

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Wednesday, 18 March 1987

STATUTES AMENDMENT BILL

*Proposed Amendments*

Right Hon. GEOFFREY PALMER, in Committee, to move the following amendments:

*Earthquake and War Damage*

*New clause 26A:* To insert, after clause 26, the following clause:

**26A.** Commission to make good earthquake or war damage to insured property—Section 16 (1) of the principal Act is hereby amended by adding the words “, increased by a percentage equal to the percentage specified in section 8 (1) of the Goods and Services Tax Act 1985”.

In substitution for the amendments relating to the Earthquake and War Damage Act 1944 contained in Supplementary Order Paper No. 90, that clauses 25, 26, and 26A be a separate Bill, and that for clause 25 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Earthquake and War Damage Act 1944**

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title and commencement—**(1) This Act may be cited as the Earthquake and War Damage Amendment Act 1987, and shall be read together with and deemed part of the Earthquake and War Damage Act 1944 (hereinafter referred to as the principal Act).

(2) Section 3 of this Act shall be deemed to have come into force on the 1st day of March 1987.

*Real Estate Agents*

*Clause 85:* To omit from the proposed new paragraph (c) (i) the word “Is” (page 28, line 12), and substitute the words “Supervises any salesman”.

*Scientific and Industrial Research*

*Clause 91:* To omit clause 91, and substitute the following clause:

**91. Certain grants of plant selector's rights deemed to be made in name of Her Majesty—**(1) Every grant of plant selector's rights before the commencement of this Act made in the name of the Department or a division of the Department shall be deemed to have been made in the name of Her Majesty the Queen.

(2) The Registrar of Plant Varieties shall do all such things, and make all such entries in registers, as are necessary to give effect to subsection (1) of this section.

*New Clauses*

To add the following clauses:

*Public Works*

**105. Sections to be read with Public Works Act 1981—** This section and the next succeeding section shall be read together with and deemed part of the Public Works Act 1981\* (in that section referred to as the principal Act).

\*1981, No. 35

Amendments: 1982, No. 182; 1983, No. 150

**106. Alternative to basic and water availability charges—**(1) The principal Act is hereby amended by inserting, after section 212, the following section:

"212A. (1) Notwithstanding anything in this Act, the Minister may, after considering the advice of the National Authority, elect not to set a basic charge and a water availability charge, but instead to set one or more charges in substitution therefor to recover from the occupiers in the scheme their share of capital, operation, and maintenance costs on a basis appropriate to the scheme.

"(2) The amount of any charge set under this section and the basis upon which it may subsequently be varied shall be included in the notice given under section 202 (1) (a) of this Act in place of the matters specified in subparagraphs (iii) to (v) and (vii) of that paragraph.

"(3) Any charge set under this section may be varied by the Minister at any time upon the basis specified in the notice given under the said section 202.

"(4) The provisions of this Part of this Act (except for sections 209 to 212) shall apply to any charge set under this section in the same manner, with any necessary modifications, as they apply to the basic charge and the water availability charge specified in this Part.

"(5) In setting a charge in substitution for the charges payable under sections 214 and 216 of this Act, the Minister may have regard to any of the matters specified in those sections or may set the charges in accordance with advice given by the National Authority."

(2) Section 213 of the principal Act is hereby amended by adding the following proviso:

"Provided that the Minister may specify the addition of a further percentage to the interest rate to compensate for any deferral in the recovery of principal and interest when charges are set under section 212A of this Act."

That clauses 105 and 106 be a separate Bill, and that for clause 105 there be substituted the following Title, enacting words, and Short Title:

**An Act to amend the Public Works Act 1981**

BE IT ENACTED by the Parliament of New Zealand as follows:

**1. Short Title**—This Act may be cited as the Public Works Amendment Act 1987, and shall be read together with and deemed part of the Public Works Act 1981 (hereinafter referred to as the principal Act).

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**EXPLANATORY NOTE**

*New clause 26A:* New clause 108: This amendment increases the maximum amount that the Earthquake and War Damage Commission may pay in respect of claims by the percentage specified in section 8 (1) of the Goods and Services Tax Act 1985 (10 percent).

*Clause 85:* The aim of this clause is to allow managers of stock and station agencies to be treated as “qualified persons” where any real estate work carried on by the agency relates predominantly to rural land. The proposed amendment removes the need for the manager to be engaged personally in the real estate operations.

*Clause 91:* This amendment takes account of the discovery that some grants of plant selectors’ rights were made in the name of a Division of the Department after the commencement of the Scientific and Industrial Research Amendment Act 1985.

The effect of the amendment is that *clause 91* will now come into force on the passing of the Bill and not be deemed to have come into force on the commencement of the Scientific and Industrial Research Amendment Act 1985.

*New Clause 106:* This amendment enables the Minister, after considering the advice of the National Water and Soil Conservation Authority, to recover the capital, operation, and maintenance costs of an irrigation scheme by one or more charges appropriate to the scheme other than the rigid basic charge and water availability charge set out in Part XIX of the principal Act.