

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Wednesday, the 10th Day of September 1975

CRIMINAL JUSTICE AMENDMENT (NO. 2) BILL

Proposed Amendments

Hon. Dr FINLAY, in Committee, to move the following amendments:

New clause 20: To insert, after clause 19, the following clause:

20. *New schedule substituted*—The principal Act is hereby amended by repealing the First Schedule, and substituting the First Schedule set out in the Third Schedule to this Act.

New Third Schedule: To add the following schedule:

“THIRD SCHEDULE Section 20

NEW FIRST SCHEDULE SUBSTITUTED IN PRINCIPAL ACT

“FIRST SCHEDULE Section 54 (4)

ENACTMENTS AMENDED

Title of Act	Nature of Amendment
1908, No. 165—The River Boards Act 1908 (1957 Reprint, Vol. 13, p. 397)	By repealing section 29 (b), and substituting the following paragraphs: “(b) Any person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him: “(bb) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”. By adding to section 29, as subsections (2) and (3), the following subsections: “(2) In any case to which <u>paragraph (b) of subsection (1)</u> of this section applies— “(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and “(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.

SCHEDULE—*continued*
 “FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1914, No. 32—The Local Railways Act 1914 (1931 Reprint, Vol. VII, p. 941)</p>	<p>“(3) In any case to which <u>paragraph (bb) of subsection (1)</u> of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 36, after the word “disqualified,” the words “or while on leave of absence pursuant to <u>subsection (2) or subsection (3)</u> of section 29 of this Act.”</p> <p>By repealing section 16 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 16, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (e) of subsection (1)</u> of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (ee) of subsection (1)</u> of this section applies—</p>

SCHEDULE—*continued*
 “FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1920 (Local), No. 15— The Christchurch Tramway District Act 1920</p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 16, after the word “section,” the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section,</u>”.</p> <p>By repealing section 22 (e), and substituting the following paragraphs:</p> <p>“(e) Any person who is convicted of an offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(ee) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”.</p> <p>By adding to section 22, as subsections (2) and (3), the following subsections:</p> <p>“(2) In any case to which <u>paragraph (e) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

SCHEDULE—*continued*‘FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1921 (Local), No. 17— The Auckland Electric-power Board Act, 1921-22</p>	<p>“(3) In any case to which <u>paragraph (ee) of subsection (1)</u> of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By omitting from section 23 the words “Any disqualified person who shall act as a member of the Board”, and substituting the words “Any person who acts as a member of the Board while disqualified, or while on leave of absence pursuant to <u>subsection (2) or subsection (3)</u> of section 22 of this Act,”.</p> <p>By repealing section 12 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 12, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (e) of subsection (1)</u> of this section applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

SCHEDULE—*continued*
 “FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1925, No. 38—The Electric Power Boards Act, 1925 (1957 Reprint, Vol. 4, p. 441)</p>	<p>“(1B) In any case to which <u>paragraph (ee) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 12, after the word “section,” the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section,”.</p> <p>By repealing section 22 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 22, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (e) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (ee) of subsection (1) of this section applies—</u></p>

SCHEDULE—*continued*"FIRST SCHEDULE—*continued*ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 22, after the word “section”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section”.</p>
<p>1941, No. 12—The Soil Conservation and Rivers Control Act 1941 (Reprinted 1969, Vol. 4, p. 3063)</p>	<p>By repealing section 55 (1) (e) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ee) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 55, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (e) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (ee) of subsection (1) of this section applies—</u></p>

SCHEDULE—continued

"FIRST SCHEDULE—continued

ENACTMENTS AMENDED—continued

Title of Act	Nature of Amendment
<p>1944 (Local), No. 7— The Hawke's Bay Crematorium Act 1944</p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in subsection (2) of section 55, after the word “section”, the words “or while on leave of absence pursuant to subsection (1A) or subsection (1B) of this section”.</p> <p>By repealing section 10 (1) (f) (as substituted by section 54 (4) of the Criminal Justice Act 1954), and substituting the following paragraphs:</p> <p>“(f) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(ff) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 10, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (f) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (ff) of subsection (1) of this section applies—</u></p>

SCHEDULE—*continued*
 FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1947, No. 35—The Masterton Licensing Trust Act 1947 (Reprinted 1969, Vol. 4, p. 2399)</p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By repealing section 14 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the sentence imposed on him:</p> <p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 14, after subsection (1) (as so amended), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (f) of subsection (1) of this section</u> applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (g) of subsection (1) of this section</u> applies—</p>

SCHEDULE—*continued*
 FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1949, No. 43—The Licensing Trusts Act 1949 (Reprinted 1969, Vol. 3, p. 2285)</p>	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 14 (3), after the word “thereof”, the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section</u>,”.</p> <p>By repealing section 14 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of an offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the sentence imposed on him:</p> <p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 14, after subsection (1) (as so amended), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (f) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

SCHEDULE—*continued*
FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1950, No. 33—The Invercargill Licensing Trust Act 1950 (Reprinted 1969, Vol. 3, p. 1559)</p>	<p>“(1B) In any case to which <u>paragraph (g) of subsection (1) of this section</u> applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 14 (3), after the word “thereof,” the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section</u>,”.</p> <p>By repealing section 15 (1) (f), and substituting the following paragraphs:</p> <p>“(f) A person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(g) A person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 15, after subsection (1) (as so amended), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (f) of subsection (1) of this section</u> applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted</p>

SCHEDULE—*continued*
 FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1950, No. 34—The Harbours Act 1950 (Reprinted 1966, Vol. 3, p. 2395)</p>	<p>leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (g) of subsection (1) of this section</u> applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 15 (3), after the word “thereof,” the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section</u>.”</p> <p>By repealing section 31 (1) (f), and substituting the following paragraphs:</p> <p>“(f) Any person who is convicted of any offence punishable by imprisonment for a term of 2 years or more, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence or otherwise suffered the penalty imposed on him:</p> <p>“(g) Any person who is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence, unless (in the case of a person seeking election) he has obtained a pardon or has served his sentence.”</p> <p>By inserting in section 31, after subsection (1) (as so amended) the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (f) of subsection (1) of this section</u> applies—</p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p>

SCHEDULE—*continued*
FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
	<p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p> <p>“(1B) In any case to which <u>paragraph (g) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>By inserting in section 32 (2), after the word “thereof”, the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section</u>”.</p>
1957, No. 40—The Hospitals Act 1957 (Reprinted 1970, Vol. 3, p. 1856)	<p>By repealing section 34 (1) (d), and substituting the following paragraphs:</p> <p>“(d) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or</p> <p>“(e) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.”</p> <p>By inserting in section 34, after subsection (1), the following subsections:</p> <p>“(1A) In any case to which <u>paragraph (d) of subsection (1) of this section applies—</u></p> <p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.</p>

SCHEDULE—*continued*
 FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
<p>1967, No. 147—The Agricultural Pests De- struction Act 1967</p>	<p>“(1B) In any case to which <u>paragraph (e) of subsection (1) of this section applies—</u> “(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and “(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.” By inserting in subsection (2) of section 34, after the word “thereof,” the words “or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B) of this section,”.</u> By repealing section 48 (1) (g), and substituting the following paragraphs: “(g) Is convicted of any offence punishable by imprisonment for a term of 2 years or more; or “(h) Is convicted of any offence punishable by imprisonment for a term of less than 2 years and is sentenced to imprisonment for that offence.” By inserting in section 48, after subsection (1), the following subsections: “(1A) In any case to which <u>paragraph (g) of subsection (1) of this section applies—</u> “(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction and, in the event of an appeal against conviction, until the appeal is determined; and “(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence. “(1B) In any case to which <u>paragraph (h) of subsection (1) of this section applies—</u></p>

SCHEDULE—*continued*
 FIRST SCHEDULE—*continued*
 ENACTMENTS AMENDED—*continued*

Title of Act	Nature of Amendment
	<p>“(a) The disqualification shall not take effect until the expiration of the time for appealing against the conviction or the sentence and, in the event of an appeal against the conviction or against the sentence or both, until the appeal is determined; and</p> <p>“(b) The member concerned shall be deemed to have been granted leave of absence until the expiration of that time, and shall not be capable of acting as a member during the period of that leave of absence.”</p> <p>“(1c) If any person does any act as a member of the Board after his office has become vacant under subsection (1) of this section, except under paragraph (e) of that subsection, or while on leave of absence pursuant to <u>subsection (1A) or subsection (1B)</u> of this section, he commits an offence and is liable on summary conviction to a fine not exceeding \$100.”</p>

EXPLANATORY NOTE

The proposed *clause 20* substitutes a new schedule for the First Schedule to the principal Act. The effect is to amend the provisions of the Acts referred to in the Schedule so far as they relate to disqualification from office following conviction of a criminal offence. The new provisions are in line with the corresponding provisions of the Municipal Corporations Act 1954 and the Counties Act 1956.