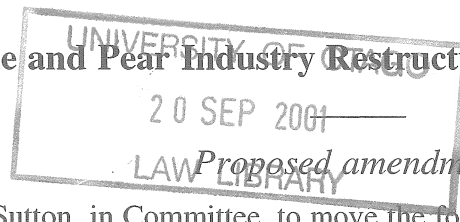


# House of Representatives

## Supplementary Order Paper

Tuesday, 18 September 2001

### Apple and Pear Industry Restructuring Act Repeal Bill



Hon Jim Sutton, in Committee, to move the following amendments:

#### *Clause 3*

To omit from the definition of the term **Board** the expression “Apple and Pear Export Regulations 1999” (in lines 11 and 12 on page 1), and substitute the word “Regulations”.

To omit from the definition of the term **Committee** the expression “Apple and Pear Export Regulations 1999” (in lines 14 and 15 on page 1), and substitute the word “Regulations”.

To add (after line 9 on page 2) the following definition:

**Regulations** means the Apple and Pear Export Regulations 1999 (SR 1999/311)

#### *Clause 5(1)*

To insert in *paragraph (c)*, before the words “the liabilities” (in line 27 on page 2), the words “subject to **paragraph (d)**,”.

To add (after line 28 on page 2) the following paragraphs:

- (d) the liabilities (if any) of the Board relating to, or arising from, any act or omission of the Board in the performance of its functions under the Regulations are extinguished:
- (e) no legal proceedings, except for judicial review, may be taken in respect of any act or omission of the Board relating to, or arising from, the performance of its functions under the Regulations.

#### *Clause 5A*

To omit from *subclause (1)(a)(i)* the expression “Apple and Pear Export Regulations 1999” (in lines 8 and 9 on page 3), and substitute the word “Regulations”.

To omit from *subclause (1)(a)(ii)* the expression “Apple and Pear Export Regulations 1999” (in lines 11 and 12 on page 3), and substitute the word “Regulations”.

To omit from *subclause (2)* the expression “Apple and Pear Export Regulations 1999” (in lines 26 and 27 on page 3), and substitute the word “Regulations”.

*Clause 7(1)*

To omit the words “Apple and Pear Export Regulations 1999 (SR 1999/311)” (in line 6 on page 4), and substitute the word “Regulations”.

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### Explanatory note

This Supplementary Order Paper amends *clause 5(1)* of the Apple and Pear Industry Restructuring Act Repeal Bill by—

- amending *paragraph (c)*, which vests the liabilities of the New Zealand Apple and Pear Board (the **Board**) to make the provision subject to *new paragraph (d)*;
- adding *new paragraphs (d) and (e)*, which extinguish the liabilities of the Board (if any) relating to, or arising from, any act or omission of the Board in the performance of its functions under the Apple and Pear Export Regulations 1999 and to provide that no legal proceedings, except for judicial review, may be taken against the Board in respect of its performance of those functions.

The amendments to *clause 5(1)* are necessary because of the fact that, since the Bill was introduced, the Board has made a final determination that ENZA breached regulation 11 of the Apple and Pear Export Regulations 1999. This has created a potential risk of litigation for the Board and it is inappropriate for the Crown to inherit any potential liability arising from that risk.

The Supplementary Order Paper also makes several drafting amendments to *clauses 3, 5A, and 7(1)* of the Bill in order to define the term Apple and Pear Export Regulations 1999 as the **Regulations**, and subsequently refer to the regulations using that term.