

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Tuesday, the 23rd Day of November 1971

STATUTES AMENDMENT BILL

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

Criminal Injuries Compensation

Clause 27: To add the following as subclause (2) of this clause:

(2) The amendment made by subsection (1) of this section shall apply with respect to any application for compensation made to the Tribunal, and not determined, before the passing of this Act, as well as to any application made after the passing of this Act, in respect of the death of a victim resulting from an act or omission that occurred before or after the passing of this Act.

Forests

Clause 41: To add the following subclause:

(3) Section 15 of the principal Act is hereby further amended by inserting after subsection (2), the following subsections:

“(2A) Where an agreement to acquire, grant, reserve, vary, renew, or cancel an easement has been entered into and the Minister is satisfied as to the sufficiency of the agreement, he may issue a written declaration that the agreement has been entered into between the Crown and the other parties to the agreement, whether as adjoining owners of the land to which the agreement relates or otherwise, and may publish the declaration in the *Gazette*.

“(2B) The said declaration shall—

“(a) Either set out the terms and conditions of the agreement or refer to a number or symbol which will enable the agreement to be identified and inspected in the office of the appropriate Conservator of Forests; and

“(b) Refer to a map, plan, or diagram defining the boundaries or middle line of the easement to which the agreement relates, by a number or symbol which will enable the map, plan, or diagram to be identified and inspected in the office of the appropriate Conservator of Forests; and

“(c) State the date upon which the agreement became effective being the date of execution of the agreement.

“(2c) The publication of the said declaration in the *Gazette* shall be evidence,—

“(a) Of the existence of the agreement; and

“(b) That the agreement is assignable; and

“(c) That the agreement is binding on the parties thereto, and on the executors, administrators, and lawful assigns of any one or more of those parties, or of any parties lawfully taking their place, respectively; and

“(d) Where the terms and conditions aforesaid are set out, that they are the terms and conditions of the agreement.”

Licensing Trusts

Clause 61: (a) To insert in line 9 on page 21, after the words “paragraph (a)”, the words “of subsection (1)”.

(b) To insert in line 11 on page 21, after the words “paragraph (b)”, the words “of the said subsection”.

Machinery

Clause 66: To omit this clause, and substitute the following clause:

66. Penalties—(1) Section 18 of the principal Act (as substituted by section 3 of the Machinery Amendment Act 1961 and amended by section 3 (1) of the Machinery Amendment Act 1963, and section 7 (1) of the Decimal Currency Act 1964) is hereby further amended by omitting the words “fifty dollars”, and substituting the expression “\$250”.

(2) Section 29 of the principal Act (as substituted by section 7 of the Machinery Amendment Act 1969) is hereby amended by omitting from paragraph (a) the expression “\$200”, and substituting the expression “\$500”.

Post Office

New Clause 90A: To insert, after clause 90, the following clause:

90A. Calculation of interest—(1) Section 122 of the principal Act is hereby amended by adding to subsection (1) the following additional proviso:

“Provided further that the Postmaster-General may, in respect of any type of account, direct that the interest shall be computed as if the day the account was first opened, and every monthly anniversary of that day (or, if there is no anniversary of that day in any month, the last day of the month) were the first day of the month.”

(2) The said section 122 is hereby further amended by repealing subsection (2), and substituting the following subsection:

“(2) Interest shall be calculated to the 31st day of March, or, where the interest has been computed in accordance with the third proviso to subsection (1) of this section, to the day in March preceding the monthly anniversary of the day the account was opened, in every year, and shall then be added to and become part of the principal money.”

That clauses 88 to 90A be a separate Bill, and that for clause 88 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Post Office Act 1959

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 Post Office Amendment Act (No. 2) 1971, and shall be read together with and deemed part of the Post Office Act 1959 (hereinafter referred to as the principal Act).

Reserve Bank of New Zealand

Clause 103: To omit this clause, and substitute the following clause:

103. Auditors—(1) Section 43 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) The Governor-General in Council may from time to time appoint one or more persons (whether as individuals or as the members from time to time of any firm or firms), being persons qualified for appointment as auditors of a company under the Companies Act 1955, to be the Auditor or Auditors of the Bank.”

(2) The said section 43 is hereby further amended by omitting from subsection (4) the words “the Governor-General in Council”, and substituting the words “the Minister”.

Weights and Measures

Clause 134: To omit from line 13 on page 42 the words “section 30”, and substitute the words “section 39”.

New Clauses

To add, after clause 137, the following heading and new clauses:

Development Finance Corporation

138. Sections to be read with Development Finance Corporation Act 1964—This section and the next two succeeding sections shall be read together with and deemed part of the Development Finance Corporation Act 1964* (in those sections referred to as the principal Act).

*1964, No. 124

Amendment: 1970, No. 38

139. Powers of Corporation—Section 7 of the principal Act is hereby amended by inserting in subsection (1), after paragraph (a), the following paragraph:

“(aa) Purchase shares in any company where, pursuant to paragraph (a) of this subsection, the Corporation has provided (whether before or after the commencement of this paragraph) or proposes to provide finance for that company or for any subsidiary of that company within the meaning of the Companies Act 1955:”.

140. Advances to Corporation—Section 18 of the principal Act is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Any advance made by the Minister of Finance under subsection (1) of this section may, if that Minister thinks fit, be free of interest. In any such case the following provisions shall apply:

“(a) The advance shall not be repayable until the date when the Reserve Fund established by the Corporation under subsection (1) of section 21 of this Act first reaches \$1,000,000 or the date 10 years after the time when the advance was made, whichever date is the earlier:

“(b) From that date the advance shall be subject to such terms and conditions as to repayment and payment of interest as the Minister of Finance may determine after consultation with the Board.”

That clauses 138 to 140 be a separate Bill, and that for clause 138 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Development Finance Corporation Act 1964

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 Development Finance Corporation Amendment Act 1971, and shall be read together with and deemed part of the Development Finance Corporation Act 1964 (hereinafter referred to as the principal Act).

New Clauses

To add, after clause 140 (as proposed to be added by this Supplementary Order Paper), the following heading and clauses:

*Noxious Weeds***141. Sections to be read with the Noxious Weeds Act 1950—**

(1) This section and the next succeeding section shall be read together with and deemed part of the Noxious Weeds Act 1950* (in that section referred to as the principal Act).

(2) This section and the next succeeding section shall be deemed to have come into force on the 1st day of April 1965.

*1957 Reprint, Vol. 11, p. 331
Amendment: 1960, No. 81

142. Borough Councils and certain Town Councils to be responsible for administration of Act within their Districts—Section 21 of the principal Act is hereby amended by adding the following subsection:

“(3) The Minister of Finance may pay to any such Council, out of money appropriated by Parliament for the purpose, such subsidy as he thinks fit towards costs incurred or to be incurred by it in administering this Act, or in exercising the powers conferred by this Act, in respect of any rural land in its district that was formerly part of a county and in respect of which a subsidy has been paid under subsection (4) of section 22 of this Act.”

That clauses 141 and 142 be a separate Bill, and that for clause 141 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Noxious Weeds 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 and commencement—(1) This Act may be cited as the Noxious Weeds Amendment Act 1971, and shall be read together with and deemed part of the Noxious Weeds Act 1950 (hereinafter referred to as the principal Act).

(2) This Act shall be deemed to have come into force on the 1st day of April 1965.

New Clauses

To add, after clause 142 (as proposed to be added by this Supplementary Order Paper), the following heading and clauses:

Surveyors

143. Sections to be read with Surveyors Act 1966—This section and the next two succeeding sections shall be read together with and deemed part of the Surveyors Act 1966* (hereinafter referred to as the principal Act).

*1966, No. 15

144. Powers of Council—Section 30 of the principal Act is hereby amended by inserting, after subsection (1), the following subsections:

“(1A) The Council may from time to time make, alter, and rescind rules regulating the charges or fees, and prescribing the scales of charges, that may be made or charged by registered surveyors or corporate or non-corporate members of the Institute for doing any survey work.

“(1B) No rule or alteration to a rule made under subsection (1A) of this section shall come into force until it is approved by the Minister on the recommendation of the Board.”

145. Consequential amendments—(1) Section 32 of the principal Act is hereby amended by repealing paragraph (1) of subsection (1).

(2) The said section 32 is hereby further amended by adding to paragraph (n) of subsection (1) the words “or under subsection (1A) of section 30 of this Act”.

(3) The said section 32 is hereby further amended by omitting from subsection (2) the words “No rules made for any of the purposes referred to in paragraph (1) of subsection (1) of this section shall be approved by the Minister until they are approved by the Board”.

That clauses 143 to 145 be a separate Bill, and that for clause 143 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Surveyors Act 1966

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 Surveyors Amendment Act 1971, and shall be read together with and deemed part of the Surveyors Act 1966 (hereinafter referred to as the principal Act).

EXPLANATORY NOTE

Criminal Injuries Compensation

Clause 27: The proposed new subclause makes it clear that the amendment made by the clause applies not only to an application for compensation made after the passing of the amendment but also to any application made, but not determined, before the passing of the amendment, in respect of the death of a victim resulting from an act or omission that occurred before or after the passing of the amendment.

Forests

Clause 41: The new subclause makes provision for the gazetting of declarations by the Minister specifying particulars of any agreement entered into by him to acquire, grant, reserve, vary, renew, or cancel an easement. A declaration so gazetted will have effect as evidence.

Licensing Trusts

Clause 61: The proposed amendment corrects an incorrect reference.

Machinery

Clause 66: The proposed amendment increases the maximum penalty for an offence against section 18 of the principal Act (which relates to the duties of users of machinery) from a fine of \$50 to one of \$250.

Post Office

Clause 90A: At present interest on Post Office Savings Bank accounts is computed in respect of the balance held in the account for each complete month commencing on the first day of the month. This clause provides that interest on such types of accounts as the Postmaster-General may direct shall be computed in respect of that balance for each complete month commencing on the day the account is opened, and on every monthly anniversary of the day.

Reserve Bank of New Zealand

Clause 103: This amendment rewrites the clause so as to provide that the Bank's auditors must be persons qualified for appointment as auditors of a company under the Companies Act 1955.

Weights and Measures

Clause 134: The proposed amendment corrects an incorrect reference.

Development Finance Corporation

Clause 139: Section 7 of the Development Finance Corporation Act 1964 sets out the powers of the Corporation in the exercise of its functions (under sections 6 and 6A) of providing finance for, and participating in, the establishment or development of industries. Section 7 (1) (a) allows the Corporation to provide finance by the purchase of or subscription for shares, debentures, bonds, or other securities.

This clause inserts an additional paragraph allowing the Corporation to purchase shares in a company in any case where the Corporation has already provided or proposes to provide finance for that company or any of its subsidiaries.

Clause 140: Section 18 (1) of the principal Act authorises the Minister of Finance, on behalf of the Crown, to advance money to the Corporation, on or subject to such terms and conditions as that Minister thinks fit. Section 18 (4), however, provides that in the exercise of his powers under the section the Minister may make advances not exceeding \$4,000,000. Every such advance is to be free of interest and is not repayable until the date when the Corporation's Reserve Fund first reaches \$1,000,000 or until the date 10 years after the advance is made, whichever date is the earlier. From that date the advance is to be subject to such terms and conditions as to repayment and payment of interest as the Minister of Finance may determine after consultation with the Corporation's Board of Directors. Doubt has arisen as to whether section 18 (4) restricts the general power to make advances under section 18 (1) as distinct from interest-free loans under section 18 (4).

This clause rewrites section 18 (4) so as to remove the \$4,000,000 limit on interest-free loans and give the Minister a discretion on the total of such loans, and to make it clear that the subsection does not limit the general power to make additional advances on terms fixed under section 18 (1).

Noxious Weeds

Clause 142 amends section 21 of the principal Act to enable a subsidy to be paid in respect of rural land within the district of a borough council, or within a town district that does not form part of a county, if the land was formerly part of a county and a subsidy has been paid under section 22 of the principal Act in respect of the land.

The amendment is deemed to have come into force on 1 April 1965.

Surveyors

Clauses 144 and 145 provide for the Council of the Institute of Surveyors to make rules regulating charges or fees, and prescribing scales of charges, that may be made or charged for survey work.

At present, such rules may only be made at a general meeting of the Institute.

The present requirement that such rules will not come into force until they have been approved by the Survey Board and the Minister of Lands remains.