

STATUTES AMENDMENT BILL

AS REPORTED FROM THE GOVERNMENT ADMINISTRATION
COMMITTEE

COMMENTARY

Recommendation

The Government Administration Committee has examined the Statutes Amendment Bill and recommends that it be passed with the amendments shown.

Conduct of the examination

The Statutes Amendment Bill, a Government bill, was introduced into the House on 22 August 1996 and referred to the Government Administration Committee following its second reading on 27 August 1996. The closing date for submissions on the bill was 18 April 1997. We received eight submissions in all. Advice was received from the Ministries of Justice, Commerce, Health and Defence, the Department of Internal Affairs, the Treasury and Valuation New Zealand.

This commentary sets out the details of our consideration of the bill and the major issues we addressed. It does not address areas where there were no significant decisions made by the committee.

Background

A Statutes Amendment bill provides for unrelated non-controversial amendments to a number of Acts currently in force. These amendments are unrelated to the implementation of a particular policy and without similarity in each case.

As introduced, the bill made amendments to 28 different Acts. To ensure that the House could enact provisions in the bill relating to the Companies Act 1955, the Companies Act 1993, the Companies Amendment Act 1993, the Companies Act Repeal Act 1993, the Companies Reregistration Act 1993 and the Land Transfer Act 1952 before 1 July 1997, we divided Parts 5, 6, 7, 8 and 19 from the bill to form the Company Law Amendment Bill. Many of the amendments in this new Company Law Amendment Bill required urgent enactment due to the repeal of the Companies Act 1955 on the close of 30 June 1997.

The remaining Acts amended by this bill are:

Armed Forces Discipline Act 1971
 Births, Deaths, and Marriages Registration Act 1995
 Burial and Cremation Act 1964
 Business Development Boards Act 1991
 Copyright Act 1994
 Courts Martial Appeals Act 1953
 Criminal Justice Act 1985
 Defence Act 1990
 Electricity Act 1992
 Fair Trading Act 1986
 Films, Videos, and Publications Classification Act 1993
 Financial Reporting Act 1993
 Gas Act 1992
 Government Superannuation Fund Act 1956
 Legal Services Act 1991
 Local Government Act 1974
 Ministry of Energy (Abolition) Act 1989
 New Zealand Council of Law Reporting Act 1938
 Protection of Personal and Property Rights Act 1988
 Radiation Protection Act 1965
 Securities Act 1978
 Valuers Act 1948
 Visiting Forces Act 1939

Births, Deaths, and Marriages Registration Act 1995

Clause 7 of the bill amends the definition of the term “index” in section 2 of the Births, Deaths, and Marriages Registration Act 1995 (which has the effect that an index must specify a number of matters in relation to each birth, death or marriage it refers to). The amendment provides that the date or year of birth, death or marriage must be shown in an index. This is consistent with the index showing the date or year of the event.

The current definition of “index” requires an index to contain the date on which a birth, death or marriage was registered. However, contrary to the requirement, indexes have never included a full date of registration. The proposed amendment in clause 7 is a technical alteration to ensure that the level of information in the indexes is maintained at the current level while providing an option for a full date of registration to be included in the indexes in the future.

We received three submissions and several letters opposing the amendment. Two submissions suggested that lessening the scope of the information required by altering the definition of the term “index” could complicate access for researchers to information and severely restrict the ability of people to compile their family history or whakapapa. Both further submitted that the amendment would result in less efficient and more costly access to information. Some submissioners recommended that parents’ names (for births and deaths) and spouses’ names (for marriages) be added to the information required in an index.

Advisers told us that any widening of the content of indexes would involve significant management issues and re-engineering of the registry's current indexes, particularly if applied retrospectively. However, we were concerned that the Registrar-General had not technically been complying with the legislation as the definition currently stands. While an index is merely a tool for locating the actual certificate of registration, we agree with submissioners that an index should also hold as much information as possible.

Therefore, we recommend that clause 7 be omitted and that new clause 9A be inserted after clause 9. New clause 9A provides that any index relating to a birth, death or marriage compiled after the enactment of this bill must contain as much of the following information as is registered:

- the place where the event took place or was registered (or both)
- the name of the person born, the names of the people married or the name of the person who died
- in the case of a birth, the mother's name
- in the case of a death, the person's date of birth or age at death (or both)
- the day on which it took place
- the day on which it was registered
- any other information the Registrar-General thinks fit.

This new clause makes it clear that an index compiled after the commencement of this Act and before 1 January 1998 that contains only the year in which the event took place or in which it was registered is not invalid and does not have to be augmented. Nor does it limit, affect the validity or effect of, or require amendment or augmentation of any index compiled before the commencement of the principal Act. We are satisfied that this new clause will not limit the availability of information to those people seeking it and nor will it create significant new financial and management issues for the Registrar-General. The clause does not prevent the Registrar-General from augmenting, or compiling another index in addition to, any index compiled at any time. Therefore, we recommend that the bill be amended accordingly.

Criminal Justice Act 1985

Part 11 of the bill amends the Criminal Justice Act 1985 by recasting one of the types of work that an offender may be required to perform for the purposes of a sentence of periodic detention to include work for the benefit of any charitable institution or charitable organisation. One of the types of work that the principal Act currently authorises the use of periodic detainees for is work at any hospital or charitable or educational institution (section 60 (2)(a) of the principal Act). Clause 68 of the bill recasts this type of work so that periodic detainees are able to undertake to include work for the benefit of any charitable institution or charitable organisation as well as at any hospital or charitable or educational institution. This will allow a wider range of charities to benefit from the work of periodic detainees.

While we acknowledge the need to widen the number of organisations able to benefit from the work of periodic detainees, some of us were concerned that detainees may be used to replace people in paid employment. Periodic detainees are not paid for work undertaken by them. Section 60 (3) of the principal Act provides, however, that periodic detainees are not to be used to undertake work if in doing so they would take the place of persons who would otherwise be employed to undertake that work in the ordinary course of their employment. Some of us were also concerned that private organisations could benefit from the

“free” work of periodic detainees. Under the current section 60 (2)(a) of the principal Act, it is legally possible for periodic detainees to be used to undertake work in both private and public hospitals. However, we were told that officials are unaware of any such use of periodic detainees and that section 60 (3) of the principal Act would prevent periodic detainees from being used instead of or to replace paid staff. Therefore, we recommend that clauses 67 and 68 proceed without alteration.

Electricity Act 1992

Part 13 of the bill effects minor technical amendments to the Electricity Act 1992 to improve, simplify or clarify its operation. Clause 91 recognises the relevant overseas work experience of electrical workers. It provides that experience gained elsewhere than in New Zealand that, in the opinion of the Electrical Workers Registration Board, is substantially equivalent to any of the kinds of experience previously referred to in the definition of “qualifying experience” can be defined as such under the Act.

No submissions were received in respect of these provisions, but some members raised concerns over the ability of this amendment to allow overseas workers to enter the New Zealand electrical workers market without appropriate qualifications. We are satisfied that this is not the intention of the amendment, which refers to “substantially equivalent” kinds of experience. We recommend that the bill be amended accordingly.

Government Superannuation Fund Act 1956

Clause 117 amends section 94 of the Government Superannuation Fund Act 1956 relating to actuarial examination of the fund. As currently drafted, this clause will have the effect of deferring the next examination of the financial position of the fund from 31 March 1997 to 30 June 1997. We consider that the clause should include express provision that the Government Actuary is not required to examine the fund as at 31 March 1997, given that there is a current requirement to do so and this clause has not yet been enacted.

Clause 118 inserts a new section into the principal Act to provide a permanent legislative authority to recognise actuarially determined movements in the value of past service (the unfunded liability) of fund members. In its current form, the clause is drafted very broadly. We consider that amendment is needed to expressly authorise the Crown, subject to section 19C of the principal Act (which provides that the administration expenses of the fund must be separately appropriated), to incur expenses relating to its liability under that Act in respect of contributors and beneficiaries. We recommend that the bill be amended accordingly.

Securities Act 1978

Completing proceedings where member unable to attend meeting

Clause 140 inserts a new section 15A into the Securities Act 1978. It provides that where an inquiry or proceeding of the Securities Commission has commenced with a quorum of three members but is reduced to less than three members due to illness, accident or other unavoidable cause, the remaining two members may constitute a quorum for the purposes of concluding the inquiry or proceedings, which would prevent the need to restart the proceedings (for example, hearing evidence).

One submission suggested that clause 140 is too restrictive. For example, the expiry of a member’s term during the course of any proceeding, inquiry or the

transaction of other business is not usually the result of illness, accident or other unavoidable cause. The submission recommends allowing for this in the amendment. Conversely, a different submission suggested that, where clause 140 allows for a quorum of two members in the above circumstances, the views of two members could lead to a lack of appropriate balance. It submitted that a three-member quorum is essential.

We consider that an extension of clause 140 to cover a situation where a member's term has expired, or where a member has resigned or has been removed from office would be beneficial. An extension is justified because it only applies in very limited and extraordinary circumstances, and where a quorum has begun to hear a matter. It does not allow a quorum of two to instigate hearings. If the latter submission is accepted, all evidence would be required to be reheard if there is a change in membership of the quorum. We recommend the bill be amended accordingly.

Assenting to a resolution via electronic mail

Two submissions suggested that amendments to the Securities Act 1978 provided for in clause 141 should reflect the increasing use of electronic mail as a means of assent to resolution without a meeting. They suggested that given the reference to telegrams, cables, telex messages, facsimile and other such electronic forms of communication, more general language may be appropriate with regards to "signing". We agree that it is desirable to enable communication by electronic mail in this situation. We discussed the possibility of fraudulent use of an electronic mail system. However, this situation could equally apply to the use of a fraudulent signature on written communication or a fraudulent telex or cable. We consider that it is up to individual organisations to ensure secure forms of communication exist to counter any fraudulent use. We recommend that clause 141 be amended accordingly.

Admitting evidence otherwise not admissible

The Commission routinely undertakes inquiries for the purposes of Part II of the Act relating to the disclosure of substantial interests in securities listed on the New Zealand Stock Exchange. In cases where, as the result of an inquiry, the Commission is of the view that the market has not been properly informed it may need to issue court proceedings. Clause 148 of this bill would enable the Securities Commission, or indeed any other party in proceedings under the relevant part of the Act, to adduce in evidence any statements, documents and so on that might not otherwise be admissible in the courts.

At present, the Commission is not able to rely confidently on the court's willingness to receive the Commission's documented evidence in any court proceedings involving any matter. The Commission believes that it would be helpful to the courts to have access to documented evidence already gathered. We note that the courts would still have a discretion as to the weight placed on evidence that comes before them in this particular way. The Commission told us that "the use of Commission evidence in the courts is an indispensable tool to the protection of New Zealand investors, particularly where the substantial security holders are based outside New Zealand." A parallel provision to that which is sought to be introduced is contained in section 79 of the Commerce Act 1986.

Some of us held concerns that clause 148 may form a precedent for all sorts of evidence to be allowed in court proceedings. The present rules of evidence, and particularly the hearsay rule, provide a certain safeguard against unfairness or a wrong result, by requiring first hand evidence on any topic. However, the Law Commission told us that the current rules are too limited and that it is essential to

liberalise such rules to deal with, for example, the reality of modern information technology with documents or images which may emanate by electronic transmission from anywhere in the world. Officials told us that a review of the rules of evidence is currently being undertaken by the Law Commission. Some of us questioned whether it was appropriate to amend the Securities Act 1978 when a review of evidence is being undertaken, from which a comprehensive report will be produced.

We recommend, however, that clause 148 proceed without alteration.

Valuers Act 1948

Clauses 150 and 151 allow the New Zealand Institute of Valuers to admit graduates and other persons who are not registered valuers to its membership. Clause 152 increases the maximum fine for a breach of the Institute's rules from \$10 to \$500.

One submission was received in support of the amendment to admit valuers who are not registered under the Act to membership of the Institute. This submission also supported the increase in the maximum fine for members due to recent changes in the Institute's Code of Ethics introducing mandatory continuing professional development. An effective penalty is required to encourage compliance by those members who are not registered valuers and consequently are not subject to the Act's disciplinary processes. We note that this amendment involves increasing a maximum fine that has been severely undervalued over time. We recommend that clauses 150 and 151 proceed without alteration.

KEY TO SYMBOLS USED IN REPRINTED BILL
AS REPORTED FROM THE GOVERNMENT ADMINISTRATION COMMITTEE

Struck Out (Unanimous)

Subject to this Act,

Text struck out unanimously

New (Unanimous)

Subject to this Act,

Text inserted unanimously

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

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Indicates clauses divided from the bill to form
the Company Law Reform Bill

STATUTES AMENDMENT

ANALYSIS

Title	
1. Short Title	
PART 1	
ARMED FORCES DISCIPLINE ACT 1971	
2. Part to be part of Armed Forces Discipline Act 1971	
3. Interpretation	
4. Transitional provisions	
5. Technical amendments to principal Act	
PART 2	
BIRTHS, DEATHS, AND MARRIAGES REGISTRATION ACT 1995	
6. Part to be part of Births, Deaths, and Marriages Registration Act 1995	
8. Particulars of father where not married to mother	
9. Transfer of charge of body	
9A. Registrar-General's indexes	
10. Restrictions on searches where error relating to person's sex has been corrected or sexual assignment or reassignment has been registered	
11. Restrictions on searches relating to new names of certain witnesses	
12. Further consequential amendments	
PART 3	
BURIAL AND CREMATION ACT 1964	
13. Part to be part of Burial and Cremation Act 1964	
14. Interpretation	
15. Burial of members of Her Majesty's Forces, etc.	
PART 4	
BUSINESS DEVELOPMENT BOARDS ACT 1991	
16. Part to be part of Business Development Boards Act 1991	
17. New sections substituted	
9. Boards to prepare annual statement	
9A. Boards to comply with statement of objectives	
PART 9	
COPYRIGHT ACT 1994	
57. Part to be part of Copyright Act 1994	
58. New sections substituted	
137. Determination whether item is pirated copy	
138. Limitations on requirement to supply information	
59. Notice of determination	
PART 10	
COURTS MARTIAL APPEALS ACT 1953	
60. Part to be part of Courts Martial Appeals Act 1953	
61. Constitution of Courts Martial Appeal Court	
62. Registrar and officers of Court	
63. Powers of Court to acquit on account of insanity on appeal against conviction	
64. Costs of appeal	
65. Suspension of death sentence	
66. Regulations	
PART 11	
CRIMINAL JUSTICE ACT 1985	
67. Part to be part of Criminal Justice Act 1985	
68. Authorised service or work for person sentenced to community service or periodic detention	
PART 12	
DEFENCE ACT 1990	
69. Part to be part of Defence Act 1990	
70. Interpretation	
71. Members of Civil Staff	
72. Secretary of Defence	
73. Appointment, promotion, and discharge of officers	
74. Protection of employment	
75. Conditions of service in Armed Forces	
76. Defence Force Orders fixing certain terms and conditions of service	

77. Determinations and regulations to be notified in Defence Force Orders
78. Members may give notice of intention to leave regular forces
79. Notice while subject to disciplinary proceedings, etc.
80. New section inserted
61A. Appointment of members of Civil Staff
81. Appointments on merit
82. Evidence of appointments
83. Obligation to notify appointments
84. Review of appointments
85. Constitution of cadet forces
86. Cadet officers
87. Assistance to cadet forces
88. Public Trustee to administer Nelson Rifle Prize Fund
89. Regulations
- PART 13
ELECTRICITY ACT 1992
90. Part to be part of Electricity Act 1992
91. Interpretation
92. Continuance of supply
93. Currency of practising licences
94. Orders to be committed to writing
95. Information to be supplied to Secretary
96. Reasonable charge may be imposed for providing copies of statements
- PART 14
FAIR TRADING ACT 1986
97. Part to be part of Fair Trading Act 1986
98. Interpretation
99. New Part substituted
- PART II
CONSUMER INFORMATION
27. Consumer information standards
28. Compliance with consumer information standards
100. New sections relating to product safety standards substituted
29. Product safety standards
30. Compliance with product safety standards
101. New sections relating to services safety standards substituted
35. Safety standards in respect of services
36. Compliance with services safety standards
102. Transitional provision relating to regulations in force before commencement of this Part
- PART 15
FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION ACT 1993
103. Part to be part of Films, Videos, and Publications Classification Act 1993
104. Regulations
105. Regulations relating to transitional matters
106. Amendment to Films, Videos, and Publications Classification Regulations 1994
66. Expiry of regulations 64 and 65
107. Saving
- PART 16
FINANCIAL REPORTING ACT 1993
108. Part to be part of Financial Reporting Act 1993
109. Interpretation
110. Auditor's report on reporting entities
111. Auditor's report on exempt companies
- PART 17
GAS ACT 1992
112. Part to be part of Gas Act 1992
113. Interpretation
114. Information to be supplied to Secretary
115. Reasonable charge may be imposed for providing copies of statements
- PART 18
GOVERNMENT SUPERANNUATION FUND ACT 1956
116. Part to be part of Government Superannuation Fund Act 1956
117. Actuarial examinations of Fund
118. Authority to incur expenses
- PART 20
LEGAL SERVICES ACT 1991
121. Part to be part of Legal Services Act 1991
122. Membership
123. Appointment of deputies
124. Consequential amendments to Department of Justice (Restructuring) Act 1995
- PART 21
LOCAL GOVERNMENT ACT 1974
125. Part to be part of Local Government Act 1974
126. Interpretation
- PART 22
MINISTRY OF ENERGY (ABOLITION) ACT 1989
127. Part to be part of Ministry of Energy (Abolition) Act 1989
128. Regulations
- PART 23
NEW ZEALAND COUNCIL OF LAW REPORTING ACT 1938
129. Part to be part of New Zealand Council of Law Reporting Act 1938
130. New sections relating to proceedings of Council substituted
10. Chairperson
- 10A. Deputy Chairperson
- 10B. Absence of Chairperson and Deputy Chairperson
- 10C. Alternates

- 10D. Proceedings of Council
131. Other amendments to principal Act

PART 24

PROTECTION OF PERSONAL AND PROPERTY RIGHTS ACT 1988

132. Part to be part of Protection of Personal and Property Rights Act 1988
133. Order to administer property
134. Application to trustee corporation in respect of small estates
135. First Schedule amended
136. Second Schedule amended

PART 25

RADIATION PROTECTION ACT 1965

137. Part to be part of Radiation Protection Act 1965
138. Offences

PART 26

SECURITIES ACT 1978

Amendments to Securities Act 1978

139. Part to be part of Securities Act 1978
140. New section inserted
 15A. Completion of proceedings where member unable to attend meeting
141. Assent to resolution without a meeting
142. Employees of Commission
143. Bank accounts
144. Restriction on distribution of prospectuses
145. Registration of prospectus
146. Amendment of registered prospectus
147. Amendment of registered deed

Amendments to Securities Amendment Act 1988

148. Amendments to Securities Amendment Act 1988
 35A. Evidence not otherwise admissible
40. Effect of certain laws on authorised futures contracts and other contracts

PART 27

VALUERS ACT 1948

149. Part to be part of Valuers Act 1948
150. Functions of Institute
151. Membership of Institute
152. Rules of Institute

PART 28

VISITING FORCES ACT 1939

153. Part to be part of Visiting Forces Act 1939
154. Relations of visiting forces to the civil power and civilians
155. Attachment of personnel and mutual powers of command

SCHEDULES

Schedule 1

Technical Amendments to Armed Forces Discipline Act 1971

Schedule 2

Further Amendments Consequential on Enactment of Births, Deaths, and Marriages Registration Act 1995

A BILL INTITULED

An Act to amend certain enactments of Parliament

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 1996.

PART 1

ARMED FORCES DISCIPLINE ACT 1971

- 10 **2. Part to be part of Armed Forces Discipline Act 1971**—This Part is part of the Armed Forces Discipline Act 1971* (in this Part referred to as the principal Act).

*R.S. Vol. 23, p. 33
Amendment: 1988, No. 176

- 3. Interpretation**—Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “cadet forces”, the following definition:

“‘Chief of Defence Force’ means the officer appointed under section 8 of the Defence Act 1990.”.

4. Transitional provisions—The principal Act is amended by repealing the cross-heading above section 207 and section 207, and substituting the following cross-heading: 5
“Repeals, Amendments, and Savings”.

5. Technical amendments to principal Act—The principal Act is amended in the manner indicated in **Schedule 1**.

PART 2

BIRTHS, DEATHS, AND MARRIAGES REGISTRATION ACT 1995 10

6. Part to be part of Births, Deaths, and Marriages Registration Act 1995—This Part is part of the Births, Deaths, and Marriages Registration Act 1995 (in this Part referred to as the principal Act).

Struck Out (Unanimous) 15

7. Interpretation—Section 2 of the principal Act is hereby amended by inserting in paragraph (b) (iv) of the definition of the term “index”, after the words “The date on which”, the words “or year in which”.

8. Particulars of father where not married to mother— 20
 Section 15 of the principal Act is amended by omitting from the final subsection the expression “(7)”, and substituting the expression “(8)”.

9. Transfer of charge of body—Section 40 (2) (b) of the 25
 principal Act is amended by repealing subparagraph (iii), and substituting the following subparagraph:
 “(iii) The occupier of a hospital,—”.

New (Unanimous)

9A. Registrar-General’s indexes—(1) Section 74 of the 30
 principal Act is amended by inserting, after subsection (1), the following subsections:

“(1A) Subject to **subsection (1B)**, to the extent that an index relating to several births, marriages, or deaths is or was compiled after the commencement of this Act, it—

New (Unanimous)

- “(a) Must contain (in relation to each birth, marriage, or death) as much of the following information as is registered:
- 5 “(i) The place where it took place or the place where it was registered (or both); and
- “(ii) The name of the person born, the names of the people married, or the name of the person who died:
- 10 “(iii) In the case of a birth, the mother’s name:
- “(iv) In the case of a death, the person’s date of birth or age at death (or both):
- “(v) The day on which it took place:
- “(vi) The day on which it was registered; and
- 15 “(b) May contain any other information the Registrar-General thinks fit; and
- “(c) May be sorted by reference to any of the information it contains.
- “(1B) No index relating to several births, marriages, or deaths that is or was compiled after the commencement of this Act and before 1 January 1998 is invalid or ineffectual by virtue only that it contains (in relation to any of the births, marriages, or deaths to which it relates)—
- 20 “(a) Only the year in which it took place (rather than the day on which it took place); or
- 25 “(b) Only the year in which it was registered (rather than the day on which it was registered).”
- (2) Section 2 of the principal Act is amended by repealing the definition of the term “index”, and substituting the following
- 30 definition:
- “ ‘Index’ includes part of an index:”.
- (3) **Subsections (1A) and (1B)** of section 74 of the principal Act do not—
- (a) Limit or affect—
- 35 (i) The validity or effect of any index compiled before the commencement of the principal Act; or
- (ii) The Registrar-General’s duty to maintain indexes; or
- (iii) The Registrar-General’s duties under section 73 or section 74 (2) of the principal Act in relation to any
- 40 index; or

New (Unanimous)

<p>(b) Require the Registrar-General to amend or augment, or compile another index in place of or in addition to, an index compiled before the commencement of the principal Act.</p> <p>(4) Subsection (3) does not prevent the Registrar-General from augmenting, or compiling another index in addition to, any index compiled at any time.</p>	5
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10. Restrictions on searches where error relating to person’s sex has been corrected or sexual assignment or reassignment has been registered—Section 77 of the principal Act is amended by omitting from subsection (8) (c) and subsection (9) (a) the expression “28”, and substituting in each case the expression “30 (1)”. 10

11. Restrictions on searches relating to new names of certain witnesses—Section 78 (4) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph: 15

“(a) The fact that section 65 applies, or has at any time applied, to any person; and”. 20

12. Further consequential amendments—The enactments specified in **Schedule 2** are amended in the manner indicated in that schedule.

PART 3

BURIAL AND CREMATION ACT 1964 25

13. Part to be part of Burial and Cremation Act 1964—This Part is part of the Burial and Cremation Act 1964* (in this Part referred to as the principal Act).

*R.S. Vol. 16, p. 1

14. Interpretation—Section 2 (1) of the principal Act is amended by repealing the definition of the term “still-born child”, and substituting the following definition: 30

“‘Still-born child’ has the same meaning as in section 2 ((1)) of the Births, Deaths, and Marriages Registration Act 1995:”.

15. Burial of members of Her Majesty's Forces, etc.— The principal Act is amended by repealing section 15, and substituting the following section:

5 “15. (1) Notwithstanding anything in this Act, a local authority may—

“(a) Set aside permanently a part of any cemetery under its control and management to be used for the burial of the bodies of—

10 “(i) Persons who have been on operational service in Her Majesty's Forces; and

“(ii) The wives or husbands of, or persons who have lived in a relationship in the nature of marriage with, a person who has been on operational service in Her Majesty's Forces:

15 “(b) Without fee,—

“(i) Permit burials to take place in the part of the cemetery set aside under **paragraph (a)**:

20 “(ii) Grant (whether in perpetuity or for a limited period) the exclusive right of burial in that part of the cemetery.

“**(2)** The Minister of Internal Affairs may, after consultation with the Minister of Defence and the New Zealand Returned Services' Association (Incorporated), by notice in the *Gazette*, specify a war, armed conflict, peacekeeping force, or other operation for the purposes of **subsection (1)**.

25 “**(3)** In **subsection (1)**, ‘operational service’ means service in a war, armed conflict, peacekeeping force, or other operation specified under **subsection (2)**.”

PART 4

30 BUSINESS DEVELOPMENT BOARDS ACT 1991

16. Part to be part of Business Development Boards Act 1991—This Part is part of the Business Development Boards Act 1991* (in this Part referred to as the principal Act).

*1991, No. 108

35 **17. New sections substituted—**The principal Act is amended by repealing section 9, and substituting the following sections:

40 “**9. Boards to prepare annual statement—**(1) For the purposes of complying with section 41 of the Public Finance Act 1989, each Board must, before 1 June in each year, prepare and give to the Minister a document (in this section called an annual statement) comprising—

- “(a) A statement of objectives for the following financial year specifying the outputs to be produced by the Board and the financial performance to be achieved by the Board during the financial year; and
- “(b) A list of the performance indicators that the Board considers will enable the preparation of a statement of service performance; and
- “(c) A budget for the financial year.
- “(2) At any time during a financial year, the Board may give the Minister an amended version of its annual statement for that year.
- “(3) After receiving the Board’s annual statement for a financial year or an amended version of it (whether for the first time or any later time), the Minister must—
- “(a) Approve it; or
- “(b) Send it back to the Board with directions to amend it.
- “(4) At any time during a financial year, the Minister may give the Board a written direction to amend its annual statement for that year.
- “(5) If the Minister—
- “(a) Refers the Board’s annual statement for a financial year or an amended version of it back to the Board with directions to amend it; or
- “(b) During any financial year gives the Board a written direction to amend an annual statement for the year,—
- the Board must amend it and return it to the Minister.
- “9A. **Boards to comply with statement of objectives**—Subject to complying with the rules and guidelines specified in the code, each Board must carry out its functions and exercise its powers in accordance with the statement of objectives specified in **section 9 (1) (a)**.”

PART 9

COPYRIGHT ACT 1994

57. Part to be part of Copyright Act 1994—This Part is part of the Copyright Act 1994* (in this Part referred to as the principal Act).

*1994, No. 143
Amendment: 1996, No. 28

58. New sections substituted—The principal Act is amended by repealing sections 137 and 138, and substituting the following sections:

“137. Determination whether item is pirated copy—

(1) Where—

“(a) A notice that has been accepted under section 136 (3) (a) is in force; and

5 “(b) The Chief Executive forms the opinion that any item that has been imported and that is in the control of the Customs may be a pirated copy to which the notice relates,—

10 the Chief Executive may conduct such investigation as he or she considers necessary in order to establish whether or not the item appears to be a pirated copy to which the notice relates.

“(2) Where the Chief Executive conducts an investigation, he or she may, subject to **section 138**, require—

“(a) The claimant; or

15 “(b) Any other person appearing to the Chief Executive to have an interest in the item—

to supply such information as the Chief Executive may specify for the purpose of the investigation, within 10 working days of being required to do so.

20 “(3) Whether or not the Chief Executive conducts any investigation, he or she must, within a reasonable period of forming an opinion under **subsection (1)**, make a determination whether or not the item appears to be a pirated copy to which the notice relates.

25 “(4) Nothing in this section applies to an item that has been imported for private and domestic use.

“138. Limitations on requirement to supply information—(1) The Chief Executive must not require any person to supply any information under **section 137 (2)** unless the
30 Chief Executive believes that the information is reasonably necessary for the purposes of an investigation under **section 137 (1)**.

35 “(2) Every person who is required to supply information to the Chief Executive under **section 137 (2)** has the same privileges in relation to the giving of the information as witnesses have in any court.

40 “(3) Where any person refuses or fails to supply information required by the Chief Executive under **section 137 (2)**, the Chief Executive may, subject to **subsection (2)**, take that refusal or failure into account in forming any opinion under **section 137 (1)** or in making any determination under **section 137 (3)**.”

59. Notice of determination—Section 139 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:

“(1) Where the Chief Executive makes a determination under **section 137 (3)**, the Chief Executive must cause written notice of the determination to be served on—

“(a) The claimant; and

“(b) Any other person appearing to the Chief Executive to have an interest in the item—
within such period as may reasonably be necessary to effect service.”

PART 10

COURTS MARTIAL APPEALS ACT 1953

60. Part to be part of Courts Martial Appeals Act 1953—
This Part is part of the Courts Martial Appeals Act 1953* (in this Part referred to as the principal Act).

*R.S. Vol. 24

61. Constitution of Courts Martial Appeal Court—
Section 3 (3) of the principal Act is amended by omitting the words “are from time to time approved by the Minister of Finance”, and substituting the words “may be fixed or determined by or in accordance with regulations made under this Act”.

62. Registrar and officers of Court—Section 5 (2) of the principal Act is amended by omitting the words “Court of Appeal”, and substituting the words “High Court at Wellington”.

63. Powers of Court to acquit on account of insanity on appeal against conviction—Section 9F of the principal Act is amended—

(a) By omitting from subsection (2) the expression “, 193 and 195”, and substituting the expression “and 193”;

(b) By omitting from subsection (3) the word “committed” in the 2 places it appears:

(c) By omitting from subsection (3) the expression “Mental Health Act 1969”, and substituting the expression “Mental Health (Compulsory Assessment and Treatment) Act 1992”.

64. Costs of appeal—Section 16 of the principal Act is amended by repealing subsection (3).

65. Suspension of death sentence—The principal Act is amended by repealing section 18.

66. Regulations—The principal Act is amended by inserting, after section 26, the following section:

5 “26A. The Governor-General may from time to time, by Order in Council, make regulations, not inconsistent with this Act, for all or any of the following purposes:

10 “(a) Providing for the payment of such fees, allowances, and expenses as may be fixed or determined by or in accordance with the regulations to the following persons (other than members of the regular forces):

“(i) Persons appointed under section 3 (1) (b) to be a Judge of the Courts Martial Appeal Court:

15 “(ii) Solicitors or counsel assigned to an appellant under this Act:

“(b) Prescribing the fees, allowances, and expenses payable to witnesses, and other expenses referred to in subsection (2) of section 16.”

PART 11

20 CRIMINAL JUSTICE ACT 1985

67. Part to be part of Criminal Justice Act 1985—This Part is part of the Criminal Justice Act 1985* (in this Part referred to as the principal Act).

*1985, No. 120
Amendments: 1986, No. 83; 1987, Nos. 25, 95, 168; 1989, Nos. 20, 91; 1993, No. 43, 93; 1994, No. 28; 1995, No. 69; 1996, No. 81.

25 **68. Authorised service or work for person sentenced to community service or periodic detention**—Section 60 (2) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

30 “(a) At any hospital or educational institution, or at or for the benefit of any charitable institution or charitable organisation; or”.

PART 12

DEFENCE ACT 1990

35 **69. Part to be part of Defence Act 1990**—This Part is part of the Defence Act 1990* (in this Part referred to as the principal Act).

*1990, No. 28
Amendment: 1992, No. 62

70. Interpretation—(1) Section 2 (1) of the principal Act is amended by inserting in the definition of the term “defence area”, after the word “owner”, the words “or is requisitioned under section 10 (2) (b)”.

(2) Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “enemy”, the following definition: 5

“‘Intellectual property’ includes patents, trademarks, designs, copyright, and other intellectual property rights whether enforceable by Act or rule of law:” 10

71. Members of Civil Staff—(1) The principal Act is amended by repealing section 14.

(2) The principal Act is consequentially amended—

(a) By omitting from the definition of the term “Civil Staff” in section 2 (1) the expression “section 14”, and substituting the expression “**section 61A**”: 15

(b) By omitting from section 11 (1) (b) the expression “section 14”, and substituting the expression “**section 61A**”:

(c) By omitting from section 71 (as substituted by section 154 of the Employment Contracts Act 1991) the expression “sections 14”, and substituting the expression “**sections 61A**”. 20

72. Secretary of Defence—Section 24 (2) (e) (iv) of the principal Act is amended by omitting the words “Chief of Defence Staff”, and substituting the words “Chief of Defence Force”. 25

73. Appointment, promotion, and discharge of officers—(1) Section ~~(32)~~ 32(1) of the principal Act is amended by repealing paragraph (d), and substituting the following paragraph: 30

“(d) Release an officer or discharge an officer or cancel or vary an officer’s commission or vary an officer’s appointment.”

(2) Section 32 of the principal Act is amended by inserting, after subsection (1), the following subsection: 35

“(1A) The Governor-General may, from time to time, by writing under the Governor-General’s hand, delegate to the Chief of Defence Force any of the Governor-General’s powers specified in paragraphs (a), (c), and (d) of subsection (1); and section 30 (4) to (9), with any necessary modifications, apply to the delegation.” 40

(3) Section 32 of the principal Act is amended by omitting from subsection (2) the words “notified in the *Gazette*”, and substituting the words “promulgated by Defence Force Orders”.

5 **74. Protection of employment**—Section 42 (1) (a) of the principal Act is amended by omitting the word “reserves”, and substituting the word “reserve”.

75. Conditions of service in Armed Forces—Section 45 of the principal Act is amended—

10 (a) By omitting from subsection (1) the word “fixed”, and substituting the word “prescribed”:

(b) By omitting from subsections (2) and (3) the word “fixing” from each place where it occurs, and substituting in each case the word “prescribing”.

15 **76. Defence Force Orders fixing certain terms and conditions of service**—The principal Act is amended by repealing section 47.

20 **77. Determinations and regulations to be notified in Defence Force Orders**—The principal Act is amended by repealing section 48.

25 **78. Members may give notice of intention to leave regular forces**—Section 52 of the principal Act is amended by omitting from subsection (3) the words “determine in a particular case”, and substituting the words “from time to time prescribe in Defence Force Orders”.

79. Notice while subject to disciplinary proceedings, etc.—Section 57 (3) of the principal Act is amended by omitting the words “or subsection (4)”.

30 **80. New section inserted**—The principal Act is amended by inserting, after section 61, the following section:

“61A. **Appointment of members of Civil Staff**—

(1) Subject to this Part of this Act, the Chief of Defence Force—

35 “(a) May from time to time appoint such suitable persons, not being officers, ratings, soldiers, or airmen of the regular forces, to be employees (including acting or temporary or casual employees) of the Defence Force as the Chief of Defence Force thinks necessary for the efficient conduct of the Defence Force; and

“(b) May, subject to any conditions of employment included in the employment contract applying to the employee, at any time remove any such employee from that employee’s employment.

“(2) Except as provided in sections 70 and 71, the Chief of Defence Force has all the rights, duties, and powers of an employer in respect of members of the Civil Staff.” 5

81. Appointments on merit—Section 62 of the principal Act is amended by inserting, after the words “appointment to,” the words “any position in”. 10

82. Evidence of appointments—Section 65 is amended by omitting from subsection (1), and also from subsection (2) in both places where they occur the words “office or”.

83. Obligation to notify appointments—Section 66 of the principal Act is amended by omitting the words “office or”. 15

84. Review of appointments—Section 67 of the principal Act is amended by omitting the word “within”, and substituting the words “to positions in”.

85. Constitution of cadet forces—(1) Section 74 of the principal Act is amended by repealing subsection (1), and substituting the following subsections: 20

“(1) The Minister may from time to time raise and maintain cadet forces comprising the Sea Cadet Corps, the New Zealand Cadet Corps, and the Air Training Corps.

“(1A) The cadet forces referred to in **subsection (1)** must be maintained under the direction of the Chief of Defence Force.” 25

(2) Section 74 (2) is amended by adding the following paragraph:

“(c) Authorise or direct the disbanding of any such unit.”

86. Cadet officers—Section 76 of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph: 30

“(a) Appoint suitably qualified persons to be cadet officers of either the Sea Cadet Corps, the New Zealand Cadet Corps, or the Air Training Corps; and”. 35

87. Assistance to cadet forces—Section 78 of the principal Act is amended—

- 5 (a) By omitting from subsection (1) the words “Minister of Defence” from each place where they occur, and substituting in each case the words “Chief of Defence Force”;
- (b) By omitting from subsection (1) the words “that Minister”, and substituting the words “the Chief of Defence Force”;
- 10 (c) By omitting from subsection (3) the word “Minister” from each place where it occurs, and substituting in each case the words “Chief of Defence Force”.

88. Public Trustee to administer Nelson Rifle Prize Fund—Section 96 (5) of the principal Act is amended by
15 omitting the word “expected”, and substituting the word “expended”.

89. Regulations—Section 101 (1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

- 20 “(b) Providing for—
- “(i) The vesting in the Crown of all intellectual property—
- “(A) Devised or developed or created in the
25 course of the duties of a member of the Defence Force, whether or not the intellectual property might reasonably be expected to result; or
- “(B) Devised or developed or created wholly or principally by or through the use of
30 resources provided by the Crown:
- “(ii) The management and funding of the development and protection of intellectual property that is vested in the Crown pursuant to any regulations made under **subparagraph (i)**; and
- 35 “(iii) The payment of any amount by way of bonus or grant appropriate in the circumstances to a member of the Defence Force who devises or develops or creates any intellectual property that is vested in the Crown pursuant to any regulations
- 40 made under **subparagraph (i)**.”

PART 13

ELECTRICITY ACT 1992

90. Part to be part of Electricity Act 1992—This Part is part of the Electricity Act 1992* (in this Part referred to as the principal Act).

5

*1992, No. 122
Amendment: 1993, No. 143

91. Interpretation—(1) Section 2 (1) of the principal Act is amended by adding, to the definition of the term “qualifying experience”, the following paragraph:

“(d) In relation to any registered person to whom any of paragraphs (a) to (c) applies, and who is registered pursuant to section 81, experience gained elsewhere than in New Zealand that, in the opinion of the Board, is substantially equivalent to any of the kinds of experience referred to in whichever of those paragraphs applies in respect of that registered person.”

10

15

(2) Section 2 (1) of the principal Act is amended by inserting in the definition of the term “road”, after the words “local authority;”, the words “and also includes a public footpath;”.

(3) Section 2 (1) of the principal Act is amended by repealing paragraph (a) of the definition of the term “road”, and substituting the following paragraph:

20

“(a) A private road within the meaning of section 315 of the Local Government Act 1974; or”.

92. Continuance of supply—(1) Section 62 of the principal Act is amended by repealing subsections (1) to (3), and substituting the following subsections:

25

“(1) In this section,—

“‘Designated electricity distributor’, in relation to a place, means the person who is, for the time being, the operator of—

30

“(a) The works used for the purposes of supplying line function services to that place on 1 April 1993; or

“(b) Any works subsequently used, including works that replace works to which paragraph (a) applies, for the purposes of supplying line function services to that place:

35

“‘Existing electricity distributor’ means any electricity distributor that, immediately before 1 April 1993, was the holder of a licence issued under section 20 of

40

the Electricity Act 1968 and in force immediately before that date.

“(2) Except as provided by this Act or any regulations made under section 169 or by written agreement with a particular consumer (whether entered into before or after 1 April 1993), where, on 1 April 1993, an existing electricity distributor was supplying line function services to any place, the person that, in relation to that place, is for the time being the designated electricity distributor must not cease to supply line function services to that place without the prior consent of the Minister or of every consumer who would be affected by the cessation of those services.

“(3) Nothing in subsection (2) applies where a designated electricity distributor ceases to supply line function services to any place in any of the following circumstances:

“(a) Where the designated electricity distributor is entitled to cease to supply line function services by reason of the failure of any consumer to pay any money due on account of—

“(i) The supply of those line function services to that place; or

“(ii) The supply of electricity to that place:

“(b) Where cessation of supply is rendered necessary for reasons of safety or in order to carry out maintenance or upgrading work:

“(c) Where cessation of supply results from circumstances beyond the control of the designated electricity distributor, including (without limitation) fire, earthquake, lightning, inevitable accident, act of God, or *force majeure*.”

(2) Section 62 (4) of the principal Act is amended by omitting the words “an electricity distributor”, and substituting the words “a designated electricity distributor”.

(3) Section 62 (5) of the principal Act is amended by omitting the words “electricity distributor to which this section applies”, and substituting the word “person”.

93. Currency of practising licences—Section 100 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) A practising licence comes into force,—

“(a) If it is issued before the date of the expiry of the current licence held by the applicant, on the 1st day of July next after the date of its issue; and

“(b) In any other case, on the date of its issue,—

and in either case it expires with the close of the 30th day of June in the year in which it is stated to expire.”

94. Orders to be committed to writing—Section 137 of the principal Act is amended by adding the following subsections:

“(3) The Registrar must ensure that a copy of any order made under section 127 is given, as soon as practicable, to—

“(a) The Complaints Assessment Committee that considered the complaint; and

“(b) The complainant (if any).

“(4) The Registrar must, if the Board so directs, give a copy of any order made under section 127 to the owner and occupier of the premises to which the complaint relates.”

95. Information to be supplied to Secretary—Section 171 (1) (a) of the principal Act is amended by inserting, after the word “section”, the words “, which statements and information must be supplied within 5 working days after the statements and information are first made so available”.

96. Reasonable charge may be imposed for providing copies of statements—The principal Act is amended by inserting, after section 171, the following section:

“171A. (1) Any person who is required by regulations made under section 170 to provide copies of statements and information, on request, to the public, may charge for providing those copies.

“(2) Any charge imposed under subsection (1) for copies of statements and information may be no more than is reasonably required to recover the costs of providing those copies.”

PART 14

FAIR TRADING ACT 1986

97. Part to be part of Fair Trading Act 1986—This Part is part of the Fair Trading Act 1986* (in this Part referred to as the principal Act).

*1986, No.121

Amendments: 1990, No. 42; 1994, No. 124

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

“ ‘Official standard’ means—

“(a) A New Zealand Standard within the meaning of section 2 of the Standards Act 1988; or

5 “(b) A standard specification prescribed by a body, organisation, or association having or performing similar functions to those of the Standards Council within the meaning of section 2 of the Standards Act 1988.”.

10 **99. New Part substituted**—The principal Act is amended by repealing Part II, and substituting the following Part:

“PART II

“CONSUMER INFORMATION

15 “27. **Consumer information standards**—(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations prescribing, in respect of goods or services of any description or any class or classes of goods or services, a consumer information standard or 2 or more consumer information standards relating to all or any of the following

20 matters:

“(a) The disclosure of information relating to the kind, grade, quantity, origin, performance, care, composition, contents, design, construction, use, price, finish, packaging, promotion, or supply of the goods or

25 services:

“(b) The form and manner in which that information must be disclosed on or in relation to, or in connection with, the supply or resupply, or possible supply or resupply, or promotion of the supply of the goods or

30 services.

“(2) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations declaring that:

35 “(a) An official standard or an official standard with such additions or variations as are specified in the regulations is a consumer information standard:

“(b) A specified part or parts of an official standard or of an official standard with such additions or variations as are specified in the regulations is a consumer information standard:

40

“(c) Two or more official standards or 2 or more official standards with such additions or variations as are specified in the regulations are consumer information standards:

“(d) Specified parts of 2 or more official standards or of 2 or more official standards with such additions or variations as are specified in the regulations are consumer information standards. 5

“(3) The Minister must not make a recommendation under this section unless— 10

“(a) The Minister has consulted with such persons or representatives of such persons as the Minister considers will be substantially affected by any Order in Council made in accordance with the recommendation and those persons have had the opportunity to comment to the Minister; and 15

“(b) The Minister has considered any such comments.

“(4) A failure to comply with **subsection (3)** does not affect the validity of any Order in Council made under this section.

“(5) No Order in Council may be made under this section in respect of any medicine or related product, within the meaning of the Medicines Act 1981, except in relation to the price of the medicine or related product. 20

“**28. Compliance with consumer information standards**—(1) If a consumer information standard in respect of goods or services relates to a matter specified in **section 27 (1)**, a person must not supply, or offer to supply, or advertise to supply those goods or services unless that person complies with that consumer information standard. 25

“(2) If 2 or more consumer information standards in respect of goods or services relate to a matter specified in **section 27 (1)**, a person must not supply, or offer to supply, or advertise to supply those goods or services unless that person complies with 1 of those consumer information standards. 30

“(3) Nothing in **subsection (1)** or **subsection (2)** applies to goods that are intended for use outside New Zealand if there is applied to the goods— 35

“(a) A statement that the goods are for export only; or

“(b) A statement indicating, by the use of words authorised by regulations made under this section, that the goods are intended to be used outside New Zealand,— 40

and it must be presumed for the purposes of this section, unless the contrary is established, that the goods so identified are intended to be so used.

5 “(4) For the purposes of **subsection (3)**, a statement is deemed to be applied to goods if the statement is—

“(a) Woven in, impressed on, worked into, or annexed or affixed to the goods; or

“(b) Applied to a covering, label, reel, or thing in or with which the goods are supplied.”

10 **100. New sections relating to product safety standards substituted**—The principal Act is amended by repealing sections 29 and 30, and substituting the following sections:

15 “**29. Product safety standards**—(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations in respect of goods of any description or any class or classes of goods, prescribing for the purpose of preventing or reducing the risk of injury to any person, a product safety standard or 2 or more product safety standards relating to all or any of the following matters—

20 “(a) The performance, composition, contents, manufacture, processing, design, construction, finish or packaging of the goods:

25 “(b) The testing of the goods during or after manufacture or processing:

“(c) The form and content of markings, warnings, or instructions to accompany the goods.

30 “(2) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations declaring that:

“(a) An official standard or an official standard with such additions or variations as are specified in the regulations is a product safety standard:

35 “(b) A specified part or parts of an official standard or of an official standard with such additions or variations as are specified in the regulations is a product safety standard:

40 “(c) Two or more official standards or 2 or more official standards with such additions or variations as are specified in the regulations are product safety standards:

“(d) Specified parts of 2 or more official standards or of 2 or more official standards with such additions or variations as are specified in the regulations are product safety standards.

“(3) The Minister must not make a recommendation under this section unless— 5

“(a) The Minister has consulted with such persons or representatives of such persons as the Minister considers will be substantially affected by any Order in Council made in accordance with the recommendation and those persons have had the opportunity to comment to the Minister; and 10

“(b) The Minister has considered any such comments.

“(4) A failure to comply with **subsection (3)** does not affect the validity of any Order in Council made under this section. 15

“**30. Compliance with product safety standards**—(1) If a product safety standard in respect of goods relates to a matter specified in **section 29 (1)**, a person must not supply, or offer to supply, or advertise to supply those goods unless that person complies with that product safety standard. 20

“(2) If 2 or more product safety standards in respect of goods relate to a matter specified in **section 29 (1)**, a person must not supply, or offer to supply, or advertise to supply those goods unless that person complies with 1 of those product safety standards. 25

“(3) Nothing in **subsection (1)** or **subsection (2)** applies to goods that are intended for use outside New Zealand if there is applied to the goods—

“(a) A statement that the goods are for export only; or

“(b) A statement indicating, by the use of words authorised by regulations made under this section, that the goods are intended to be used outside New Zealand,— 30

and it must be presumed for the purposes of this section, unless the contrary is established, that the goods so identified are intended to be so used. 35

“(4) For the purposes of **subsection (3)**, a statement is deemed to be applied to goods if the statement is—

“(a) Woven in, impressed on, worked into, or annexed or affixed to the goods; or 40

“(b) Applied to a covering, label, reel, or thing in or with which the goods are supplied.”

101. New sections relating to services safety standards substituted—The principal Act is amended by repealing sections 35 and 36, and substituting the following sections:

5 “35. **Safety standards in respect of services**—(1) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations in respect of services of any description or any class or classes of services, prescribing for the purpose of preventing or reducing the risk of injury to any person, a services safety standard or 2 or more services safety standards relating to the performance of those services.

“(2) The Governor-General may, from time to time, on the recommendation of the Minister, by Order in Council, make regulations declaring that:

15 “(a) An official standard or an official standard with such additions or variations as are specified in the regulations is a services safety standard:

20 “(b) A specified part or parts of an official standard or of an official standard with such additions or variations as are specified in the regulations is a services safety standard:

25 “(c) Two or more official standards or 2 or more official standards with such additions or variations as are specified in the regulations are services safety standards:

“(d) Specified parts of 2 or more official standards or of 2 or more official standards with such additions or variations as are specified in the regulations are services safety standards.

30 “(3) The Minister must not make a recommendation under this section unless—

35 “(a) The Minister has consulted with such persons or representatives of such persons as the Minister considers will be substantially affected by any Order in Council made in accordance with the recommendation and those persons have had the opportunity to comment to the Minister; and

“(b) The Minister has considered any such comments.

40 “(4) A failure to comply with **subsection (3)** does not affect the validity of any Order in Council made under this section.

“36. **Compliance with services safety standards**—(1) If a services safety standard in respect of services is prescribed under **section 35 (1)**, a person must not supply, or offer to supply,

or advertise to supply those services unless that person complies with that services safety standard.

“(2) If 2 or more services safety standards in respect of services are prescribed under **section 35 (1)**, a person must not supply, or offer to supply, or advertise to supply those services unless that person complies with 1 of those services safety standards.” 5

102. Transitional provision relating to regulations in force before commencement of this Part—Regulations made under section 27 or section 29 or section 35 of the principal Act (as in force before the commencement of this Part of this Act), being regulations that were themselves in force immediately before the commencement of this Part of this Act, are deemed to have been made under **section 27 or section 29 or section 35** of the principal Act (as substituted by this Part of this Act). 10 15

PART 15

FILMS, VIDEOS, AND PUBLICATIONS CLASSIFICATION ACT 1993

103. Part to be part of Films, Videos, and Publications Classification Act 1993—This Part is part of the Films, Videos, and Publications Classification Act 1993* (in this Part referred to as the principal Act). 20

*1993, No. 94

104. Regulations—Section 149 of the principal Act is amended by inserting, after paragraph (n), the following paragraphs: 25

“(na) Prescribing, in relation to—

“(i) Ratings and classifications under the Video Recordings Act 1987; and

“(ii) Classifications under the Films Act 1983,—their equivalent ratings and classifications under this Act: 30

“(nb) Providing for the assigning of a rating or a classification to a film in any case where, because decisions have been made in respect of that film under both the Films Act 1983 and the Video Recordings Act 1987, it is not otherwise possible to assign one equivalent rating or classification to that film: 35

“(nc) Providing that film posters in respect of which an approval given pursuant to the Films Act 1983 before the 1st day of October 1994 is subsisting at that date are deemed, for the purposes of any 40

regulations made pursuant to paragraph (k), to be approved under any such regulations.”.

105. Regulations relating to transitional matters—
Section 176 of the principal Act is amended by repealing paragraphs (a), (b), and (d).
5

106. Amendment to Films, Videos, and Publications Classification Regulations 1994—(1) The Films, Videos, and Publications Classification Regulations 1994 (S.R. 1994/189) are amended by revoking regulation 66, and the heading above that regulation, and substituting the following regulation:
10

“66. **Expiry of regulations 64 and 65—**Regulations 64 and 65 expire with the close of 31 March 1999.”

(2) The amendment by this section of the Films, Videos, and Publications Classification Regulations 1994 is without prejudice to any power to amend or revoke those regulations.
15

107. Saving—(1) All regulations in force at the commencement of this section—

(a) That were made under section 149 of the principal Act pursuant to any power conferred by section 176 of the principal Act; and
20

(b) That, after the commencement of this section, could be made under section 149 of the principal Act (as amended by **section 104** of this Act) without reliance on any power conferred by section 176 of the principal Act; and
25

(c) That are in force immediately before the close of 31 March 1999,—
notwithstanding section 177 (b) of the principal Act, continue in force after 1 April 1999 as if they had been made under section 149 of the principal Act (as amended by **section 104** of this Act) without reliance on any power conferred by section 176 of the principal Act.
30

(2) The fact that any regulations are continued in force by this section is without prejudice to any power to amend or revoke those regulations.
35

PART 16

FINANCIAL REPORTING ACT 1993

108. Part to be part of Financial Reporting Act 1993—
This Part is part of the Financial Reporting Act 1993* (in this
Part referred to as the principal Act). 5

*1993, No. 106

Amendment: 1994, No. 11

109. Interpretation—Section 2 (1) of the principal Act is amended by omitting from the definition of the term “approved financial reporting standard” the number “27”, and substituting the number “24”.

110. Auditor’s report on reporting entities—Section 16
of the principal Act is amended by repealing subsection (2), and
substituting the following subsection: 10

“(2) Where the auditor’s report indicates that the requirements of this Act have not been complied with, the auditor must, within 7 working days after signing the report, send a copy of the report and a copy of the financial statements and any group financial statements to which it relates, to the Registrar who must, in turn, forthwith send copies of the report and statements to the Board and, if the reporting entity or group to which the report and statements relate is an issuer, to the Securities Commission.” 15 20

111. Auditor’s report on exempt companies—Section 17 (f) of the principal Act is amended by inserting, after the word “whether”, the words “, in the auditor’s opinion,”.

PART 17 25

GAS ACT 1992

112. Part to be part of Gas Act 1992—This Part is part of the Gas Act 1992* (in this Part referred to as the principal Act).

*1992, No. 124

Amendment: 1993, No. 144

113. Interpretation—(1) Section 2 (1) of the principal Act is amended by inserting in the definition of the term “road”, after the words “local authority;”, the words “and also includes a public footpath;”. 30

(2) Section 2 (1) of the principal Act is amended by repealing paragraph (a) of the definition of the term “road”, and substituting the following paragraph: 35

“(a) A private road within the meaning of section 315 of the Local Government Act 1974; or”.

114. Information to be supplied to Secretary—
 Section 56 (1) (a) of the principal Act is amended by inserting,
 after the word “section”, the words “, which statements and
 information must be supplied within 5 working days after the
 5 statements and information are first made so available”.

**115. Reasonable charge may be imposed for providing
 copies of statements—**The principal Act is amended by
 inserting, after section 56, the following section:

“56A. (1) Any person who is required by regulations made
 10 under section 55 to provide copies of statements and
 information, on request, to the public, may charge for
 providing those copies.

“(2) Any charge imposed under **subsection (1)** for copies of
 statements and information may be no more than is
 15 reasonably required to recover the costs of providing those
 copies.”

PART 18

GOVERNMENT SUPERANNUATION FUND ACT 1956

**116. Part to be part of Government Superannuation
 20 Fund Act 1956—**This Part is part of the Government
 Superannuation Fund Act 1956* (in this Part referred to as the
 principal Act).

*R. S. Vol. 21, p. 209

Amendments: 1987, No. 187; 1988, No. 19; 1989, No. 23; 1990, Nos. 30, 77; 1991, Nos. 7,
 59; 1992, Nos. 40, 61; 1995, No. 28

117. Actuarial examinations of Fund—(1) Section 94 of
 the principal Act (as substituted by section 16 of the
 25 Government Superannuation Fund Amendment Act 1995) is
 amended by repealing subsection (1), and substituting the
 following subsection:

“(1) The Government Actuary must examine the financial
 position of the Fund as at 30 June 1997 and following that
 30 examination, as at dates determined by the Minister, being
 dates that are no more than 3 years apart.”

New (Unanimous)

(2) The Government Actuary is not required to examine the
 financial position of the Fund as at 31 March 1997 (as required
 35 by section 94 (1) of the principal Act before its repeal by
subsection (1)).

118. Authority to incur expenses—The principal Act is amended by inserting, after section 95, the following section:

Struck Out (Unanimous)

“95AA. Without limiting section 74M (2) or section 81W (2) or section 88 (2) or section 95 (1) of this Act, pension expenses may be incurred by the Crown under the authority of any of those sections without further appropriation than this section.”

New (Unanimous)

“95AA. (1) The Crown may incur expenses relating to its liability under this Act in respect of contributors and beneficiaries.

“(2) Without limiting subsection (1), expenses may be incurred under the authority of subsection (1) without further appropriation than this section.

“(3) This section is subject to section 19c.”

PART 20

LEGAL SERVICES ACT 1991

121. Part to be part of Legal Services Act 1991—This Part is part of the Legal Services Act 1991* (in this Part referred to as the principal Act).

*1991, No. 71

Amendments: 1992, No. 84; 1994, No. 118; 1995, No. 91

122. Membership—Section 98 (1) of the principal Act is amended by repealing paragraph (b) (as substituted by section 10 (1) of the Department of Justice (Restructuring) Act 1995), and substituting the following paragraph:

“(b) The Secretary for Justice.”

123. Appointment of deputies—Section 99 of the principal Act is amended by repealing subsection (3) (as substituted by section 10 (1) of the Department of Justice (Restructuring) Act 1995), and substituting the following subsection:

“(3) The Secretary for Justice may appoint any employee of the Ministry of Justice to be that person’s deputy for the purposes of attending any meeting of the Board.”

5 **124. Consequential amendments to Department of Justice (Restructuring) Act 1995**—The First Schedule of the Department of Justice (Restructuring) Act 1995 is amended by repealing the items relating to sections 98 (1) and 99 of the principal Act.

PART 21

LOCAL GOVERNMENT ACT 1974

10 **125. Part to be part of Local Government Act 1974**—This Part is part of the Local Government Act 1974* (in this Part referred to as the principal Act).

*R. S. Vol. 25, p.1

Amendments: 1991, Nos. 49, 58, 115; 1992, Nos. 42, 71, 74, 113, 139; 1994, No. 68; 1995, Nos. 25, 40; 1996 Nos. 12, 43, 83

126. Interpretation—(1) Section 2 (1) of the principal Act is amended by repealing the definition of the term “region” (as substituted by section 2 (6) of the Local Government Act 1992), and substituting the following definition:

15 “ ‘Region’ means a region in respect of which—

“(a) A regional council is constituted; or

“(b) A territorial authority has, pursuant to section 37N, authority to exercise the functions, duties, and powers of a regional council.”.

20 (2) Section 2 (6) of the Local Government Amendment Act 1992 is consequentially repealed.

PART 22

MINISTRY OF ENERGY (ABOLITION) ACT 1989

25 **127. Part to be part of Ministry of Energy (Abolition) Act 1989**—This Part is part of the Ministry of Energy (Abolition) Act 1989* (in this Part referred to as the principal Act).

*1989, No. 140

Amendment: 1993, No. 140

30 **128. Regulations**—Section 35 (f) of the principal Act is amended by omitting the expression “\$1,000”, and substituting the expression “\$10,000”.

PART 23

NEW ZEALAND COUNCIL OF LAW REPORTING ACT 1938

129. Part to be part of New Zealand Council of Law Reporting Act 1938—This Part is part of the New Zealand

Council of Law Reporting Act 1938* (in this Part referred to as the principal Act).

*R.S. Vol. 10, p. 465

130. New sections relating to proceedings of Council substituted—The principal Act is amended by repealing section 10, and substituting the following sections: 5

“10. **Chairperson**—The Attorney-General is the Chairperson of the Council and, when present, presides at all meetings.

“10A. **Deputy Chairperson**—(1) At its first meeting in each calendar year the Council must elect one of its members to be Deputy Chairperson. 10

“(2) The Deputy Chairperson, when present, presides at all meetings of the Council in the absence of the Chairperson.

“(3) Subject to **subsection (4)**, the Deputy Chairperson holds office until a successor is elected under this section, and is eligible for re-election. 15

“(4) The office of Deputy Chairperson becomes vacant in any of the following circumstances:

“(a) If the Deputy Chairperson dies; or

“(b) If the Council removes the Deputy Chairperson from office; or 20

“(c) If the Deputy Chairperson resigns, by writing addressed to the Chairperson of the Council, or to the principal administrative officer of the Council; or

“(d) If the Deputy Chairperson ceases to be a member of the Council. 25

“(5) Where the office of Deputy Chairperson becomes vacant, an election to fill the vacancy must be held as soon as is reasonably practicable after its occurrence.

“10B. **Absence of Chairperson and Deputy Chairperson**—In the absence from any meeting of both the Attorney-General and the Deputy-Chairperson, the members present must elect one of their number to be the chairperson for the purposes of that meeting. 30

“10c. **Alternates**—(1) If any member of the Council appointed by the Chief Justice is absent from any meeting of the Council, any Judge of the High Court authorised in that behalf by the Chief Justice is entitled to attend the meeting. 35

“(2) If the Solicitor-General is absent from any meeting of the Council, any person employed in the Crown Law Office authorised by the Solicitor-General is entitled to attend the meeting. 40

“(3) If the President of the New Zealand Law Society is absent from any meeting of the Council, a Vice-President of that Society authorised by the Council of that Society is entitled to attend.

5 “(4) A person appointed under this section is, for the purpose of those meetings, deemed to be a member of the Council and that person’s attendance is evidence of authority to do so.

“10D. **Proceedings of Council**—(1) At any meeting of the Council 4 members form a quorum.

10 “(2) Except as otherwise provided in section 14, every question before the Council must be decided by a majority of the votes of the members present at a meeting of the Council.

15 “(3) On every such question the Chairperson has a deliberative vote, and, in the case of an equality of votes, has a casting vote.

“(4) Except as provided in this section and **sections 10 to 10c**, the Council may govern its own procedure.”

20 **131. Other amendments to principal Act**—(1) Sections 8A (c) and 9 (1) (b) of the principal Act are consequentially amended by omitting the word “Chairman”, and substituting the word “Chairperson”.

(2) Section 5 of the New Zealand Council of Law Reporting Amendment Act 1964 is consequentially repealed.

PART 24

25 PROTECTION OF PERSONAL AND PROPERTY RIGHTS ACT 1988

132. Part to be part of Protection of Personal and Property Rights Act 1988—This Part is part of the Protection of Personal and Property Rights Act 1988* (in this Part referred to as the principal Act).

*1988, No. 4

Amendments: 1989, No. 133; 1994, No. 54

30 **133. Order to administer property**—Section 11 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) No order may be made under this section in respect of either—

35 “(a) Any item of property that exceeds \$2,000 in value, or such other amount as is, from time to time, prescribed by Order in Council for the purposes of this paragraph; or

“(b) Any income or benefit in excess, in any 1 year, of \$20,000, or such other amount as is, from time to time, prescribed by Order in Council for the purposes of this paragraph.”

134. Application to trustee corporation in respect of small estates—(1) Section 33 (1) of the principal Act is amended by inserting, after the expression “\$100,000”, the words “or such other amount as is, from time to time, prescribed by Order in Council for the purposes of this subsection”. 5
10

(2) Section 33 (7) of the principal Act is amended by inserting, after the expression “\$120,000”, the words “or such other amount as is, from time to time, prescribed by Order in Council for the purposes of this subsection”.

135. First Schedule amended—Clause 3 of the First Schedule of the principal Act is amended by omitting the words “may be prescribed”, and substituting the words “is, from time to time, prescribed by Order in Council for the purposes of this clause”. 15

136. Second Schedule amended—Clause 2 of the Second Schedule of the principal Act is amended by omitting the words “may be prescribed”, and substituting the words “is, from time to time, prescribed by Order in Council for the purposes of this clause”. 20

PART 25 25

RADIATION PROTECTION ACT 1965

137. Part to be part of Radiation Protection Act 1965—This Part is part of the Radiation Protection Act 1965* (in this Part referred to as the principal Act).

*R. S. Vol. 18, p 673

138. Offences—(1) Section 26 (2) of the principal Act is amended by omitting the expression “\$200”, and substituting the expression “\$10,000”. 30

(2) Section 26 (2) of the principal Act is amended by omitting the expression “\$10”, and substituting the expression “\$500”.

PART 26

SECURITIES ACT 1978

Amendments to Securities Act 1978

5 **139. Part to be part of Securities Act 1978**—This Part is part of the Securities Act 1978* (in this Part referred to as the principal Act).

*R.S. Vol. 33, p. 587

140. New section inserted—The principal Act is amended by inserting, after section 15, the following section:

10 **“15A. Completion of proceedings where member unable to attend meeting**—(1) Despite section 15, if—

“(a) A meeting of the Commission with 3 or more members commences any proceeding, inquiry, or the transaction of other business; and

15 “(b) The number of those members able to attend any subsequent meeting is reduced to 2 as a result of illness, accident, or other unavoidable cause, or the expiration of a member’s term, or the resignation or removal from office of a member,—

20 the remaining 2 members of the Commission constitute a quorum for the purposes of completing the proceeding, inquiry, or transaction of business.

25 “(2) At a meeting of the Commission at which those 2 members are present, each of those members has a deliberative vote and, in the event of an equality of votes, the presiding member has a casting vote.”

30 **141. Assent to resolution without a meeting**—Section 16 of the principal Act is amended by omitting the words “or telex message by all the”, and substituting the words “(, telex message, or facsimile by 3), telex message, facsimile, electronic mail, or other similar means of communication by 3”.

142. Employees of Commission—Section 20 of the principal Act is amended by repealing subsection (2).

35 **143. Bank accounts**—(1) Section 31B (3) of the principal Act (as inserted by section 12 of the Securities Amendment Act 1982) is amended by omitting the word “ordinary”, and substituting the word “practicable”.

(2) Section 31B (4) of the principal Act (as so substituted) is amended by omitting the words “by cheque signed”, and substituting the word “effected”.

144. Restriction on distribution of prospectuses—Section 34 of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

“(a) After it has been amended unless all the amendments
have been incorporated in, or attached by way of
memorandum to, every copy of the registered
prospectus that is so distributed; or” 5

145. Registration of prospectus—Section 42 (5) of the principal Act is amended by omitting the words “under his hand” 10

146. Amendment of registered prospectus—(1) Section 43 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) Every memorandum of amendments to a registered prospectus delivered to the Registrar must be— 15

“(i) Signed by the issuer of the prospectus (if an individual) and every person who is a director of the issuer at the time the memorandum is delivered to the Registrar, or by its or his or her agent authorised in writing; and 20

“(ii) Delivered in duplicate and accompanied by a copy of the registered prospectus as amended.”

(2) Section 43 (6) of the principal Act is amended by omitting the words “under his hand”.

147. Amendment of registered deed—Section 47 (4) of the principal Act is amended by omitting the words “under his hand” 25

Amendments to Securities Amendment Act 1988

148. Amendments to Securities Amendment Act 1988—(1) The Securities Amendment Act 1988 (in this section referred to as the principal Act) is amended by inserting, after section 35, the following section: 30

“35A. **Evidence not otherwise admissible**—In the exercise of its jurisdiction under this Part, the Court may receive in evidence any statement, document, or information that would not be otherwise admissible that may in its opinion assist it to deal effectively with the matter. 35

Cf. 1986, No. 5, s. 79”

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

“40. **Effect of certain laws on authorised futures contracts and other contracts**—(1) Nothing in the Gaming and Lotteries Act 1977 applies to, or in respect of,—

- 5 “(a) An authorised futures contract; or
- “(b) An agreement or a contract of the kind described in section 37 (2).

“(2) Without limiting **subsection (1)**, a contract referred to in that subsection is not a gaming or wagering contract for the purposes of any enactment or rule of law.

- 10 “(3) A contravention of this Part does not affect the validity or enforceability of a contract referred to in **subsection (1)**.”

PART 27

VALUERS ACT 1948

15 **149. Part to be part of Valuers Act 1948**—This Part is part of the Valuers Act 1948* (in this Part referred to as the principal Act).

*R.S. Vol. 11, p. 724
Amendments: 1983, No. 99; 1991, No. 88; 1994, No. 65

150. Functions of Institute—The principal Act is amended by repealing section 10, and substituting the following section:

- 20 “10. The general functions of the Institute are—
- “(a) To promote and encourage ethical conduct among valuers and other members of the Institute; and
- “(b) To preserve and maintain the integrity and status of valuers and other members of the Institute generally; and
- 25 “(c) To provide opportunities for the acquisition and communication of knowledge in relation to the valuing of land and related subjects; and
- “(d) To consider and suggest amendments to the law relating to the valuing of land and related subjects; and
- 30 “(e) To provide means for the amicable settlement of professional differences; and
- “(f) To protect and promote the interests of the profession of valuing and the interests of the public in relation to valuations of land and related subjects.”

35 **151. Membership of Institute**—Section 11 of the principal Act is amended by repealing subsection (3), and substituting the following subsections:

- 40 “(3) Every valuer who is a member of the Institute by virtue of subsection (2) and who ceases to be registered under this Act ceases to be a member of the Institute.

“(4) The Council may admit to membership of the Institute any valuer who is not registered under this Act and who satisfies the Council that—

“(a) He or she is of good character and reputation; and

“(b) He or she—

“(i) Holds a certificate that is or would be recognised by the Board for the purposes of section 19; or

“(ii) Has passed such examination or examinations as are or would be approved by the Board for the purposes of section 19.

“(5) Admission to membership of the Institute under **subsection (4)** may in any particular case be on such terms and conditions as the Council thinks fit.

“(6) The Council may admit to membership of the Institute any other person who meets any other qualification for membership from time to time prescribed by rules made by the Institute under section 16 (1) (b).”

152. Rules of Institute—Section 16 (1) (m) of the principal Act (as amended by section 7 of the Decimal Currency Act 1964) is amended by omitting the expression “\$10”, and substituting the expression “\$500”.

PART 28

VISITING FORCES ACT 1939

153. Part to be part of Visiting Forces Act 1939—This Part is part of the Visiting Forces Act 1939* (in this Part referred to as the principal Act).

*R.S. Vol. 11, p. 807

154. Relations of visiting forces to the civil power and civilians—Section 4 of the principal Act is amended by repealing subsection (2).

155. Attachment of personnel and mutual powers of command—Section 6 (2) of the principal Act is amended by omitting from paragraph (a) the words “its disposal”, and substituting the words “the disposal of the Chief of Defence Force”.

SCHEDULES

SCHEDULE 1

Section 5

TECHNICAL AMENDMENTS TO ARMED FORCES DISCIPLINE ACT 1971

Provision	Amendment
Section 2 (1)	<p>By omitting from the definition of the term "aircraft" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "Air Force" the expression "section 5 of the Defence Act 1971", and substituting the expression "section 11 (5) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "air force base" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "airman" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "army" the expression "section 5 of the Defence Act 1971", and substituting the expression "section 11 (4) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "army camp" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "cadet forces" the expression "Part III of the Defence Act 1971", and substituting the expression "Part VI of the Defence Act 1990".</p> <p>By omitting from the definition of the term "defence area" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p> <p>By omitting from the definition of the term "enemy" the expression "section 2 of the Defence Act 1971", and substituting the expression "section 2 (1) of the Defence Act 1990".</p>

SCHEDULE 1—*continued*TECHNICAL AMENDMENTS TO ARMED FORCES DISCIPLINE ACT 1971—
continued

Provision	Amendment
Section 2 (1)— <i>continued</i>	<p>By omitting from the definition of the term “joint force” (as inserted by section 2 (2) of the Armed Forces Discipline Amendment Act 1988 and amended by section 105 (1) of the Defence Act 1990) the expression “(a)”.</p> <p>By omitting from the definitions of the terms “naval establishment” and “naval ship” the expression “section 2 of the Defence Act 1971”, and substituting the expression “section 2 (1) of the Defence Act 1990”.</p> <p>By omitting from the definition of the term “navy” the expression “section 5 of the Defence Act 1971”, and substituting the expression “section 11 (3) of the Defence Act 1990”.</p> <p>By omitting from the definition of the term “non-commissioned officer” the expression “section 2 of the Defence Act 1971”, and substituting the expression “section 2 (1) of the Defence Act 1990”.</p> <p>By omitting from the definition of the term “officer” the expression “section 2 of the Defence Act 1971”, and substituting the expression “section 2 (1) of the Defence Act 1990”.</p> <p>By omitting the definition of the term “prescribed”, and substituting the following term:</p> <p>“‘Prescribed’ means prescribed by this Act, or by rules of procedure or regulations made under this Act, or by regulations made under the Defence Act 1990 or by Defence Force Orders issued under this Act or the Defence Act 1990.”.</p>
Section 6	<p>By omitting from subsection (1) (a) the expression “paragraph (e) of subsection (2) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (3) (e) of the Defence Act 1990”.</p> <p>By omitting from subsection (1) (c) (vi) the expression “section 43 or section 44 of</p>

SCHEDULE 1—*continued*

TECHNICAL AMENDMENTS TO ARMED FORCES DISCIPLINE ACT 1971—
continued

Provision	Amendment
Section 6— <i>continued</i>	<p>the Defence Act 1971”, and substituting the expression “section 39 or section 40 of the Defence Act 1990”.</p> <p>By omitting from subsection (1) (d) the expression “paragraph (e) of subsection (2) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (3) (e) of the Defence Act 1990”.</p> <p>By omitting from subsection (2) (a) the expression “paragraph (d) of subsection (3) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (4) (d) of the Defence Act 1990”.</p> <p>By omitting from subsection (2) (c) (vi) the expression “section 43 or section 44 of the Defence Act 1971”, and substituting the expression “section 39 or section 40 of the Defence Act 1990”.</p> <p>By omitting from subsection (2) (d) the expression “paragraph (d) of subsection (3) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (4) (d) of the Defence Act 1990”.</p> <p>By omitting from subsection (3) (a) the expression “paragraph (d) of subsection (4) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (5) (d) of the Defence Act 1990”.</p> <p>By omitting from subsection (3) (c) (vi) the expression “section 43 or section 44 of the Defence Act 1971”, and substituting the expression “section 39 or section 40 of the Defence Act 1990”.</p> <p>By omitting from subsection (3) (d) the expression “paragraph (d) of subsection (4) of section 5 of the Defence Act 1971”, and substituting the expression “section 11 (5) (d) of the Defence Act 1990”.</p>
Section 10	<p>By omitting from subsection (1) (as amended by section 105 (1) of the Defence Act 1990) the words “order of the Chief of Defence Force”, and substituting the words “Defence Force Order”.</p> <p>By omitting from subsection (2) (as so amended) the words “order of the Chief</p>

SCHEDULE 1—*continued*TECHNICAL AMENDMENTS TO ARMED FORCES DISCIPLINE ACT 1971—
continued

Provision	Amendment
Section 10— <i>continued</i>	of Defence Force”, and substituting the words “Defence Force Order”.
Section 11	By omitting from subsection (1) (as so amended) the words “order of the Chief of Defence Force”, and substituting the words “Defence Force Order”. By omitting from subsection (2) (as so amended), the words “order of the Chief of Defence Force”, and substituting the words “Defence Force Order”.
Section 84	By omitting from subsection (2) the word “serviceman”, and substituting the words “member of the Armed Forces”.
Section 99	By omitting from subsection (1) (b) the words “Consolidated Account”, and substituting the words “Crown Bank Account”.
Section 107	By omitting from paragraph (c) the word “it”, and substituting the words “the Chief of Defence Force”.
Section 117	By inserting in subsection (2) (b), after the expression “paragraph (c)”, the expression “or paragraph (d)”. By omitting from subsection (12) the expression “section 50 of the Defence Act 1971”, and substituting the expression “section 49 of the Defence Act 1990”.
Section 147	By omitting from subsection (2) (d) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”. By omitting from subsection (2) (f) the words “Defence Council”, and substituting the words “Chief of Defence Force”. By omitting from subsection (2) (f), and also from subsection (2) (g), the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”.
Section 168	By omitting from subsection (2) (1) the word “constable”, and substituting the words “member of the Police”. By omitting from subsection (3) the words “Defence Council”, and substituting the words “Chief of Defence Force”.

SCHEDULE 1—*continued*TECHNICAL AMENDMENTS TO ARMED FORCES DISCIPLINE ACT 1971—
continued

Provision	Amendment
Section 175	By omitting from subsection (3) the expression “Coroners Act 1951”, and substituting the expression “Coroners Act 1988”.
Section 184	By omitting the word “constable”, and substituting the words “member of the Police”.
Section 186A	By omitting from subsection (4) (a) the expression “Accident Compensation Act 1982”, and substituting the expression “Accident Rehabilitation and Compensation Insurance Act 1992”.
Section 200	By omitting from subsection (4) (b) the expression “section 27”, and substituting the expression “section 14”.
Section 200	By omitting from subsection (1) the words “Defence Council or any of its service members”, and substituting the words “Chief of Defence Force”.
Section 202	By omitting from subsection (2A) (a) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”.
Section 206	By omitting from the proviso to subsection (3) the words “Chief of Defence Force” where it secondly occurs, and substituting the words “that person”.
Section 206	By omitting from subsection (4) the words “Secretary of Defence”, and substituting the words “Chief of Defence Force”.
Section 206	By omitting from subsection (1) the expression “Defence Act 1971”, and substituting the expression “Defence Act 1990”.
Section 206	By omitting from subsection (1) (g) the word “psychiatric”.
Section 206	By omitting from subsection (2) (as amended by section 105 (1) of the Defence Act 1990) the words “orders of the Chief of Defence Force”, and substituting the words “Defence Force Orders”.
Clause 1, First Schedule	By omitting the words “orders issued by the Defence Council”, and substituting the words “Defence Force Orders”.
Clause 4, First Schedule	By omitting the words “Defence Council”, and substituting the words “Chief of Defence Force”.

Section 12

SCHEDULE 2

FURTHER AMENDMENTS CONSEQUENTIAL ON ENACTMENT OF BIRTHS, DEATHS,
AND MARRIAGES REGISTRATION ACT 1995

Enactment Amended	Amendment
1948, No. 36—The Tuberculosis Act 1948 (R.S. Vol 11, p. 693)	<p>By repealing section 6, and substituting the following section:</p> <p>“6. (1) Forthwith after receiving a doctor’s certificate stating that the person to whose death it relates was affected by tuberculosis, a Registrar must give the Medical Officer of Health written notice of that fact.</p> <p>“(2) In subsection (1), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1970, No. 43—The Pharmacy Act 1970 (R.S. Vol. 21, p. 691)	<p>By omitting from section 19 the words “of Births and Deaths in New Zealand”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p>
1979, No. 27—The Toxic Substances Act 1979	<p>By repealing section 76 (2), and substituting the following subsections:</p> <p>“(2) Forthwith after receiving a doctor’s certificate stating that the person to whose death it relates was affected by poisoning, a Registrar must give the Medical Officer of Health written notice of that fact.</p> <p>“(2a) In subsection (1), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1982, No. 118—The Friendly Societies and Credit Unions Act 1982	<p>By repealing section 45 (1) (a), and substituting the following paragraph:</p> <p>“(a) Of a death certificate or doctor’s certificate (within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995) relating to the death of the member or other person; or”.</p>
1988, No. 150—The Dental Act 1988	<p>By repealing section 31 (3), and substituting the following subsections:</p> <p>“(3) Forthwith after receiving a doctor’s certificate relating to the death of any person who appears to have been registered under this Act, a Registrar must give the Secretary to the body by</p>

SCHEDULE 2—*continued*

FURTHER AMENDMENTS CONSEQUENTIAL ON ENACTMENT OF BIRTHS, DEATHS,
AND MARRIAGES REGISTRATION ACT 1995—*continued*

Enactment Amended	Amendment
1988, No. 150—The Dental Act 1988— <i>continued</i>	<p>which the register concerned is maintained written notice of the death, with particulars of its date and place; and as soon as is practicable after receiving the notice the Secretary must remove the person's name from the register.</p> <p>“(3a) In subsection (3), the terms ‘doctor’s certificate’ and ‘Registrar’ have the meanings given to them by section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1993, No. 87—The Electoral Act 1993	<p>By inserting in section 3 (1), after the definition of the term “Registrar”, the following definition:</p> <p>“‘Registrar of Births and Deaths’ means Registrar within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995.”</p>
1994, No. 107—The Veterinarians Act 1994	<p>By omitting from section 93 (1) the words “of Marriages”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p> <p>By omitting from section 20 (1) the words “of Births and Deaths”, and substituting the words “(within the meaning of section 2 of the Births, Deaths, and Marriages Registration Act 1995)”.</p> <p>By omitting from section 20 (3) the words “of Births and Deaths”.</p>