

Supplementary Order Paper.

HOUSE OF REPRESENTATIVES.

Thursday, the 28th day of September, 1939.

STATUTES AMENDMENT BILL.

AMENDMENTS proposed by His Excellency the Governor-General:—

Clause 30: To omit this clause.

Clause 31: To omit this clause.

Clause 51, subclause (1): To omit the words “exercise the functions for which it is formed under” in lines 27 and 28, and to substitute the words “use for itself or in connection with any of its activities”.

Clause 51, subclause (1), paragraph (a): To insert, at the end of line 29, the words “or ‘Parliament’,”; to insert, at the beginning of line 34, the words “with Parliament or”.

To insert the following new clauses:—

Co-operative Companies.

12A. (1) This section shall be read together with and deemed part of the Act heretofore known as the Co-operative Pig-marketing Companies Act, 1933 (in this section referred to as the principal Act).

Surrenders of shares by co-operative fish-marketing companies.

1933, No. 49

(2) The principal Act may hereafter be cited as the Co-operative Companies Act, 1933, and that Act is hereby consequentially amended by omitting the word “Pig-marketing” from the Title and from section one.

(3) For the purposes of this section the term “co-operative fish-marketing company” means a company which is incorporated under the Companies Act, 1933 (whether before or after the passing of this Act), the principal object of which is the treatment for human consumption, or the marketing, of fish supplied to the company by its shareholders, and of the shares issued by which not less than three-fifths in nominal value are held by persons engaged in supplying fish to the company. For the purposes of this subsection the principal business which a company for the time being carries on shall be deemed to be the principal object of the company, notwithstanding that it may have authority to carry on any other business.

1933, No. 29

(4) The provisions of sections three to nine of the principal Act shall, with the necessary modifications, apply to co-operative fish-marketing companies.

(5) Any company entitled to be registered under the principal Act as a co-operative fish-marketing company may be registered under the Companies Act, 1933, under a name which contains the word "co-operative":

Provided that if at any time after it is so registered under the Companies Act, 1933, it ceases to be entitled to be registered under the principal Act, or its registration under that Act is cancelled, the Registrar of Companies may call upon it to take steps to change its name so as to remove the signification that it is a co-operative company, and the company shall, not later than *one* month from the date of the notice from the Registrar, take the appropriate steps under the Companies Act, 1933, to change its name.

(6) If any company fails to comply with the proviso to the *last preceding* subsection, the chairman and every director thereof shall be severally liable on summary conviction to a fine of *five* pounds for every day during which the default continues.

Education.

15A. (1) The Governor-General may by Order in Council declare that officers of the Public Service who are employed as teachers in any Native school or in any other school under the control of the Education Department shall, on a date to be specified in that behalf, cease to be subject to the Public Service Act, 1912, and thereafter the teachers for the time being employed in any school to which any such Order in Council relates (whether appointed before or after the date when the Order in Council takes effect) shall be under the control of the Minister of Education.

Officers of Public Service engaged as teachers may be placed under control of Minister of Education. See Reprint of Statutes, Vol. VII, p. 522

(2) Any Order in Council under the *last preceding* subsection may relate to all schools under the control of the Department of Education, or may relate to any specified school or to schools of any specified class.

(3) By an Order in Council under this section relating to any school or to schools of a specified class or by a subsequent Order in Council the Governor-General may make regulations as to—

(a) The method and terms of appointment of teachers employed in any such school:

(b) The rights of appeal by teachers in respect of their dismissal, suspension, or transfer, the constitution of tribunals for the purpose of hearing appeals, and the procedure to be adopted on the hearing of appeals:

(c) The staffing of any such school:

(d) The rates of salaries and allowances to be paid to the teachers for the time being employed in any such school, and the conditions of their employment (including conditions as to leave of absence):

(e) Any other matters in relation to such schools or to the teachers employed therein.

(4) Any Order in Council under this section may be at any time in like manner revoked or amended.

(5) Section twelve of the Education Amendment Act, 1921-22, shall be read subject to the provisions of this section.

Ibid., Vol. II, p. 1101

Industrial and Provident Societies.

29A. (1) This section shall be read together with and deemed part of the Industrial and Provident Societies Act, 1908 (in this section referred to as the principal Act).

Limitation on registration of Societies.

See Reprint of Statutes, Vol. III, pp. 1029, 1055
Cf. 2 & 3 Geo. VI, c. 16, s. 10 (1), (9) (Imp.)

(2) Notwithstanding anything to the contrary in section two of the Industrial and Provident Societies Amendment Act, 1923, a society shall not be registered under the principal Act unless it is shown to the satisfaction of the Registrar—

(a) That the society is a *bona fide* co-operative society; or

(b) That, in view of the fact that the business of the society is being, or is intended to be, conducted—

(i) Mainly for the purpose of improving the conditions of living, or otherwise promoting the social well-being, of members of the working classes; or

(ii) Otherwise for the benefit of the community,—

there are special reasons why the society should be registered under the principal Act rather than as a company under the Companies Act, 1933.

(3) In this section the term “co-operative society” does not include a society which carries on, or intends to carry on, business with the object of making profits mainly for the payment of interest, dividends, or bonuses on money invested or deposited with, or lent to, the society or any other person.

1933, No. 29

Local Elections and Polls.

37A. (1) This section shall be read together with and deemed part of the Local Elections and Polls Act, 1925.

Power to postpone local elections.

See Reprint of Statutes, Vol. V, p. 447

(2) The Governor-General may by Order in Council postpone for any period not exceeding *one* year the holding of any election required by any Act to be held for the purpose of filling any elective offices in, under, or in connection with any local authority.

(3) The persons holding those elective offices on the date of the Order in Council shall, unless they sooner retire or become disqualified for holding office, continue in office until their successors come into office.

(4) In any case where any election is postponed under this section the election to be held next after the postponed election shall be held on the same date as it would have been held if there had been no postponement.

(5) This section shall continue in force until the *thirty-first* day of *December*, nineteen hundred and *forty*, and no longer.

Mortgagors and Lessees Rehabilitation.

45A. (1) This section shall be read together with and deemed part of the Mortgagors and Lessees Rehabilitation Act, 1936 (in this section referred to as the principal Act).

Power of Court of Review to interpret and amend orders.
1936, No. 33

(2) Where it appears to the Court of Review that the meaning of any order made under the principal Act is not clear or that the intention of the Court or of an Adjustment Commission cannot be carried out because of any defect in or omission from the order, the Court may, on the application of any person affected by the order, make an order interpreting or amending the prior order or supplementing it so that the defect or omission may be rectified and the intent and purpose of the order fulfilled.

(3) Any order made under the *last preceding* subsection shall have effect according to its tenor.

New Zealand University.

48A. (1) This section shall be read together with and deemed part of the New Zealand University Act, 1908 (in this section referred to as the principal Act).

(2) Notwithstanding the provisions of the principal Act or of the University statutes or of any regulations made thereunder, it shall be lawful for the Senate of the University of New Zealand, during the continuance of the present war and within a reasonable time thereafter, to confer and award degrees, diplomas, certificates of proficiency, scholarships, prizes, bursaries, and exhibitions, and to declare that students have passed in any section or sections, or subject or subjects, with or without having kept terms or complied with the statutes or regulations of the University of New Zealand or of any constituent college or of the New Zealand School of Agriculture upon such tests, certificates, or otherwise as the Senate may in its discretion from time to time deem sufficient:

Provided that the powers conferred by this section shall not be exercised in favour of any students unless they prove to the satisfaction of the Senate—

- (a) That they have been prevented from complying with all or any of the provisions of the said Act, statutes, or regulations or have been otherwise prejudicially affected in the course of their studies by reason of the fact that, whether before or after the passing of this Act, they have been called up for naval, military, or air service or have been required for any special civilian war service; and
- (b) That they have attained such a standard of proficiency that if they had not been called up or required for that special service they would have qualified to receive the degree, diploma, certificate of proficiency, scholarship, prize, bursary, exhibition, or pass that they wish the Senate to grant them.

Petroleum.

49A. (1) Section nineteen of the Petroleum Act, 1937, is hereby amended by repealing subsection two.

(2) Section twenty of the Petroleum Act, 1937, is hereby amended by inserting in subsection one, after paragraph (a), the following paragraph:—

“(aa) Land that is part of a road or street.”

Power for Senate to confer diplomas, &c., on students on war service notwithstanding that Acts or regulations have not been wholly complied with.
See Reprint of Statutes, Vol. II, p. 1121

Authorizing mining operations on roads and streets with consent of appropriate Minister after consultation with local body.
1937, No. 27

Police Offences.

52A. (1) Every person who, having the control or management of any dance being held in any hall, supplies intoxicating liquor to any person in the hall, or permits any liquor to be taken into or consumed in the hall, commits an offence and is liable on summary conviction to a fine of *twenty* pounds.

Offences in relation to intoxicating liquor at dances.

(2) Every person who, while a dance is being held in any hall, drinks any intoxicating liquor in the hall, or has any liquor in his possession or control in the hall or in the vicinity of the hall, or supplies liquor to any person in the hall, commits an offence and is liable on summary conviction to a fine of *ten* pounds.

(3) For the purposes of the *last preceding* subsection liquor shall be deemed to be in the vicinity of a hall wherein a dance is being held if it is shown that the liquor was in the possession or control of any person attending or proceeding to attend the dance, or was consumed or intended for consumption by any person so attending.

(4) Any constable who has reason to suspect that there is any breach by any person of the provisions of this section in or in the vicinity of a hall where a dance is being held may without warrant enter the hall, or any place in the vicinity thereof, and examine the same and search for intoxicating liquor therein and may seize and remove any liquor found therein and the vessels containing the liquor. Any liquor so seized in respect of which any person is convicted of an offence under this section, together with the vessels containing the liquor, shall be forfeited to the Crown.

(5) Nothing in this section shall apply in relation to any liquor in any licensed premises or in any dwellinghouse.

(6) For the purposes of this section,—

“Hall” means any building where any public dance is held or where any dance is held to which admission is obtained upon payment of subscriptions, either in money or by way of supplying refreshments, and whether upon general or individual invitation, or otherwise:

“Intoxicating liquor” and “liquor” shall have the meaning assigned to those terms by section four of the Licensing Act, 1908.

(NOTE.—*The insertion of this clause will necessitate the substitution of the word “three” for the word “two” in clause 50 and in the sidenote thereto.*)

See Reprint of Statutes, Vol. IV, p. 237

War Pensions and War Veterans' Allowances.

60A. (1) There shall be an officer of the Social Security Department established under the Social Security Act, 1938, to be known as the Secretary for War Pensions, who, in respect of war pensions and of war veterans' allowances, shall have the powers and functions exercised by the Commissioner of Pensions before the abolition of that office.

Secretary for War Pensions. 1938, No. 7

(2) The officer holding office on the passing of this Act as the Secretary for War Pensions shall be deemed to have been duly appointed to that office.

- (3) The War Veterans' Allowances Act, 1935, is hereby consequentially amended as follows:—
- (a) By repealing the definition of the term "Commissioner" in section two thereof:
- (b) By substituting references to the Secretary for War Pensions for the references to the Commissioner in section four thereof:
- (c) By repealing section fifteen thereof.
- (4) Section six of the War Pensions Amendment Act, 1936, is hereby consequentially amended by substituting a reference to the Secretary for War Pensions for the reference to the Commissioner in subsection three thereof.

Consequential amendments.
1935, No. 4

1936, No. 27

Workers' Compensation.

- 61A. (1) This section shall be read together with and deemed part of the Workers' Compensation Act, 1922 (in this section referred to as the principal Act).
- (2) Notwithstanding anything to the contrary in the principal Act, the Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:—
- (a) Establishing a Court of Record to exercise the jurisdiction conferred on the Court of Arbitration by the principal Act, and conferring on the Court so established all or any of the powers conferred by that Act on the Court of Arbitration:
- (b) Providing for the Court so established to have a seal which shall be judicially noticed:
- (c) Providing for the appointment of the member or members of the Court, regulating the terms of appointment, and fixing the remuneration and travelling-allowances payable, so that any such regulations may make different provision in respect of different members of the Court:
- (d) Regulating the procedure of the Court:
- (e) Prescribing forms and fees in connection with any matters provided for by the regulations:
- (f) Making any other provisions consistent with this section and with the principal Act which he thinks necessary and advisable in order to give full effect to the provisions of this section and of that Act.

Power to establish separate Court for workers' compensation cases.

See Reprint of Statutes, Vol. V, p. 597

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