

Supplementary Order Paper

HOUSE OF REPRESENTATIVES

Wednesday, the 22nd Day of November 1961

STATUTES AMENDMENT BILL

Proposed Amendments

Hon. Mr HANAN, in Committee, to move the following amendments:

Chattels Transfer

Clause 5: To omit the proviso set out in lines 1 to 9 on page 4, and substitute the following proviso:

“Provided that it shall not be necessary for the execution of the memorandum to be verified by affidavit of the witness, if—

“(a) The witness is a Registrar, notary public, Justice of the Peace, Postmaster, or a solicitor of the Supreme Court, resident in New Zealand; or

“(b) The grantee is the State Advances Corporation of New Zealand and the memorandum is executed on behalf of that Corporation in accordance with section 9 of the Finance Act 1948; or

“(c) The grantee is a corporation and the memorandum is executed by the corporation affixing thereto its common seal or its official seal for use in New Zealand.”

Life Insurance

Clauses 36 to 38: To omit these clauses and the amendments proposed in Supplementary Order Paper No. 50 relating to these clauses.

Transport

New Clause

To insert, after *clause 78*, the following clause:

78A. Evidence of testing and accuracy of weighing or speed measuring devices—The principal Act is hereby further amended by inserting, after section 165, the following section:

“165A. (1) In any proceedings for an offence against this Act or any regulations made thereunder, the production of a certificate purporting to be signed by an officer of the Department authorised by the Commissioner as to the testing and accuracy of any weighing or speed measuring device referred to in the certificate shall be admissible as evidence that the device has been tested and is accurate.

“(2) Every officer signing any such certificate shall, in the absence of proof to the contrary, be presumed to be duly authorised to sign it.”

To omit from the amendment proposed by Supplementary Order Paper No. 50 relating to *clauses 76 to 78* the words “*clauses 76 to 78*”, and substitute the words “*clauses 76 to 78A*”.

New Clauses

To insert, after *clause 86*, the following headings and clauses:

Police

87. Clauses to be read with Police Act 1958—This section and the next two succeeding sections shall be read together with and deemed part of the Police Act 1958* (in those sections referred to as the principal Act).

88. Appointment of Superintendents—Section 7 of the principal Act is hereby amended by adding, as subsection (2) thereof, the following subsection:

“(2) Any appointment under this section to the rank of Superintendent shall be made from those commissioned officers for the time being holding the rank of Chief Inspector.”

89. Promotion Board to recommend certain appointments and promotions—Section 13 of the principal Act is hereby amended by repealing subsection (1), and substituting the following subsection:

“(1) Subject to the provisions of this Act, every appointment under section 7 or section 8 of this Act to any rank below the rank of Superintendent, every appointment under section 12 of this Act to any commissioned or non-commissioned rank, and every promotion of a member of the Police to any rank below the rank of Superintendent, shall be made only on the recommendation of the Promotion Board.”

That clauses 87 to 89 be a separate Bill, and that for clause 87 there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Police Act 1958

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 Police Amendment Act 1961, and shall be read together with and deemed part of the Police Act 1958* (hereinafter referred to as the principal Act).

*1958, No. 109

Wool Commission

90. Clauses to be read with Wool Commission Act 1951—This section and the next succeeding section shall be read together with and deemed part of the Wool Commission Act 1951* (in that section referred to as the principal Act.)

*1957 Reprint, Vol. 16, p. 759
Amendment: 1961, No. 38

91. Acquisition of houses for use of officers—The principal Act is hereby amended by inserting, after section 25, the following section:

“25A. (1) The Commission may, if in its opinion it is expedient to assist its officers to acquire housing accommodation, whether within or outside New Zealand, take on lease, rent, or purchase land on which houses are erected, or purchase land and erect houses, or take on lease or rent furnished houses or flats, or make advances, on such terms and conditions as it thinks fit, to its officers for the purpose of enabling those officers to purchase for their own use land on which houses are erected.

“(2) Where, pursuant to subsection (1) of this section, the Commission takes on lease, rents, or purchases land on which a house is erected, or erects a house on any land which it has purchased, or takes on lease or rents any furnished house or flat, it may let that house or that furnished house or flat, as the case may be, or, if the house is unfurnished and is situated elsewhere than in New Zealand, furnish and let the house, to any officer of the Commission for such term and at such rent and otherwise upon such terms and conditions as it thinks fit.”

That *clauses 90 and 91* be a separate Bill, and that for *clause 90* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Wool Commission Act 1951

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 Wool Commission Amendment Act (No. 2) 1961, and shall be read together with and deemed part of the Wool Commission Act 1951* (hereinafter referred to as the principal Act).

*1957 Reprint, Vol. 16, p. 759
Amendment: 1961, No. 38

Distillation

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

93. Limited wholesale licence to sell spirits—(1) The Distillation Amendment Act 1959 is hereby amended by inserting, after section 9, the following section:

“9A. (1) A limited wholesale licence to sell spirits shall authorise the holder to sell any specified spirits or any specified class or classes of spirits:

“Provided that the authority conferred by any such licence shall be limited to spirits purchased from the holder of a licence under section 7 of this Act.

“(2) Any licence under this section shall relate only to spirits distilled, rectified, and compounded in New Zealand pursuant to licences under sections 6 and 7 of this Act and may relate to spirits intended for consumption in New Zealand, or to spirits intended for export, or to both.

“(3) Notwithstanding anything in the Licensing Act 1908, but subject to the provisions of the principal Act and to any conditions or restrictions specified in the licence, every licence under this section shall authorise the holder to sell only spirits purchased as aforesaid from the holder of a licence under section 7 of this Act and only to holders of wholesale licences for the time being in force under the Licensing Act 1908, or to persons authorised to produce goods in a manufacturing warehouse under the Customs Act 1913.”

(2) Section 2 of the Distillation Amendment Act 1959 is hereby amended by adding the following paragraph:

“(e) Limited wholesale licences to sell spirits.”

(3) Paragraph (a) of subsection (3) of section 7 of the Distillation Amendment Act 1959 is hereby amended by inserting, after the words “section applies”, the words “or to the holders of limited wholesale licences under section 9A of this Act”.

*1957 Reprint, Vol. 4, p. 157
Amendments: 1958, No. 39; 1959, No. 97

That *clauses 92 and 93* be a separate Bill, and that for *clause 92* there be substituted the following Title, enacting words, and Short Title:

An Act to amend the Distillation Act 1908

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 Distillation Amendment Act 1961, and shall be read together with and deemed part of the Distillation Act 1908*.

*1957 Reprint, Vol. 4, p. 157
Amendments: 1958, No. 39; 1959, No. 97

EXPLANATORY NOTE

Chattels Transfer

Clause 5 as at present drafted makes it unnecessary to verify a memorandum of satisfaction by affidavit where it is executed by a corporation under seal. The provision is being extended so as to make it unnecessary to have a verifying affidavit in the further cases where the witness to the memorandum of satisfaction is a Registrar of the Supreme Court, notary public, Justice of the Peace, Postmaster, or solicitor, resident in New Zealand, or where the grantee is the State Advances Corporation and the memorandum is executed on behalf of that Corporation in accordance with section 9 of the Finance Act 1948. Verification would not be necessary in these cases in accordance with the practice under the Land Transfer Act 1952.

Life Insurance

Clauses 36 to 38: It is proposed to omit these clauses pending further inquiries as to the appropriate procedure in cases where policies in companies not having an office in New Zealand are mortgaged.

Transport

Clause 78A enables the testing and accuracy of weight and speed measuring devices to be proved in prosecutions under the Transport Act 1949 and regulations under that Act by the production of a certificate by an officer of the Transport Department authorised by the Commissioner. Such a certificate will be admissible as evidence of the testing and accuracy of the device.

Police

Clause 88: This clause provides that appointment to the rank of Superintendent shall be made only from those officers holding the rank of Chief Inspector.

Clause 89: The effect of the amendment proposed is that there will be no right of appeal against appointments or promotions to the rank of Superintendent.

Wool Commission

Clause 91 gives power to the Wool Commission to grant housing assistance to its officers. This power is in the same terms as the power given to the Wool Board by clause 5 of the Wool Industry Amendment Bill 1961.

Distillation

Clause 93 permits the issue, under the Distillation Amendment Act 1959, of a limited wholesale licence to sell spirits. The licence will be limited to the sale of spirits purchased from rectifiers operating in New Zealand and licensees will be authorised to sell only to wholesalers under the Licensing Act 1908.