

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Monday, the 27th Day of November, 1950

STATUTES AMENDMENT BILL

Proposed Amendments

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

Clause 26, subclause (1): To add to paragraph (b) of subsection (1) of the proposed new section 237 the words “if appointment of the appellant to fill the vacancy would have involved his promotion.”

New Clauses

To insert, after clause 8, the following heading and new clause:—

Fisheries

8A. Section eleven of the Fisheries Amendment Act, 1948, is hereby amended as from the passing of that Act by adding the following subsection:—

“(3) All Orders in Council, orders, regulations, appointments, licences, permits, and generally all acts of authority that originated under any of the enactments repealed by this section, and are subsisting or in force on the passing of this Act, shall enure for the purposes of the principal Act as fully and effectually as if they had originated under the provisions of this section, and accordingly shall, where necessary, be deemed to have so originated. All matters and proceedings commenced under the said enactments, and pending or in progress on the passing of this Act, may be continued, completed, or enforced under this section.”

Saving of
Orders in
Council, &c.,
under repealed
enactments.
1948, No. 11

To insert, after clause 20, the following heading and new clause:—

Milk

20A. (1) Section twenty-three of the Milk Act, 1944, is hereby amended by adding the following as subsection two thereof:—

“(2) If at any time the number of extraordinary vacancies authorized by this section to be filled by the Board is such that there are not sufficient members of the Board to constitute a quorum under section twenty-seven of this Act, the Governor-General may appoint as members of the Board such number of persons, being persons qualified for election under this Act, as may be required to fill those vacancies. Every member appointed under this subsection shall, unless his office sooner becomes vacant, hold office until the members elected at the next election of members of the Board come into office in accordance with this Act.”

(2) This section shall apply with respect to extraordinary vacancies in the offices of elective members of Milk Boards, being extraordinary vacancies authorized by the said section twenty-three to be filled by such Boards, existing at the passing of this Act.

Governor-
General may fill
extraordinary
vacancies where
Milk Board
unable to
exercise its
powers.
1944, No. 30

To insert, after clause 32, the following heading and new clauses:—

Tenancy

32A. (1) Section two of the Tenancy Act, 1948, is hereby amended by repealing the definition of the term “property” in subsection one, and substituting the following definition:—

Excluding farm land from Tenancy Act, 1948.
1948, No. 76

“ ‘Property’ or ‘urban property’ means any land or interest in land or any building or part of a building let for any purposes under a separate tenancy; and includes any chattels that may be let therewith; but does not include—

“(a) Any dwellinghouse; or

“(b) Any property that is used exclusively or principally for agricultural purposes; or

“(c) Any premises in respect of which a publican’s licence, an accommodation licence, or a tourist house licence is in force under the Licensing Act, 1908, or any hotel maintained by a Licensing Trust constituted under any Act:”.

See Reprint of Statutes, Vol. IV, p. 234

(2) The definition of the term “urban property” in subsection one of section two of the Tenancy Act, 1948, and paragraph (a) of section sixteen of the Tenancy Amendment Act, 1950, are hereby consequentially repealed.

Repeals.
1948, No. 76
1950, No. 28

(3) This section shall be deemed to have come into force on the first day of November, nineteen hundred and fifty (being the date of the commencement of the Servicemen’s Settlement Act, 1950).

1950, No. 41

To insert, after clause 35, the following heading and clause:—

Veterinary Surgeons

35A. Section six of the Veterinary Surgeons Act, 1926, is hereby amended by repealing paragraphs (a) and (b), and substituting the following paragraphs:—

Qualifications of applicants for registration as veterinary surgeons.

“(a) He is a member of the Royal College of Veterinary Surgeons, London, or is a graduate in veterinary science of the University of Sydney, Australia, or of the University of Pretoria, Union of South Africa; or

See Reprint of Statutes, Vol. V, p. 738

“(b) He is a graduate in veterinary science or the holder of a diploma in veterinary science of any other University or veterinary college, and has undertaken such post-graduate studies or has passed such examination, whether in New Zealand or elsewhere, as the Board may prescribe in the case of any such graduate or holder; or”.

EXPLANATORY NOTE

Clause 26, subclause (1): The paragraph to which this amendment applies gives an officer of the Post and Telegraph Department a right of appeal against the appointment of any other officer, by way of promotion, to a position for which the appellant had applied. This could include the case where the appellant had applied to be transferred to that position without promotion. It was not intended to give a right of appeal in that case. A right of appeal against a decision involving a transfer without promotion has never existed in the Post Office. The proposed amendment restricts the right of appeal to cases where promotion is involved for both the appointee and the appellant.

*New Clauses**Fisheries*

Clause 8A: Saving of Orders in Council, &c., under repealed enactments.—Section 11 of the Fisheries Amendment Act, 1948, authorizes the making of regulations for the protection, preservation, or development of the fresh water fisheries of New Zealand, and repealed the then existing provisions of the principal Act in that respect. Doubts have arisen as to whether the repeal of those provisions had the effect of revoking all the regulations made under those provisions and in force on the passing of the 1948 amendment. The purpose of this clause is to remove those doubts, and to declare all those regulations to have continued in force.

Milk

Clause 20A: Governor-General may fill extraordinary vacancies where Milk Board unable to exercise its powers.—Under section 22 of the Milk Act, 1944, an elective member of a Milk Board vacates his office if he ceases to be a member of the local authority of any constituent district, or for the other reasons specified in the section. Under section 23, the extraordinary vacancy so created is filled by the Board if it occurs within six months before the month of the next election of Board members. (Elections of Milk Board members are held by local authorities of constituent and combined districts in the fourth month after the local body elections.) If there are so many extraordinary vacancies to be filled by the Board that the Board has no quorum, it cannot exercise its power of appointment, and, therefore, cannot carry on its business until the election takes place four months later. This clause authorizes the Governor-General, in such a case, to fill all the vacancies by appointing qualified persons, who will hold office until the election of Board members takes place.

Tenancy

Clause 32A: Excluding farm land from Tenancy Act, 1948.—This clause is consequential on the alterations made by Part II of the Servicemen's Settlement Act, 1950, which replaces Part III of the Servicemen's Settlement and Land Sales Act, 1943. Under the existing definitions in the Tenancy Act, 1948, leases of farm land were exempted from that Act if they were granted with the consent of the Land Valuation Court. Under Part II of the Servicemen's Settlement Act, 1950, however, leases no longer require the consent of the Land Valuation Court, and consequently, if this amendment were not made in the Tenancy Act, the result would be that leases of farm land would become subject to the Tenancy Act. This, of course, was never intended, and the effect of this clause is to remedy this position by excluding all farm land from the Tenancy Act from the commencement of the Servicemen's Settlement Act, 1950.

Veterinary Surgeons

Clause 35A: Qualifications of applicants for registration as veterinary surgeons.—This clause amends section 6 of the Veterinary Surgeons Act, 1926, so as to enable any person, on payment of the prescribed fee, to be registered as a veterinary surgeon if he satisfies the Veterinary Surgeons Board that he is of good character and repute, and that—

- (a) He is a member of the Royal College of Veterinary Surgeons, London, or is a graduate in veterinary science of the University of Sydney or the University of Pretoria; or
- (b) He is a graduate in veterinary science or the holder of a diploma in veterinary science of any other University or veterinary college, and has undertaken such post-graduate studies or has passed such examination as the Board may prescribe in any individual case.

The material change is made by paragraph (b), which gives the Board power, in the case of persons who did not qualify in one of the institutions specified in paragraph (a), to have regard to the qualifications of the individual instead of the standing of the University or college at which he qualified.