



ANALYSIS

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1982, No. 17

An Act to consolidate and amend the New Zealand Planning Act 1977 [28 September 1982]

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 and commencement—(1) This Act may be cited as the New Zealand Planning Act 1982.

(2) This Act shall come into force on the 1st day of October 1982.

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

“Appointed member” means a member of the Council who is appointed under section 7 (1) (a) 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.

Cf. 1977, No. 76, s. 2

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

Cf. 1977, No. 76, s. 3

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 New Zealand Planning Act 1977 and in existence immediately before the commencement of this Act.

Cf. 1977, No. 76, s. 4

5. Functions and powers of Council—(1) The general function of the Council shall be to monitor and report on trends, prospects, issues, and options in relation to the social, economic, and cultural development of New Zealand.

(2) In carrying out its general function, in relation to the social, economic, and cultural development of New Zealand, the Council may—

- (a) Comment to the Government on programmes for that development:
- (b) Foster public understanding and public discussion of issues relating to that development:
- (c) Assist and advise in the process of consultative planning about that development:
- (d) Foster discussion among those agencies (Government and private) concerned with planning that development:
- (e) Prepare reports on any matter affecting that development:
- (f) Submit any report prepared by it to the Minister if it thinks fit:
- (g) Publish documents on planning topics (including any report prepared under paragraph (e) of this subsection) which in the view of the Council merit wide consideration and public debate:
- (h) Consider, at its option, any other matter which is referred to the Council by the Minister.

(3) 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.

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

Cf. 1977, No. 76, s. 5

6. Work programme—(1) Not later than the last day of February in each year, the Council shall 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) Notwithstanding subsection (1) of this section, the Council shall make its own decisions concerning the exercise of its functions and powers.

Cf. 1977, No. 76, s. 13 (1)

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

(a) Not more than 6 members to be appointed by the Governor-General on the recommendation of the Minister, of whom 1 shall be appointed as Chairman and another shall be appointed as Deputy 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.

Cf. 1977, No. 76, s. 6

8. Terms of office of appointed members—(1) Except as otherwise provided by this Act, every appointed member 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 and the Deputy Chairman, a term not exceeding 5 years and, in the case of any other appointed member, a term not exceeding 3 years.

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

(3) Every appointed member, unless he sooner vacates his office under section 11 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.

Cf. 1977, No. 76, s. 7

9. Deputy Chairman—(1) In any case in which the Chairman becomes incapable of acting by reason of illness, absence, or other sufficient cause or during any vacancy in the office of Chairman, or if the Chairman deems it not proper or desirable that he should adjudicate on any specified matter, the Deputy Chairman shall have and may exercise all the powers, functions, and duties of the Chairman.

(2) No acts done by a Deputy Chairman in his capacity as such, and no act done by the Council while a Deputy Chairman is acting as such, shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

10. Deputy of Secretary to the Treasury—(1) Any person who is a member of the Council pursuant to section 7 (1) (c) of this Act may from time to time by writing under his hand, appoint another officer of the Treasury 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 prevent any member of the Council 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 while any deputy is acting as such, shall in any proceedings be questioned on the ground that the occasion for his so acting had not arisen or had ceased.

Cf. 1977, No. 76, s. 17

11. Extraordinary vacancies—(1) Any appointed member 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 appointed member may at any time resign his office by writing addressed to the Minister.

(3) If any appointed member dies, or resigns, or is removed from office, 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 an appointed member shall be appointed for the residue of the term for which the vacating member was appointed.

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

Cf. 1977, No. 76, s. 18

12. Meetings—(1) Meetings of the Council shall be held at such times and places as the Council 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 at any meeting of the Council shall be 4 members.

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

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

(6) At any meeting of the Council 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 the Council shall be as valid and effectual as if it had been passed at a meeting of the Council duly called and constituted.

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

Cf. 1977, No. 76, s. 19

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

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

Cf. 1977, No. 76, s. 20

14. Remuneration and expenses of Council and committees—(1) The Council 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 the Council, and, if the Minister so approves in any case, to any member of a committee appointed by the Council (not being a member of the Council), 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) Notwithstanding anything in subsections (1) and (2) of this section, but without limiting the provisions of those subsections so far as they relate to the travelling allowances and travelling expenses of the Chairman of the Council, there shall be paid to the Chairman of the Council such remuneration by way of fees, salary, wages, or allowances as may from time to time be fixed by the Higher Salaries Commission.

(4) Any decision under subsection (3) 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 decision shall take effect on the date thereof.

(5) 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 a committee appointed by the Council.

Cf. 1977, No. 76, s. 21

15. Officers and employees of Council—(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 Council may at any time remove any of its officers or employees from his office or appointment.

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

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

(5) Subject to section 17 (3) of this Act, 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.

(6) Any determination under subsection (4) 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.

Cf. 1977, No. 76, s. 22 (1), (3)-(7)

16. Employment of experts—The Council 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.

Cf. 1977, No. 76, s. 24

17. 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 appointed members, 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 arises whether or not any appointed member is a full-time member for the purposes of subsection (1) of this section, 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 an appointed member (whether before or after the commencement of this Act) is a contributor to the Government Superannuation Fund shall be deemed to be, for the purposes of the Government Superannuation Fund Act 1956, employed in the Government service so long as he continues to be an officer or employee of the Council or to hold office as such a member of the Council; 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, 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, means the Council.

Cf. 1977, No. 76, s. 25

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

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

Cf. 1977, No. 76, s. 26

19. 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.

Cf. 1977, No. 76, s. 27

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

Cf. 1977, No. 76, s. 28

21. Abolition of Commission for the Future—(1) The Commission for the Future established by section 8 of the New Zealand Planning Act 1977 is hereby abolished.

(2) No member of the Commission for the Future shall be entitled to compensation for loss of office resulting from the abolition of that Commission.

22. Repeal—The New Zealand Planning Act 1977 is hereby repealed.

23. Transitional provision—(1) The members of the Council who have been appointed under section 6 (1) (a) of the New Zealand Planning Act 1977 and who are in office immediately before the commencement of this Act shall vacate office on the commencement of this Act.

(2) The vacancies created by subsection (1) of this section are not extraordinary vacancies for the purposes of section 11 of this Act.

(3) No member of the Council who vacates office under subsection (1) of this section shall be entitled to compensation for loss of his office as a member of the Council.

(4) Nothing in this section prevents a member of the Council who vacates office under subsection (1) of this section from being appointed, under section 7 (1) (a) of this Act, as a member of the Council.