

STATUTES AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Accident Compensation

Clause 3: At present the Accident Compensation Corporation has a Managing Director and one Deputy Managing Director. This clause enables the Corporation to appoint one or more Deputy Managing Directors.

Broadcasting

Clause 5 repeals section 11 of the Broadcasting Act 1976, and substitutes a new section. The new section differs from the existing section in that it provides that the Fees and Travelling Allowances Act 1951 is not to apply in respect of the committees appointed by the Corporation under section 10 (4) of the Broadcasting Act 1976 to advise the Corporation or its Services on matters relating to programmes. These committees are commonly known as Regional Advisory Committees. The Fees and Travelling Allowances Act 1951 will set an overall limit in respect of the expenses that the Corporation may pay in respect of a meeting of any such committee but within that limit the Corporation may make such arrangements as it thinks fit.

Clause 6 provides that the powers of the Broadcasting Tribunal to amend any warrant or to renew any warrant may be exercised on behalf of the Tribunal by one member of the Tribunal if—

- (a) The application to amend the warrant or to renew it is made by the holder of the warrant; and
- (b) The application is unopposed.

Children's Health Camps

Clause 8: At present the Chairman and Deputy Chairman of the Children's Health Camps Board are appointed annually at the first meeting of the Board held after 1 August. This clause provides that they are to be appointed annually at the first meeting of the Board held after 1 April.

Citizenship

Clause 10 empowers the Secretary for Internal Affairs to delegate any of his powers and functions under the Citizenship Act 1977 to any other officer of the Department.

No. 165—1

Citizenship (Western Samoa)

Clause 12 applies section 4A (as set out in *clause 00* of this Bill, and relating to the delegation of the Secretary for Internal Affairs' powers and functions) and section 24 (relating to documents) of the Citizenship Act 1977 to applications for a grant of citizenship under section 7 of the Citizenship (Western Samoa) Act 1982. The effect of applying section 4A is self explanatory. The effect of applying section 24 is, broadly, to require persons to take the same care of documents under the principal Act as they are required to take in respect of documents under the Citizenship Act 1977.

Crimes

Clause 14 repeals section 396 of the Crimes Act 1961, which gives the Court of Appeal the same powers to clear the court and forbid the reporting of the proceedings as the High Court has under section 375 of that Act. That section was repealed by section 11 of the Crimes Amendment Act (No. 2) 1985, consequential upon the enactment of the Criminal Justice Act 1985. The matter is now covered by section 138 of that latter Act, and section 396 of the principal Act is redundant.

Dog Control And Hydatids

Clause 16 extends the present immunities that apply in respect of the actions of police dogs to dogs used for customs and defence purposes.

Clause 17 extends the present exemption from liability for damage done by police dogs to damage done by dogs used for customs and defence purposes.

Earthquake and War Damage

Clause 19: Under section 12 (1) (ca) of the Earthquake and War Damage Act 1944, the Earthquake and War Damage Commission is empowered to make grants to any body of persons engaged in research into earthquake engineering or geomechanical engineering.

At present the Commission may not grant more than \$30,000 in any financial year.

The amendment removes the monetary limit.

Electric Linemen

Clause 21 reduces the minimum age at which a person is entitled to a certificate of competency as an electric lineman from 20 years to 19 years.

Films

Clause 23 corrects a drafting error in section 24 (8) of the Films Act 1983.

Flags, Emblems, and Names Protection

Clause 25 amends the Third Schedule to the Flags, Emblems, and Names Protection Act 1981. That Schedule lists a number of enactments and orders that protect certain emblems, names, and words, and are preserved by section 23 of the principal Act. The clause adds to that list the items listed in the Schedule to this Bill.

Friendly Societies and Credit Unions

Clause 27 amends section 107 (1) of the Friendly Societies and Credit Unions Act 1982. The present wording of that subsection has the practical effect of restricting credit unions to one form of savings instrument only—a pass book share account nominally at call. Prior to the passing of the Act, credit unions also had power to operate term shares, Christmas Club, and similar special accounts. The amendment restores that power.

Howard Estate

Clause 29 increases from 5 to 6 the membership of the Howard Estate Advisory Board, by adding a member appointed on the recommendation of the Smedley Ex-Cadets Association Incorporated.

The Advisory Board advises the Public Trustee on the administration of the property held by the Public Trustee for the purposes of the Howard Estate Act 1978, an Act passed to facilitate the administration of an endowment created by will by the late Josiah Howard, who died in 1919.

The property held by the Public Trustee includes the Smedley Cadet Training Farm (formerly the Smedley Boys' Training Farm); and the Association is an association of persons who have been trained on that farm.

Invercargill Licensing Trust

Clause 31 increases the amounts that may be paid to a member of the Trust (other than the Chairman) for attending any meeting of the Trust or of any committee of the Trust. At present, the maximum fee is \$12 per meeting, with an annual maximum of \$672. Under this clause, the maximum per meeting will be \$25, with an annual maximum of \$1,250.

Judicature

Clause 33 increases from 6 to 7 the maximum number of Judges of the High Court that may be assigned to the Administrative Division of that Court.

Juries

Clause 35 empowers a Judge to excuse any person from jury service on any ground on which the Registrar could have excused that person under section 15 of the principal Act, whether or not the Registrar has refused to excuse that person. At present, the Judge can only act on appeal from the Registrar's refusal to excuse a person.

Clause 36 empowers a Judge to determine a challenge for cause "in private". At present, the Judge must deal with it "in chambers".

Law Practitioners

Clause 38 relates to the period within which an appeal to the Registrar may be brought against the decision of a District Council on the revision of a practitioner's bill of costs, and an application may be made for the review by the High Court of the Registrar's decision on the appeal. At present, such an appeal or application must be brought within 14 days, and there is no discretion to deal with late cases. This clause allows for an appeal or application out of time with leave of the Registrar or Judge.

Clause 39 sets the maximum number of solicitors that may form a partnership at 150. The present maximum is 50.

Licensing Trusts

Clause 41 increases the amounts that may be paid to a member of a Trust (other than the Chairman) for attending any meeting of the Trust or of any committee of the Trust. At present, the maximum fee is \$12 per meeting, with an annual maximum of \$672. Under this clause, different rates are prescribed in respect of those Trusts with annual gross receipts of up to \$4,750,000, and those with annual gross receipts in excess of that amount. In the case of the former, the maximum fee is \$18 per meeting, with an annual maximum of \$900; in the case of the latter, the maximum fee is \$25 per meeting, with an annual maximum of \$1,250.

Life Insurance

Clause 43 corrects a drafting error in section 40F of the Life Insurance Act 1908.

Litter

Clause 45 provides that Keep New Zealand Beautiful Incorporated is to be the body primarily responsible for the promotion of litter control in New Zealand. At present, this is the responsibility of the New Zealand Litter Control Council Incorporated.

Masterton Licensing Trust

Clause 47 increases the amounts that may be paid to a member of the Trust (other than the Chairman) for attending any meeting of the Trust or of any committee of the Trust. At present, the maximum fee is \$12 per meeting, with an annual maximum of \$672. Under this clause, the maximum per meeting will be \$25, with an annual maximum of \$1,250.

New Zealand Film Commission

Clause 49 amends section 18 of the New Zealand Film Commission Act 1978 to provide that a film produced pursuant to an agreement or arrangement entered into in respect of the film between the New Zealand Government or the New Zealand Film Commission and the Government or relevant public authority of another country is deemed to have a significant New Zealand content and thus be eligible for financial assistance from the New Zealand Film Commission.

Reserves

Clause 51 amends the Reserves Act 1977 because a doubt has been expressed as to the power of the administering body of a recreation reserve set apart for racecourse purposes to spend rents, issues, and profits to which section 68 (1) of that Act applies on charitable, educational, or cultural purposes, or for the management, improvement, and maintenance of any reserve.

This clause removes any possible doubt concerning the power to apply that money for those purposes in accordance with section 68 (2) of the Reserves Act 1977.

The clause also removes an inconsistency in the requirements for accounting relating to recreational reserves set apart for racecourse purposes.

Clause 52 amends a provision relating to the application of funds to make it clear that the general provision is subject to any specific requirement in the Reserves Act or any other Act. One such specific requirement is that in section 68 (1) of the Reserves Act relating to certain funds received in relation to recreation reserves set apart for racecourse purposes.

Royal New Zealand Institute of Horticulture

Clause 54 substitutes a new definition of the term "Examining Board" in the Royal New Zealand Institute of Horticulture Act 1953.

Clause 55 provides that a scheme of examination for a certificate or diploma granted by the Institute may provide for the recognition of any other examination conducted by the Institute as the equivalent of examination under that scheme.

The existing Act only allows for the recognition of an examination conducted by a university or institution other than the Institute.

Sale of Liquor

Clause 57 allows the removal of winebar licences as if they were wine resellers' licences. Winebar licences are largely a relic of the past. There are only 3 in New Zealand and no further such licences may be issued. At present, their removal to different premises is prohibited. The effect of these amendments is to allow the removal of a winebar licence within a radius of 50 miles of the present premises (unless the owner has acquired the licence in the last 3 years, in which case a maximum radius of 5 miles is prescribed).

Summary Proceedings

Clause 59 confers a right of appeal on the defendant and the informant against a decision of a District Court on an application for an order forbidding publication of a report of any proceedings or of any identifying particulars. At present, there is such an appeal against the refusal to make an order suppressing the name of the defendant following conviction (*Police v S 1* [1977] 1 NZLR 1), but not in other cases. The clause requires notice of appeal to be filed within 3 days (or 10 where the decision is made in the Chatham Islands), and requires the District Court to make an interim order pending the determination of the appeal.

Clause 60 repeals section 122 of the principal Act, which gives the High Court, on hearing any appeal from a District Court, the same powers to clear the court and forbid the reporting of the proceedings as the District Court has under section 35 of that Act. That section was repealed by section 150 (1) of the Criminal Justice Act 1985. The matter is now covered by section 138 of that Act, and section 35 of the principal Act is redundant.

Territorial Sea and Exclusive Economic Zone

Clause 62 provides for certificates to be sufficient evidence of the position of foreign fishing craft and the accuracy of equipment used to determine the position of foreign fishing craft until the contrary is proved.

Such certificates are only acceptable as evidence if the defendant has been given warning of them, and the Court has not ordered that the certificate should not be admissible as evidence.

Clause 63 repeals amendments to various Acts that were repealed by the Fisheries Act 1983.

Tourist Hotel Corporation

Clause 65 changes the Corporation's balance date from 31 March to 30 September, and makes interim provision for the period 1 April 1984 to 30 September 1985.

Transport

Clause 67 provides for the appointment of a Licensing Authority with power to act in any transport district where the Minister is satisfied that the workload is or is likely to be too great for the existing Licensing Authority and it would not be appropriate to appoint a Licensing Authority from another district to assist.

Clause 68 provides that the proper Licensing Authority to exercise jurisdiction in respect of an existing licence is not the Licensing Authority that granted the licence, but rather any Licensing Authority acting in the district in which the licence was granted.

Wine Makers

Clause 70 substitutes a new provision for section 17 of the Wine Makers Act 1981 relating to vineyard bar permits. When the permit was first provided for in 1976 it probably extended to the holders of fruit wine makers' licences as well as to the holders of grape wine makers' licences, although its name and section 154A (3) (b) of the Sale of Liquor Act 1962 (as enacted by section 42 (1) of the Sale of Liquor Amendment Act 1976) would tend to suggest a contrary intention. Be that as it may, section 17 of the principal Act is expressly limited to the holders of grape wine makers' licences. This clause extends that provision to include the holders of fruit wine makers' licences, and consequentially changes the name of the permit to "wine maker's bar permit".

Clause 71 amends section 25 of the Wine Makers Act 1981, which prohibits the export of New Zealand grape wine without a certificate from the Director of the Public Health Division of the Department of Health to the effect that the wine complies with certain requirements of the Food Regulations 1984, and is free from obvious fault. This clause extends this provision to include kiwifruit wine.

At present, the Director's decision to refuse a certificate may be reviewed by a panel of 3 persons appointed by the Wine Institute. This clause provides for a separate panel of 3 persons appointed by the Minister of Justice to review the Director's decision if it relates to any kiwifruit wine.

The present section extends to wine-based drinks of which the principal ingredient is grape wine. The amendment further extends this section to wine-based drinks of which the principal ingredient is kiwifruit wine.

Hon. Geoffrey Palmer

STATUTES AMENDMENT (NO. 2)

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A BILL INTITULED

An Act to amend certain enactments of the General Assembly

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title—This Act may be cited as the Statutes Amendment Act (No. 2) 1985.

Accident Compensation

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

*1982, No. 181

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

3. Deputy Managing Directors—(1) The principal Act is hereby amended by repealing section 12, and substituting the following section:

10 “12. (1) The Corporation may from time to time appoint as officers of the Corporation one or more Deputy Managing Directors.

15 “(2) On the occurrence from any cause of a vacancy in the office of the Managing Director (whether by reason of death, resignation, or otherwise), and so long as that vacancy continues, the Corporation shall appoint one of the Deputy Managing Directors to have and to exercise all the functions, duties, and powers of the Managing Director.

20 “(3) Each Deputy Managing Director shall have and may exercise such of the powers, duties, and functions of the Managing Director as the Managing Director may delegate to him either generally or in any particular case.

25 “(4) The fact that a Deputy Managing Director exercises any power, duty, or function pursuant to this section, shall, in the absence of proof to the contrary, be sufficient evidence of his authority to do so.

“(5) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Managing Director.”

30 (2) The principal Act is hereby consequentially amended by omitting from—

- (a) The definition of the expression “Deputy Managing Director” in section 2 (1); and
- (b) The proviso to section 13 (1); and
- (c) Section 13 (4); and
- 35 (d) Section 18 (3),—

the words “the Deputy Managing Director”, and substituting in each case the words “any Deputy Managing Director”.

Broadcasting

4. Sections to be read with Broadcasting Act 1976—This section and the next 2 succeeding sections shall be read together with and deemed part of the Broadcasting Act 1976* (in those sections referred to as the principal Act).

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*R.S. Vol. 13, p. 1
Amendment: 1985, No. 61

5. Remuneration and expenses of member of Corporation and committees—The principal Act is hereby amended by repealing section 11, and substituting the following section:

“11. (1) The Corporation is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 10

“(2) There shall be paid to the members of the Corporation and to the members of any committee appointed by it (not being members of the Corporation or members of a committee to which **subsection (3)** of this section applies) remuneration by way of salary, fees, or allowances and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and that Act shall apply accordingly. 15

“(3) Notwithstanding anything in **subsection (2)** of this section, the Corporation may pay to any committee appointed by it under section 10 (4) of this Act to advise the Corporation or its Services on matters relating to programmes, or to any member of any such committee, such sum by way of contribution towards the expenses incurred by the committee or member of the committee, as the Corporation from time to time determines. 20 25

“(4) The total amount payable by the Corporation under **subsection (3)** of this section in respect of any meeting of a committee to which that subsection applies shall not exceed the total amount that would have been payable in respect of that meeting if remuneration and travelling allowances and expenses had been payable in respect of that meeting under **subsection (1)** of this section. 30

“(5) Any money payable under **subsection (2)** of this section shall be paid from the Consolidated Account out of money appropriated by Parliament for the purpose; and the money so paid shall be repaid to that Account from the Broadcasting Account.” 35

6. Renewal and amendment of conditions of warrants—

(1) Section 81 of the principal Act is hereby amended by adding the following subsection:

5 “(5) Where the holder of a warrant makes an application for
the renewal of the warrant or an application under subsection
(4) of this section in relation to the warrant, the powers of the
Tribunal to renew the warrant or to amend or revoke any of
the terms or conditions of the warrant or to add any new
terms or conditions may, if the application is unopposed, be
10 exercised on behalf of the Tribunal by one member of the
Tribunal.”

(2) Section 78 of the principal Act (as amended by section 7
of the Broadcasting Amendment Act 1985) is hereby
consequentially amended by repealing subsection (4B).

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Children’s Health Camps

**7. Sections to be read with Children’s Health Camps Act
1972—**This section and the next succeeding section shall be read
together with and deemed part of the Children’s Health Camps
Act 1972* (in that section referred to as the principal Act).

*1972, No. 21

Amendments: 1979, No. 122; 1983, No. 65

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8. Chairman and Deputy Chairman of Board—Section
7 (1) of the principal Act is hereby amended by omitting the
word “August”, and substituting the word “April”.

Citizenship

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

*1977, No. 61

Amendment: 1979, No. 80

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10. Delegation of powers by Secretary—The principal Act
is hereby amended by inserting, after section 4, the following
section:

35 “4A. (1) The Secretary may from time to time, by writing
under the Secretary’s hand, either generally or particularly,
delegate to such officer or officers of the Department of Internal
Affairs as the Secretary thinks fit all or any of the powers and
functions exercisable by the Secretary under this Act or under
any regulations made under this Act, other than the power of
delegation conferred by this section.

“(2) Subject to any general or special directions given or conditions attached by the Secretary, the officer to whom any powers are delegated under this section may exercise those powers in the same manner and with the same effect as if they had been conferred on the officer directly by this section and not by delegation. 5

“(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with its terms in the absence of evidence to the contrary. 10

“(4) Any delegation under this section may be made to a specified officer or to officers of a specified class, or may be made to the holder for the time being of a specified office or class of office.

“(5) Any delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power or function by the Secretary. 15

“(6) Any such delegation shall, until revoked, continue in force according to its tenor, notwithstanding the fact that the Secretary by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Secretary.” 20

Citizenship (Western Samoa)

11. Sections to be read with Citizenship (Western Samoa) Act 1982—This section and the next succeeding section shall be read together with and deemed part of the Citizenship (Western Samoa) Act 1982* (in that section referred to as the principal Act). 25

*1982, No. 11

12. Application of certain provisions of Citizenship Act 1977—Section 7 (2) of the principal Act is hereby amended by omitting the expression “11, 12”, and substituting the expression “4A, 11, 12, 24”. 30

Crimes

13. Sections to be read with Crimes Act 1961—This section and the next succeeding section shall be read together with and deemed part of the Crimes Act 1961* (in that section referred to as the principal Act). 35

*R.S. Vol. 1, p. 635

Amendments: 1979, No. 5; 1979, No. 127; 1980, No. 63; 1980, No. 85; 1982, No. 46; 1982, No. 157

14. Court of Appeal's powers to forbid report of proceedings, etc.—Section 396 of the principal Act is hereby repealed.

Dog Control and Hydatids

5 **15. Sections to be read with Dog Control and Hydatids Act 1982**—This section and the next 2 succeeding sections shall be read together with and deemed part of the Dog Control and Hydatids Act 1982* (in those sections referred to as the principal Act).

*1982, No. 42

Amendment: 1983, No. 68

10 **16. Immunities relating to dogs used for customs or defence purposes**—(1) Section 56 of the principal Act is hereby amended by repealing subsection (7), and substituting the following subsection:

15 “(7) Nothing in this section shall apply in respect of any dog kept by the Police or any constable, the Customs Department, or the Ministry of Defence or any serviceman, or any officer or employee of the Customs Department or the Ministry of Defence while being used for the purpose of carrying out in a lawful manner any function, duty, or power of the Police or
20 the Department or Ministry or that constable, serviceman, officer, or employee.”

(2) Section 57 of the principal Act is hereby amended by repealing subsection (3), and substituting the following subsection:

25 “(3) Nothing in this section shall apply in respect of any dog kept by the Police or any constable, the Customs Department, or the Ministry of Defence or any serviceman, or any officer or employee of the Customs Department or the Ministry of Defence while being used for the purpose of carrying out in
30 a lawful manner any function, duty, or power of the Police or the Department or Ministry, or that constable, serviceman, officer, or employee.”

17. Exemption from liability for damage by dog used for customs or defence purposes—Section 61 of the principal
35 Act is hereby amended by repealing subsection (2), and substituting the following subsection:

40 “(2) This section shall not apply in respect of any damage done by a dog kept by the Police or any constable, the Customs Department, or the Ministry of Defence or any serviceman, or any officer or employee of the Customs Department or the

Ministry of Defence while it is being used for the purpose of carrying out in a lawful manner any function, duty, or power of the Police or the Department or Ministry, or that constable, serviceman, officer, or employee if, had this section not been enacted, there could be no claim for the damage against the Police, the Department or Ministry, or the constable, serviceman, officer, or employee.” 5

Earthquake and War Damage

18. Sections to be read with Earthquake and War Damage Act 1944—This section and the next succeeding section shall be read together with and deemed part of the Earthquake and War Damage Act 1944* (in that section referred to as the principal Act). 10

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

19. Grants for research—(1) Section 12 (1) of the principal Act is hereby amended by repealing paragraph (ca), and substituting the following paragraph: 15

“(ca) Such sums as the Commission may from time to time decide to grant to any body of persons engaged in research into earthquake engineering or geomechanical engineering:” 20

(2) The Earthquake and War Damage Amendment Act 1979 is hereby consequentially repealed.

Electric Linemen

20. Sections to be read with Electric Linemen Act 1959—This section and the next succeeding section shall be read together with and deemed part of the Electric Linemen Act 1959* (in that section referred to as the principal Act). 25

*Reprinted 1976, Vol. 4, p. 3445

21. Certification—Section 14 (a) of the principal Act is hereby amended by omitting the expression “20 years”, and substituting the expression “19 years”. 30

Films

22. Sections to be read with Films Act 1983—This section and the next succeeding section shall be read together with and deemed part of the Films Act 1983* (in that section referred to as the principal Act). 35

*1983, No. 130

23. Offences relating to exhibition of films, etc.—Section 24 (8) of the principal Act is hereby amended by omitting the expression “16 (8)”, and substituting the expression “16 (9)”.

Flags, Emblems, and Names Protection

5 **24. Sections and Schedule to be read with Flags, Emblems, and Names Protection Act 1981**—This section, the next succeeding section, and the Schedule to this Act shall be read together with and deemed part of the Flags, Emblems, and Names Protection Act 1981* (in that section referred to
10 as the principal Act).

*1981, No. 47

25. Emblems and names protected under other Acts—The Third Schedule to the principal Act is hereby amended by inserting, in their appropriate chronological order, the items set out in the Schedule to this Act.

15 *Friendly Societies and Credit Unions*

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

*1982, No. 118

Amendment: 1985, No. 118

27. Credit union to have shares—Section 107 (1) of the principal Act is hereby amended by omitting the words “be of one class all ranking equally and”, and substituting the words “all rank equally and be”.

25 *Howard Estate*

28. Sections to be read with Howard Estate Act 1978—This section and the next succeeding section shall be read together with and deemed part of the Howard Estate Act 1978* (in that section referred to as the principal Act).

*1978, No. 74

30 **29. Membership of Board**—(1) Section 19 (1) of the principal Act is hereby amended by adding the following paragraph:
“(f) One member shall be appointed on the recommendation of the Smedley Ex-Cadets Association Incorporated.”

(2) The said section 19 (1) is hereby consequentially amended by omitting the expression “5”, and substituting the expression “6”.

(3) Section 24 of the principal Act is hereby consequentially amended by omitting from subsections (3) and (4) the expression “3”, and substituting, in each case, the expression “4”.

Invercargill Licensing Trust

30. Sections to be read with Invercargill Licensing Trust Act 1950—This section and the next succeeding section shall be read together with and deemed part of the Invercargill Licensing Trust Act 1950* (in that section referred to as the principal Act).

*R.S. Vol. 3, p. 19

31. Remuneration of members—(1) The principal Act is hereby amended by repealing section 9A (as inserted by section 21 of the Licensing Trusts Amendment Act 1962), and substituting the following section:

“9A. The Trust may pay to each of its members, other than the Chairman, in respect of each meeting of the Trust or of any committee of the Trust attended by that member, remuneration at a rate fixed by the Trust not exceeding \$25, but no more than \$1,250 in total in any financial year.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 21 of the Licensing Trusts Amendment Act 1962;
- (b) Section 17 of the Licensing Trusts Amendment Act 1980.

Judicature

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

*1957 Reprint, Vol. 6, p. 699

Amendments: 1958, No. 4; 1960, No. 109; 1962, No. 11; 1963, No. 133; 1965, No. 62; 1966, No. 67; 1968, Nos. 18, 59; 1969, No. 86; 1970, No. 72; 1972, No. 130; 1973, No. 69; 1974, No. 57; 1977, No. 32; 1978, No. 55; 1979, No. 124; 1980, No. 88; 1981, No. 40; 1983, No. 103; 1985, No. 88; 1985, No. 112

33. Number of Judges of Administrative Division increased—(1) Section 25 of the principal Act (as substituted by section 2 of the Judicature Amendment Act 1968) is hereby

amended by omitting from subsection (2) the expression “6” (as substituted by section 3 of the Judicature Amendment Act 1980), and substituting the expression “7”.

5 (2) Section 3 of the Judicature Amendment Act 1980 is hereby consequentially repealed.

Juries

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

*1981, No. 23

Amendment: 1982, No. 174

35. Judge may excuse from jury service—Section 16 of the principal Act is hereby amended by repealing paragraph (a), and substituting the following paragraph:

15 “(a) On any ground on which the Registrar could have excused that person under section 15 of this Act, whether or not the Registrar had declined to excuse that person under that section:”.

36. Challenges for cause—Section 25 (3) of the principal Act is hereby amended by omitting the word “chambers”, and substituting the word “private”.

Law Practitioners

37. Sections to be read with Law Practitioners Act 1982—This section and the next 2 succeeding sections shall be read together with and deemed part of the Law Practitioners Act 25 1982* (in those sections referred to as the principal Act).

*1982, No. 123

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

38. Appeal etc., out of time—(1) Section 148 (2) of the principal Act is hereby amended by inserting, after the words “the decision appealed against”, the words “, or within such further time as the Registrar may allow”.

30 (2) Section 149 (1) of the principal Act is hereby amended by inserting, after the words “the date of the decision”, the words “, or within such further time as a Judge of the High Court may allow”.

39. Maximum size of partnership of solicitors—The principal Act is hereby amended by inserting, after section 189, the following section:

“189A. Notwithstanding the provisions of section 456 of the Companies Act 1955, it shall be lawful for solicitors to form partnerships consisting of not more than 150 persons for the purpose of carrying on the practice of law in New Zealand without being registered as a company under that Act.”

Licensing Trusts

40. Sections to be read with Licensing Trusts Act 1949— This section and the next succeeding section shall be read together with and deemed part of the Licensing Trusts Act 1949* (in that section referred to as the principal Act).

*R.S. Vol. 3, p. 289
Amendment: 1980, No. 97

41. Remuneration of members—(1) The principal Act is hereby amended by repealing section 8A (as inserted by section 3 of the Licensing Trusts Amendment Act 1962), and substituting the following section:

“8A. The Trust may pay to each of its members, other than the Chairman, in respect of each meeting of the Trust or of any committee of the Trust attended by that member, remuneration as follows:

“(a) In the case of a Trust with gross receipts in the last completed financial year of \$4,750,000 or less, \$18 per meeting, but no more than \$900 in total in any financial year:

“(b) In the case of a Trust with gross receipts in the last completed financial year of more than \$4,750,000, \$25 per meeting, but no more than \$1,250 in total in any financial year.”

(2) The following enactments are hereby consequentially repealed:

- (a) Section 3 of the Licensing Trusts Amendment Act 1962;
- (b) Section 3 of the Licensing Trusts Amendment Act 1980.

Life Insurance

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

*R.S. Vol. 6, p. 773
Amendments: 1983, No. 50; 1983, No. 80

43. Functions of judicial manager—Section 40F of the principal Act (as inserted by section 18 of the Life Insurance Amendment Act 1983) is hereby amended by repealing paragraphs (b) to (d), and substituting the following paragraph:

5 “(b) To make a report to the Court as to the state of the business and affairs of the company and to recommend therein as to—

“(i) The carrying on by the company of the business of the company:

10 “(ii) The transfer of the business of the company, or any part thereof to any other company pursuant to a scheme of transfer accompanying the report:

“(iii) The winding up of the company:

15 “(iv) Any other course of action, matter, or thing in respect of the business of the company.”

Litter

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

*1979, No. 41

45. Responsibility for promotion of litter control—

(1) The principal Act is hereby amended by repealing section 4, and substituting the following section:

25 “4. Keep New Zealand Beautiful Incorporated shall be the body primarily responsible for the promotion of litter control in New Zealand.”

(2) Section 2 (1) of the principal Act is hereby consequentially amended by repealing the definition of the term “Litter Control Council”.

30 *Masterton Licensing Trust*

46. Sections to be read with Masterton Licensing Trust Act 1947—This section and the next succeeding section shall be read together with and deemed part of the Masterton Licensing Trust Act 1947* (in that section referred to as the principal Act).

*R.S. Vol. 3, p. 445

47. Remuneration of members—(1) The principal Act is hereby amended by repealing section 9A (as inserted by section 12 of the Licensing Trusts Amendment Act 1962), and substituting the following section:

“9A. The Trust may pay to each of its members, other than the Chairman, in respect of each meeting of the Trust or of any committee of the Trust attended by that member, remuneration at a rate fixed by the Trust not exceeding \$25, but no more than \$1,250 in total in any financial year.”

(2) The following enactments are hereby consequentially repealed:

(a) Section 12 of the Licensing Trusts Amendment Act 1962:

(b) Section 12 of the Licensing Trusts Amendment Act 1980.

New Zealand Film Commission

48. Sections to be read with New Zealand Film Commission Act 1978—This section and the next succeeding section shall be read together with and deemed part of the New Zealand Film Commission Act 1978* (in that section referred to as the principal Act).

*1978, No. 61

Amendment: 1980, No. 125

49. Content of films—Section 18 of the principal Act is hereby amended by inserting, after subsection (2), the following subsection:

“(2A) A film shall be deemed to have a significant New Zealand content if it is made pursuant to an agreement or arrangement entered into in respect of the film between—

“(a) The Government of New Zealand or the Commission; and

“(b) The Government of another country or relevant public authority of another country.”

Reserves

50. Sections to be read with Reserves Act 1977—This section and the next 2 succeeding sections shall be read together with and deemed part of the Reserves Act 1977* (in those sections referred to as the principal Act).

*1977, No. 66

Amendments: 1978, No. 121; 1979, No. 63; 1980, Nos. 35, 139; 1981, No. 30; 1983, No. 43

51. Application of revenue and accounting procedures in respect of recreation reserves set apart for racecourse purposes—(1) Section 68 (2) of the principal Act is hereby amended by inserting, after the word “funds”, the words “, including money to which subsection (1) of this section applies,”.

(2) Section 79 (2) of the principal Act is hereby amended by inserting, before the words “All such money”, the words “Except as provided in section 68 (1) of this Act”.

52. Expenditure of funds—Section 80 (1) of the principal Act is hereby amended by inserting, after the words “otherwise authorised”, the words “or required”.

Royal New Zealand Institute of Horticulture

53. Sections to be read with Royal New Zealand Institute of Horticulture Act 1953—This section and the next succeeding sections shall be read together with and deemed part of the Royal New Zealand Institute of Horticulture Act 1953* (in those sections referred to as the principal Act).

*R.S. Vol. 10, p. 931

54. Interpretation—Section 2 of the principal Act is hereby amended by omitting the definition of the term “Examining Board”, and substituting the following definition:

“‘Examining Board’ means the Examining Board appointed by the National Executive of the Institute and approved by the Minister:”.

55. Minister may approve schemes of examination—Section 4 of the principal Act is hereby amended by inserting, after subsection (3), the following subsection:

“(3A) Any scheme of examination approved under this section may provide for the recognition of any other examination conducted by the Institute as the equivalent of examination under the scheme and where a candidate has passed any such examination the Institute may dispense in whole or in part with any examination under the scheme.”

Sale of Liquor

56. Sections to be read with Sale of Liquor Act 1962—This section and the next succeeding section shall be read together with and deemed part of the Sale of Liquor Act 1962* (in that section referred to as the principal Act).

*R.S. Vol. 9, p. 201

Amendments: 1982, No. 98; 1982, No. 113; 1983, No. 30

57. Removal of winebar licences—(1) The Fourth Schedule to the principal Act is hereby amended by repealing clause 2, and substituting the following clause:

“2. A winebar licence may be renewed, transferred, and removed from time to time as if it were a wine reseller’s licence; and the provisions of sections 124 to 127, subsections (1), (5), and (6) of section 129, and sections 130 to 134, 139, 140, 141B, 142, 145, 147, and 160 of this Act, so far as they are applicable and with the necessary modifications, shall apply.”

(2) The Fourth Schedule to the principal Act is hereby further amended by omitting from clause 4 the words “, and no such licence shall be removed to any other premises”.

Summary Proceedings

58. Sections to be read with Summary Proceedings Act 1957—This section and the next 2 succeeding sections shall be read together with and deemed part of the Summary Proceedings Act 1957* (in those sections referred to as the principal Act).

*R.S. Vol. 9, p. 583

Amendments: 1982, No. 47; 1982, No. 131; 1982, No. 158; 1985, No. 51; 1985, No. 55

59. Right of appeal against decisions relating to publication of reports of proceedings or identifying particulars—The principal Act is hereby amended by inserting, after section 115B (as inserted by section 12 (1) of the Summary Proceedings Amendment Act 1976), the following section:

“115c. (1) The applicant for an order under paragraph (a) or paragraph (b) of section 138 (2), or under section 140, of the Criminal Justice Act 1985 forbidding publication of any report of the proceedings or of any identifying particulars, or the informant may appeal to the High Court against the District Court’s decision in respect of the application.

“(2) Where the decision is to refuse to make the order sought, the District Court shall, on being satisfied that an appeal against that decision is to be brought under this section, make an interim order to the effect sought by the applicant; and that interim order shall continue in force—

“(a) Until the expiry of the period prescribed by section 116 of this Act for the filing of notice of the appeal; or

“(b) If notice of the appeal is filed within that prescribed period, until the appeal is finally disposed of, or withdrawn, or abandoned.

“(3) The provisions of sections 116 to 144 of this Act, as far as they are applicable and with the necessary modifications, shall apply to any such appeal as if the decision of the District Court were an order made on sentence.”

5 (2) Section 115 (4) of the principal Act is hereby amended by inserting, after the words “or section 115B” (as inserted by section 12 (2) of the Summary Proceedings Amendment Act 1976), the words “or **section 115c**”.

(3) Section 116 (1) of the principal Act is hereby amended by
10 inserting, before the words “The appellant”, the words “Subject to **subsection (1A)** of this section,”.

(4) Section 116 of the principal Act is hereby further amended by inserting, after subsection (1), the following subsection:

“(1A) In the case of an appeal under **section 115c** of this Act,
15 the notice of appeal required by subsection (1) of this section shall be filed within 3 days after the date of the decision against which the appeal is brought.”

(5) Section 116 (3) of the principal Act is hereby amended by adding the words “, and **subsection (1A)** of this section shall be
20 read as if for the words “3 days” there were substituted the words “10 days”.

60. High Court’s powers to clear Court and forbid report of proceedings—Section 122 of the principal Act is hereby repealed.

25 *Territorial Sea and Exclusive Economic Zone*

61. Sections to be read with Territorial Sea and Exclusive Economic Zone Act 1977—This section and the next 2 succeeding sections shall be read together with and deemed part of the Territorial Sea and Exclusive Economic Zone Act
30 1977* (in those sections referred to as the principal Act).

*1977, No. 28

Amendment: 1980, No. 146

62. Certificates as evidence—The principal Act is hereby amended by inserting, after section 32, the following section:

“32A. (1) Subject to **subsection (2)** of this section, in any
35 proceedings for an offence against this Act or any regulations made under this Act, any certificate purporting to be signed by any serviceman within the meaning of the Defence Act 1971 and—

“(a) Stating the position of any foreign fishing craft at any date and time specified in the certificate; or

“(b) Stating that the serviceman is satisfied that the equipment used to determine the position of any foreign fishing craft was in proper working order and that the equipment was accurate within specifications detailed in the certificate; or 5

“(c) Stating both the matters referred to in **paragraph (a)** and the matters referred to in **paragraph (b)** of this subsection—

shall be sufficient evidence of the facts stated until the contrary is proved. 10

“(2) A certificate referred to in **subsection (1)** of this section shall be admissible in evidence only if—

“(a) At least 28 days before the hearing at which the certificate is tendered, a copy of that certificate is served, by or on behalf of the prosecutor, on the defendant or his agent or counsel, and that person is, at the same time, informed in writing that the prosecutor does not propose to call the person who signed the certificate as a witness at the hearing; and 15 20

“(b) The Court has not, on the application of the defendant made not less than 14 days before the hearing, ordered, not less than 7 days before the hearing or such lesser period as the Court in the special circumstances of the case thinks fit, that the certificate should not be admissible as evidence in the proceedings. 25

“(3) The Court shall not make an order under **subsection (2)** of this section unless it is satisfied that there is a reasonable doubt as to the accuracy or validity of a certificate.” 30

63. Repeals—The Schedule to the principal Act is hereby amended by repealing the items relating to:

- (a) The Fisheries Act 1908;
- (b) The Fisheries Amendment Act 1963;
- (c) The Fisheries Amendment Act 1967; 35
- (d) The Fisheries Amendment Act 1968.

Tourist Hotel Corporation

64. Sections to be read with Tourist Hotel Corporation Act 1974—This section and the next succeeding section shall be read together with and deemed part of the Tourist Hotel Corporation Act 1974* (in that section referred to as the principal Act). 40

*1974, No. 59

Amendments: 1976, No. 31; 1978, No. 69; 1982, No. 127

65. Change of balance date—(1) Section 19 of the principal Act (as amended by section 8 (1) of the Tourist Hotel Corporation Amendment Act 1976) is hereby amended by omitting from subsection (2), and from subsection (4), the expression “31st day of March”, and substituting in each case the expression “30th day of September”.

(2) Notwithstanding anything in section 19 (2) of the principal Act or **subsection (1)** of this section, the Corporation shall, as soon as practicable after the commencement of **this section**, cause the accounts of the Corporation for the period beginning with the 1st day of April 1984 and ending with the 30th day of September 1985 to be balanced and a balance sheet, a profit and loss account, and a statement of the source and application of the funds of the Corporation as at the 30th day of September 1985 to be prepared, together with such other statements of account as may be necessary to show fully the financial position of the Corporation and the financial results of its operations during that period.

(3) Notwithstanding anything in section 19 (4) of the principal Act or **subsection (1)** of this section, as soon as practicable after the commencement of **this section**, the Corporation shall furnish to the Minister a report of the Corporation’s operations for the period commencing with the 1st day of April 1984 and ending with the 30th day of September 1985, together with a copy of the Corporation’s accounts and balance sheet for that period and the report thereon of the Audit Office.

(4) Subsections (3) and (5) of section 19 of the principal Act, with any necessary modifications, shall apply to the accounts and report prepared under **subsections (2) and (3)** of this section.

(5) Section 8 of the Tourist Hotel Corporation Amendment Act 1976 is hereby consequentially repealed.

Transport

66. Sections to be read with Transport Act 1962—This section and the **next succeeding** section shall be read together with and deemed part of the Transport Act 1962* (in that section referred to as the principal Act).

*R.S. Vol. 16, p. 659
Amendment: 1985, No. 126

67. Licensing Authority with jurisdiction in any district—The principal Act is hereby amended by inserting, after section 93, the following section:

“93A. (1) Notwithstanding section 93 of this Act, there shall be a Licensing Authority which shall, subject to this section, have jurisdiction in any or all transport districts.

“(2) The Licensing Authority appointed under this section shall consist of one person appointed by the Minister. 5

“(3) The Licensing Authority appointed under the authority of this section shall be entitled to exercise his jurisdiction in any transport district only where the Minister is satisfied that—

“(a) The Licensing Authority for that district is or is likely to be unable to deal expeditiously with all the transport licensing matters arising in its district; and 10

“(b) It would not be appropriate to authorise under section 93 (4) of this Act any other Licensing Authority to act in the district.

“(4) Every authorisation under **subsection (3)** of this section shall be given by notice in writing to the Licensing Authority and shall be for such period as shall be specified in the notice.” 15

68. Defining proper Licensing Authority to exercise jurisdiction in respect of licences—Section 115 (2) of the principal Act (as substituted by section 18 of the Transport Amendment Act (No. 2) 1983) is hereby amended by omitting the words “the Licensing Authority that granted the licence”, and substituting the words “any Licensing Authority acting in the district in which the licence was granted”. 20 25

Wine Makers

69. Sections to be read with Wine Makers Act 1981—

(1) This section and the **next 2 succeeding** sections shall be read together with and deemed part of the Wine Makers Act 1981* (in those sections referred to as the principal Act). 30

(2) **Section 71** of this Act shall come into force on the 1st day of April 1986.

*1981, No. 125

Amendments: 1982, No. 109; 1983, No. 32; 1983, No. 101

70. Commission may grant wine maker’s bar permit—

(1) The principal Act is hereby amended by repealing section 17, and substituting the following section: 35

“17. (1) Notwithstanding anything in this Act, on the grant of a wine maker’s licence, or at any subsequent time (whether the licence was granted before or after the commencement of this Act), the Commission may in its discretion, on application, and subject to such conditions as it thinks fit, grant to the holder of the licence a wine maker’s bar permit in accordance with this section. 40

“(2) Every wine maker’s bar permit shall be in writing and shall authorise the holder to sell and dispose of wine made by the holder, for consumption on the portion of the holder’s premises described in the permit, at any time between the
5 hours of 9 o’clock in the morning and 9 o’clock in the evening on any day.

“(3) Every wine maker’s bar permit shall be deemed to be granted subject to the condition that every bottle or other container in which wine is supplied pursuant to the permit,
10 and every drinking vessel used for its consumption, shall be cleared away immediately after 9.30 o’clock in the evening.

“(4) Notwithstanding anything in **subsection (2)** of this section, a wine maker’s bar permit shall be granted only in respect of any premises—

15 “(a) That comprise the whole or part of the premises described in the applicant’s wine maker’s licence;
or

“(b) That, in the case of a grape wine maker’s licence, comprise the whole or part of a vineyard owned
20 by the applicant in which the applicant grows grapes for use in making wine; or

“(c) That, in the case of a fruit wine maker’s licence, comprise the whole or part of an orchard or other horticultural holding owned by the applicant in
25 which the applicant grows fruit or vegetables for use in making wine.”

(2) Section 18 of the principal Act is hereby amended by omitting from subsections (1) (c), (2), and (3) the word “vineyard” wherever it occurs, and substituting in each case the words
30 “wine maker’s”.

(3) Section 19 of the principal Act is hereby amended—

(a) By omitting from subsection (3) (a) the words “growing of grapes or the making of wine”, and substituting the words “making of wine, or the growing of grapes
35 or other fruit or vegetables”:

(b) By omitting from subsections (3), (4), and (5) the word “vineyard” wherever it occurs, and substituting in each case the words “wine maker’s”.

(4) Section 20 (1) of the principal Act is hereby amended by
40 omitting the word “vineyard”, and substituting the words “wine maker’s”.

(5) Section 23 (1) (e) of the principal Act is hereby amended by omitting the word “vineyard”, and substituting the words “wine maker’s”.

(6) Section 27 of the principal Act is hereby amended by omitting from subsections (2) and (3) the word “vineyard”, and substituting in each case the words “wine maker’s”.

(7) Section 259A of the Sale of Liquor Act 1962 (as inserted by section 62 of the Sale of Liquor Amendment Act 1980) is hereby amended by omitting from subsections (6)(a) and (7) the word “vineyard”, and substituting in each case the words “wine maker’s”. 5

(8) Section 260 of the Sale of Liquor Act 1962 (as substituted by section 3 of the Sale of Liquor Amendment Act 1976) is hereby amended by omitting from subsection (2) (b) (as substituted by section 8 (1) of the Sale of Liquor Amendment Act 1981) the word “vineyard”, and substituting the words “wine maker’s”. 10

(9) Section 36 of the Invercargill Licensing Trusts Act 1950 (as substituted by section 15 (1) of the Licensing Trusts Amendment Act 1977) is hereby amended by omitting from subsection (1A) (as inserted by section 33 of the principal Act) the words “vineyard bar”. 15

(10) Every vineyard bar permit that was in force immediately before the date of the commencement of this Act shall hereafter be known as a wine maker’s bar permit; and every application for a vineyard bar permit that had been made but not determined before that date shall be deemed to be an application for a wine maker’s bar permit. 20 25

71. Kiwifruit wine not to be exported without certificate of compliance—(1) Section 25 (1) of the principal Act is hereby amended by inserting, after the words “grape wine”, the words “or of kiwifruit wine”. 20

(2) Section 25 of the principal Act is hereby further amended by repealing subsection (2), and substituting the following subsection: 30

“(2) If the Director refuses to issue a certificate in respect of any wine for the purposes of subsection (1) of this section on the ground that the wine is not free from obvious fault, any person aggrieved by the Director’s decision may require the case to be reviewed by a reviewing panel, comprising not less than 3 persons appointed, in accordance with regulations made under this section,— 35

“(a) By the Wine Institute, in the case of any grape wine; 40

“(b) By the Minister of Justice, in the case of any kiwifruit wine.”

(3) Section 25 (5) of the principal Act is hereby amended by inserting, after the definition of the term "Director", the following definition:

5 "Kiwifruit wine' means the product of the alcoholic fermentation of the juice, or of the juice and other portions, of kiwifruit:"

(4) Section 25 (6) of the principal Act (as added by section 3 of the Wine Makers Amendment Act (No. 2) 1983) is hereby amended by inserting, after the words "grape wine" in both
10 places where they occur, the words "or kiwifruit wine".

Section 24

SCHEDULE

ENACTMENTS AND ORDER (RELATING TO PROTECTION OF CERTAIN EMBLEMS, NAMES, AND WORDS) PRESERVED

| Enactment or Order | Emblem, Name, or Words Protected |
|---|--|
| The Police Regulations 1949 (Reprinted with amendments Nos. 1-24: S.R. 1985/259); regulation 93B The Racing Act 1971: section 29 | The Police crest and badge. "Racing conference". "Trotting conference". "Greyhound racing association". "Testing Laboratory Registration". |
| The Testing Laboratory Registration Act 1972: section 29 | |
| The Gaming and Lotteries Act 1977: section 139 | "Golden Kiwi". |
| The Prohibited Marks Order 1982 (S.R. 1982/127) | "TELARC". |