



ANALYSIS

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1977, No. 76

An Act to make better provision for national planning in New Zealand by establishing a New Zealand Planning Council and a Commission for the Future

[1 December 1977]

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 New Zealand Planning Act 1977.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Body” means the Council or the Commission:

“Commission” means the Commission for the Future established by section 8 (1) of this Act:

“Council” means the New Zealand Planning Council established by section 4 (1) of this Act:

“Minister” means the Minister of National Development.

3. Act to bind the Crown—This Act shall bind the Crown.

PART I

NEW ZEALAND PLANNING COUNCIL

4. Establishment of New Zealand Planning Council—

(1) There is hereby established a council to be called the New Zealand Planning Council.

(2) The Council established by subsection (1) of this section is hereby declared to be the same council as the New Zealand Planning Council established by the Minister and in existence immediately before the commencement of this Act.

5. Functions and powers of Council—(1) The general functions of the Council shall be—

(a) To advise the Government on planning for social, economic, and cultural development in New Zealand:

(b) To assist the Government to co-ordinate such planning:

(c) To comment to the Government on programmes for social, economic, and cultural development in New Zealand, and to recommend the priorities that should be accorded to them:

(d) To act as focal point for a process of consultative planning about New Zealand’s medium-term development:

(e) To foster discussion among those agencies (Government and private) concerned with planning, particularly in the economic, environmental, social, and cultural fields:

(f) To submit advice to the Government on links between planning at the national and regional levels:

- (g) To prepare reports on any matter affecting the economic, social, or cultural development of New Zealand:
 - (h) To submit any report prepared by it to the Minister if it thinks fit:
 - (i) To recommend that any report submitted to the Minister under paragraph (h) of this subsection be laid before Parliament:
 - (j) To publish documents on planning topics which in the view of the Council merit wide consideration and public debate:
 - (k) To consider any other matter which is referred to the Council by the Minister or which is relevant to the proper performance of the functions mentioned in paragraphs (a) to (j) of this subsection.
- (2) The Council shall have such other functions, powers, and duties as are conferred or imposed on it by or under this Act or any other enactment.
- (3) The Council shall have such other powers as may be reasonably necessary to enable it to carry out its functions.

6. Membership of Council—(1) The Council shall consist of—

- (a) Not more than 12 members to be appointed by the Governor-General on the recommendation of the Minister, of whom one shall be appointed as Chairman:
 - (b) The Minister:
 - (c) The Secretary to the Treasury.
- (2) In recommending persons for appointment as members of the Council the Minister shall have regard to—
- (a) Their personal attributes; and
 - (b) The need for a diversity of knowledge and experience in fields relevant to the functions of the Council to be present among its members; and
 - (c) The capacity of the Council as a whole to promote a sense of common purpose among different sections of the community in planning New Zealand's future.

7. Terms of office of members of Council—(1) Except as otherwise provided by this Act, every appointed member of the Council shall hold office for such term as the Governor-General on the recommendation of the Minister shall specify

in his appointment, being, in the case of the Chairman, a term not exceeding 5 years and, in the case of any other appointed member, a term not exceeding 4 years.

(2) Every appointed member of the Council shall be eligible for reappointment from time to time.

(3) Every appointed member of the Council, unless he sooner vacates his office under section 18 of this Act, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

PART II

COMMISSION FOR THE FUTURE

8. Establishment of Commission for the Future—(1) There is hereby established a commission to be known as the Commission for the Future.

(2) The Commission established by subsection (1) of this section is hereby declared to be the same Commission as the Commission for the Future established by the Minister and in existence immediately before the commencement of this Act.

9. Functions of Commission—(1) The general functions of the Commission shall be—

- (a) To study the possibilities for the long-term economic and social development of New Zealand;
- (b) To make information on those possibilities available to all Members of Parliament, and to publish such information for wider dissemination;
- (c) To promote discussion on those possibilities and information relating to them;
- (d) To report to the Minister on those possibilities.

(2) In carrying out its general functions the Commission shall—

- (a) Give special attention to the long-term implications for New Zealand of new or prospective developments in science and technology; and
- (b) Have regard to prospective trends, policies, and events in New Zealand and overseas which could have important consequences for the country's future.

(3) The Commission shall have such other functions, powers, and duties as are conferred or imposed on it by or under this Act or any other enactment.

(4) The Commission shall have such other powers as may be reasonably necessary to enable it to carry out its functions.

10. Membership of Commission—(1) The Commission shall consist of—

- (a) Not more than 7 members to be appointed by the Governor-General on the recommendation of the Minister, of whom one shall be appointed as Chairman:
- (b) A Minister of the Crown to be appointed by the Minister of National Development:
- (c) A Member of Parliament to be appointed by the Minister on the nomination of the Leader of the Official Opposition:
- (d) A member of the Council to be appointed by the Minister on the nomination of the Chairman of the Council:
- (e) The Director-General of the Department of Scientific and Industrial Research.

(2) In recommending persons for appointment as members of the Commission under subsection (1) (a) of this section, the Minister shall have regard to—

- (a) Their personal attributes; and
- (b) The need for a diversity of knowledge and qualifications in fields relevant to the functions of the Commission to be present among its members.

(3) Any Minister of the Crown designated for the time being by the Minister of National Development as an alternate member of the Commission may act as a member of the Commission in the place of the Minister for the time being holding office as a member of the Commission under subsection (1) (b) of this section.

(4) The fact that any Minister of the Crown acts as a member of the Commission in the place of the member for the time being holding office under subsection (1) (b) of this section shall be conclusive evidence of his authority to do so.

11. Term of office of members of Commission—(1) Except as otherwise provided by this Act, every member of the Commission appointed under section 10 (1) (a) of this Act shall hold office for such term as the Governor-General on the recommendation of the Minister shall specify in his appointment, being a term not exceeding 3 years, but may from time to time be reappointed.

(2) Every member of the Commission appointed under paragraph (b) or paragraph (c) or paragraph (d) of section 10 (1) of this Act shall hold office during the pleasure of the Minister.

(3) Every member of the Commission appointed under section 10 (1) (a) of this Act, unless he sooner vacates his office under section 18 of this Act, shall continue in office until his successor comes into office, notwithstanding that the term for which he was appointed may have expired.

PART III

RELATIONSHIPS BETWEEN COUNCIL AND COMMISSION

12. Co-ordination of activities—(1) The Council and the Commission shall co-ordinate their respective activities with a view to ensuring—

- (a) That they each make efficient use of the resources available to them; and
- (b) That duplication of effort by them or by other persons consulted on or involved in their respective activities is avoided.

(2) As part of the co-ordination required by subsection (1) of this section the Chairman of the Council and the Chairman of the Commission shall consult regularly with each other.

13. Work programmes generally—(1) Not later than the last day of February in each year, the Council and the Commission shall each submit to the Minister its proposed work programme for the period of 12 months commencing on the 1st day of April in that year.

(2) A copy of the Commission's programme shall also be submitted by the Commission at the same time to the Minister of Science and Technology.

(3) The Minister may at any time convene a meeting of representatives of the Council and representatives of the Commission (at which meeting the Minister of Science and Technology shall also be present) to consider the relationship between the respective work programmes of the Council and the Commission.

14. Work programme of Council—In deciding from time to time on its work programme and on the making of approaches to persons for information, the Council shall take

into account the special expertise and sources of information likely to be available to the Commission on matters that are of special concern to it, such as scientific and technological matters.

15. Work programme of Commission—In deciding from time to time on its work programme and on the making of approaches to persons for information, the Commission shall take into account the special expertise and sources of information likely to be available to the Council on matters that are of special concern to it, such as economic, social, and cultural matters and matters affecting regional planning.

PART IV

GENERAL PROVISIONS RELATING TO COUNCIL AND COMMISSION

16. Temporary Chairman of Council or Commission—(1) If the Chairman of either body is absent from New Zealand or is, in the opinion of the Minister, unable to act in his capacity as Chairman of the body, the Minister may appoint some other member of the body to act as temporary Chairman of the body.

(2) The Minister may at any time remove any temporary Chairman from his office of temporary Chairman.

(3) Any such temporary Chairman shall, while he continues in office, exercise all the powers and perform all the functions under this Act of the Chairman and, while such temporary Chairman so continues, the Chairman of the body shall not be entitled to act as the Chairman of the body.

(4) No appointment of a temporary Chairman under this section and no act done by him as such, and no act done by the body while any temporary Chairman is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

17. Deputies of official members—(1) Any person who is a member of either body pursuant to section 6 (1) (c) or section 10 (1) (e) of this Act may from time to time by writing under his hand, appoint another officer of the Department of State to which that member belongs to act as his deputy and may, from time to time and in like manner, cancel any such appointment.

(2) Subject to subsections (3) and (4) of this section, every deputy appointed under subsection (1) of this section shall, during the continuance of his appointment, be entitled to act, under this Act, on behalf of the member who appointed him.

(3) Nothing in subsection (2) of this section shall be construed so as to prevent any member of the Council or the Commission from exercising any power or performing any function conferred upon him by this Act.

(4) Notwithstanding anything contained in subsection (2) of this section, no deputy appointed under subsection (1) of this section shall be entitled to appoint any deputy.

(5) No appointment of a deputy and no act done by him as such, and no act done by the Council or the Commission while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his appointment had not arisen or had ceased.

18. Extraordinary vacancies—(1) Any member of the Council appointed under section 6 (1) (a) of this Act and any member of the Commission appointed under section 10 (1) (a) of this Act may at any time be removed from office by the Governor-General for disability, bankruptcy, neglect of duty, or misconduct, proved to the satisfaction of the Governor-General.

(2) Any member of either body (other than a member who holds office pursuant to section 6 (1) (c) or section 10 (1) (e) of this Act) may at any time resign his office by writing addressed to the Minister.

(3) If any member (other than a member who holds office pursuant to section 6 (1) (c) or section 10 (1) (e) of this Act) dies, or resigns, or is removed from office or ceases to hold any qualification necessary for his appointment to office as a member of the body, his office shall become vacant and the vacancy shall be deemed to be an extraordinary vacancy.

(4) An extraordinary vacancy shall be filled in the manner in which the appointment to the vacant office was originally made.

(5) Every person appointed to fill an extraordinary vacancy in the office of a member appointed under section 6 (1) (a) or section 10 (1) (a) of this Act shall be appointed for the residue of the term for which the vacating member was appointed.

(6) The powers of either body shall not be affected by any vacancy in its membership.

19. Meetings—(1) Meetings of each body shall be held at such times and places as the body or its Chairman from time to time appoints.

(2) The Chairman, or any 3 members, may at any time call a special meeting.

(3) The quorum necessary for the transaction of business shall be 6 members at any meeting of the Council and 5 members at any meeting of the Commission.

(4) At all meetings of either body its Chairman shall preside if he is present. If he is absent, the members present shall appoint one of their number to be chairman of that meeting.

(5) All questions arising at any meeting of either body shall be decided by a majority of the valid votes recorded thereon.

(6) At any meeting of either body the Chairman or other person presiding shall have a deliberative vote and, in the case of an equality of votes, shall also have a casting vote.

(7) A resolution in writing signed, or assented to by letter, telegram, or telex, by all the members of either body shall be as valid and effectual as if it had been passed at a meeting of the body duly called and constituted.

(8) Subject to the provisions of this Act, each body may regulate its procedure in such manner as it thinks fit.

20. Committees—(1) Each body may from time to time appoint competent persons, whether members of the body or not, to be a committee or committees to assist the body on such matters within the scope of its functions as are referred to them by the body.

(2) Subject to the provisions of this Act and to any general or special directions of the body by which it is appointed, any such committee may regulate its procedure in such manner as it thinks fit.

21. Remuneration and expenses of members of Council, Commission, and committees—(1) Each body is hereby declared to be a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.

(2) There shall be paid to the members of each body, and, if the Minister so approves in any case, to any member of a committee appointed by either body (not being a member of the body), remuneration by way of salary, fees, or allowances

and travelling allowances and expenses in accordance with the Fees and Travelling Allowances Act 1951, and the provisions of that Act shall apply accordingly.

(3) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the State Services Act 1962 or the Government Superannuation Fund Act 1956 by reason of his appointment under this Act as a member of the Council or as a member of the Commission or as a member of a committee appointed by either body.

22. Officers and employees of Council and Commission—

(1) Subject to the provisions of this section, the Council may from time to time appoint—

(a) A Director; and

(b) Such other officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient carrying out of its functions, powers, and duties under this Act or any other Act.

(2) The Commission may from time to time appoint such officers and employees, including acting or temporary or casual officers and employees, as it thinks necessary for the efficient carrying out of its functions, powers, and duties under this Act or any other Act.

(3) Each body may at any time remove any of its officers or employees from his office or appointment.

(4) The number of officers and employees who may be appointed under subsection (1) (b) or subsection (2) of this section, whether generally or in respect of any specified duties, shall from time to time be determined by the Council or Commission, as the case may require, in agreement with the State Services Commission.

(5) Officers and employees of the Council or the Commission shall be employed on such terms and conditions of employment and shall be paid such salaries and allowances as the Council or the Commission from time to time determines in agreement with the State Services Commission.

(6) No person shall be deemed to be employed in the service of Her Majesty for the purposes of the Government Superannuation Fund Act 1956 by reason of his appointment under this section.

(7) Any determination under subsection (5) of this section shall take effect on such date (whether the date thereof or

any earlier or later date) as may be specified therein. If no date is so specified the determination shall take effect on the date thereof.

23. State Services Act 1962 amended—Section 31 (1) of the State Services Act 1962 (as substituted by section 3 of the State Services Amendment Act 1973) is hereby amended by inserting, after the words “Education service” in both places where they appear, the words “or by the New Zealand Planning Council or by the Commission for the Future”.

24. Employment of experts—Each body may commission any person, who in its opinion possesses expert knowledge or is otherwise able to assist it in connection with the exercise of its functions, to make such inquiries or to conduct such research or to make such reports as may be necessary for the efficient carrying out of any of its functions.

25. Superannuation or retiring allowances—(1) For the purpose of providing a superannuation fund or retiring allowance for any of the officers or employees appointed under this Act or for any full-time members of the Council appointed under section 6 (1) (a) of this Act or for any full-time members of the Commission appointed under section 10 (1) (a) of this Act, sums by way of subsidy may from time to time be paid into any scheme under the National Provident Fund Act 1950 containing provision for employer subsidy or into any other employer-subsidised scheme approved by the Minister of Finance for the purposes of this section.

(2) If the question whether or not any member of the Council or the Commission is a full-time member for the purposes of subsection (1) of this section arises, that question shall be determined by the Minister, whose decision shall be final.

(3) Notwithstanding anything in this Act, any person who immediately before becoming an officer or employee of the Council or of the Commission or a member of the Council appointed under section 6 (1) (a) of this Act or a member of the Commission appointed under section 10 (1) (a) of this Act (whether before or after the commencement of this Act) is a contributor to the Government Superannuation Fund under Part II of the Government Superannuation Fund Act 1956 shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Gov-

ernment service so long as he continues to be an officer or employee of the Council or of the Commission or to hold office as such a member of the Council or of the Commission; and that Act shall apply to him in all respects as if his service as such an officer or employee or as such a member were Government service.

(4) Subject to the Government Superannuation Fund Act 1956, nothing in subsection (3) of this section shall entitle any such person to become a contributor to the Government Superannuation Fund after he has once ceased to be a contributor.

(5) For the purposes of applying the Government Superannuation Fund Act 1956, in accordance with subsection (3) of this section, to a person who is in the service of the Council or the Commission, whether as an officer or employee or as a member, and is a contributor to the Government Superannuation Fund, the term "controlling authority", in relation to any such person who is in the service of the Council, means the Council and, in relation to any such person who is in the service of the Commission, means the Commission.

26. Annual reports—(1) As soon as practicable after the end of each year ending with the 31st day of March, each body shall furnish to the Minister a report of its operations during that year.

(2) A copy of the report shall be laid before Parliament.

27. Money to be appropriated by Parliament for purposes of this Act—All fees, salaries, allowances, and other expenditure payable or incurred (whether before or after the passing of this Act) under or in the administration of this Act shall be payable out of money to be appropriated by Parliament for the purpose.

28. Members not personally liable—No member of the Council or the Commission or of any committee appointed by the Council or the Commission shall be personally liable for any act done or default made by the Council or the Commission or the committee in good faith in pursuance or intended pursuance of the powers and authorities of the Council or the Commission or the committee.