

STATUTES AMENDMENT BILL (NO. 2)

EXPLANATORY NOTE

Clause 1 relates to the Short Title.

Education

Clause 3 amends section 165D of the Education Act 1964 to enable the making of regulations empowering the payment of travelling allowances and expenses to employees who appear before the Education Authorities Appeal Authority.

Government Life Insurance

Clauses 5 and 6 amend sections 8 and 13 of the Government Life Insurance Act 1953.

At present, the Commissioner may not delegate the use of his seal of office except to the Deputy Commissioner.

The amendments will enable the Commissioner, with the consent of the Minister, to delegate the use of the seal to other employees of the Office.

New Zealand Society of Accountants

Clause 8 amends section 20 of the New Zealand Society of Accountants Act 1958, which relates to the membership and other fees payable by members of the society.

At present, the fees are fixed by the Society in general meeting.

The amendment provides that the fees may be prescribed by the Council of the Society. It is also provided that the fees may not be varied more than once in respect of any financial year, and that any variation may not exceed 20 percent of the then current fee unless the Society in general meeting first approves a variation of more than 20 percent.

Property Law

Clause 10 corrects a drafting error in section 7 of the Property Law Amendment Act 1982. That section inserted in the principal Act a new section 104A. However, there is already a section of that number in the Act. This clause accordingly renumbers the new section as 104AA.

Public Trust Office

Clause 12: Subclause (1) amends section 72 of the Public Trust Office Act 1957, by increasing from \$15,000 to \$40,000 the maximum value of an estate that the Public Trustee may elect to administer without obtaining a formal grant of administration. It also increases from \$20,000 to \$60,000 the point at which, in such cases, the Public Trustee must subsequently seek a grant of administration where the estate turns out to be more valuable than was first supposed.

Subclause (2) makes similar amendments where the Public Trustee elects to administer the balance of a partially administered estate.

Hon. J. K. McLay

STATUTES AMENDMENT (NO. 2)

ANALYSIS

Title	<i>New Zealand Society of Accountants</i>
1. Short Title	7. Sections to be read with New Zealand Society of Accountants Act 1958 8. Fees payable by members
<i>Education</i>	<i>Property Law</i>
2. Sections to be read with Education Act 1964	9. Sections to be read with Property Law Act 1952
3. Regulations relating to appointment of staff by Education Authorities	10. Regulations
<i>Government Life Insurance</i>	<i>Public Trust Office</i>
4. Sections to be read with Government Life Insurance Act 1953	11. Sections to be read with Public Trust Office Act 1957
5. Delegation by Commissioner	12. Power of Public Trustee to elect to administer small estates without grant of administration
6. Contracts by Commissioner	

A BILL INTITULED

An Act to amend certain enactments of the General Assembly

BE IT ENACTED by the General Assembly of New Zealand in Parliament assembled, and by the authority of the same, as follows: 5

1. Short Title—This Act may be cited as the Statutes Amendment Act (No. 2) 1982.

Education

2. Sections to be read with Education Act 1964—This 10 section and the next succeeding section shall be read together with and deemed part of the Education Act 1964* (in that section referred to as the principal Act).

*Reprinted 1975, Vol. 3, p. 1699

Amendments: 1976, No. 42; 1976, No. 70; 1977, No. 91; 1978, No. 79; 1979, No. 148; 1981, No. 124; 1982, No. 19

3. Regulations relating to appointment of staff by Education Authorities—Section 165D (3) of the principal Act (as inserted by section 7 (1) of the Education Amendment Act 1981) is hereby amended by inserting, after paragraph (d), the following paragraph: 5

“(da) Provide for the payment by Education Authorities to their employees of travelling allowances and expenses in relation to their appearance before the Appeal Authority:”.

Government Life Insurance 10

4. Sections to be read with Government Life Insurance Act 1953—This section and the next 2 succeeding sections shall be read together with and deemed part of the Government Life Insurance Act 1953* (in those sections referred to as the principal Act). 15

*R.S. Vol. 6, p. 559

5. Delegation by Commissioner—Section 8 (1) of the principal Act (as substituted by section 2 of the Government Life Insurance Act 1959) is hereby amended by repealing the first proviso, and substituting the following proviso:

“Provided that the Commissioner shall not delegate the power to use the seal of office of the Commissioner to any employee of the Office (other than the Deputy Commissioner) without the written consent of the Minister:”.

6. Contracts by Commissioner—Section 13 of the principal Act is hereby amended by repealing subsection (2), and substituting the following subsection: 25

“(2) Where the Deputy Commissioner or other employee of the Office enters into any contract or exercises any power on behalf of the Commissioner under any powers conferred on or delegated to him in that behalf, he shall in the presence of one or more witnesses sign the contract or document exercising the power in the following manner: 30

‘[Name of Commissioner]

‘Government Insurance Commissioner

‘By his Deputy or Delegate 35

‘[Signature of Deputy Commissioner or Delegate]’—

with the addition, in the case of a contract or the exercise of a power required to be by deed or in writing under seal, of the seal of the Commissioner. Every contract or document so executed shall be as valid and effectual according to its tenor as if it had been signed personally by the Commissioner.” 40

New Zealand Society of Accountants

7. Sections to be read with New Zealand Society of Accountants Act 1958—This section and the next succeeding section shall be read together with and deemed
5 part of the New Zealand Society of Accountants Act 1958* (in that section referred to as the principal Act).

*R.S. Vol. 5, p. 869

8. Fees payable by members—(1) Section 20 (1) of the principal Act (as substituted by section 2 (1) of the New Zealand Society of Accountants Amendment Act 1977) is
10 hereby amended by omitting the words “Society in general meeting” where they secondly occur, and substituting the word “Council”.

(2) The said section 20 (as so substituted) is hereby further amended by inserting, after subsection (1), the following
15 subsection:

“(1A) The Council shall not vary any fee under subsection (1) of this section more than once in respect of any financial year, and any such variation shall not exceed 20 percent of the then current fee unless the Society in general meeting first
20 approves a variation of more than 20 percent.”

(3) Section 20 (2) of the principal Act (as so substituted) is hereby amended by omitting the words “The Society in general meeting”, and substituting the words “Subject to subsection (1A) of this section, the Council”.

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Property Law

9. Sections to be read with Property Law Act 1952—This section and the next succeeding section shall be read together with and deemed part of the Property Law Act 1952* (in that section referred to as the principal Act).

*Reprinted 1970, Vol. 3, p. 2287

Amendments: 1971, No. 121; 1975, No. 36; 1976, No. 114; 1977, No. 119; 1980, No. 131; 1982, No. 49

30 **10. Regulations**—(1) Section 7 of the Property Law Amendment Act 1982 is hereby amended by inserting, after the word “inserting”, the words “in Part VII”.

(2) Section 104A of the principal Act (as inserted by section 7 of the Property Law Amendment Act 1982) is hereby
35 renumbered “104AA”.

Public Trust Office

11. Sections to be read with Public Trust Office Act 1957—This section and the next succeeding section shall be read together with and deemed part of the Public Trust Office Act 1957* (in that section referred to as the principal Act). 5

*Reprinted 1976, Vol. 5, p. 4361
Amendments: 1977, No. 168; 1978, No. 10

12. Power of Public Trustee to elect to administer small estates without grant of administration—(1) Section 72 of the principal Act (as amended by section 3 of the Public Trust Office Amendment Act 1978) is hereby further amended— 10

(a) By omitting from subsection (1) the expression “\$15,000”, and substituting the expression “\$40,000”:

(b) By omitting from subsection (6) the expression “\$20,000”, and substituting the expression “\$60,000”. 15

(2) Section 73 of the principal Act (as amended by section 4 of the Public Trust Office Amendment Act 1978) is hereby further amended—

(a) By omitting from subsection (1) the expression “\$15,000”, and substituting the expression “\$40,000”:

(b) By omitting from subsection (3) the expression “\$20,000”, and substituting the expression “\$60,000”. 25

(3) Sections 3 and 4 of the Public Trust Office Amendment Act 1978 are hereby consequentially repealed.