

## HOUSE OF REPRESENTATIVES

## Supplementary Order Paper

Tuesday, the 4th Day of October 1977

CONTRACEPTION, STERILISATION, AND ABORTION BILL

*Proposed Amendments*

Hon. Mr THOMSON, in Committee, to move the following amendments:

*Clause 2:* To omit from line 7 on page 3 the words "from the mother".

*Clause 14:* To omit from line 34 on page 10 the word "Every", and substitute the words "Subject to section 15A of this Act, every".

To omit from line 35 on that page the words "Minister of Justice", and substitute the words "House of Representatives".

*Clause 15:* To omit from line 8 on page 11 the word "Minister", and substitute the words "Speaker of the House of Representatives, or to the Prime Minister if there is no Speaker or the Speaker is absent from New Zealand".

To omit from line 11 on that page the words "on the recommendation of the Minister", and substitute the words "upon an address from the House of Representatives".

To omit from lines 12 and 13 on that page the words ", proved to the satisfaction of the Minister".

*Proposed clause 15A:* To insert on page 11, after clause 15, the following clause:

**15A. Manner of appointments—**(1) If any member of the Supervisory Committee dies, or resigns his office, or is removed from office, the vacancy thereby created shall be filled in accordance with this section.

(2) If any such vacancy occurs at any time while Parliament is in session, it shall be filled by appointment by the Governor-General on the recommendation of the House of Representatives:

Provided that if the vacancy occurs less than 2 months before the close of that session and no such recommendation is made in that session, the provisions of subsection (3) of this section shall apply as if the vacancy had occurred while Parliament was not in session.

(3) If any such vacancy occurs at any time while Parliament is not in session, the following provisions shall apply:

(a) The Governor-General in Council may appoint a person to fill the vacancy, and the person so

appointed shall, unless his office sooner becomes vacant, hold office until his appointment is confirmed by the House of Representatives:

- (b) If the appointment is not so confirmed within 2 months after the commencement of the next ensuing session, the appointment shall lapse and there shall be deemed to be a further vacancy in the membership of the Supervisory Committee.

*Clause 16:* To omit from lines 25 and 26 on page 11 the words “the Minister is satisfied that”.

To omit from line 29 on that page the word “Minister”, and substitute the words “Governor-General”.

To insert on that page, after subclause (1), the following subclauses:

“(1A) The power conferred by subsection (1) of this section shall be exercised only on a certificate signed by the Chairman of the Supervisory Committee to the effect that, in his opinion, the temporary appointment is necessary for the due conduct of the business of the Committee.

“(1B) The provisions of section 15A of this Act shall apply, with any necessary modifications, to the temporary appointment of a member under this section as if the member were being appointed under that section to fill a vacancy.”

*Clause 17:* To omit from line 6 on page 13 the words “the Minister of Justice”, and substitute the word “Parliament”.

*Clause 42:* To omit from lines 20 and 21 on page 24 the words “the Minister of Justice”, and substitute the word “Parliament”.

To omit subclause (2) on that page.

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#### EXPLANATORY NOTE

*Clause 2:* The amendment removes a drafting inconsistency between the definition of the term “abortion” in this clause, and the definition of the term “miscarriage” in clause 51.

*Clauses 14, 15, 15A, and 16:* The amendments provide that members of the proposed Abortion Supervisory Committee are to be appointed and removed by the Governor-General on the recommendation of the House of Representatives. Under the Bill, the appointments are to be made by the Minister of Justice. The procedure follows that prescribed by the Ombudsmen Act 1976 in respect of Ombudsmen.

*Clauses 17 and 42:* The amendments require the proposed Abortion Supervisory Committee to report annually to Parliament. Under the Bill, the Committee is required to report to the Minister of Justice who is then required to lay a copy of the report before Parliament.

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