

# Supplementary Order Paper

## HOUSE OF REPRESENTATIVES

Thursday, the 19th Day of November 1970

### STATUTES AMENDMENT BILL

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

#### *New Clauses*

To insert, after clause 33, the following new clauses:

**33A. Annual allowance to Chairman**—(1) The principal Act is hereby amended by repealing section 69 (as substituted by section 2 (1) of the Counties Amendment Act 1966), and substituting the following section:

“69. (1) The Chairman may be paid such annual allowance out of the County Fund as the Council from time to time fixes, not exceeding—

“(a) In the case of a county having a population of not more than 5,000, \$1,250;

“(b) In the case of a county having a population of more than 5,000 but not more than 10,000, \$1,875;

“(c) In the case of a county having a population of more than 10,000 but not more than 20,000, \$2,500;

“(d) In the case of a county having a population of more than 20,000 but not more than 50,000, \$3,125;

“(e) In the case of a county having a population of more than 50,000, \$3,750;—

but no alteration in the amount of that allowance shall take effect during the term of office of any Chairman.

“(2) For the purposes of this section—

“(a) The certificate of the Government Statistician as to the population of any county at any date shall be conclusive evidence thereof;

“(b) A person re-elected as Chairman shall be deemed to be a new Chairman.”

(2) Notwithstanding anything in section 69 of the principal Act (as substituted by subsection (1) of this section) or in section 80 of the Counties Amendment Act 1968, the allowance of the Chairman of any county or of any County Borough Council who is in office at the date of the passing of this Act may, by resolution of the County Council passed within 6 months after that date, be increased once during his term of office.

(3) Section 2 of the Counties Amendment Act 1966 is hereby consequentially repealed.

**33B. Remuneration of members of County Council or County Borough Council**—(1) Section 137A of the principal Act (as inserted by section 3 (1) of the Counties Amendment Act 1962 and amended by section 7 of the Decimal Currency Act 1964) is hereby further amended—

(a) By omitting the expression “\$3”, and substituting the expression “\$5”:

(b) By omitting from the proviso the expression “\$156”, and substituting the expression “\$260”.

(2) Section 81 of the Counties Amendment Act 1968 is hereby amended—

(a) By omitting the expression “\$3”, and substituting the expression “\$5”:

(b) By omitting from the first proviso the expression “\$156”, and substituting the expression “\$260”.

That clauses 33, 33A, 33B, 34, and 35 and the First Schedule be a separate Bill, and that for clause 33 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Counties Act 1956**

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

**1. Short Title**—This Act may be cited as the Counties Amendment Act 1970, and shall be read together with and and deemed part of the Counties Act 1956 (hereinafter referred to as the principal Act).

*Clause 86:* To omit from line 2 on page 32, and also from line 7 on that page, the word “local”, and substitute in each case the word “public”.

*New Clauses*

To insert, after clause 106, the following new clauses:

**106A. Annual allowance to Mayor**—Section 45 of the principal Act is hereby amended by repealing subsection (1) (as substituted by section 2 (1) of the Municipal Corporations Amendment Act 1966), and substituting the following subsection:

“(1) The Mayor may be paid such annual allowance out of the district fund as the Council from time to time fixes, not exceeding—

“(a) In the case of a borough having a population of not more than 5,000, \$1,250:

“(b) In the case of a borough having a population of more than 5,000 but not exceeding 10,000, \$1,875:

“(c) In the case of a borough having a population of more than 10,000 but not exceeding 20,000, \$2,500:

“(d) In the case of a borough having a population of more than 20,000 but not exceeding 50,000, \$3,750:

“(e) In the case of a borough having a population of more than 50,000 (other than the cities of Auckland, Wellington, Christchurch, and Dunedin), \$5,000:

“(f) In the case of the cities of Auckland, Wellington, Christchurch, and Dunedin, \$6,250;—

but no alteration in the amount of that allowance shall take effect during the term of office of any Mayor.”

(2) Section 2 of the Municipal Corporations Amendment Act 1966 is hereby repealed.

(3) Notwithstanding anything in subsection (1) of section 45 of the principal Act (as substituted by subsection (1) of this section), the allowance of the Mayor of any borough who is in office at the date of the passing of this Act may, by resolution of the Council passed within 6 months after that date, be increased once during his term of office.

**106B. Remuneration of Councillors**—Section 114A of the principal Act (as inserted by section 3 (1) of the Municipal Corporations Amendment Act 1962 and amended by section 7 of the Decimal Currency Act 1964) is hereby further amended—

(a) By omitting the expression “\$3”, and substituting the expression “\$5”:

(b) By omitting from the proviso the expression “\$156”, and substituting the expression “\$260”.

That clauses 106, 106A, 106B, and 107 be a separate Bill, and that for clause 106 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Municipal Corporations Act 1954**

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

**1. Short Title**—This Act may be cited as the Municipal Corporations Amendment Act 1970, and shall be read together with and deemed part of the Municipal Corporations Act 1954 (hereinafter referred to as the principal Act).

*Clause 130:* (a) To omit from subclause (1) the figures "1969" in line 14, and substitute the figures "1970".

(b) To omit from subclause (2) the figures "1969" in line 37, and substitute the figures "1970".

*Clause 161:* (a) To omit subsection (3) of the proposed section 19A, and substitute the following subsection:

"(3) Where a worker suffers from industrial deafness, his right to recover compensation in respect of permanent physical injury shall be deemed to have accrued on the date on which he commences an action for the recovery of that compensation."

(b) To omit from subsection (5) of the proposed section 19A the words "previous 2 years" in line 11 on page 56, and substitute the words "2 years preceding the date on which he commences an action for the recovery of compensation".

#### *New Clauses*

To insert, after *clause 162*, the following heading and new clauses:

#### *Limitation*

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

\*1957 Reprint, Vol. 8, p. 393  
Amendments: 1962, No. 112; 1963, No. 96

**164. Limitation of actions of contract and tort, and certain other actions**—(1) Section 4 of the principal Act is hereby amended by repealing subsection (7), and inserting the following subsection:

"(7) An action in respect of the bodily injury to any person shall not be brought after the expiration of 2 years from the date on which the cause of action accrued unless the action is brought with the consent of the intended defendant before the expiration of 6 years from that date:

"Provided that if the intended defendant does not consent, application may be made to the Court, after notice to the intended defendant, for leave to bring such an action at any time within 6 years from the date on which the cause of action accrued; and the Court may, if it thinks it is just to do so, grant leave accordingly, subject to such conditions (if any) as it thinks it is just to impose, where it considers that the delay in bringing the action was occasioned by mistake of fact or mistake of any matter of law other than the provisions of this subsection or by any other reasonable cause or that the intended defendant was not materially prejudiced in his defence or otherwise by the delay."

(2) Subsection (1) of section 2 of the Limitation Amendment Act 1962 is hereby repealed.

That *clauses 163 and 164* be a separate Bill, and that for *clause 163* there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Limitation Act 1950**

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

1. **Short Title**—This Act may be cited as the Limitation Amendment Act 1970, and shall be read together with and deemed part of the Limitation Act 1950 (hereinafter referred to as the principal Act).

*New Clauses*

To insert, after clause 164 (as proposed to be added by this Supplementary Order Paper), the following heading and new clauses:

*Reserves and Domains*

**165. Sections to be read with Reserves and Domains Act 1953**—This section and the next succeeding section shall be read together with and deemed part of the Reserves and Domains Act 1953\* (in that section referred to as the principal Act).

\*1957 Reprint, Vol. 13, p. 323

Amendments: 1958, No. 90; 1960, No. 87; 1963, No. 112; 1964, No. 108; 1965, No. 108; 1966, No. 26; 1967, No. 116; 1968, No. 126; 1969, No. 105

**166. Appointment of Domain Boards and administering bodies of public halls**—(1) The principal Act is hereby amended by inserting, after section 6, the following section:

“6A. (1) The Commissioner may from time to time, by instrument in writing under his hand publicly notified, appoint such persons as he thinks fit, not exceeding 9 in number, to be a Domain Board or the administering body of a reserve for a site for a public hall, and every such instrument shall take effect according to the tenor thereof. Any person so appointed may be appointed by virtue of any office.

“(2) The provisions of subsections (2) to (5) of section 6 of this Act, as far as they are applicable and with the necessary modifications, shall apply with respect to every Domain Board and every such administering body, as if—

“(a) Every reference therein to the Minister were a reference to the Commissioner; and

“(b) Every reference therein to a notice were a reference to an instrument in writing under the hand of the Commissioner; and

“(c) For the words ‘notice in the *Gazette*’ in subsection (3) there were substituted the words ‘instrument in writing under his hand publicly notified’.

“(3) The powers conferred on the Commissioner by subsection (2) of this section may be exercised in respect of any Domain Board or administering body appointed by the Minister under section 6 of this Act before the commencement of this section as if it had been appointed by the Commissioner.”

(2) The principal Act is hereby further amended—

- (a) By omitting from subsection (1) of section 6 of the words “Domain Board”:
- (b) By inserting in that subsection, after the words “Special Board”, the words “(not being a Domain Board or the administering body of a reserve for a site for a public hall)”:
- (c) By inserting in paragraph (d) of section 8, after the words “originally made”, the words “and as if, in the case of a member of a Domain Board or of the administering body of a reserve for a site for a public hall appointed by the Minister before the commencement of section 6A of this Act, he had been appointed by the Commissioner”:
- (d) By inserting in subsection (5) of section 9, after the words “this Act”, the words “or, as the case may be, by the Commissioner under section 6A of this Act”:
- (e) By omitting from subsection (1) of section 47 the words “Instead of appointing under section 6 of this Act any persons to be a Domain Board, the Minister may from time to time, by notice in the *Gazette*”, and substituting the words “Instead of appointing under section 6A of this Act any persons to be a Domain Board, the Commissioner may from time to time, by instrument in writing publicly notified”:
- (f) By omitting from section 48 the words “the Minister”, and substituting the words “the Commissioner”.

(3) Section 47 of the principal Act is hereby further amended by repealing subsection (3), and substituting the following subsection:

“(3) Any appointment of a local authority under this section (whether made by the Minister before the commencement of this subsection or made by the Commissioner after the commencement of this subsection) may at any time be amended or revoked by the Commissioner by instrument under his hand publicly notified.”

That clauses 165 and 166 be a separate Bill, and that for clause 165 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Reserves and Domains Act 1953**

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

**1. Short Title**—This Act may be cited as the Reserves and Domains Amendment Act 1970, and shall be read together with and deemed part of the Reserves and Domains Act 1953 (hereinafter referred to as the principal Act).

*New Clauses*

To insert, after clause 166 (as proposed to be added by this Supplementary Order Paper), the following heading and clauses:

*Waters Pollution***167. Sections to be read with Waters Pollution Act 1953—**

(1) This section and the next two succeeding sections shall be read together with and deemed part of the Waters Pollution Act 1953\* (in those sections referred to as the principal Act).

\*1957 Reprint, Vol. 16, p 611  
Amendment: 1962, No. 111

**168. Principal Act to be administered by Ministry of Works—**Section 2 of the principal Act is hereby amended by omitting from the definition of the term “Minister” the word “Marine”, and substituting the word “Works”.

**169. Change in name of Council—**(1) Section 3 of the principal Act (as amended by section 7 (1) of the Water and Soil Conservation Act 1967) is hereby amended by omitting from subsection (1) the words “Pollution Advisory Council”, and substituting the words “Water Pollution Control Council”.

(2) The principal Act is hereby further amended by omitting the words “Pollution Advisory Council” where they occur in the Title and in section 2, and substituting in each case the words “Water Pollution Control Council”.

(3) Part II of the First Schedule to the Public Bodies Contracts Act 1959 (as amended by section 33 (2) of the Water and Soil Conservation Act 1967) is hereby amended by omitting the item relating to the Pollution Advisory Council, and substituting in its appropriate alphabetical order the following item:

“The Water Pollution Con- | 1953, No. 104—The Waters  
trol Council | Pollution Act 1953.”

(4) All other references to the Pollution Advisory Council in any other enactment or in any document whatsoever shall hereafter, unless the context otherwise requires, be read as references to the Water Pollution Control Council.

That clauses 167 to 169 be a separate Bill, and that for clause 167 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Waters Pollution Act 1953**

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

**1. Short Title—**This Act may be cited as the Waters Pollution Amendment Act 1970, and shall be read together with and deemed part of the Waters Pollution Act 1953 (hereinafter referred to as the principal Act).

## EXPLANATORY NOTE

*Counties*

*Clause 33A* increases the maximum amount of the annual allowance that may be paid to the Chairman of a county. The maximum allowance is to be as follows:

- (a) Where the county has a population of not more than 5,000, \$1,250;
- (b) Where the county has a population of more than 5,000 but not more than 10,000, \$1,875;
- (c) Where the county has a population of more than 10,000 but not more than 20,000, \$2,500.
- (d) Where the county has a population of more than 20,000, but not more than 50,000, \$3,125.
- (e) Where the county has a population of more than 50,000, \$3,750.

*Clause 33B* increases the rate of remuneration for members of County Councils or of County Borough Councils. The rate of remuneration is increased from \$3 to \$5 for every meeting of the Council or any committee attended, and the maximum for any financial year is increased from \$156 to \$260.

*Litter*

*Clause 86*: This clause adds a new subsection (4) to section 7 of the Litter Act 1968. The new subsection uses the term "local authority" where it should use the term "public authority" (a defined term in the Act). The amendment now proposed corrects the error.

*Municipal Corporations*

*Clause 106A* increases the maximum amount of the annual allowance that may be paid to the Mayor of a borough. The maximum allowance is to be as follows:

- (a) Where the borough has a population of not more than 5,000, \$1,250.
- (b) Where the borough has a population of more than 5,000 but not more than 10,000, \$1,875.
- (c) Where the borough has a population of more than 10,000 but not more than 20,000, \$2,500.
- (d) Where the borough has a population of more than 20,000 but not more than 50,000, \$3,750.
- (e) Where the borough has a population of more than 50,000 (except in the case of the Cities of Auckland, Wellington, Christchurch, and Dunedin), \$5,000.
- (f) In the case of the Cities of Auckland, Wellington, Christchurch, and Dunedin, \$6,250.

*Clause 106B* increases the rate of remuneration for members of Borough Councils or Town Councils. The rate of remuneration is increased from \$3 to \$5 for every meeting of the Council or any committee attended, and the maximum for any financial year is increased from \$156 to \$260.

*Public Revenues*

*Clause 130*: These are drafting amendments only. The salary of the Controller and Auditor-General was formerly fixed under section 15 of the principal Act (as substituted by section 2 (1) of the 1969 Amendment), but that section has now been substituted by section 2 (1) of the 1970 Amendment. These amendments substitute references to the 1970 Amendment.



*Workers' Compensation*

*Clause 161:* The effect of the substituted subsection (3) of section 19A is that a worker who suffers industrial deafness will have his hearing loss assessed in accordance with the loss of hearing as at the date on which his claim for compensation is heard by the Court and not as at the date of the commencement of his action.

The amendment to subsection (5) is a drafting amendment for the purposes of clarification.

*Limitation*

*Clause 164* amends section 4 of the principal Act to enable an action in respect of the bodily injury to any person to be brought after the expiration of 2 years but before the expiration of 6 years from the date on which the cause of action accrued if the action is brought with the consent of the intended defendant. At present, an action in respect of the bodily injury to any person can be brought after the expiration of 2 years and not more than 6 years only by leave of the Court. Application for leave of the Court must still be made to enable an action brought after the expiration of 2 years but before the expiration of 6 years if the intended defendant withholds his consent.

*Reserves and Domains*

*Clause 166* provides that appointments to Domain Boards and Public Hall Boards are to be made by the Commissioner of Crown Lands instead of by the Minister of Lands.

*Waters Pollution*

*Clause 168* substitutes a reference to the Minister of Works for a reference to the Minister of Marine in section 2 of the Waters Pollution Act 1953. The administration of the Act is being transferred to the Minister of Works.

*Clause 169* changes the name of the Pollution Advisory Council. In future it will be called the Water Pollution Control Council.

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