

HOUSE OF REPRESENTATIVES

# Supplementary Order Paper

Tuesday, 29 November 1988

STATUTES AMENDMENT BILL

*Proposed Amendments*

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

*Clause 19:* To omit from lines 4 and 5 on page 8 the words "paragraph (c) or paragraph (d) of section 4 (1)", and substitute the words "section 4 (1) (c)".

To insert, after subclause (1) on page 8, the following subclause:

(1A) Notwithstanding anything in section 18 of this Act, where, immediately before the commencement of this section, any person (being a person who was appointed to be a member of the Board pursuant to section 4 (1) (d) of the principal Act) was continuing in office pursuant to section 5 (2) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 6 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 4 (1) (c) of the principal Act (as substituted by section 18 of this Act) comes into office.

To omit from lines 10 and 11 on page 8 the words "the persons", and substitute the words "any person".

To insert in lines 11 and 18 on page 8, after the expression "subsection (1)", the words "or subsection (1A)".

*Clause 24:* To insert in line 11 on page 9, before the word "This", the expression "(1)".

To insert, after line 14 on page 9, the following subclause:

(2) This section and the next succeeding section shall come into force on the 1st day of December 1988.

*Clause 25:* To insert in line 20 on page 9, after the word "Minister", the words "of Commerce".

To omit from lines 20 and 21 on page 9 the words "120 (5) of this Act", and substitute the words "8 of the Tariff Act 1988".

*Clause 30:* To insert, after subclause (1) on page 10, the following subclause:

(1A) Notwithstanding anything in section 29 of this Act, where, immediately before the commencement of this section, any person (being a person who was appointed to be a member of

the Council pursuant to section 19 (2) (e) of the principal Act) was continuing in office pursuant to section 21 (3) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 24 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 19 (2) (d) of the principal Act (as substituted by section 29 of this Act) comes into office.

To omit from lines 31 and 32 on page 10 the words “the persons to whom subsection (1)”, and substitute the words “any person to whom subsection (1) or subsection (1A)”.

*Clause 79:* To omit subclause (2) (all the words in lines 37 to 41 on page 23 and in lines 1 to 3 on page 24), and substitute the following subclause:

(2) Notwithstanding anything in subsection (1) of this section, where, immediately before the commencement of this section, any person (being a person who was appointed to be a member of the Commission pursuant to paragraph (c) or paragraph (d) of section 4 (2) of the principal Act) was continuing in office pursuant to section 5 (2) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 6 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 4 (2) (c) of the principal Act (as substituted by subsection (1) of this section) comes into office.

*Clause 80:* To omit subclause (2) (all the words in lines 15 to 23 on page 24), and substitute the following subclause:

(2) Notwithstanding anything in subsection (1) of this section, where, immediately before the commencement of this section, any person (being a person who was appointed to be a member of a District Walkway Committee pursuant to paragraph (c) or paragraph (d) of section 14 (2) of the principal Act) was continuing in office pursuant to section 15 (2) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 16 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 14 (2) (c) of the principal Act (as substituted by subsection (1) of this section) comes into office.

*Clause 83:* To insert, after subclause (1) on page 25, the following subclause:

(1A) Notwithstanding anything in section 82 of this Act, where, immediately before the commencement of this section, any person (being a person who was appointed to be a member of the Council pursuant to paragraph (b) or paragraph (c) of section 5 (2) of the principal Act) was continuing in office pursuant to section 6 (3) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 7 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 5 (2) (b) of the principal Act (as substituted by section 82 of this Act) comes into office.

To omit from lines 10 and 11 on page 25 the words “the persons”, and substitute the words “any person”.

To insert in lines 11 and 17 on page 25, after the expression “subsection (1)”, the words “or subsection (1A)”.

*Clause 85:* To omit this clause (which appears on page 25), and substitute the following clause:

**85. First Schedule amended**—Part III of the First Schedule to the principal Act is hereby amended by omitting the item relating to the Auckland Institute and Museum Trust Board, and substituting the following item:

“The Council of the Auckland Institute and Museum.”

*Clause 91:* To omit subclause (2) (all the words in lines 4 to 12 on page 28), and substitute the following subclause:

(2) Notwithstanding anything in subsection (1) of this section, where, immediately before the commencement of this section, any person (being a person who was appointed to be a director of the Trust pursuant to section 4 (1) (e) of the principal Act) was continuing in office pursuant to section 6 (6) of the principal Act, that person shall, unless that person sooner dies or vacates office under section 7 of the principal Act, continue in office until any person appointed as a successor to that person pursuant to section 4 (1) (f) of the principal Act (as substituted by subsection (1) of this section) comes into office.

*Clause 97:* To omit this clause, and substitute the following clause:

**97. Minister's consent not now required in certain cases**—(1) Section 69 (3) of the principal Act is hereby amended by omitting the words “paragraph (d) or”.

(2) Section 83 (7) of the principal Act is hereby repealed.

*New Clauses*

To add the following clauses:

*Pork Industry Board*

**120. Sections to be read with Pork Industry Board Act 1982**—This section and section 121 of this Act shall be read together with and deemed part of the Pork Industry Board Act 1982\* (in that section referred to as the principal Act).

**121. Conduct of election of producer members**—The Second Schedule to the principal Act is hereby amended by repealing clause 7, and substituting the following clauses:

“7. At every election—

“(a) Every pork producer who, on the previous 31st day of January, had in possession more than 500 pigs or more than 50 sows is entitled to 3 votes; and

“(b) Every pork producer who—

“(i) Is not entitled to 3 votes under this clause; but

“(ii) On the previous 31st day of January, had in possession more than 100 pigs or more than 11 sows is entitled to 2 votes; and

“(c) Every other pork producer is entitled to 1 vote.

“7A. In clause 7 of this Schedule, ‘sow’ means a female pig that has been mated.”

*Evidence*

**122. Sections to be read with Evidence Act 1908**—This section and the next succeeding section shall be read together with and deemed part of the Evidence Act 1908\*.

\*R.S. Vol. 2, p. 339

\*1982, No. 138

Amendment: 1987, No. 45

Amendments: 1980, No. 6; 1980, No. 27; 1982, No. 48; 1985, No. 54; 1985, No. 161; 1986, No. 74; 1986, No. 87; 1987, No. 138; 1988, No. 116

**123. Judicial notice of signatures**—The Evidence Amendment Act 1945 is hereby amended by inserting, after section 11, the following section:

“11A. **Judicial notice of signature of Speaker**—All Courts and persons acting judicially shall take judicial notice of the signature of the Speaker of the House of Representatives when attached or appended to any document pursuant to any power vested in the Speaker under any enactment or under the Standing Orders of the House of Representatives.”

#### EXPLANATORY NOTE

*Clause 19:* The amendments ensure that the transitional arrangements cover any person whose term of office as a member of the Children's Health Camps Board has expired but who is continuing in office pending the appointment of a successor.

*Clauses 24 and 25:* These amendments take account of the transfer of the responsibility for the present Customs Tariff to the Ministry of Commerce on 1 December 1988.

*Clause 30:* The amendments ensure that the transitional arrangements cover any person whose term of office as a member of the National Hydatids Council has expired but who is continuing in office pending the appointment of a successor.

*Clause 79:* The amendment alters the transitional provisions so that they apply only in respect of a person whose term of office as a member of the New Zealand Walkway Commission has expired but who is continuing in office pending the appointment of a successor.

*Clause 80:* The amendment alters the transitional provisions so that they apply only in respect of a person whose term of office as a member of a District Walkway Committee has expired but who is continuing in office pending the appointment of a successor.

*Clause 83:* The amendments ensure that the transitional arrangements cover any person whose term of office as a member of the Noxious Plants Council has expired but who is continuing in office pending the appointment of a successor.

*Clause 85:* The effect of the amendment is to omit from *clause 85* the amendment relating to Community Councils and District Community Councils.

*Clause 91:* The amendment alters the transitional provisions so that they apply only in respect of a person whose term of office as a director of the Queen Elizabeth the Second National Trust has expired but who is continuing in office pending the appointment of a successor.

*Clause 97: Subclause (1)* of the new clause is an additional provision which provides that the consent of the Minister of Internal Affairs is no longer required before the coming into force of rules made by the Totalisator Agency Board relating to the operation and control of totalisator agencies and the administration and conduct of off-course betting and the off-course totalisator.

#### *New Clauses*

*New clause 121* amends the Pork Industry Board Act 1982 so as to alter the voting entitlements of pork producers who vote to elect producer members of the Pork Industry Board. At present, entitlements depend on the number of pigs a producer had on the previous 31 January. A producer with over 500 pigs has 3 votes; a producer with 101 to 500 pigs has 2 votes; and a producer with up to 100 pigs has 1 vote.

The new entitlements take numbers of breeding sows into account. A producer with over 500 pigs or over 50 sows will have 3 votes; a producer with 101 to 500 pigs or 12 to 50 sows will have 2 votes; and other producers will have 1 vote.

*New clause 123* inserts a new section 11A in the Evidence Amendment Act 1945.

The new section provides that all Courts and persons acting judicially are to take judicial notice of the signature of the Speaker of the House of Representatives when attached or appended to any document pursuant to any power vested in the Speaker under any enactment or under the Standing Orders of the House of Representatives.