

## STATUTES AMENDMENT BILL

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### EXPLANATORY NOTE

*Clause 1* relates to the Short Title.

#### *Accident Compensation*

*Clause 3* amends section 89 (5) of the Accident Compensation Act 1982 so that attachment orders under section 105 of the Family Proceedings Act 1980 may take effect in relation to earnings related compensation payable under the Accident Compensation Act 1982. Attachment orders under section 105 of the Family Proceedings Act 1980 are thus put on the same footing as deduction notices under section 110 of that Act.

Related amendments to the Family Proceedings Act 1980 were effected by section 2 of the Family Proceedings Amendment Act 1986.

#### *Adoption*

*Clause 5* amends section 7 (8) of the Adoption Act 1955 so as to update the list of persons in the Cook Islands and Niue by whom a consent to an adoption may be witnessed.

#### *Animals Protection*

*Clause 7* repeals paragraph (d) of the definition of "animal" in section 2 of the Animals Protection Act 1960, and replaces it with 2 new paragraphs. The aim of the amendment is to ensure the inclusion within that definition of individual vertebrate animals which are kept in captivity or are dependent on man for care and sustenance, notwithstanding that they may belong to a species of animal which is not generally so kept or dependent.

*Clause 8* extends the provisions of the Act that relate to the manipulation of live animals for research, diagnostic, and other purposes to include manipulation for the purpose of producing antisera and other biological agents.

#### *Apple and Pear Marketing*

*Clause 10* amends the definition in section 2 of the Apple and Pear Marketing Act 1971 of the term "Fruitgrowers Federation", to reflect the restructuring of New Zealand Fruitgrowers Federation (as it is now known).

No. 110—1

Price \$4.50

incl. GST \$4.95

*Clause 11* inserts into the principal Act a new section 14A that authorises the New Zealand Apple and Pear Marketing Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established, with the approval of the Governor-General, specifically for that purpose.

#### *Clean Air*

*Clause 13* restores to section 7 (2) (b) of the Clean Air Act 1972 four words that were accidentally omitted from it when it was re-enacted by section 3 (1) of the Clean Air Amendment Act 1986.

#### *Clerks of Works*

*Clause 15 (1)* amends section 12 of the Clerks of Works Act 1944 by allowing 2 new classes of persons to be admitted to the New Zealand Institute of Clerks of Works as affiliates or students of the Institute.

*Subclauses (2) to (6)* consequentially extend existing references to members and associates of the Institute to include persons with affiliate and student status.

*Clause 16 (1)* amends section 19 of the principal Act, which relates to qualifications for registration as a clerk of works. The amendment removes the requirement for an applicant to have had at least 4 years' experience in charge of "major works". The Board will thus be able to assess the scope and complexity of an applicant's experience on its merits, regardless of any particular categorisation of the work on which the experience was gained.

*Subclause (2)* repeals section 34 of the principal Act. The cross-references in that section to qualifications for registration specified in section 19 of the principal Act have not applied since 1963.

#### *Construction*

*Clause 18* amends section 4A of the Construction Act 1959 to enable the Chief Construction Safety Engineer to delegate that person's powers under that Act to—

- (a) The Chief Inspector of Mines for the time being holding office under section 10 of the Mining Act 1971, in respect of construction work carried on in or about any mine within the meaning of that Act;
- (b) The Chief Inspector of Coal Mines for the time being holding office under section 8 of the Coal Mines Act 1979, in respect of construction work carried on in or about any coal mine within the meaning of that Act;
- (c) The Chief Inspector for the time being holding office under section 41 of the Petroleum Act 1937, in respect of construction work carried on in or about mining operations within the meaning of that Act.

#### *Criminal Justice*

*Clause 20* amends section 45 (1) (d) of the Criminal Justice Act 1985. That provision makes it an offence for a person who is serving a sentence of periodic detention to leave (without authority) any place outside the work centre at which the person has been required to "report". The word "report" is too narrow. An offender may be required to report at a work centre or reporting centre and then be required to work at some other place. If the offender then leaves that other place without authority, the present provisions would not apply. The amendment cures this defect.

*Clause 21* amends section 97 (1) of the Criminal Justice Act 1985. At present, an offender whose case is to be considered by the Parole Board may appear before the Board in person, or may with leave of the Board appear by counsel. The amendment requires leave of the Chairman, rather than of the full Board.

#### *District Courts*

*Clause 23* increases from 93 to 96 the maximum number of District Court Judges that may be appointed.

*Clause 24: Subclause (1)* amends section 79 of the District Courts Act 1947 to include a reference to charging orders in the list of proceedings by which any judgment or order of any District Court or of any District Court Judge for the payment of a sum of money may be enforced in District Courts. Section 7 of the District Courts Amendment Act 1983, which has not yet been brought into force, was passed to enable the making of charging orders in proceedings in District Courts.

*Subclause (2)* amends section 96A of the District Courts Act 1947 (as inserted by section 7 of the District Courts Amendment Act 1983) by repealing subsections (1) and (2), and substituting new subsections (1), (1A), and (2).

The new subsections are aligned more closely with the corresponding provisions of the High Court Rules.

The new *subsection (1A)* provides that a charging order may be made in respect of any of the following property:

- (a) Any estate, right, title, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land held by the judgment debtor in the judgment debtor's own name;
- (b) Any right or interest of the judgment debtor in any partnership;
- (c) Any shares held by the judgment debtor in any company incorporated in New Zealand, or having an office in New Zealand in which transfers of shares may be registered;
- (d) Any estate, right, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land, or in any money, shares, or other chattels held under or by virtue of any express or implied trust for the judgment debtor.

#### *Earthquake and War Damage*

*Clause 26* amends section 7 (2) of the Earthquake and War Damage Act 1944 to provide for 3 members instead of 4 members to constitute a quorum at meetings of the Earthquake and War Damage Commission.

#### *Electoral*

*Clause 28* corrects an error that arose during the passage of the Local Government Amendment Act 1986 and the Local Government Amendment Act (No. 2) 1986. A new section 64A was substituted in the Electoral Act 1956 by the Local Government Amendment Act 1986, and the effect of this clause is that an amendment made by the Local Government Amendment Act (No. 2) 1986 to section 64A before it was so substituted will now appear in the correct place. A reference to the application of regulations made under section 64A is also inserted.

*Fire Service*

*Clause 30* inserts a new section 58A to enable the Fire Service Commission to establish and maintain specified funds in the same manner as territorial authorities.

*Clause 31* amends section 60 to enable the Minister of Internal Affairs to exercise the powers given by that section in relation to the acquisition of housing for the use of employees, instead of the Minister of Finance.

*Fishing Industry Board*

*Clause 33* inserts into the Fishing Industry Board Act 1963 a new section that authorises the Fishing Industry Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

*Gas*

*Clause 35* amends section 3 of the Gas Act 1982 to provide that the Act is to apply to "gas" (as therein defined), notwithstanding that the Dangerous Goods Act 1974 may also apply.

*Home Ownership Savings*

*Clause 37*: At present both Ordinary Home Ownership Accounts and Special Home Ownership Accounts can only be transferred from one authorised savings institution to another authorised savings institution in certain very limited circumstances, and subject to such conditions as the Housing Corporation of New Zealand may impose.

This clause removes all restrictions on such transfers.

*Industrial Design*

*Clause 39, subclause (1)* amends section 12 of the Industrial Design Act 1966 and provides that the agreement of the State Services Commission is not required when the Industrial Design Council determines the salaries and allowances payable to, and the terms and conditions of employment of, the Council's employees.

*Subclause (2)* empowers the Council to subsidise or contribute to any fund or scheme for the purpose of providing superannuation or retiring allowances for its employees. At present it may only subsidise or contribute to the National Provident Fund or a fund or scheme established with the approval of the Minister of Finance.

*Subclause (3)* empowers the Council to fix the remuneration and travelling allowances and expenses payable to its members and members of its committees. At present such payments are fixed under the Fees and Travelling Allowances Act 1951.

*Clause 40, subclause (1)* amends section 15 (3) of the Industrial Design Act 1966 to empower the Council to fix the various fees payable under that Act without obtaining the prior consent of the Minister of Trade and Industry.

*Subclause (2)* amends section 16 of the Industrial Design Act 1966 by removing the requirement of obtaining the consent of the Minister of Trade and Industry before the Council acquires or disposes of property.

*Subclause (3)* amends section 22 of the Industrial Design Act 1966 by removing the requirement of obtaining the consent of the Minister of Finance before the Council borrows money.

*Subclause (4)* amends section 23 of the Industrial Design Act 1966 by removing the requirement of obtaining Audit Office approval in relation to various aspects of the Council's bank accounts.

#### *Judicature*

*Clause 42* increases by one the number of Judges of the High Court who may be appointed as Judges of the Court of Appeal. The Court of Appeal will thus consist of the Chief Justice of New Zealand, the President of the Court of Appeal, and 6 other Judges of the High Court appointed by the Governor-General as Judges of the Court of Appeal.

#### *Law Practitioners*

*Clause 44* amends section 4(1)(e) of the Law Practitioners Act 1982. This provides that one of the general functions of the New Zealand Law Society is to "promote opportunities for the acquisition and diffusion of legal knowledge". Doubt has been expressed as to whether this formula is wide enough to cover such matters as office administration which, while essential to good legal practice, do not clearly fall within the term "legal knowledge". The amendment removes this doubt.

*Clause 45* gives the Council of the Society power to acquire property. At present it has power to sell or deal with property, but no express power to acquire it. *Subclause (2)* is also new. It gives the Council power to invest any of the Society's money in any manner for the time being authorised for the investment of trust funds.

#### *Local Government*

*Clause 47* amends the Seventh Schedule to the Local Government Act 1974 (which relates to petroleum tax areas, distribution authorities, and component districts to take account of changes to territorial authority boundaries and names following reorganisation schemes).

#### *Marine Farming*

*Clause 49* redefines the terms "fish" and "marine vegetation" to incorporate the definitions of the terms "fish", "shellfish", "aquatic life", and "seaweed" in the Fisheries Act 1983.

The existing exclusion of trout is retained.

*Clause 50:* The effect of this clause is that the Fisheries Act 1983 will not apply to holders of research permits under section 14A of the Marine Farming Act 1971 in respect of species of fish or marine vegetation specified in the permit within the area specified in the permit. Similar exemptions already apply to lessees and licensees under the Marine Farming Act 1971. In the case of leases and licences lessees and licensees are authorised to acquire fish or marine vegetation from and dispose of fish or marine vegetation to other lessees and licensees without being subject to the Fisheries Act 1983. The opportunity has been taken to rewrite the appropriate provision.

*Meat Export Control*

*Clause 52* replaces section 15A of the Meat Export Control Act 1921-22 with an amended section that authorises the Meat Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of schemes established, with the approval of the Governor-General, specifically for that purpose.

*Medical Practitioners*

*Clause 54* empowers the Director-General of Health to appoint any officer of the Department of Health who is a medical practitioner to attend any meeting of the Medical Council of New Zealand in the Director-General's absence.

*Medical Research Council*

*Clause 56* amends section 6 of the Medical Research Council Act 1950 and empowers the Director-General of Health to appoint any officer of the Department of Health to attend any meeting of the Medical Research Council in the Director-General's absence.

*Milk*

*Clause 58* inserts into the Milk Act 1967 a new section that authorises the Milk Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established with the approval of the Minister of Finance, specifically for that purpose.

*National Library*

*Clause 60* amends the National Library Act 1965. Section 14 (1) (b) of that Act provides for the appointment of a special committee to advise the Trustees of the National Library on all matters relating to the Alexander Turnbull Library. The effect of the amendment is to increase from 5 to 6 the number of members of that committee.

*Orchard Levy*

*Clause 62* amends the definition in section 2 of the Orchard Levy Act 1953 of the term "Federation", to reflect the restructuring of New Zealand Fruitgrowers Federation (as it is now known).

*Pacific Islands Polynesian Education Foundation*

*Clause 64* amends the Pacific Islands Polynesian Education Foundation Act 1972 by substituting references to the Minister of Pacific Island Affairs for references to the Minister of Maori Affairs.

*Pesticides*

*Clause 66* amends section 12 (1) (f) of the Pesticides Act 1979, consequent upon a change in nomenclature from the New Zealand Fruitgrowers' Federation Limited to the New Zealand Fruitgrowers Federation.

*Pork Industry Board*

*Clause 68* inserts into the Pork Industry Board Act 1982 a new section that authorises the Pork Industry Board to subsidise any superannuation scheme that

provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

*Potato Industry*

*Clause 70* inserts into the Potato Industry Act 1977 a new section that authorises the Potato Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

*Poultry Board*

*Clause 72* inserts into the Poultry Board Act 1980 a new section that authorises the Poultry Board to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Board may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

*Primary Products Marketing*

*Clause 74* inserts into the Primary Products Marketing Act 1953 a new section that authorises any Marketing Authority established by regulations made under that Act to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present a Marketing Authority may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

*Public Finance*

*Clause 76* amends the Public Finance Act 1977. The amendment corrects an oversight which occurred during the passage of the Public Finance Amendment Act 1986. That Act repealed the Fifth Schedule to the principal Act (which Schedule relates to revolving funds), and substituted a new Schedule. However the item relating to the Fisheries Fund of the Ministry of Agriculture and Fisheries, which was added to the Fifth Schedule by the Fisheries Amendment Act 1986, was inadvertently omitted from the new Schedule. The clause restores that item to that Schedule.

*Quantity Surveyors*

*Clause 78* amends section 28 (3) of the Quantity Surveyors Act 1968 to empower the Quantity Surveyors Registration Board to expend money for any educational or research purpose relevant to the profession of quantity surveying.

*Queen Elizabeth the Second National Trust*

*Clause 80* creates 3 new categories of membership in the Queen Elizabeth the Second National Trust, being family membership, honorary life membership, and covenant life membership. It also provides that further classes of membership may be established by the Minister, by notice in the *Gazette*, on the recommendation of the board of directors of the Trust. This power is presently exercised by the Governor-General by Order in Council.

*Clause 81* ensures that voting rights for junior family members are the same as those for junior members.

*Queen Elizabeth the Second Technicians' Study Award*

*Clause 83* increases from 3 to 5 the maximum number of awards that may be granted annually under the Queen Elizabeth the Second Technicians' Study Award Act 1970.

*Real Estate Agents*

*Clause 85* amends the definition of "qualified person" in section 2(1) of the Real Estate Agents Act 1976. The definition is extended to include salaried employees of stock and station agencies who are associate members of the Real Estate Institute of New Zealand and whose work is concerned primarily or predominantly with the sale of farm land.

*Clause 86* rewrites section 46 of the principal Act to do away with the need for the Real Estate Agents Licensing Board to hold a hearing on every application for a certificate of approval as a real estate salesman. Under the proposed new section a hearing will be required only where the application is contested by the Real Estate Institute of New Zealand or where, following initial consideration of the application, the Board is not satisfied that the person concerned meets the relevant criteria.

*Rural Banking and Finance Corporation*

*Clause 88* increases the membership of the Rural Banking and Finance Corporation of New Zealand from 5 to 6 members, and increases the quorum for meetings of the Corporation from 3 to 4 members.

At present the Rural Banking and Finance Corporation Act 1974 provides that each year the longest-serving director (other than the Chairman) must retire. This gives an effective term of office of 4 years. In order to preserve this 4-year term of office, section 5 of the Act is consequentially amended to provide for a term of office not exceeding 4 years to be specified when directors are appointed.

*Scientific and Industrial Research*

*Clause 90* amends section 12(3) and 12(4) of the Scientific and Industrial Research Act 1974.

The new subclause (3) extends the power of the Minister of Science to make available for use any intellectual property belonging to the Crown. The new subclause enables any such intellectual property to be made available for use by way of assignment, licence, or otherwise.

The existing subclause (4) provides that the Minister of Science may, on the advice of the Director-General of the Department of Scientific and Industrial Research, assign intellectual property belonging to the Crown that was devised or developed wholly or partly through the use of resources other than public money or public stores to any person or persons who provided those resources. The new subclause (4) removes the restriction that the Minister can only assign on the advice of the Director-General.

*Clause 91* amends section 3 of the Scientific and Industrial Research Amendment Act 1985, which substituted a new section for section 12 of the Scientific and Industrial Research Act 1974. The new section 12 provides that intellectual property devised or developed by officers of the Department of Scientific and Industrial Research belongs to the Crown; but neither it nor the section by which it was substituted deals with some grants of plant selector's rights that had earlier been made in the name of the Department or a division of



the Department. The amendment provides that those grants are deemed to have been made in the name of Her Majesty the Queen.

*Taranaki Scholarships Trust Board*

*Clause 93* amends section 12 of the Taranaki Scholarships Trust Board Act 1957 so as to require a candidate who wishes to be awarded a scholarship under subsection (5) to have spent 2 years either resident in Taranaki Province or enrolled at a secondary school situated in that District. The subsection at present refers only to "school", and therefore extends to primary schools.

*Time*

*Clause 95* amends section 2 of the Time Act 1974 by substituting a new definition of New Zealand standard time by reference to the atomic standard of Co-ordinated Universal Time (UTC) instead of by reference to the astronomical standard of Greenwich mean time, which is no longer in use.

*Trades Certification*

*Clause 97* amends the Trades Certification Act 1966 to reflect the change of name of the Motor Industry Training Board (formerly the New Zealand Motor Trade Certification Board).

*Volunteers Employment Protection*

*Clause 99* amends section 2 (1) of the Volunteers Employment Protection Act 1973 by substituting a new definition of the term "protected voluntary service or training".

The existing definition limits the period of protected employment to which a volunteer undergoing voluntary service or training is entitled,—

- (a) To, in the case of full-time service, any period or periods not exceeding in the aggregate 3 months; and
- (b) To, in the case of part-time service, any period or periods not exceeding 3 weeks in any training year.

The new definition provides that where a volunteer undertakes a period of service or training that does not necessitate an absence from employment, that period will not be aggregated with any other period of service or training for the purposes of determining the period or periods of protected employment conferred by the Volunteers Employment Protection Act 1973.

*Wine Makers Levy*

*Clause 101 (1)* amends section 4 (2) of the Wine Makers Levy Act 1976. Under that section the amount of any grape wine makers annual levy is calculated on the basis of wine sold during the year ended on the previous 30 September. From 1 July 1987 the levy will be calculated on the basis of the year ended on the previous 30 June. Levies payable in respect of the year ended 30 September 1986, and falling due in May 1987, will be unaffected by the amendment.

*Subclause (2)* consequentially alters other dates specified in the principal Act to align them with the change from the September to the June year.

*Clause 102* is a transitional provision to cover the 9-month "year" that will occur between 1 October 1986 and 30 June 1987. Levies payable on the basis of wine sold during this period will fall due in February 1988.

*Wool Testing Authority*

*Clause 104* inserts into the Wool Testing Authority Act 1964 a new section that authorises the Wool Testing Authority to subsidise any superannuation scheme that provides superannuation or retiring allowances for its staff. At present the Authority may do so only in respect of the National Provident Fund or schemes established, with the approval of the Minister of Finance, specifically for that purpose.

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A BILL INTITULED

**An Act to amend certain enactments of the General Assembly**

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

- 5 **1. Short Title**—This Act may be cited as the Statutes Amendment Act 1987.

*Accident Compensation*

- 10 **2. Sections to be read with Accident Compensation Act 1982**—This section and the next succeeding section shall be read together with and deemed part of the Accident Compensation Act 1982\* (in that section referred to as the principal Act).

\*1982, No. 181

Amendments: 1983, No. 60; 1985, No. 66; 1985, No. 69; 1985, No. 166

- 3. Compensation not assignable**—Section 89 (5) of the principal Act (as substituted by section 11 of the Accident Compensation Amendment Act 1985) is hereby amended by

inserting, after the words “and sections”, the expression “105.”.

*Adoption*

**4. Sections to be read with Adoption Act 1955**—This section and the next succeeding section shall be read together with and deemed part of the Adoption Act 1955\* (in that section referred to as the principal Act). 5

R.S. Vol. 1, p. 35

**5. Consents to adoptions**—(1) Section 7 (8) of the principal Act is hereby amended by repealing paragraph (aa) (as inserted by section 3 of the Adoption Amendment Act 1962), and substituting the following paragraph: 10

“(aa) If given in the Cook Islands or Niue, it is witnessed by—

“(i) The New Zealand Representative; or

“(ii) A Judge, Registrar, or Deputy Registrar, of the High Court of the Cook Islands or the High Court of Niue (as the case requires); or 15

“(iii) A solicitor of the High Court of the Cook Islands or the High Court of Niue (as the case requires) or the High Court of New Zealand.”. 20

(2) Section 3 of the Adoption Amendment Act 1962 is hereby consequentially repealed.

*Animals Protection*

**6. Sections to be read with Animals Protection Act 1960**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Animals Protection Act 1960\* (in those sections referred to as the principal Act). 25

\*R.S. Vol. 6, p. 1  
Amendment: 1983, No. 141

**7. Interpretation**—Section 2 of the principal Act is hereby amended by repealing paragraph (d) of the definition of the term “animal”, and substituting the following paragraphs: 30

“(d) Any vertebrate animal that is kept in a state of captivity or is dependent upon man for its care and sustenance:

“(e) Any animal of a species that is declared by the Minister, by notice in the *Gazette*, to be a species of animal for the purposes of this Act.”. 35

**8. Manipulation of live animals for the purpose of producing antisera or other biological agents**—(1) Section 19 (1) of the principal Act is hereby amended by inserting in paragraph (d) (as substituted by section 5 of the Animals Protection Amendment Act 1983), after the words “potency testing work”, the words “, or any work carried out for the purpose of producing antisera or other biological agents,”.

(2) Section 19A of the principal Act (as enacted by section 6 of the Animals Protection Amendment Act 1983) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections:

“(1) Regulations may be made under section 20 of this Act prohibiting, as from a prescribed date (being a date not earlier than 6 months after the coming into force of the regulations),—

“(a) Any research, experimental, diagnostic, toxicity, or potency testing work, or any work carried out for the purpose of producing antisera or other biological agents, that involves the manipulation of any live animal; or

“(b) Any teaching that involves the manipulation of any live animal,—

unless that work or teaching is carried out in accordance with a code of ethical conduct relating to the welfare and humane treatment of the live animal involved.

“(2) Any regulations made for the purpose specified in subsection (1) of this section shall prescribe the matters to be incorporated in any code of ethical conduct, being matters that relate to the welfare and humane treatment of any live animal upon which is carried out any research, experimental, diagnostic, toxicity, or potency testing work, or which is used for the production of antisera or other biological agents, or in teaching, or are matters incidental thereto.”

*Apple and Pear Marketing*

**9. Sections to be read with Apple and Pear Marketing Act 1971**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Apple and Pear Marketing Act 1971\* (in those sections referred to as the principal Act).

\*1971, No. 33

Amendments: 1974, No. 75; 1977, No. 73; 1979, No. 76; 1980, No. 9; 1980, No. 99; 1981, No. 24; 1981, No. 108; 1982, No. 60

**10. Interpretation**—Section 2 of the principal Act is hereby amended by repealing the definition of the term “Fruitgrowers Federation”, and substituting the following definition:

“‘Fruitgrowers Federation’ means New Zealand Fruitgrowers Federation, a company, limited by guarantee and without share capital, registered under the Companies Act 1955:”.

**11. Board may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 14, the following section:

“14A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

(2) Section 14 (2) of the principal Act is hereby consequentially repealed.

*Clean Air*

**12. Sections to be read with Clean Air Act 1972**—This section and the next succeeding section shall be read together with and deemed part of the Clean Air Act 1972\* (in that section referred to as the principal Act).

\*1972, No. 31

Amendments: 1982, No. 31; 1986, No. 79

**13. General obligation of occupiers of premises**—Section 7 (2) (b) of the principal Act (as substituted by section 3 (1) of the Clean Air Amendment Act 1986) is hereby amended by inserting, after the word “equipment”, the words “or any control equipment”.

*Clerks of Works*

**14. Sections to be read with Clerks of Works Act 1944**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Clerks of Works Act 1944\* (in those sections referred to as the principal Act).

\*R.S. Vol. 14, p. 13

**15. Associates, affiliates, and students of Institute**—(1) The principal Act is hereby amended by repealing section 12, and substituting the following section:  
“12. (1) Any person not for the time being registered as a clerk of works under this Act may, in accordance with the rules



of the Institute, be admitted as an associate of the Institute who—

“(a) Is not less than 23 years of age; and

5 “(b) Satisfies the Council that he or she has had such practical experience in building construction or building services or civil engineering or structural-engineering construction, in New Zealand or elsewhere, as in the opinion of the council fits the person to be an associate of the Institute.

10 “(2) Any person not for the time being registered as a clerk of works under this Act may, in accordance with the rules of the Institute, be admitted as an affiliate of the Institute who—

“(a) Is not less than 23 years of age; and

15 “(b) Satisfies the Council that he or she has not less than 5 years’ practical experience in building construction or building services or civil engineering or structural-engineering construction, in New Zealand or elsewhere, being experience that in the opinion of the Council fits the person to be an affiliate of the Institute.

20 “(3) Any person not for the time being registered as a clerk of works under this Act may, in accordance with the rules of the Institute, be admitted as a student of the Institute who—

“(a) Is not less than 20 years of age; and

25 “(b) Satisfies the Council that he or she—

“(i) Is engaged in a course of study approved by the Council; and

30 “(ii) Where the course of study is not a full-time course, is also engaged in such practical work in the building industry or any related industry as in the opinion of the Council fits the person to be a student of the Institute.”

35 (2) Section 17 (1) of the principal Act is hereby amended by repealing paragraph (d), and substituting the following paragraph:

“(d) Regulating the admission of associates, affiliates, and students of the Institute and defining their privileges; and prescribing the conditions under which they may cease to be associates, affiliates, or students of the Institute:”.

40 (3) Section 17 (1) of the principal Act is hereby further amended by repealing paragraphs (h), (i), and (j), and substituting the following paragraphs:

- “(h) Prescribing the fees or other payments, annual or otherwise, to be paid by members, associates, affiliates, and students of the Institute:
- “(i) Regulating the conduct of members, associates, affiliates, and students of the Institute in the practice of their calling: 5
- “(j) Imposing, in respect of the breach by any member, associate, affiliate, or student of the Institute of any rule made under this section, a fine not exceeding one-half of the amount of the annual subscription 10 payable by that member, associate, affiliate, or student.”.

(4) Section 17 of the principal Act is hereby amended by omitting from subsection (2) the words “or associates” in both places where they occur, and substituting in each case the 15 words “, associates, affiliates, or students”.

(5) Section 17 of the principal Act is hereby further amended by omitting from subsection (5) the words “or associate” in both places where they occur, and substituting in each case the 20 words “, associate, affiliate, or student”.

(6) Section 45 (2) of the principal Act is hereby amended by inserting, after the words “or an associate” in both places where they occur, the words “or an affiliate or a student”.

**16. Qualifications for registration**—(1) Section 19 (1) of the principal Act (as substituted by section 3 (1) of the Clerks of 25 Works Amendment Act 1976) is hereby amended by omitting from paragraph (b) the words “which in the opinion of the Board were major works”.

(2) Section 34 of the principal Act is hereby repealed.

#### *Construction*

30

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

\*Reprinted 1972, Vol. 2, p. 1421  
Amendments: 1973, No. 53; 1975, No. 64; 1976, No. 81; 1977, No. 147; 1978, No. 90; 1981, No. 11; 1983, No. 124

**18. Delegation of powers by Chief Construction Safety 35 Engineer**—(1) Section 4A of the principal Act (as inserted by section 2 of the Construction Amendment Act 1973) is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Chief Construction Safety Engineer may from time to time, by writing under his or her hand, either generally or particularly, delegate all or any of the powers and functions conferred on that person by this Act or by any regulations in force under this Act (other than the power to delegate under this section) to—

“(a) Any Construction Safety Engineer:

“(b) The Chief Inspector of Mines for the time being holding office under section 10 of the Mining Act 1971, in respect of construction work carried on in or about any mine within the meaning of that Act:

“(c) The Chief Inspector of Coal Mines for the time being holding office under section 8 of the Coal Mines Act 1979, in respect of construction work carried on in or about any coal mine within the meaning of that Act:

“(d) The Chief Inspector for the time being holding office under section 41 of the Petroleum Act 1937, in respect of construction work carried on in or about any mining operations within the meaning of that Act.”

(2) Section 2 (6) (b) of the Construction Amendment Act 1978 is hereby consequentially repealed.

*Criminal Justice*

25 **19. Sections to be read with Criminal Justice Act 1985—**  
This section and the next 2 succeeding sections shall be read together with and deemed part of the Criminal Justice Act 1985\* (in those sections referred to as the principal Act).

\*1985, No. 120

30 **20. Offences relating to breach of sentence of periodic detention—**Section 45 (1) (d) of the principal Act is hereby amended by omitting the word “report”, and substituting the word “attend”.

35 **21. Rights of offender whose case is to be considered by Parole Board or District Prisons Board—**Section 97 (1) of the principal Act is hereby amended by inserting, after the words “with leave of”, the words “the Chairman of”.

*District Courts*

**22. Sections to be read with District Courts Act 1947—**  
This section and the next 2 succeeding sections shall be read

together with and deemed part of the District Courts Act 1947\* (in those sections referred to as the principal Act).

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

Amendments: 1980, No. 83; 1981, No. 21; 1982, No. 5; 1982, No. 130; 1983, No. 49; 1985, No. 137; 1986, No. 84

**23. Number of Judges increased**—(1) Section 5 (2) of the principal Act (as substituted by section 6 (1) of the District Courts Amendment Act 1979 and amended by section 2 (1) of the District Courts Amendment Act 1986) is hereby amended by omitting the expression “93”, and substituting the expression “96”. 5

(2) Section 2 of the District Courts Amendment Act 1986 is hereby consequentially repealed. 10

**24. Charging orders**—(1) Section 79 of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Proceedings for a charging order in respect of any property held by the judgment debtor and specified in section 96A (2) of this Act:” 15

(2) Section 96A of the principal Act (as inserted by section 7 of the District Courts Amendment Act 1983) is hereby amended by repealing subsections (1) and (2), and substituting the following subsections: 20

“(1) Any person who has obtained a judgment or order for the payment of money may apply to the Court in accordance with the rules for a charging order.

“(1A) A charging order may be made in respect of any of the following property: 25

“(a) Any estate, right, title, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land held by the judgment debtor in the judgment debtor’s own name: 30

“(b) Any right or interest of the judgment debtor in any partnership:

“(c) Any shares held by the judgment debtor in any company incorporated in New Zealand, or having an office in New Zealand in which transfers of shares may be registered: 35

“(d) Any estate, right, or interest in possession, remainder, reversion, or expectancy, and whether vested or contingent, in any land, or in any money, shares, or

other chattels held under or by virtue of any express or implied trust for the judgment debtor.

“(2) Subject, in the case of a charging order made in respect of a registered estate or interest in any land, to registration  
5 under subsection (6) of this section, a charging order—

“(a) Shall charge the estate, right, title, or interest of the judgment debtor in the property described in the order with payment of the amount for which the judgment creditor has obtained judgment:

10 “(b) Shall restrain the person served with it—

“(i) From making, or concurring in making or permitting any conveyance, transfer, assignment, or disposition of any estate, right, or interest, or of any share in a partnership or company, of the judgment  
15 debtor; or

“(ii) From paying over any income, interest, dividends, bonus, profits, or other money due or accruing due to the judgment debtor,—  
20 except in accordance with the rules or by leave of the Court:

“(c) Shall be removable into the High Court pursuant to subsection (7) of this section and be enforceable in the High Court in the same way as if the charging order had been issued by the High Court into which  
25 it is removed:

“(d) In the case of a charging order in respect of land, shall, unless an instrument of transfer or a deed of conveyance or assignment consequent upon a writ of sale of the land affected by the charging order is  
30 registered within 2 years after the date of the charging order, cease to bind the land and shall be deemed to have been discharged unless the Court extends the effect of the charging order in accordance with the rules.”

35 *Earthquake and War Damage*

**25. 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  
40 principal Act).

\*R.S. Vol. 6, p. 207

Amendments: 1983, No. 140; 1985, No. 16; 1985, No. 173; 1986, No. 55

**26. Quorum**—Section 7 (2) of the principal Act is hereby amended by omitting the words “four members”, and substituting the expression “3 members”.

*Electoral*

**27. Sections to be read with Electoral Act 1956**—This section and the next succeeding section shall be read together with and deemed part of the Electoral Act 1956\* (in that section referred to as the principal Act). 5

\*R.S. Vol. 14, p. 57

Amendments: 1985, Nos. 149, 150; 1986, Nos. 86, 116

**28. Supply of computer compiled lists and computer tapes**—(1) Section 64A of the principal Act (as substituted by section 12 of the Local Government Amendment Act 1986) is hereby amended by adding the following subsection: 10

“(5) Where under any enactment any officer of a local authority that is not a territorial authority is required to prepare an electoral roll (other than a ratepayers list) for the election of members of that local authority, this section and any regulations made under subsection (4) of this section shall apply as if that local authority was a territorial authority as defined in section 2 of the Local Government Act 1974.” 15

(2) Section 6 of the Local Government Amendment Act (No. 2) 1986 is hereby consequentially repealed. 20

*Fire Service*

**29. 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). 25

\*1975, No. 42

Amendments: 1976, No. 80; 1978, No. 49; 1979, No. 89; 1981, No. 66; 1982, No. 179; 1985, No. 106; 1986, No. 18

**30. Commission may establish special funds**—The principal Act is hereby amended by inserting, after section 58, the following section:

“58A. (1) The Commission may from time to time, by resolution specifying the purposes of the fund, establish one or more funds for the purpose of providing for the cost of any activity or matter which the Commission is authorised to undertake. 30

“(2) The Commission shall, not later than the 30th day of June in every year, pay into a separate bank account or invest 35

all money allocated to any such fund during the immediately preceding financial year:

“Provided that the amount so payable into the separate bank account may be reduced by the amount of any  
5 expenditure actually incurred during the period of 15 months ending with the 30th day of June and properly chargeable against the fund which has not already been withdrawn from the separate bank account.

“(3) The Commission may from time to time invest any  
10 money so allocated to or held in any such fund in any manner authorised by section 4 of the Trustee Act 1956 or in the National Provident Fund, and shall pay the proceeds of that investment into the fund. For the purposes of investment, money of more than one fund established under this section  
15 may be pooled and invested therefrom in the manner specified in this subsection, and the proceeds of any such investment shall be credited to each fund in the same proportion as its contribution to the pool.

“(4) The Commission may from time to time apply the  
20 money in any such fund only to the purposes for which the fund was established.

“(5) On the completion of the purposes for which any such fund was established, or when, in the opinion of the Commission, with the concurrence of the Audit Office, the  
25 purposes are such that it is unnecessary to retain the whole of the fund or the whole or any part of the surplus of the fund, the Commission may, by resolution, appropriate the fund or, as the case may be, the whole or any part of that surplus to the Commission’s accounts.

“(6) For the purposes of section 57 and section 58 of this Act  
30 all investments of money in the National Provident Fund and with the Public Trustee shall be deemed to be investments in terms of **subsection (2)** of this section, and the provisions of section 57 (2) and section 58 (2) of this Act shall be read subject  
35 to the said **subsection (2)**.”

**31. Acquisition of housing for use of employees—**

Section 60 of the principal Act is hereby amended by omitting the words “Minister of Finance” wherever they occur, and substituting in each case the words “Minister of Internal  
40 Affairs”.

*Fishing Industry Board*

**32. Sections to be read with Fishing Industry Board Act 1963**—This section and the **next succeeding** section shall be read together with and deemed part of the Fishing Industry Board Act 1963\* (in that section referred to as the principal Act). 5

\*Reprinted 1976, Vol. 5, p.3847  
Amendments: 1978, No. 64; 1981, No. 68; 1985, No. 86

**33. Board may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 27, the following section:  
“27A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.” 10

(2) Section 27 (4) of the principal Act is hereby consequentially repealed.

*Gas* 15

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

\*1982, No. 27

**35. Application of Act**—Section 3 (2) (a) of the principal Act is hereby amended by repealing subparagraph (vi). 20

*Home Ownership Savings*

**36. Sections to be read with Home Ownership Savings Act 1974**—This section and the **next succeeding** section shall be read together with and deemed part of the Home Ownership Savings Act 1974\* (in that section referred to as the principal Act). 25

\*Reprinted 1976, Vol. 5, p. 3893  
Amendment: 1981, No. 115

**37. Removal of restrictions on transfer of Home Ownership Accounts from one authorised savings institution to another**—(1) Section 12 of the principal Act is hereby amended by repealing subsections (2) and (3), and substituting the following subsections: 30

“(2) Balances in an Ordinary Home Ownership Account with any authorised savings institution may be transferred to an



Ordinary Home Ownership Account with any other authorised savings institution.

“(3) Any transfer of an Ordinary Home Ownership Account of any depositor from one authorised savings institution to  
5 another authorised savings institution shall not affect the calculation of eligible savings or the rights of the depositor.”

(2) Section 14C of the principal Act (as inserted by section 8 of the Home Ownership Savings Amendment Act 1976) is hereby amended by repealing subsection (3), and substituting  
10 the following subsections:

“(3) Balances in a Special Home Ownership Account with any authorised savings institution may be transferred to a Special Home Ownership Account with any other authorised savings institution.

15 “(4) Any transfer of a Special Home Ownership Account of any depositor from one authorised savings institution to another authorised savings institution shall not affect the calculation of eligible savings or the rights of the depositor.”

(3) The Home Ownership Savings Amendment Act 1976 is  
20 hereby consequentially amended by repealing section 3 (2) (d).

*Industrial Design*

**38. Sections to be read with Industrial Design Act 1966**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Industrial Design  
25 Act 1966\* (in those sections referred to as the principal Act).

\*R.S. Vol. 17, p.225

**39. Salaries and allowances, etc.**—(1) Section 12 of the principal Act is hereby amended—

(a) By omitting from subsection (2) the words “(within scales fixed by the Council in agreement with the State  
30 Services Commission)”:

(b) By omitting from subsection (3) the words “in agreement with the State Services Commission”.

(2) Section 12 of the principal Act is hereby amended by  
35 repealing subsection (6), and substituting the following subsection:

“(6) The Council may, out of its funds, subsidise or contribute to any fund or scheme for the purpose of providing superannuation or retiring allowances for its employees.”

(3) The principal Act is hereby amended by repealing section  
40 13, and substituting the following section:

“13. **Remuneration and travelling allowances**—The Council, out of its funds, may pay to its members and to members of any committee appointed by it such remuneration and travelling allowances and expenses as it determines from time to time.” 5

**40. Ministerial consents, etc., not required**—(1) Section 15 (3) of the principal Act (as added by section 2 (2) of the Industrial Design Amendment Act 1979) is hereby amended by omitting the words “, with the prior consent in writing of the Minister, by notice in the *Gazette*, prescribe”, and substituting the word “fix”. 10

(2) Section 16 of the principal Act is hereby amended—

(a) By omitting from subsection (1) the words “With the approval of the Minister, the”, and substituting the word “The”: 15

(b) By omitting from subsection (3) the words “With the approval of the Minister, the”, and substituting the word “The”:

(c) By omitting from subsection (5) the words “, with the consent of the Minister,”: 20

(d) By repealing the proviso to subsection (6).

(3) Section 22 of the principal Act is hereby amended by omitting the words “With the prior consent in writing of the Minister of Finance, the”, and substituting the word “The”.

(4) Section 23 of the principal Act is hereby amended— 25

(a) By omitting from the second proviso to subsection (2) the words “, with the prior consent in writing of the Audit Office and subject to such conditions as the Audit Office prescribes,”:

(b) By omitting from subsection (4) the words “, with the express approval in writing of the Audit Office, but not otherwise,”: 30

(c) By omitting from subsection (5) the words “, and not exceeding such amount as the Audit Office may approve in any other case”. 35

#### *Judicature*

**41. Sections to be read with Judicature Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Judicature Act 1908\* (in that section referred to as the principal Act). 40

\*1957 Reprint, Vol. 6, p. 699

Amendments: 1958, No. 4; 1970, No. 109; 1961, No. 11; 1963, No. 133; 1965, No. 62; 1966, No. 67; 1968, No. 18; 1969, No. 86; 1972, No. 130; 1974, No. 57; 1977, No. 32; 1979, No. 124; 1980, No. 88; 1981, No. 40; 1983, No. 13; 1985, No. 88; 1985, No. 112; 1985, No. 136; 1985, No. 180; 1986, No. 93

**42. Judges of Court of Appeal**—(1) Section 57 of the principal Act (as amended by section 2 (1) of the Judicature Amendment Act 1957 and by section 6 of the Judicature Amendment Act 1986) is hereby amended by omitting from 5 paragraph (c) of subsection (2) the expression “Five”, and substituting the expression “Six”.

(2) The said section 57 (as so amended) is hereby further amended by omitting from subsection (6) the expression “5 Judges” in both places where it occurs, and substituting in each 10 case the expression “6 Judges”.

(3) Section 6 of the Judicature Amendment Act 1986 is hereby consequentially repealed.

*Law Practitioners*

**43. 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).

\*1982, No. 123

Amendments: 1985, No. 26; 1985, No. 56; 1982, No. 182

**44. General functions of Society**—Section 4 (1) (e) of the principal Act is hereby amended by adding the words “and 20 skills relating to the practice of law”.

**45. Powers of Council to deal with property and to invest money**—The principal Act is hereby amended by repealing section 13, and substituting the following section:

“13. (1) The Council may purchase, take on lease, or 25 otherwise acquire, sell, lease, or otherwise dispose of, and improve, manage, develop, exchange, turn to account, or otherwise deal with any real or personal property on behalf of the Society, if authorised to do so by the rules of the Society, or by a resolution passed at a general meeting of the Society.

30 “(2) The Council may invest any money of the Society in any manner in which trustees are for the time being authorised to invest trust funds.”

*Local Government*

**46. Sections to be read with Local Government Act 35 1974**—This section and the next succeeding section shall be read together with and deemed part of the Local Government Act 1974\* (in that section referred to as the principal Act).

\*R.S. Vol. 5, p. 77

Amendments: 1980, No. 82; 1981, Nos. 13, 111; 1982, Nos. 3, 166; 1983, No. 132; 1984, No. 18; 1985, No. 60; 1986, Nos. 21, 24, 50

**47. Seventh Schedule amended**—(1) The Seventh Schedule to the principal Act (as enacted by section 7 (1) (b) of the Local Government Amendment Act (No. 3) 1977) is hereby amended by omitting item 5, and substituting the following item:

“5. Taranaki	New Plymouth City (D) Hawera District Eltham District Waimate West County Egmont County Stratford County Stratford Borough Manaia Town District Clifton County Inglewood District North Taranaki District”.	5     10     15
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(2) The said Seventh Schedule (as so enacted) is hereby further amended by omitting item 15, and substituting the following item:

“15. North Canterbury	Rangiora District Amuri County Cheviot County Hurunui County Eyre County Oxford County Kaiapoi Borough”.	20      25
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(3) The said Seventh Schedule (as so enacted) is hereby further amended by omitting item 18, and substituting the following item:

“18. Coastal Otago	Dunedin City (D) Waitaki County Oamaru Borough Silverpeaks County Waihemo County Port Chalmers Borough St. Kilda Borough Green Island Borough Mosgiel Borough Bruce District Clutha County Balclutha Borough”.	30      35     40
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(4) The said Seventh Schedule (as so enacted) is hereby further amended by omitting item 19, and substituting the following item:

- |    |                    |                           |
|----|--------------------|---------------------------|
| 5  | “19. Central Otago | Vincent County (D)        |
|    |                    | Maniototo County          |
|    |                    | Naseby Borough            |
|    |                    | Tuapeka County            |
|    |                    | Tapanui Borough           |
| 10 |                    | Lawrence Borough          |
|    |                    | Roxburgh Borough          |
|    |                    | Cromwell Borough          |
|    |                    | Alexandra Borough         |
|    |                    | Queenstown-Lakes District |
|    |                    | Arrowtown Borough”.       |

15 (5) Section 20 of the Local Government Amendment Act 1983 is hereby amended by repealing paragraphs (d) and (f).

*Marine Farming*

**48. Sections to be read with Marine Farming Act 1971—**

20 This section and the next 2 succeeding sections shall be read together with and deemed part of the Marine Farming Act 1971\* (in those sections referred to as the principal Act).

\*1971, No. 29

Amendments: 1975, No. 51; 1976, No. 147; 1977, No. 188; 1983, No. 17

**49. Interpretation—**(1) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “fish”, and substituting the following definition:

25 “ ‘Fish’ includes—

“(a) All species of finfish of the Classes Agnatha, Chondrichthyes, and Osteichthyes at all stages of their life history:

30 “(b) All shellfish (including all species of the phylum Echinodermata and phylum Mollusca and all species of the Class Crustacea) at all stages of their life history:

35 “(c) All species of animal life (except birds) which at any time of the life history of the species must inhabit water;—

and includes any part of such finfish, shellfish, or animal life; but does not include trout.”.

40 (2) Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “marine vegetation”, and substituting the following definition:

“‘Marine vegetation’ means any species of plant life which at any time of the life history of the species must inhabit water; and includes all kinds of algae and sea-grasses that grow below water or on tidal lands:”.

5

(2) Section 2 (1) of the Marine Farming Amendment Act 1983 is hereby consequentially repealed.

**50. Application of Fisheries Act 1983**—(1) The principal Act is hereby amended by repealing section 49, and substituting the following section:

10

“49. (1) Nothing in the Fisheries Act 1983 or any regulations made or notice given under that Act shall apply in respect of the taking, possession, acquisition, disposal, or disturbance of—

“(a) Fish or marine vegetation of a species specified in a lease or licence taken, possessed, acquired, disposed of, or disturbed in accordance with the lease or licence and—

15

“(i) Held by the lessee or licensee within the leased area or licensed area; or

20

“(ii) Bred by the lessee or licensee; or

“(iii) Acquired by the lessee or licensee from the Crown or from another lessee or licensee; or

“(iv) Disposed of by the lessee or licensee to another lessee or licensee or to the Crown; or

25

“(v) Acquired by the lessee or licensee with the authority of the Minister:

“(b) Fish or marine vegetation of a species specified in a permit granted under section 14A of this Act, taken, possessed, acquired, disposed of, or disturbed in accordance with the permit.

30

“(2) Nothing in this Act shall authorise any person to take, possess, acquire, dispose of, or disturb any fish or marine vegetation other than that to which the lease, licence, or permit held by that person or that person’s employer or principal relates.

35

“(3) For the purposes of **subsection (2)** of this section fish or marine vegetation shall not be in possession of a lessee, licensee, or permit holder or that person’s employee or agent by reason only that the fish or marine vegetation occurs in its natural living state in the area to which the lease, licence, or permit relates.”

40

(2) The Fisheries Act 1983 is hereby amended by repealing so much of the Third Schedule as relates to section 49 of the principal Act.

*Meat Export Control*

5 **51. Sections to be read with Meat Export Control Act 1921-22**—This section and the next succeeding section shall be read together with and deemed part of the Meat Export Control Act 1921-22\* (in that section referred to as the principal Act).

\*R.S. Vol. 3, p. 601  
Amendments: 1980, No. 93; 1981, No. 75; 1982, No. 83

10 **52. Board may subsidise superannuation schemes for staff**—The principal Act is hereby amended by repealing section 15A (as inserted by section 3 (1) of the Meat Export Control Amendment Act 1978), and substituting the following section:

15 “15A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

*Medical Practitioners*

20 **53. Sections to be read with Medical Practitioners Act 1968**—This section and the next succeeding section shall be read together with and deemed part of the Medical Practitioners Act 1968\* (in that section referred to as the principal Act).

\*R.S. Vol. 7, p. 535  
Amendments: 1982, No. 36; 1983, No. 40

25 **54. Meetings of Council**—Section 7 of the principal Act is hereby amended by inserting, after subsection (5), the following subsection:

30 “(5A) If the Director-General of Health intends to be absent from any meeting of the Council, the Director-General may appoint any officer of the Department of Health who is a medical practitioner to attend the meeting in the Director-General’s stead. While any person is attending any meeting of the Council pursuant to this subsection, that person shall be deemed for all purposes to be a member of the Council. The fact that any person so attends shall be sufficient evidence of  
35 that person’s authority to do so.”

*Medical Research Council*

**55. Sections to be read with Medical Research Council Act 1950**—This section and the next succeeding section shall be read together with and deemed part of the Medical Research Council Act 1950\* (in that section referred to as the principal Act). 5

\*R.S. Vol. -10, p. 75  
Amendment: 1986; No. 101

**56. Meetings of Council**—Section 6 of the principal Act is hereby amended by inserting, after subsection (4), the following subsection:

“(4A) If the Director-General of Health intends to be absent 10 from any meeting of the Council, the Director-General may appoint any officer of the Department of Health to attend the meeting in the Director-General’s stead. While any person is attending any meeting of the Council pursuant to this subsection, that person shall be deemed for all purposes to be 15 a member of the Council. The fact that any person so attends shall be sufficient evidence of that person’s authority to do so.”

*Milk*

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

\*1967, No. 53  
Amendments: 1971, No. 75; 1973, No. 75; 1978, No. 30; 1980, No. 60; 1982, No. 41

**58. Board may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 14, the following section: 25

“14A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

(2) Section 14 (3) of the principal Act is hereby 30 consequentially repealed.

*National Library*

**59. Sections to be read with National Library Act 1965**—This section and the next succeeding section shall be read together with and deemed part of the National Library Act 35 1965\* (in that section referred to as the principal Act).

\*R.S. Vol. 11, p. 225  
Amendment: 1985, No. 129



**60. Membership of special committee on matters relating to the Alexander Turnbull Library increased—**

(1) Section 14 (1) (b) of the principal Act (as amended by section 2 of the National Library Amendment Act 1973) is hereby  
5 amended by omitting the expression “5”, and substituting the expression “6”.

(2) The National Library Amendment Act 1973 is hereby  
consequentially repealed.

*Orchard Levy*

10 **61. Sections to be read with Orchard Levy Act 1953—**  
This section and the next succeeding section shall be read together with and deemed part of the Orchard Levy Act 1953\* (in that section referred to as the principal Act).

\*R.S. Vol. 10, p. 533  
Amendments: 1982, No. 111; 1985, No. 3

**62. Interpretation—**Section 2 of the principal Act is hereby  
15 amended by repealing the definition of the term “Federation”, and substituting the following definition:

“‘Federation’ means New Zealand Fruitgrowers  
Federation, a company, limited by guarantee and  
without share capital, registered under the  
20 Companies Act 1955:”.

*Pacific Islands Polynesian Education Foundation*

**63. Sections to be read with Pacific Islands Polynesian Education Foundation Act 1972—**This section and the next  
25 succeeding section shall be read together with and deemed part of the Pacific Islands Polynesian Education Foundation Act 1972\* (in that section referred to as the principal Act).

\*R.S. Vol. 8, p. 847

**64. Minister of Pacific Island Affairs—**(1) The principal  
Act is hereby amended by omitting from subsections (2) (e) and  
(4) of section 8, and from section 30 (1), the word “Maori” (as  
30 substituted respectively by paragraphs (a), (b), and (c) of section 2 of the Pacific Islands Polynesian Education Foundation Amendment Act 1981), and substituting, in each case, the words “Pacific Island”.

(2) The Pacific Islands Polynesian Education Foundation  
35 Amendment Act 1981 is hereby consequentially repealed.

*Pesticides*

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

5

\*1979, No. 26

**66. Constitution of Board**—Section 12 (2) (f) of the principal Act is hereby amended by omitting the words “Fruitgrowers’ Federation Limited”, and substituting the words “Fruitgrowers Federation”.

*Pork Industry Board*

10

**67. Sections to be read with Pork Industry Board Act 1982**—This section and the next succeeding section shall be read together with and deemed part of the Pork Industry Board Act 1982\* (in that section referred to as the principal Act).

\*1982, No. 138

**68. Board may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 37, the following section:

“37A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

(2) Section 37 (2) of the principal Act is hereby consequentially repealed.

*Potato Industry*

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

25

\*1977, No. 77

**70. Board may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 31, the following section:

“31A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

35

(2) Section 31 (2) of the principal Act is hereby consequentially repealed.

*Poultry Board*

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

\*1980, No. 50

**72. Board may subsidise superannuation schemes for staff—**(1) The principal Act is hereby amended by inserting,  
10 after section 22, the following section:

“22A. The Board may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.”

15 (2) Section 22 (2) of the principal Act is hereby consequentially repealed.

*Primary Products Marketing*

**73. Sections to be read with Primary Products Marketing Act 1953—**This section and the next succeeding  
20 section shall be read together with and deemed part of the Primary Products Marketing Act 1953\* (in that section referred to as the principal Act).

\*R.S. Vol. 4, p. 201

Amendments: 1981, No. 88; 1983, No. 85; 1985, No. 95

**74. Marketing Authorities may subsidise superannuation schemes for staff—**The principal Act is hereby  
25 amended by repealing section 8, and substituting the following section:

“8. A Marketing Authority may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any  
30 fund or scheme.”

*Public Finance*

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

\*1977, No. 65

Amendments: 1980, No. 7; 1983, No. 86; 1986; No. 67

**76. Revolving funds**—(1) The principal Act is hereby amended by adding to the Fifth Schedule (as substituted by section 10 of the Public Finance Amendment Act 1986) the following item:

“Ministry of Agriculture and Fisheries”	Fisheries Fund	Management of and research into New Zealand Fisheries.”	5
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(2) Section 31 of the Fisheries Amendment Act 1986 is hereby consequentially repealed. 10

*Quantity Surveyors*

**77. Sections to be read with Quantity Surveyors Act 1968**—This section and the next succeeding section shall be read together with and deemed part of the Quantity Surveyors Act 1968\* (in that section referred to as the principal Act). 15

\*1968, No. 53

Amendments: 1969, No. 102; 1979, No. 104; 1983, No. 88

**78. Application of fees, etc., received by Board**—Section 28 (3) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) For any educational or research purpose relevant to the profession of quantity surveying.”. 20

*Queen Elizabeth the Second National Trust*

**79. Sections to be read with Queen Elizabeth the Second National Trust Act 1977**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Queen Elizabeth the Second National Trust Act 1977\* (in those sections referred to as the principal Act). 25

\*1977, No. 102

Amendment: 1983, No. 90

**80. Membership of Trust**—(1) Section 5 (1) of the principal Act is hereby amended by inserting, after paragraph (b), the following paragraph:

“(ba) Family members, being 2 or more persons whom the Board regards as living at the same address as a family, and who subscribe annually to the Trust Fund the subscription for family membership.”. 30

(2) Section 5 (1) of the principal Act is hereby further amended by inserting, after paragraph (e), the following paragraphs: 35

“(ea) Honorary life members, being persons who have given to the Trust such service as the Board by resolution determines to be sufficient to entitle those persons to be distinguished as honorary life members:

5     “(eb) Covenant life members, being owners, lessees, or lessors of land who have executed in favour of the Trust an open space covenant under section 22 of this Act, and whom the Board determines by resolution to be entitled to be distinguished as  
10     covenant life members:”.

(3) Section 5 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection:

15     “(2) The Minister may from time to time, on the recommendation of the Board, by notice in the *Gazette*, establish other classes of membership of the Trust on such conditions as may be specified in the notice.”

(4) Section 5 (3) of the principal Act is hereby amended by inserting, after the word “benefactors”, the words “, honorary  
20     life members, and covenant life members”.

(5) Section 5 (5) of the principal Act is hereby amended by inserting in paragraph (b), after the word “benefactors”, the words “, honorary life members, or covenant life members”.

25     **81. Rules of Trust**—Section 16 (2) of the principal Act is hereby amended by inserting, after the words “junior members”, the words “, or of family members who are under the age for the time being specified by the Board in respect of junior membership.”.

*Queen Elizabeth the Second Technicians’ Study Award*

30     **82. Sections to be read with Queen Elizabeth the Second Technicians’ Study Award Act 1970**—This section and the next succeeding section shall be read together with and deemed part of the Queen Elizabeth the Second Technicians’ Study Award Act 1970\* (in that section referred to as the principal  
35     Act).

\*1970, No. 127

**83. Award to be granted annually**—Section 4 of the principal Act is hereby amended by omitting the expression “3”, and substituting the expression “5”.

*Real Estate Agents*

**84. Sections to be read with Real Estate Agents Act 1976**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Real Estate Agents Act 1976\* (in those sections referred to as the principal Act). 5

\*1976, No. 9

Amendments: 1977, No. 173; 1981, No. 92; 1982, No. 129; 1983, No. 91

**85. Interpretation**—Section 2 (1) of the principal Act is hereby amended by adding to the definition of the term “qualified person” (as amended by section 2 of the Real Estates Agents Amendment Act 1982) the following paragraph:  
 “(c) Being a salaried employee of a stock and station agent licensee,—

“i) Is employed or engaged primarily or predominantly in work relating to the sale of rural land; and

“ii) Is an associate member of the Institute.”. 15

**86. Board may grant certificate of approval**—(1) The principal Act is hereby amended by repealing section 46, and substituting the following section:

“46. (1) If, after considering any application for a certificate of approval, the Board is satisfied that— 20

“(a) The Institute does not wish to appear before and be heard by the Board in respect of the application; and

“(b) Having regard to the character and general knowledge of the person in respect of whom the application is made, and to the interests of the public, the person is a fit and proper person to be employed as a salesman by a real estate agent; and 25

“(c) If the application is granted, the number of unqualified persons employed or to be employed as salesmen by the applicant in the place of business specified in the application will not exceed 3 times the total number of qualified persons engaged or to be engaged in that place of business who work or will work primarily and predominantly at or from that place,— 30 35

the Board shall, on payment of the prescribed fee, issue to the applicant a certificate of approval in the prescribed form.

“(2) If the Board is not so satisfied, it shall appoint a time and place for hearing the application, and shall give at least 14 days’ notice of the hearing to the applicant and the Institute. 40

“(3) In any case to which **subsection (2)** of this section applies, the person in respect of whom the application is made shall be entitled to appear and be heard as a party to the application.

5 “(4) If, after hearing an application, the Board is satisfied of the matters specified in **paragraph (b) and paragraph (c) of subsection (1)** of this section, it shall, on payment of the prescribed fee, issue to the applicant a certificate of approval in the prescribed form.

10 “(5) Where the Board is not satisfied of the matters specified in **paragraph (b) and paragraph (c) of subsection (1)** of this section, it shall not issue a certificate of approval to the applicant unless ordered to do so by the Court.”

(2) Section 48 of the principal Act is hereby consequentially amended—

- 15 (a) By omitting from subsection (3) the word “heard”, and substituting the word “determined”;
- (b) By omitting from subsection (6) the words “heard and”;
- (c) By repealing subsection (7);
- (d) By omitting from subsection (8) the words “heard and”.

20

*Rural Banking and Finance Corporation*

**87. Sections to be read with Rural Banking and Finance Corporation Act 1974**—This section and the **next succeeding** section shall be read together with and deemed part of the Rural Banking and Finance Corporation Act 1974\* (in that  
25 section referred to as the principal Act).

\*1974, No. 3

Amendments: 1976, No. 18; 1982, No. 28

**88. Establishment of Corporation**—(1) Section 3 of the principal Act is hereby amended—

- (a) By omitting from subsection (2) (b) the word “Four”, and substituting the word “Five”; and  
30 (b) By omitting from subsection (3) the expression “4”, and substituting the expression “5”.

(2) Section 5 of the principal Act is hereby consequentially amended by repealing subsection (2), and substituting the following subsection:

- 35 “(2) Except as otherwise provided in this Act, every director other than the Chairman shall hold office for such term, not exceeding 4 years, as the Minister shall specify in the appointment.”

(3) Section 9 (6) of the principal Act is hereby consequentially amended by omitting the expression “3”, and substituting the expression “4”.

(4) The Minister shall be deemed to have specified in the appointment as a director of every person other than the Chairman holding office as a director immediately before the commencement of this Act a term of office of 4 years. 5

*Scientific and Industrial Research*

**89. Sections to be read with Scientific and Industrial Research Act 1974**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Scientific and Industrial Research Act 1974\* (in the next succeeding section referred to as the principal Act). 10

\*1974, No. 6

Amendments: 1979, No. 108; 1985, No. 96

**90. Inventions, etc., by employees**—Section 12 of the principal Act (as substituted by section 3 of the Scientific and Industrial Research Amendment Act 1985) is hereby amended by repealing subsections (3) and (4), and substituting the following subsections: 15

“(3) All intellectual property belonging to the Crown under this section may be made available for use (whether by way of assignment or licence or otherwise) on such conditions (including the payment of royalties or other money) as the Minister may from time to time agree. 20

“(4) Without limiting the provisions of subsection (3) of this section, where intellectual property belonging to the Crown under this section was devised or developed wholly or partly through the use of resources other than public money or public stores as defined in section 2 (1) of the Public Finance Act 1977, the Minister may assign that intellectual property or any interest in it to the person or persons who provided those resources upon such terms and conditions as may be agreed.” 25 30

**91. Plant selector’s rights**—Section 3 of the Scientific and Industrial Research Amendment Act 1985 is hereby amended by adding the following subsections:

“(2) Every grant of plant selector’s rights before the commencement of this Act made in the name of the Department or a division of the Department shall be deemed to have been made in the name of Her Majesty the Queen. 35



“(3) The Registrar of Plant Varieties shall do all such things, and make all such entries in registers, as are necessary to give effect to **subsection (2)** of this section.”

*Taranaki Scholarships Trust Board*

5 **92. Sections to be read with Taranaki Scholarships Trust Board Act 1957**—This section and the **next succeeding** section shall be read together with and deemed part of the Taranaki Scholarships Trust Board Act 1957\* (in that section referred to as the principal Act).

\*R.S. Vol. 13, p. 705

10 **93. Taranaki Scholarships**—Section 12 (5) of the principal Act (as substituted by section 2 (1) of the Taranaki Scholarships Trust Board Amendment Act 1982) is hereby amended by inserting before the word “school” where it first appears the word “secondary”.

15 *Time*

**94. Sections to be read with Time Act 1974**—This section and the **next succeeding** section shall be read together with and deemed part of the Time Act 1974\* (in that section referred to as the principal Act).

\*1974, No. 39

20 **95. New Zealand standard time**—The principal Act is hereby amended by repealing section 2, and substituting the following section:

25 “2. For the purposes of this Act and any other Act, the expression ‘New Zealand standard time’ means the time 12 hours in advance of Co-ordinated Universal Time.”

*Trades Certification*

30 **96. Sections to be read with Trades Certification Act 1966**—This section and the **next succeeding** section shall be read together with and deemed part of the Trades Certification Act 1966\* (in that section referred to as the principal Act).

\*R.S. Vol. 13, p. 761

**97. Membership of Board**—(1) Section 4 (1) of the principal Act is hereby amended by repealing paragraph (g) (as amended by section 2 of the Trades Certification Amendment Act 1972), and substituting the following paragraph:

“(g) One person to be nominated by the Technical Institutes Association of New Zealand:”.

(2) Section 4 (1) of the principal Act is hereby further amended by repealing paragraph (j), and substituting the following paragraph: 5

“(j) One person to be nominated by the Motor Industry Training Board:”.

(3) The Trades Certification Amendment Act 1972 is hereby consequentially repealed.

*Volunteers Employment Protection*

10

**98. 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 Volunteers Employment Protection Act 1973\* (in that section referred to as the principal Act). 15

\*1973, No. 25

Amendment: 1985, No. 46

**99. New definition of “protected voluntary service or training” substituted**—Section 2 (1) of the principal Act is hereby amended by repealing the definition of the term “protected voluntary service or training”, and substituting the following definition: 20

“‘Protected voluntary service or training’—

“(a) Means voluntary service or training in the Armed Forces necessitating an absence from employment (other than during a period of holiday or leave to which the worker is entitled other than by virtue of this Act) for a period or periods of: 25

“(i) Whole-time service in the form of one or more periods of continuous training not exceeding in the aggregate 3 months with the Armed Forces; and 30

“(ii) Part-time service in the form of annual, special, weekend, and evening training, not exceeding in the aggregate 3 weeks in any training year; and

“(b) Includes— 35

“(i) Any period or periods spent in travelling to and from any place of service or training:

“(ii) Any period or periods during which a volunteer is prevented from resuming employment after service or training because of sickness or any reasonable 40

cause attributable to the service or training:”.

*Wine Makers Levy*

**100. Sections to be read with Wine Makers Levy Act 1976**—(1) This section and the next 2 succeeding sections shall be read together with and deemed part of the Wine Makers Levy Act 1976\* (in those sections referred to as the principal Act).

(2) This section and the next 2 succeeding sections shall come into force on the 1st day of July 1987.

\*1976, No. 137

**101. Alteration of period in respect of which levies payable**—(1) Section 4 (2) of the principal Act is hereby amended by omitting the word “September”, and substituting the word “June”.

(2) The principal Act is hereby amended—

(a) In section 4 (3), by omitting the word “February” and substituting the word “November”:

(b) In section 6 (1),—

(i) By omitting the word “November”, and substituting the word “August”:

(ii) By omitting the word “September”, and substituting the word “June”:

(c) In section 7,—

(i) By omitting the word “December”, and substituting the word “September”:

(ii) By omitting the word “September”, and substituting the word “June”:

(d) In section 8 (2), by omitting the word “May”, and substituting the word “February”:

(e) In section 8 (4), by omitting the word “June”, and substituting the word “March”.

**102. Transitional provision**—In respect of any grape wine makers levy that would, under section 4 (2) of the principal Act (as amended by section 101 (1) of this Act), be calculated on the basis of wine sold during the year ending with the last day of June 1987, the principal Act shall have effect as if—

(a) In section 4 (2), the reference to the year ended with the last day of June were a reference to the period that commenced with the 1st day of October 1986 and ended with the last day of June 1987:

(b) In section 6 (1), the reference to the year ended on the last day of June of that year were a reference to the

period that commenced with the 1st day of October 1986 and ended with the last day of June 1987:

- (c) In section 7, the reference to the year ending with the preceding 30th day of June were a reference to the period ending with the 30th day of June 1987. 5

*Wool Testing Authority*

**103. Sections to be read with Wool Testing Authority Act 1964**—This section and the next succeeding section shall be read together with and deemed part of the Wool Testing Authority Act 1964\* (in that section referred to as the principal Act). 10

\*R.S. Vol. 13, p.891

**104. Authority may subsidise superannuation schemes for staff**—(1) The principal Act is hereby amended by inserting, after section 14, the following section:

“14A. The Authority may, out of its funds, subsidise, for the purpose of providing superannuation or retiring allowances for the members of its staff or any of them, any fund or scheme.” 15

(2) Section 14 (2) of the principal Act is hereby consequentially repealed. 20