

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, 29 October 1986

LAW REFORM (MISCELLANEOUS PROVISIONS) BILL

Proposed Amendments

Right Hon. GEOFFREY PALMER, in Committee, to move the following amendments:

New clauses 14A to 14C: To insert on page 8, after clause 14, the following heading and new clauses:

Copyright

14A. Sections to be read with Copyright Act 1962—This section and the next 2 succeeding sections shall be read together with and deemed part of the Copyright Act 1962* (in those sections referred to as the principal Act).

*R.S. Vol. 11, p. 1
Amendment: 1985, No. 134

14B. Rate of royalty increased—(1) Section 22 (2) of the principal Act (as amended by section 14 (1) of the Decimal Currency Amendment Act 1965) is hereby amended by omitting the expression “5 percent”, and substituting the expression “5.6 percent”.

(2) Notwithstanding anything in subsection (1) of this section, in respect of the period beginning on the date of the commencement of this section and ending with the close of the 31st day of December 1987, the reference in section 22 (2) of the principal Act to 5 percent shall be read as if it were a reference to 5.3 percent.

14C. Delivery of copies of books—(1) Section 64 of the principal Act is hereby amended by repealing subsection (1) (as amended by section 2 (a) of the Copyright Amendment Act 1971), and substituting the following subsection:

“(1) The publisher of every book which—

“(a) Is printed in New Zealand; or

“(b) Is commissioned to be printed outside New Zealand by a publisher resident in New Zealand,—

and in which copyright subsists by virtue of this Act, shall within a period of 30 days from the date of publication deliver at that person’s own expense to the National Librarian 4 copies of the book, or such lesser number of copies as the

National Librarian may specify. The National Librarian shall give a written receipt for them.”

(2) Section 2 (a) of the Copyright Amendment Act 1971 is hereby consequentially repealed.

New clauses 42A and 42B: To insert on page 17, after clause 42, the following heading and new clauses:

Indecent Publications

42A. Sections to be read with Indecent Publications Act 1963—This section and the next succeeding section shall be read together with and deemed part of the Indecent Publications Act 1963* (in that section referred to as the principal Act).

*R.S. Vol. 16, p. 179

42B. Penalties increased—(1) Section 14A of the principal Act (as inserted by section 3 of the Indecent Publications Amendment Act 1972) is hereby amended—

(a) By omitting from paragraph (a) of subsection (11) the expression “\$500”, and substituting the expression “\$2,000”:

(b) By omitting from paragraph (b) of subsection (11) the expression “\$2,000”, and substituting the expression “\$5,000”.

(2) Section 15 of the principal Act is hereby amended by omitting from subsection (6) (as amended by section 4 of the Indecent Publications Amendment Act 1972) the expression “\$500”, and substituting the expression “\$2,000”.

(3) Section 15A of the principal Act (as inserted by section 5 of the Indecent Publications Amendment Act 1972) is hereby amended by omitting from subsection (5) the expression “\$500”, and substituting the expression “\$2,000”.

(4) Section 21 of the principal Act is hereby amended by omitting from subsection (2) (as amended by section 7 (3) (b) of the Indecent Publications Amendment Act 1972) the expression “\$500”, and substituting the expression “\$2,000”.

(5) Section 22 of the principal Act is hereby amended—

(a) By omitting from paragraph (a) of subsection (2) (as amended by section 8 (2) (a) of the Indecent Publications Amendment Act 1972) the expression “\$500”, and substituting the expression “\$2,000”:

(b) By omitting from paragraph (b) of that subsection (as amended by section 8 (2) (b) of the Indecent Publications Amendment Act 1972) the expression “\$2,000”, and substituting the expression “\$5,000”.

(6) Section 27 of the principal Act is hereby amended by omitting from subsection (5) (as amended by section 7 of the Decimal Currency Act 1964) the expression “\$100”, and substituting the expression “\$400”.

(7) Sections 4, 7 (3) (b), and 8 (2) of the Indecent Publications Amendment Act 1972 are hereby consequentially repealed.

Clause 48: To omit from line 3 on page 19 the expression “4”, and substitute the expression “8”.

New clause 48A: To insert on page 19, after clause 48, the following new clause:

48A. Interpretation—Section 2 of the principal Act (as substituted by section 2 (1) of the Judicature Amendment Act (No. 2) 1985) is hereby amended by inserting, after the definition of the term “judgment”, the following definition:

“‘Master’ means a Master of the High Court:”.

Clause 49: To omit from line 12 on page 19 the expression “30”, and substitute the expression “31”.

New clause 50A: To insert on page 22, after clause 50, the following new clause:

50A. New heading and sections inserted in principal Act—The principal Act is hereby amended by inserting, after section 26B (as inserted by section 2 of the Judicature Amendment Act 1968), the following heading and sections:

“MASTERS OF THE HIGH COURT

“**26C. Appointment of Masters**—(1) The Governor-General may from time to time, by warrant under the Governor-General’s hand, appoint fit and proper persons to be Masters of the High Court.

“(2) Subject to section 26H of this Act, the number of Masters shall not at any time exceed 3.

“(3) No person shall be appointed a Master unless he or she has held a practising certificate as a barrister or solicitor for at least 7 years.

“(4) Subject to section 26E of this Act, a Master shall hold office for such period, not exceeding 5 years, as is specified in that Master’s warrant of appointment, but shall be eligible for reappointment.

“**26D. Masters may act on a full-time or part-time basis**—(1) During the term of a Master’s appointment, a Master may act as a Master on a full-time basis or a part-time basis.

“(2) Subject to subsection (3) of this section, the Chief Justice shall determine whether a Master shall act on a full-time basis or a part-time basis.

“(3) The basis on which a Master shall act shall not be altered during the term of that Master’s appointment without that Master’s consent.

“**26E. Vacation of office**—(1) The Governor-General may, if the Governor-General thinks fit, remove a Master for inability or misbehaviour.

“(2) A Master may resign the office of Master by notice in writing addressed to the Minister of Justice.

“(3) Subject to section 26H of this Act, every Master shall retire from office on attaining the age of 68 years.

“**26F. Salaries and allowances of Masters**—(1) Subject to subsection (5) of this section, there shall be paid to every Master, out of the Consolidated Account, without further appropriation than this section,—

“(a) A salary at such rate as the Higher Salaries Commission from time to time determines; and

“(b) Such allowances as are from time to time determined by the Higher Salaries Commission; and

“(c) Such additional allowances, being travelling allowances or other incidental or minor allowances, as may be determined from time to time by the Governor-General.

“(2) Subject to **subsection (5)** of this section, the salary of a Master shall not be diminished during the continuance of the Master’s appointment.

“(3) Subject to the Higher Salaries Commission Act 1977, any determination made under **subsection (1)** of this section, and any provision of any such determination, may be made so as to come into force on a date to be specified in that behalf in the determination, being the date of the making of the determination or any other date, whether before or after the date of the making of the determination or the date of the commencement of this section.

“(4) Every such determination, and every provision of any such determination, in respect of which no date is specified as aforesaid shall come into force on the date of the making of the determination.

“(5) Every Master who acts as a Master on a part-time basis shall be paid such proportion of the salary payable by law to Masters as the hours actually worked by that Master bear to the hours normally worked by Masters who act on a full-time basis, and shall also be paid such travelling allowances or other additional incidental or minor allowances as may be fixed from time to time by the Governor-General.

“26G. Superannuation or retiring allowances of Masters—(1) For the purpose of providing a superannuation fund or retiring allowance for persons appointed as Masters, sums by way of subsidy or contribution may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy, or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this subsection.

“(2) Notwithstanding anything in this Act, any person who immediately before becoming a Master is a contributor to the Government Superannuation Fund under Part II of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as that person continues to hold office as a Master; and that Act shall apply to that person in all respects as if that person’s service as a Master were Government service.

“(3) Subject to the Government Superannuation Fund Act 1956, nothing in **subsection (2)** of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after that person has once ceased to be a contributor.

“(4) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with **subsection (2)** of this section, to a person who holds office as a Master, and is a contributor to the Government Superannuation Fund, the term ‘controlling authority’, in relation to any such person who holds office as a Master, means the Crown.

“26H. Temporary Masters—(1) In any case where the Governor-General is satisfied that any Master is incapacitated by illness, absence, or other sufficient cause from performing the duties of the office of Master, the Governor-General may, subject to this section, appoint any person (including a former Master) to act as a Master for such period as is specified in the warrant of appointment.

“(2) The period so specified shall not exceed 3 months; but any person appointed under this section may from time to time be reappointed.

“(3) No person shall be appointed as a Master under this section unless that person is eligible for appointment as a Master pursuant to **section 26c** of this Act, save that, subject to **subsection (4)** of this section, a person otherwise qualified who has attained the age of 68 years (including a Master who has retired after attaining that age) may be appointed as a Master under this section.

“(4) No person shall be appointed or reappointed as a Master under this section who has attained the age of 72 years.

“(5) Subject to **section 26F (5)** of this Act, every person appointed as a Master under this section shall, during the term of that Master’s appointment, be paid the salary and allowances payable by law to a Master.

“(6) No appointment may be made under this section otherwise than on a certificate signed by the Chief Justice to the effect that, in the opinion of the Chief Justice, it is necessary for the due conduct of the business of the Court that a temporary Master be appointed.

“26I. Master may exercise certain powers of the Court—

(1) A Master shall have and may exercise all the jurisdiction and powers of the Court in relation to the following matters:

“(a) Any application for summary judgment:

“(b) Any application to stay or dismiss a winding-up petition presented under the Companies Act 1955:

“(c) Any proceedings under which relief is claimed solely under any of the provisions of sections 140, 143, 144, 145, and 148 of the Land Transfer Act 1952 (which provisions relate to caveats):

“(d) The assessment of damages where liability has been determined, or the trial of proceedings in which only the amount of the debt or damages is disputed:

“(e) The entry of any judgment by consent, or the making of any other order by consent:

“(f) Any other matter in respect of which jurisdiction is conferred on a Master by or under any Act.

“(2) A Master shall have and may exercise all the jurisdiction and powers which are vested in the Court or a Judge by the following enactments:

“(a) Section 26, Part X, and section 119 of the Insolvency Act 1967:

“(b) Sections 220, 221, 222, 233, 234, and 467 of the Companies Act 1955.

“(3) A Master shall have and may exercise all the jurisdiction and powers of the Court to deal with costs and other matters incidental to the matters over which a Master has jurisdiction pursuant to **subsection (1)** or **subsection (2)** of this section.

“(4) Rules made under section 51C of this Act or rules made under any other Act in the manner provided in that section may contain such provisions as may be necessary—

“(a) To enable the proper exercise by Masters of the jurisdiction and powers conferred by this section; and

“(b) To regulate the practice and procedure of the Court on appeals against the exercise by Masters of the jurisdiction and powers so conferred.

“(5) For the purposes of subsection (1) (a) of this section, ‘application for summary judgment’ means an application for judgment in any proceedings in which the Court may, pursuant to any power conferred on it by the High Court Rules or by any rules made under section 51C of this Act or by any rules made under any other Act in the manner provided by that section, give judgment against the defendant, both on the issue of liability and as to the amount claimed, or on the issue of liability only, where the plaintiff satisfies the Court that the defendant has no defence to a claim in the statement of claim, or to a particular part of any such claim.

“26j. Power to make rules conferring specified jurisdiction and powers of Judge in Chambers on Masters—(1) Notwithstanding anything contained in any other provision of this Act or of any other Act but subject to the provisions of this section, rules made under section 51C of this Act or rules made under any other Act in the manner provided in that section may confer on Masters, subject to such limitations and restrictions as may be specified in the rules, such of the jurisdiction and powers of a Judge sitting in Chambers, conferred by this Act or any other Act, as may be specified in the rules.

“(2) Any such rules may contain such other provisions as may be necessary—

“(a) To enable the proper exercise by Masters of the jurisdiction and powers so conferred; and

“(b) To regulate the practice and procedure of the Court on any application to the Court under section 26p (1) of this Act to review the exercise by a Master of the jurisdiction and powers so conferred.

“(3) Nothing in subsection (1) or subsection (2) of this section authorises the making of any rule which confers on Masters any jurisdiction or power in respect of any of the following matters:

“(a) Any criminal proceeding, other than an uncontested application for bail, an application for offenders legal aid, or an application for the setting aside of a witness summons:

“(b) Any application for a writ of *habeas corpus*:

“(c) Any proceedings for the issue or renewal of a writ of sequestration:

“(d) Any proceedings under or by virtue of the Guardianship Act 1968:

“(e) Any action in rem under or by virtue of the Admiralty Act 1973:

“(f) Any application to review, or any appeal against, the exercise, or the refusal to exercise, by any Registrar or Deputy Registrar, of any jurisdiction or power

conferred on any Registrar or Deputy Registrar by or under this Act or any other Act.

“(4) Nothing in subsection (1) or subsection (2) of this section authorises the making of any rule which confers on Masters any jurisdiction or power—

“(a) To grant an Anton Piller order, or an injunction (whether interlocutory or otherwise):

“(b) To grant any relief on an application for review under section 4 (1) of the Judicature Amendment Act 1972:

“(c) To grant any relief in any proceedings for a writ or order of or in the nature of mandamus, prohibition, or certiorari, or for a declaration or injunction:

“(d) To grant any application to remove any person from public office:

“(e) To try the right of any person to hold any public office.

“26K. **Power of Master to deal with witnesses and to punish for contempt**—Sections 56A, 56B, and 56C of this Act shall apply in respect of any proceedings before a Master, and a Master shall have and may exercise all the jurisdiction and powers which, pursuant to those sections, are vested in the Court or a Judge.

“26L. **Master to have no power to make order for committal, attachment, or arrest**—Except as provided by section 26K of this Act, a Master shall have no jurisdiction or power to make an order for the committal, attachment, or arrest of any person.

“26M. **Master may act as special referee or arbitrator under Arbitration Act 1908**—(1) A Master may act as a referee under section 14 (1) of the Arbitration Act 1908.

“(2) Any cause or matter, or any question or issue of fact arising therein, which, pursuant to section 15 of the Arbitration Act 1908, may be ordered to be tried before an arbitrator or an officer of the Court may be ordered to be tried before a Master.

“26N. **Transfer of proceedings from Master to Judge**—(1) In any proceedings before a Master, a Master may, on the application of any party to the proceedings, or of the Master’s own motion, refer the proceedings or any matter arising therein to a Judge if the Master is satisfied that because of the complexity of the proceedings or of that matter, or of any question in issue in the proceedings, it is expedient that the proceedings or that matter be referred to a Judge.

“(2) Where any proceedings are to be dealt with or are being dealt with by a Master, a Judge may, at any time before the conclusion of those proceedings, on application made on notice by any party to the proceedings, order that the proceedings or any part thereof be transferred to a Judge if that Judge is satisfied that it is desirable that the proceedings or that part thereof be dealt with by a Judge.

“(3) Upon the reference of any proceedings, or any matter arising therein, to a Judge under subsection (1) of this section, or the transfer of any proceedings or any part thereof to a Judge under subsection (2) of this section, the Judge may—

“(a) Dispose of the proceedings; or

“(b) Refer the proceedings or the matter back to the Master with such directions as the Judge thinks fit.

“26O. **Power of Master to adjourn proceedings**—A Master shall have power to order the adjournment of any proceedings, notwithstanding that a Master would not otherwise have jurisdiction in respect of those proceedings.

“26P. **Review of, or appeals against, decisions of Masters**—(1) Any party to any proceedings who is affected by any order or decision made by a Master in Chambers may apply to the Court to review that order or decision, and where a party so applies the Court may make such order as may be just.

“(2) Any party to any proceedings may appeal to the Court of Appeal against any order or decision of a Master in those proceedings (other than an order or decision made in Chambers).

“(3) Section 66 of this Act shall apply to any appeal under subsection (2) of this section.

“26Q. **Masters to have protections, privileges, and immunities of a Judge**—Every Master shall, while that Master acts, or purports to act, in good faith as a Master, have all the protections, privileges, and immunities of a Judge.

“26R. **Jurisdiction of Judge not affected**—Nothing in this Act or in any rules made under section 51C of this Act or in any rules made under any other Act in the manner provided in that section shall prevent the exercise by any Judge of any jurisdiction or power conferred on a Master by this Act or by any such rules.”

New clauses 51A and 51B: To insert on page 23, after clause 51, the following new clauses:

51A. Consequential amendments to Oaths and Declarations Act 1957—(1) Section 22 (2) of the Oaths and Declarations Act 1957 is hereby amended by repealing paragraph (a), and substituting the following paragraph:

“(a) In the case of the Chief Justice, the Judges of the High Court, the Masters of the High Court, the Judges of the Arbitration Court, and the Judge of the Compensation Court, by a Judge of the High Court:”.

(2) The Oaths and Declarations Act 1957 is hereby amended by inserting in the Second Schedule, after the item “The Judges of the Maori Land Court”, the item “Masters of the High Court”.

(3) The following enactments are hereby consequentially repealed:

(a) So much of the Second Schedule to the Land Valuation Proceedings Amendment Act 1968 as relates to section 22 (2) (a) of the Oaths and Declarations Act 1957:

(b) So much of the Second Schedule to the Industrial Relations Amendment Act 1977 as relates to section 22 (2) (a) of the Oaths and Declarations Act 1957.

51B. Consequential amendments to Higher Salaries Commission Act 1977—(1) Section 12B (1) of the Higher

Salaries Commission Act 1977 (as inserted by section 4 of the Higher Salaries Commission Amendment Act (No. 2) 1985) is hereby amended by adding the following paragraph:

“(e) The Masters of the High Court.”

(2) Section 12B (1) (d) of the Higher Salaries Commission Act 1977 (as so inserted) is hereby consequentially amended by adding the expression “; and”.

(3) Section 20 (1) (f) of the Higher Salaries Commission Act 1977 (as inserted by section 9 (1) of the Higher Salaries Commission Amendment Act (No. 2) 1985) is hereby amended by inserting, after the expression “section 12B (1) (a)”, the expression, “or section 12B (1) (e)”.

EXPLANATORY NOTE

The proposed *clauses 14B to 14C* amend the Copyright Act 1962.

Clause 14B amends section 22 (2) of the Copyright Act 1962 and increases the rate of royalty payable in respect of the making or importing of records of musical works in which copyright subsists under that Act. The present rate of royalty payable is 5 percent of the ordinary retail selling price of the record. That rate is increased in 2 stages by the proposed clause.

In respect of the period beginning on the date of the commencement of the amendment and ending with the close of 31 December 1987, that rate is increased to 5.3 percent of that selling price. On and after 1 January 1988 the rate is increased to 5.6 percent of that selling price.

The minimum royalty prescribed by the proviso to section 22 (2) of the Copyright Act 1962 is not affected by this amendment and remains at half a cent.

The proposed *clause 14C* amends section 64 (1) of the Copyright Act 1962. The purpose of the amendment is to change the administration of the deposit requirement for books published in New Zealand. Section 64 (1) of the Copyright Act 1962 currently requires the publisher of every book which is printed in New Zealand or is commissioned to be printed outside New Zealand by a publisher resident in New Zealand, and in which copyright subsists by virtue of the Act, to deliver to the Chief Librarian of the General Assembly Library, on behalf of the National Librarian, 3 copies of the book, or such lesser number of copies as the National Librarian may specify. The copies must be delivered within 30 days of the date of publication. It is proposed to transfer the administration of the deposit requirement from the General Assembly Library to the National Library. *Clause 14C* gives effect to this change. In addition, the number of copies of a book which are required to be so delivered is increased to 4.

The proposed *clause 42B* amends the Indecent Publications Act 1963. The effect of the various amendments is to increase the maximum fines that may be imposed for offences under that Act.

The proposed *clause 48A* amends section 2 of the Judicature Act 1908 by inserting a definition of “Master”. The amendment is consequential upon the amendments contained in the proposed *clause 50A*.

Clause 49: The proposed amendment increases the maximum number of puisne Judges to 31. The present number is 29. The Bill, as introduced, was to have increased that number to 30.

The proposed *clause 50A* amends the Judicature Act 1908 by inserting a number of new sections into that Act. The new sections provide for the appointment of Masters of the High Court, set out the jurisdiction and powers which may be exercised by or conferred on Masters, and provide for various other matters incidental thereto.

The advantages and disadvantages of introducing Masters to the New Zealand Court system were examined in the 1978 Report of the Royal Commission on the Courts (paragraphs 784 to 795). The Commission concluded that it would be worth endeavouring to implement the office in New Zealand.

The office of Master of the Supreme Court has long been a feature of English law and practice. Masters have had a considerable role since 1977 in the dispatch of the business of the Superior Courts in New South Wales. It is the function of a Master to exercise jurisdiction in a superior court in respect of many preliminary or interlocutory matters which may be time-consuming but which do not require the

attention of a Judge. Masters may also on the same basis deal with certain straightforward matters in open Court.

The new sections 26C to 26H of the Judicature Act 1908 provide for the appointment and tenure of office of Masters, and the salaries and allowances that are to be paid to Masters.

Appointment is to be by the Governor-General, and the number of Masters shall not at any time exceed 3.

Masters are to be appointed for a specified term, but shall be eligible for reappointment. A Master may act either on a full-time or a part-time basis, which shall be determined by the Chief Justice. The basis on which a Master is to act may not be altered during the term of that Master's appointment without that Master's consent.

Masters are to retire on attaining the age of 68, unless they sooner resign or are removed from office by the Governor-General for inability or misbehaviour.

The salaries and allowances payable to Masters are to be determined by the Higher Salaries Commission, and are to be paid pursuant to permanent legislative appropriation. Provision is also made for superannuation and retiring allowances for Masters.

The new section 26H makes provision for the appointment of temporary Masters.

The new sections 26I to 26O of the Judicature Act 1908 set out the jurisdiction and powers that may be exercised by a Master.

The new section 26I provides that a Master is to have all the jurisdiction of the Court to deal with the following matters:

- (a) Any application for summary judgment:
- (b) Any application to stay or dismiss a winding-up petition presented under the Companies Act 1955:
- (c) Any proceedings under which relief is claimed solely under any of the provisions of sections 140, 143, 144, 145, and 148 of the Land Transfer Act 1952 (which provisions relate to caveats):
- (d) The assessment of damages where liability has been determined, or the trial of proceedings in which only the amount of the debt or damages is disputed:
- (e) The entry of any judgment by consent, or the making of any other order by consent:
- (f) Any other matter in respect of which jurisdiction is conferred on a Master by or under any Act.

Further, a Master is to have all the jurisdiction and powers which are vested in the Court or a Judge by the following enactments:

- (a) Section 26, Part X, and section 119 of the Insolvency Act 1967:
- (b) Sections 220, 221, 222, 233, 234, and 467 of the Companies Act 1955.

Provision is also made for the making of rules of Court in respect of the exercise by Masters of the jurisdiction so conferred, and of appeals from Masters exercising such jurisdiction.

The new section 26J provides for the making of rules conferring on Masters such of the jurisdiction and powers of a Judge sitting in Chambers as may be specified in the rules. However, any such rules may not confer on Masters any jurisdiction or power in respect of the following matters:

- (a) Any criminal proceeding, other than an uncontested application for bail, an application for offenders legal aid, or an application for the setting aside of a witness summons:
- (b) Any application for a writ of *habeas corpus*:
- (c) Any proceedings for the issue or renewal of a writ of sequestration:
- (d) Any proceedings under or by virtue of the Guardianship Act 1968:
- (e) Any action in rem under or by virtue of the Admiralty Act 1973:
- (f) Any application to review, or any appeal against, the exercise, or the refusal to exercise, by any Registrar or Deputy Registrar, of any jurisdiction or power conferred on any Registrar or Deputy Registrar by or under the Judicature Act 1908 or any other Act.

Further, such rules may not confer on Masters any jurisdiction or power to grant an Anton Piller order, an injunction, or any relief on an application for review, or to grant any relief in any proceedings for an order of mandamus, prohibition, or certiorari, or for a declaration or injunction, or for an order for removal from office.

The new section 26K provides that a Master is to have all the jurisdiction and powers of the Court or a Judge under sections 56A, 56B, and 56C of the Judicature Act 1908, which relate to the failure of witnesses to attend, refusal of witnesses to give evidence, and contempt of Court.

The new *section 26L* provides that, except as provided by *section 26K*, a Master shall have no jurisdiction or power to make an order for the committal, attachment, or arrest of any person.

The new *section 26M* provides that a Master may act as a referee or arbitrator under sections 14 (1) and 15 of the Arbitration Act 1908.

The new *section 26N* relates to the transfer of proceedings from a Master to a Judge.

The new *section 26O* empowers a Master to order the adjournment of any proceedings, notwithstanding that a Master would otherwise have no jurisdiction in respect of those proceedings. Thus, a Master will be able to deal with an application for the adjournment of proceedings which are before a Judge, and will also be able to adjourn any proceedings before a Master in which an issue not within the jurisdiction of a Master arises.

The new *section 26P* relates to the review of, or appeals against, decisions of Masters. Orders or decisions of Masters made in Chambers are to be reviewable by a Judge, while orders or decisions made in all other cases are to be appealable to the Court of Appeal.

The new *section 26Q* provides that while acting, or purporting to act, in good faith as a Master, a Master is to have all the protections, privileges, and immunities of a Judge.

The new *section 26R* provides that nothing in the Judicature Act 1908, or in any rules made under that Act or any other Act, shall prevent the exercise by any Judge of any jurisdiction or powers conferred on a Master.

The proposed *clauses 51A and 51B* provide for consequential amendments to other enactments.

The proposed *clause 51A* amends the Oaths and Declarations Act 1957. The effect of the amendment is to provide for the taking by Masters of the Oath of Allegiance and the Judicial Oath.

The proposed *clause 51B* amends the Higher Salaries Commission Act 1977. The amendments are consequential upon the provisions of the new *section 26F* of the Judicature Act 1908 to be inserted by *clause 50A*.