signed by an officer of the Trust authorised by the Board to sign cheques or other instruments drawn on that account, and countersigned by a member of the Board or other person authorised by the Board to countersign such cheques or other instruments.” 25

Human Rights Commission

43. Sections to be read with Human Rights Commission Act 1977—This section and the **next 2 succeeding** sections and the Schedule to this Act shall be read together with and deemed part of the Human Rights Commission Act 1977* (in those sections referred to as the principal Act). 30

*1977, No. 49
 Amendments: 1981, No. 127; 1982, No. 77; 1983, No. 56

44. Alternate members of Commission—The principal Act is hereby amended by inserting, after section 7A (as inserted by section 5 of the Human Rights Commission Amendment Act 1983), the following section:

5 “7B. (1) The Governor-General may, on the recommendation of the Minister, appoint as alternate members of the Commission persons who may act as the alternate of the Chief Human Rights Commissioner, or of any appointed Commissioner, during the Commissioner’s incapacity to
10 perform the duties of the Commissioner’s office.

“(2) In any case where the Chief Human Rights Commissioner is satisfied that any other appointed Commissioner is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office or that
15 the appointed Commissioner considers it is not proper or desirable that he should adjudicate on any specified matter, the Chief Human Rights Commissioner may appoint an alternate member to act as the alternate of the appointed Commissioner during his incapacity or in respect of that matter,
20 as the case may be.

“(3) In any case where the Minister is satisfied that the Chief Human Rights Commissioner is incapacitated by illness, absence, or other sufficient cause from performing the duties of his office or that the Chief Human Rights Commissioner
25 considers it not proper or desirable that he should adjudicate on any specified matter, the Minister may appoint a member or alternate member of the Commission to act as the alternate of the Chief Human Rights Commissioner during his incapacity or in respect of that matter, as the case may be. If a member
30 of the Commission is appointed as the alternate of the Chief Human Rights Commissioner, an alternate member may be appointed to act as the alternate of that member.

“(4) Any alternate appointed under **subsection (2) or subsection (3)** of this section shall, while the alternate acts as such, be
35 deemed to be the Chief Human Rights Commissioner or member of the Commission in whose place the alternate acts.

“(5) No appointment of an alternate and no act done by an alternate as such, and no act done by the Commission while any alternate is acting as such, shall in any proceedings be
40 questioned on the ground that the occasion for the alternate’s appointment had not arisen or had ceased.”

45. Consequential amendments—(1) The principal Act is hereby consequentially amended in the manner indicated in the Schedule to this Act.

(2) Section 5 of the Higher Salaries Commission Amendment Act 1980 is hereby consequentially repealed. 5

Illegal Contracts

46. Sections to be read with Illegal Contracts Act 1970—This section and the next succeeding section shall be read together with and deemed part of the Illegal Contracts Act 1970* (in that section referred to as the principal Act). 10

*1970, No. 129

47. Jurisdiction of Small Claims Tribunals—Section 9A of the principal Act (as inserted by section 45 of the Small Claims Tribunals Act 1976) is hereby amended by omitting the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”. 15

Industrial Training Levies

48. Sections to be read with Industrial Training Levies Act 1978—This section and the next succeeding section shall be read together with and deemed part of the Industrial Training Levies Act 1978* (in that section referred to as the principal Act). 20

*1978, No. 82

49. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:
 “‘Minister’ means the Minister of Employment:”. 25

Law Practitioners

50. Sections to be read with Law Practitioners Act 1982—This section and the next 2 succeeding sections shall be read together with and deemed part of the Law Practitioners Act 1982* (in those sections referred to as the principal Act). 30

*1982, No. 123

51. Restriction on right of practitioner to commence private practice—Section 55 (6) of the principal Act is hereby amended by omitting the expression “subsection (2) (c)”, and substituting the expression “subsection (2) (b)”.

52. New Zealand Law Practitioners Disciplinary Tribunal—Section 108 (2) (b) of the principal Act is hereby amended by omitting the word “Two”, and substituting the word “Three”.

5

Marriage

53. Sections to be read with Marriage Act 1955—This section and the next 2 succeeding sections shall be read together with and deemed part of the Marriage Act 1955* (in those sections referred to as the principal Act).

*R.S. Vol. 10, p. 39

10 **54. Interpretation**—Section 2 of the principal Act is hereby amended by repealing the definitions of the terms “Commonwealth country” and “New Zealand representative”, and substituting, respectively, the following definitions:

15 “‘Commonwealth country’ includes any territory for whose international relations the government of a Commonwealth country is responsible:

20 “‘New Zealand representative’ means a person who is a member of the overseas service within the meaning of section 2 of the Foreign Affairs and Overseas Service Act 1983:”.

55. Approval of organisations—Section 9 of the principal Act (as substituted by section 3 (1) of the Marriage Amendment Act 1976) is hereby amended by repealing subsection (7), and substituting the following subsections:

25 “(6A) Where an approved organisation changes its name or any of its objects, it shall forthwith give the Registrar notice in writing, signed in the manner required by subsection (2) of this section for an application under subsection (1) of this section,—

30 “(a) Of its former and new names; and

“(b) Of whether or not its objects remain unchanged since it last stated them to the Registrar-General under this section; and

35 “(c) If those objects do not so remain unchanged, stating its present objects.

“(6B) Where the Registrar-General is satisfied that an approved organisation has changed its name he shall notify the change by notice in the *Gazette* specifying that organisation’s former and new names.

“(6C) Where the Registrar-General—

“(a) Has been notified under **subsection (6A)** of this section that the objects of an approved organisation have changed; or

“(b) Is satisfied that any of the objects of an approved organisation has changed since that organisation last stated its objects to the Registrar-General under this section,—

he shall recommend to the Minister of Justice either—

“(c) That that organisation should continue to be an approved organisation; or

“(d) That the Minister of Justice should withdraw his approval of that organisation.

“(6D) The Registrar-General shall not recommend under **subsection (6c)** of this section that an organisation should continue to be an approved organisation unless he is satisfied that the principal object or one of the principal objects of that organisation is to uphold or promote religious beliefs or philosophical or humanitarian convictions.

“(7) If—

“(a) At any time, the Minister of Justice—

“(i) Becomes satisfied that, in the light of information not available to him at the time he approved an organisation, or by virtue of a change in the circumstances of an approved organisation, that organisation should not continue to be an approved organisation; or

“(ii) Is no longer satisfied (whether or not as a result of a recommendation under **subsection (6c)** of this section) that the principal object or one of the principal objects of an approved organisation is to uphold or promote religious beliefs or philosophical or humanitarian convictions; or

“(b) For a continuous period of at least 12 months no person nominated by an approved organisation has his name on the list,—

the Minister of Justice may, by notice in the *Gazette*, withdraw his approval of that organisation; and on the date of the publication of that notice that organisation shall cease to be an approved organisation.”

Matrimonial Property

56. Sections to be read with Matrimonial Property Act 1976—This section and the **next succeeding** section shall be read together with and deemed part of the Matrimonial Property Act 1976* (in that section referred to as the principal Act).

*1976, No. 166

Amendments: 1980, No. 74; 1983, No. 28; 1983, No. 145

57. Appeals—Section 39 (1) of the principal Act (as substituted by section 10 (1) of the Matrimonial Property Amendment Act (No. 2) 1983) is hereby amended by omitting the expression “section 71”, and substituting the expression “subsections (1), (3), and (5) of section 71A”.

Medicines

58. Sections to be read with Medicines Act 1981—This section and the **2 next succeeding** sections shall be read together with and deemed part of the Medicines Act 1981* (in those sections referred to as the principal Act).

*1981, No. 118

59. Applications for Minister’s consent—Section 21 (1) (a) of the principal Act is hereby repealed.

60. Amendments consequential upon Area Health Boards Act 1983—(1) Section 2 of the principal Act is hereby amended by inserting in the definition of the term “hospital”, after paragraph (a), the following paragraph:

“(aa) Any institution within the meaning of the Area Health Boards Act 1983:”.

(2) Section 50 (1) of the principal Act is hereby amended by inserting, after the words “health district”, the words “or (as the case may require) the area health district”.

Minors’ Contracts

61. Sections to be read with Minors’ Contracts Act 1969—This section and the **next succeeding** section shall be read together with and deemed part of the Minors’ Contracts Act 1969* (in that section referred to as the principal Act).

*R.S. Vol. 3, p. 639

62. Jurisdiction of Small Claims Tribunals—Section 14A of the principal Act (as inserted by section 45 of the Small Claims Tribunals Act 1976) is hereby amended by omitting the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”. 5

Motor Vehicle Dealers

63. Sections to be read with Motor Vehicle Dealers Act 1975—This section and the **next succeeding** section shall be read together with and deemed part of the Motor Vehicle Dealers Act 1975* (in that section referred to as the principal Act). 10

*R.S. Vol. 5, p. 749
Amendment: 1982, No. 85

64. Eligibility for registration as a salesman—(1) Section 66 (2) of the principal Act is hereby repealed.
(2) Section 27 (1) (a) of the Motor Vehicle Dealers Amendment Act 1979 is hereby amended by omitting the expression “66 (2) (c),”. 15

New Zealand Walkways

65. Sections to be read with New Zealand Walkways Act 1975—This section and the **next succeeding** section shall be read together with and deemed part of the New Zealand Walkways Act 1975* (in that section referred to as the principal Act). 20

*1975, No. 31
Amendments: 1976, No. 110; 1977, No. 166; 1978, No. 116; 1980, No. 126; 1982, No. 87

66. Commission may co-opt persons to assist it—The principal Act is hereby amended by inserting, after section 4, the following section:
“4A. (1) The Commission, with the prior written consent of the Minister given subject to such conditions (including term of office) as he thinks fit to impose, may from time to time co-opt not more than 2 persons to assist it in the exercise and performance of its powers and functions. 25
“(2) A person co-opted under **subsection (1)** of this section shall— 30
“(a) Be entitled to be present and be heard, but not vote, at every meeting of the Commission:
“(b) For the purposes of sections 6 and 34 of this Act, but for no other purpose, be deemed to be a member of the Commission.” 35

*Ngarimu V.C. and 28th (Maori) Battalion Memorial
Scholarship Fund*

**67. Sections to be read with Ngarimu V.C. and 28th
(Maori) Battalion Memorial Scholarship Fund Act 1945—**

5 This section and the next succeeding section shall be read together with and deemed part of the Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Act 1945* (in that section referred to as the principal Act).

*1974, Vol. 3, p. 2429
Amendment: 1981, No. 81

68. Establishment of Board to administer Fund—

10 (1) Section 4 (2) of the principal Act is hereby amended by repealing paragraphs (d), (e), and (ee), and substituting the following paragraphs:

15 “(d) Four Maori, being discharged servicemen as defined in Part I of the Rehabilitation Act 1941, to be appointed by the Governor-General:

20 “(e) One Maori to be nominated by the descendants of Hamuera Ngarimu and Maraea Ngarimu and to be appointed by the Governor-General on the recommendation of the Judge of the Maori Land Court for the Tairawhiti District:

25 “(ea) One Maori who, having received assistance from the Fund to undertake a course of study at a university, has successfully completed that course of study, to be appointed by the Governor-General on the recommendation of the Minister:”.

(2) The following enactments are hereby consequentially repealed:

30 (a) The Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1965:

(b) The Ngarimu V.C. and 28th (Maori) Battalion Memorial Scholarship Fund Amendment Act 1981.

Nurses

69. Sections to be read with Nurses Act 1977—This section and the next succeeding section shall be read together with and deemed part of the Nurses Act 1977* (in that section referred to as the principal Act).

*1977, No. 53
Amendments: 1980, No. 127; 1983, No. 147

70. Qualifications for registration and enrolment—

(1) Section 17 of the principal Act (as substituted by section 5 of the Nurses Amendment Act 1983) is hereby amended by omitting from subsection (1) the words “Subject to section 19 of this Act,”.

5

(2) Section 17 of the principal Act (as so substituted) is hereby further amended by adding the following subsection:

“(8) This section is subject to sections 17A and 19 of this Act.”

Petroleum

10

71. Sections to be read with Petroleum Act 1937—This section and the next 2 succeeding sections shall be read together with and deemed part of the Petroleum Act 1937* (in those sections referred to as the principal Act).

*R.S. Vol. 7, p. 647
Amendment: 1982, No. 153

72. Interpretation—(1) Section 49 (1) of the principal Act (as amended by section 9 (3) of the Petroleum Amendment Act 1982) is hereby amended by inserting in paragraph (d) of the definition of the term “pipeline”, after the words “natural gas”, the words “or manufactured gas”.

15

(2) The said section 49 (1) (as so amended) is hereby amended by inserting in the definition of the term “pipeline”, after paragraph (d), the following paragraph:

20

“(da) Any pipeline forming part of the distribution system of a franchise holder, within the meaning of the Gas Act 1982, for the conveyance of manufactured gas at a gauge pressure of 2000 kilopascals or less; or”.

25

73. Preparation of plans—Section 72 of the principal Act (as substituted by section 17 of the Petroleum Amendment Act 1982) is hereby amended by repealing subsection (4), and substituting the following subsection:

30

“(4) Within the said period of 6 months the holder shall also—

“(a) Deposit in the appropriate District Land Registry Office a copy of the plans showing the position of the pipeline:

35

“(b) Forward to the territorial authority within whose district the pipeline is situated a copy of those plans:

5 “(c) Forward to the owner of any land in respect of which an agreement has been made under section 69 (1) (b) of this Act or in respect of which an easement certificate has been issued under section 70 of this Act a copy of the plan showing the position of the pipeline on that owner’s land.”

Plumbers, Gasfitters, and Drainlayers

10 **74. Sections to be read with Plumbers, Gasfitters, and Drainlayers Act 1976**—This section and the next succeeding section shall be read together with and deemed part of the Plumbers, Gasfitters, and Drainlayers Act 1976* (in that section referred to as the principal Act).

*1976, No. 69
Amendment: 1980, No. 68

15 **75. Unauthorised expenditure**—Section 17 of the principal Act is hereby amended by omitting the expression “\$200”, and substituting the expression “\$500”.

Shipping and Seamen

20 **76. Sections to be read with Shipping and Seamen Act 1952**—This section and the next 2 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).

*R.S. Vol. 4, p. 275
Amendment: 1982, No. 99

25 **77. Duration and cancellation of certificates**—(1) Section 224 of the principal Act is hereby amended by repealing subsections (1) to (4), and substituting the following subsections:
“(1) A certificate of survey (other than a certificate of survey in respect of a fishing boat or a restricted-limit ship) shall be in force for a period not exceeding 1 year from the date of its issue.
“ (2) The maximum period for which a Safety Convention
30 certificate may be issued under this Part of this Act shall be the maximum period prescribed in the Safety Convention.
“ (3) Subject to section 224A of this Act, a certificate of survey in respect of a fishing boat or a restricted-limit ship shall be
35 its issue.”

(2) Section 224A of the principal Act (as inserted by section 9 of the Shipping and Seamen Amendment Act 1969) is hereby amended—

- (a) By inserting in subsection (1), after the words “a fishing boat”, the words “or a restricted-limit ship”: 5
- (b) By omitting from paragraph (a) of that subsection the words “The boat”, and substituting the words “In the case of a fishing boat, the boat”:
- (c) By inserting in paragraph (b) of that subsection, after the words “The boat”, the words “or ship”: 10
- (d) By inserting in paragraph (c) of that subsection, after the words “the boat” wherever they occur, the words “or ship”.

78. Extension of certificates—(1) Section 226 (1) of the principal Act (as substituted by section 45 (1) of the Shipping and Seamen Amendment Act 1959) is hereby amended by omitting from paragraph (b) the words “one month”, and substituting the words “the period prescribed in the Safety Convention”. 15

(2) Section 226 of the principal Act is hereby further amended 20 by repealing subsection (2), and substituting the following subsection:

“(2) If any New Zealand ship in respect of which any Safety Convention certificate has been issued under this Part of this Act is absent from New Zealand on the date when that certificate is due to expire, the Minister may grant an extension of that certificate for a period not exceeding the period prescribed in the Safety Convention.” 25

(3) The following enactments are hereby repealed:

- (a) Section 45 (2) of the Shipping and Seamen Amendment Act 1959: 30
- (b) Section 8 (4) (e) of the Shipping and Seamen Amendment Act 1965.

Small Claims Tribunals

79. Sections to be read with Small Claims Tribunals Act 1976—This section and the next two succeeding sections shall be read together with and deemed part of the Small Claims Tribunals Act 1976* (in those sections referred to as the principal Act). 35

*1976, No. 35
Amendment: 1979, No. 144

80. Increase in jurisdiction of Tribunals—The principal Act is hereby amended by omitting from sections 9, 11, and 16 the expression “\$500” wherever it appears, and substituting in each case the expression “\$1,000”.

5 **81. Further limitation of jurisdiction**—Section 10 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections:

“(2) Notwithstanding subsection (1) of this section, a Tribunal may—

10 “(a) Where a respondent raises a debt or liquidated demand as a defence by way of set-off, give effect to that defence:

“(b) Where it dismisses a claim for a declaration under section 9 (1) (b) of this Act in respect of a debt or liquidated demand, make an order under section 16 (1) (a) of this Act requiring the claimant to pay the debt or liquidated demand, or part thereof, to the respondent.

“(3) Except as provided in an enactment referred to in section 9 (2) of this Act, a Tribunal shall have no jurisdiction in respect of any claim—

“(a) For the recovery of land or any estate or interest therein:

“(b) In which the title to any land, or any estate or interest therein, or to any franchise is in question:

25 “(c) In which there is a dispute concerning the entitlement of any person under a will, or settlement, or on any intestacy (including a partial intestacy).”

Taratahi Agricultural Training Centre (Wairarapa)

30 **82. Sections to be read with Taratahi Agricultural Training Centre (Wairarapa) Act 1969**—This section and the next succeeding section shall be read together with and deemed part of the Taratahi Agricultural Training Centre (Wairarapa) Act 1969* (in that section referred to as the principal Act).

*R.S. Vol. 13, p. 721

35 **83. Changing membership of Trust Board**—Section 3 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) The Trust Board shall consist of—

40 “(a) One member to be appointed on the nomination of the committee of the Masterton Agricultural and Pastoral Association:

- “(b) One member to be appointed on the nomination of the committee of the Wairarapa and East Coast Pastoral and Agricultural Society:
- “(c) One member to be appointed on the nomination of the Federated Farmers of New Zealand Wairarapa Provincial District Incorporated: 5
- “(d) One member to be appointed on the nomination of the committee of the Farm Cadet Scheme of the Federated Farmers of New Zealand Wairarapa Provincial District Incorporated: 10
- “(e) One member to be appointed on the nomination of the Wairarapa Agricultural Regional Training Council:
- “(f) One member to be appointed on the nomination of the Minister of Education:
- “(g) The Director-General of Agriculture and Fisheries: 15
- “(h) One other member.”

Technicians Training

84. Sections to be read with Technicians Training Act 1967—This section and the next succeeding section shall be read together with and deemed part of the Technicians Training Act 1967* (in that section referred to as the principal Act). 20

*R.S. Vol. 13, p. 733

85. Interpretation—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Minister”, and substituting the following definition:
 “ ‘Minister’ means the Minister of Employment:”. 25

Trade and Industry

86. Sections to be read with Trade and Industry Act 1956—This section and the next 2 succeeding sections shall be read together with and deemed part of the Trade and Industry Act 1956* (in those sections referred to as the principal Act). 30

*1956, No. 50

Amendments: 1969, No. 84; 1972, No. 107; 1973, No. 4; 1977, No. 11; 1980, No. 45

87. Minister of Overseas Trade and Marketing—
 (1) Section 2A of the principal Act (as inserted by section 2 of the Trade and Industry Amendment Act 1977) is hereby amended by omitting the words “Minister of Overseas Trade” wherever they occur, and substituting in each case the words “Minister of Overseas Trade and Marketing”. 35

(2) Every reference to the Minister of Overseas Trade in any other enactment or document shall, unless the context otherwise requires, be read as a reference to the Minister of Overseas Trade and Marketing. 40

88. Controlling imports—(1) Section 16B of the principal Act (as inserted by section 2 of the Trade and Industry Amendment Act 1973) is hereby amended by inserting, after subsection (3), the following subsection:

5 “(3A) For the purposes of this section—

“(a) The Secretary may from time to time prescribe any forms he deems necessary:

10 “(b) The production of any document under the hand of the Secretary purporting to be a prescribed form or an extract from a prescribed form or a copy of any such form or extract shall in all Courts and in all proceedings be sufficient evidence of the fact that the form was prescribed; and all Courts shall in all proceedings take judicial notice of the signature of the Secretary either to the prescribed form or to
15 any such extract or copy.”

(2) Section 16A of the principal Act (as so inserted) is hereby consequentially amended—

20 (a) By adding to subsection (1) (a) the words “and, in relation to forms, includes prescribed by the Secretary”:

(b) By omitting from subsection (1) (b) the word “declaration”:

(c) By inserting in subsection (2), after the expression “Part XIV”, the words “(excluding section 303)”.

Trade Marks

25 **89. Sections to be read with Trade Marks Act 1953**—This section and the next succeeding section shall be read together with and deemed part of the Trade Marks Act 1953* (in that section referred to as the principal Act).

*R.S. Vol. 11, p. 563

30 **90. Saving for use of name, address, or description of goods**—Section 12 (b) of the principal Act is hereby amended by omitting the words “paragraph (a) of subsection (1) of section 8 or in paragraph (b) of subsection (3) of section 47”, and substituting the words “section 8 (1) (b) or in section 47 (3) (b)”.

Urban Transport

35 **91. Sections to be read with Urban Transport Act 1980**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Urban Transport Act 1980* (in those sections referred to as the principal Act).

*1980, No. 156

Amendment: 1982, No. 77

92. Appointment of permanent deputies for certain members—(1) Section 2 (1) of the principal Act is hereby amended by inserting, after the definition of the term “local authority” the following definition:

“‘Member’, in relation to the Council, includes any permanent deputy of a member appointed under the authority of clause 2 (2) of the Schedule to this Act while he is acting in the place of any member appointed under section 14 of this Act.” 5

(2) Clause 2 of the Schedule to the principal Act is hereby amended by repealing subclauses (2) and (3), and substituting the following subclause: 10

“(2) The persons and bodies that are required by paragraphs (b) to (f) of section 14 (1) of this Act to appoint members of the Council may appoint, in the manner prescribed by section 14 (2) of this Act, a permanent deputy to act in the place of any such member whenever and for so long as the member is unable to perform the duties of his office by reason of illness, absence, or other sufficient cause.” 15

93. Exercise of jurisdiction of Auckland Regional Transport Licensing Authority by transport licensing authority—(1) The exercise of jurisdiction by any transport licensing authority in respect of any licence that is operated or intended to be operated within the district of the Auckland Regional Authority, and any action of any person in relation to the exercise of that jurisdiction is hereby deemed to be as valid as it would have been if section 44 (3) of the principal Act had been repealed with effect on and from the 1st day of June 1984. 20 25

(2) Section 44 (3) of the principal Act is hereby repealed. 30

Valuation of Land

94. Sections to be read with Valuation of Land Act 1951—This section and the next succeeding section shall be read together with and deemed part of the Valuation of Land Act 1951* (in that section referred to as the principal Act). 35

*Reprinted 1970, Vol. 3, p. 2615

Amendments: 1971, No. 138; 1972, No. 111; 1976, No. 128; 1978, No. 132; 1981, No. 101

95. Repeal of provisions relating to supplementary rolls—Sections 26 and 27 of the principal Act are hereby repealed.

Vocational Training Council

96. Sections to be read with Vocational Training Council Act 1982—This section and the next 2 succeeding sections shall be read together with and deemed part of the Vocational
5 Training Council Act 1982* (in those sections referred to as the principal Act).

*1982, No. 54

97. References to Minister of Employment in place of references to Minister of Labour—(1) Section 2 of the principal Act is hereby amended by repealing the definition
10 of the term “Minister”, and substituting the following definition:

“ ‘Minister’ means the Minister of Employment:”.

(2) The principal Act is hereby amended by omitting the words “Minister of Labour”, and substituting the words
15 “Minister of Employment” in each of the following provisions:

- (a) Subsections (2) and (3) of section 4:
- (b) Subsections (1) and (4) of section 5:
- (c) Section 11 (1) (h).

98. Establishment of Boards—Section 34 of the principal
20 Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) The Minister may from time to time vary or amend any such notice.”

Volunteers Employment Protection

99. Sections to be read with Volunteers Employment Protection Act 1973—This section and the next succeeding section shall be read together with and deemed part of the
25 Volunteers Employment Protection Act 1973* (in that section referred to as the principal Act).

*1973, No. 25

100. Interpretation—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term
30 “Minister”.

Winston Churchill Memorial Trust

101. Sections to be read with Winston Churchill Memorial Trust Act 1965—This section and the next
35 succeeding section shall be read together with and deemed part of the Winston Churchill Memorial Trust Act 1965* (in that section referred to as the principal Act).

*1965, No. 39

102. Overdrafts—The principal Act is hereby amended by inserting, after section 20, the following section:

“20A. (1) Subject to this section, the Board may from time to time, in anticipation of income, borrow money by way of overdraft. 5

“(2) The aggregate amount of all sums borrowed by way of overdraft by the Board under subsection (1) of this section shall not exceed—

“(a) Twenty percent of the income of the Board for the preceding financial year; or 10

“(b) Such greater amount as may be authorised by the Minister.

“(3) All amounts borrowed by way of overdraft by the Board shall be repaid within 30 days of the date of the advance or within such longer period as may be authorised by the Minister. 15

“(4) Any authorisation given by the Minister under subsection (2) (b) or subsection (3) of this section may be subject to such conditions as the Minister thinks fit.”

SCHEDULE

Section 45 (1)

CONSEQUENTIAL AMENDMENTS OF HUMAN RIGHTS COMMISSION ACT 1977

Section Affected	Amendment
Section 7	By inserting in subsection (3), after the word “members”, the words “or alternate members”.
	By inserting in subsection (4), after the word “Commissioner”, the words “or as an alternate member of the Commission”.
Section 7A (as inserted by section 5 of the Human Rights Commission Amendment Act 1983)	By inserting, after the word “member” wherever it appears, the words “or alternate member”.
Section 8	By inserting, after the word “Commissioner” wherever it appears, the words “and every alternate member of the Commission”.
Section 9 (as amended by section 6 of the Human Rights Commission Amendment Act 1983)	By inserting, after the word “Commissioner” wherever it appears, the words “or alternate member of the Commission”.

Sections 13 and 13A (as substituted by section 5 of the Higher Salaries Commission Amendment Act 1980)

By repealing these sections, and substituting the following sections:

“13. Remuneration of members and alternate members of Commission—

(1) There shall be paid to the members and alternate members of the Commission such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed, either generally or in respect of any particular member or members or alternate member or alternate members, by the Higher Salaries Commission.

⁽²⁾ Any decision under subsection (1) of this section shall take effect on such date (whether the date thereof or any earlier or later date) as may be specified therein. If no date is so specified the decision shall take effect on the date thereof.

“13A. Travelling allowances and expenses—(1) The Commission is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

⁽²⁾ There shall be paid to the members and alternate members of the Commission travelling allowances and travelling expenses, in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.”