

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Tuesday, the 20th day of November 1973

STATUTES AMENDMENT BILL

Proposed Amendments

(NOTE: This Supplementary Order Paper is in substitution for the earlier Supplementary Order Papers Nos. 51 and 62. It includes, without amendment, the amendments to the Medical Practitioners Act 1968, the State Services Remuneration and Conditions of Employment Act 1969, the Town and Country Planning Act 1953, and the New Zealand National Airways Act 1945, contained in Supplementary Order Paper No. 62. It also contains further amendments to clause 140 and new clauses 141 and 142 containing amendments to the Statutes Drafting and Compilation Act 1920.)

HON. DR FINLAY, in Committee, to move the following amendments:

Medical Practitioners

Clause 70: To add the following subclause:

(3) This section shall be deemed to have come into force on the 1st day of November 1973.

State Services Remuneration and Conditions of Employment

Clause 116, subclause (1) (a): To insert, after the words "Act 1913" in line 27, the words "or under any agreement filed with the Registrar of the Industrial Commission under section 141 of the Industrial Relations Act 1973".

That *clauses 115 and 116* be a separate Bill, and that for *clause 115* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the State Services Remuneration and Conditions of Employment Act 1969

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 State Services Remuneration and Conditions of Employment Amendment Act 1973, and shall be read together with and deemed part of the State Services Remuneration and Conditions of Employment Act 1969 (hereinafter referred to as the principal Act).

Town and Country Planning

Clause 121: Proposed new section 2B: To insert in paragraph (c), after the word “urban”, the words “subdivision and”.

That *clauses 120 and 121* be a separate Bill, and that for *clause 120* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Town and Country Planning 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 Town and Country Planning Amendment Act 1973, and shall be read together with and deemed part of the Town and Country Planning Act 1953 (hereinafter referred to as the principal Act).

New Clauses

To add, after *clause 135*, the following headings and new clauses:

New Zealand National Airways

136. Sections to be read with New Zealand National Airways Act 1945—This section and the next 2 succeeding sections shall be read together with and deemed part of the New Zealand National Airways Act 1945* (in those sections referred to as the principal Act).

*1957 Reprint, Vol. 11, p. 227

Amendments: 1958, No. 85; 1960, No. 79; 1964, No. 60; 1965, No. 100

137. Increasing numbers of directors—(1) Section 4 (2) of the principal Act is hereby amended—

(a) By omitting the words “five directors”, and substituting the words “6 directors”:

(b) By inserting in the proviso, after the word “who”, the words “, otherwise than as an employee of the Corporation,”.

(2) Section 6 of the principal Act is hereby amended—

(a) By inserting in subsection (2) (as substituted by section 9 (3) of the Local Authorities (Members’ Interests) Act 1968), after the word “if”, the words “, otherwise than as an employee of the Corporation,”:

(b) By omitting from subsection (4) the words “five directors”, and substituting the words “6 directors”.

(3) Section 8 (8) of the principal Act is hereby amended by inserting, after the words “general manager” in both places where they occur, the words “(if he is not a director)”.

(4) Section 9 of the principal Act is hereby amended by adding the following subsection:

“(4) Nothing in this section shall apply to any director who is for the time being an employee of the Corporation.”

138. Other deputies of directors—The principal Act is hereby further amended by inserting, after section 7, the following section:

“7A. (1) The Governor-General may from time to time appoint any person as the deputy of any director, and such deputy may attend any meeting of the directors in the absence from the meeting of the director.

“(2) Every person so appointed shall continue to be the deputy of the director in respect of whom he was appointed during the term for which the director was appointed, but may from time to time be reappointed or may at any time resign his office as deputy by writing addressed to the Governor-General.

“(3) If any such deputy dies or resigns another deputy may be so appointed in his place for the residue of such term.

“(4) While any such deputy is attending a meeting of the directors he shall be deemed for all purposes to be a director.

“(5) Section 7 of this Act shall apply to every person appointed as a deputy under this section as if he were a director appointed under section 4 of this Act.”

That *clauses 136 to 138* be a separate Bill, and that for *clause 136* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the New Zealand National Airways Act 1945

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 New Zealand National Airways Amendment Act 1973, and shall be read together with and deemed part of the New Zealand National Airways Act 1945 (hereinafter referred to as the principal Act).

Unit Titles

139. Sections to be read with Unit Titles Act 1972—This section and the next succeeding section shall be read together with and deemed part of the Unit Titles Act 1972* (in that section referred to as the principal Act).

*1972, No. 15

140. Restrictions on deposit of plan—(1) Section 5 (1) of the principal Act is hereby amended by repealing paragraph (g), and substituting the following paragraph:

“(g) Unless a certificate of approval of the plan has been given by the Clerk of the Council of the county, borough, or town district in which the land is situated:”

(2) The said section 5 is hereby further amended by inserting, after subsection (2), the following subsections:

“(2A) The Clerk of the Council shall not refuse to give a certificate of approval under subsection (1) (g) of this section unless he has reason to believe that—

“(a) Any building shown on the unit plan does not comply with the Council’s bylaws; or

“(b) The whole development to which the plan relates does not comply with the requirements of the Town and Country Planning Act 1953.

“(2B) The fact that a certificate of approval of a unit plan has been given under subsection (1) (g) of this section shall in all proceedings be conclusive evidence as against the Council that, at the time the certificate was given,—

“(a) Every building shown on the plan complied with the Council’s bylaws; and

“(b) The whole development to which the plan relates complied with the requirements of the Town and Country Planning Act 1953.

“(2c) The Council, the Clerk of the Council, every member of the Council, and every employee or agent of the Council, shall not be under any civil or criminal liability in respect of the giving of a certificate of approval under subsection (1) (g) of this section, unless it or he has acted negligently or in bad faith.”

That *clauses 139 and 140* be a separate Bill, and that for *clause 139* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Unit Titles Act 1972

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 Unit Titles Amendment Act 1973, and shall be read together with and deemed part of the Unit Titles Act 1972 (hereinafter referred to as the principal Act).

Statutes Drafting and Compilation

141. Sections to be read with Statutes Drafting and Compilation Act 1920—This section and the next succeeding section shall be read together with and deemed part of the Statutes Drafting and Compilation Act 1920* (in that section referred to as the principal Act).

*1957 Reprint, Vol. 15, p. 179

142. Parliamentary Counsel Office—(1) The principal Act is hereby amended by repealing the Title, and substituting the following Title:

“An Act to provide for the establishment of a Parliamentary Counsel Office, and for the appointment of a Chief Parliamentary Counsel, a Compiler of Statutes, and other officers”.

(2) The principal Act is hereby further amended—

(a) By omitting from sections 2 and 3 and subsections (2), (3), and (4) of section 6 the words “Law Drafting Office” wherever they occur, and substituting in each case the words “Parliamentary Counsel Office”:

(b) By omitting from subsections (2) and (3) of section 4 the words “Law Draftsman”, and substituting in each case the words “Chief Parliamentary Counsel”:

(c) By repealing subsection (5) of section 6.

(3) Section 6 of the principal Act is hereby further amended by repealing subsection (1), and substituting the following subsection:

“(1) The chief officer of the Bill Drafting Department shall be called the Chief Parliamentary Counsel. There shall be appointed one or more Parliamentary Counsel. The Chief Parliamentary Counsel and the Parliamentary Counsel shall be principal officers of the Parliamentary Counsel Office.”

(4) The person holding office at the passing of this Act as Law Draftsman shall be deemed to have been appointed as Chief Parliamentary Counsel.

(5) Every person holding office at the passing of this Act as Assistant Law Draftsman shall be deemed to have been appointed as Parliamentary Counsel.

(6) All other persons who at the passing of this Act are officers of the Law Drafting Office shall be deemed to have been appointed as officers of the Parliamentary Counsel Office.

(7) Unless the context otherwise requires, every reference in any other Act or in any regulation, rule, order, instrument, notice, or other document whatsoever—

(a) To the Law Drafting Office shall, after the passing of this Act, be read as a reference to the Parliamentary Counsel Office:

(b) To the Law Draftsman shall, after the passing of this Act, be read as a reference to the Chief Parliamentary Counsel:

(c) To an Assistant Law Draftsman shall, after the passing of this Act, be read as a reference to a Parliamentary Counsel.

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 Statutes Drafting and Compilation Act 1920

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 Statutes Drafting and Compilation Amendment Act 1973, and shall be read together with and deemed part of the Statutes Drafting and Compilation Act 1920 (hereinafter referred to as the principal Act).

EXPLANATORY NOTE

Medical Practitioners

Clause 70 provides that a person who is qualified to graduate in medicine and surgery may be conditionally registered as a medical practitioner before the actual graduation ceremony is held.

The effect of the proposed amendment would be to bring *clause 70* into force on 1 November 1973, so that it will apply to graduands of the University of Auckland who will be seeking conditional registration this November.

State Services Remuneration and Conditions of Employment

Clause 116 (1) (a): This amendment is consequential on the provisions of the Industrial Relations Act 1973. It inserts a reference to agreements filed with the Registrar of the Industrial Commission under section 141 of that Act. Those agreements correspond to agreements filed with the Clerk of Awards under section 8 of the Labour Disputes Investigation Act 1913 referred to in this paragraph.

Town and Country Planning

Clause 121: Proposed new section 2B: The amendment applies paragraph (c) to subdivisions as well as other developments.

New Zealand National Airways

Clause 137, subclauses (1) and (2) increase the number of directors of the National Airways Corporation from 5 to 6.

Subclause (3) amends the provisions relating to the attendance of the general manager at meetings of the directors so that they will not apply if he is a director.

Subclause (4) provides that payment of remuneration and expenses is not to be made to a director who is an employee of the Corporation.

Clause 138 provides for the appointment of a deputy of any director to attend meetings of the directors in the absence of the director.

Every person so appointed will continue to be the deputy of the director during the term for which the director was appointed.

Unit Titles

Clause 140 amends section 5 of the principal Act.

At present a unit plan may not be deposited unless a certificate has been given by the local authority that every building shown on the plan has been erected in accordance with a building permit and that the development complies with the Town and Country Planning Act 1953 and the operative district scheme.

The amendments provide—

- (a) That a unit plan shall not be deposited unless a certificate of approval of the plan has been given by the local authority;
- (b) That the local authority shall not refuse to give a certificate unless it has reason to believe that any building does not comply with the Council's bylaws, or the whole development does not comply with the Town and Country Planning Act 1953;
- (c) That the fact that a certificate has been given shall in all proceedings be conclusive evidence as against the Council that the building complied with the bylaws and that the whole development complied with the Town and Country Planning Act 1953;
- (d) That the Council, the Clerk of the Council, every member of the Council, and every employee or agent of the Council, shall not be under any civil or criminal liability in respect of the giving of a certificate, unless it or he has acted negligently or in bad faith.

Statutes Drafting and Compilation

Clause 142 alters the name of the Law Drafting Office to the Parliamentary Counsel Office, and alters the title of the Law Draftsman to Chief Parliamentary Counsel and the title of an Assistant Law Draftsman to Parliamentary Counsel.
