

House of Representatives

Supplementary Order Paper

Wednesday, 6 April 2005

Statutes Amendment Bill (No 4)

Proposed amendments

Hon Rick Barker, in Committee, to move the following amendments:

Part 1

To omit this Part (lines 1 to 11 on page 5).

Part 2A: clauses 6C and 6D

To omit *clauses 6C and 6D* (line 9 on page 7 to line 28 on page 8), and substitute the following clauses:

6C New section 20 substituted

The principal Act is amended by repealing section 20, and substituting the following section:

“20 Lapse or reinstatement of parliamentary business

“(1) Any Bill, petition, or other business before the House of Representatives or any of its committees during a session of a Parliament (any **parliamentary business**)—

“(a) does not lapse on the prorogation of that Parliament and may be resumed in the next session of Parliament (a session of that Parliament); but

“(b) lapses on the dissolution or expiration of that Parliament, but may be reinstated in the next session of Parliament (a session of the next Parliament).

“(2) Parliamentary business is reinstated in that next session if, after that dissolution or expiration, the House of Representatives resolves that the parliamentary business be reinstated in that next session.

Compare: 1977 No 22 s 2(1)”. ”

6D Section 21 repealed

The principal Act is amended by repealing section 21.

New Part 8A

To insert, after *Part 8* (after line 15 on page 24), the following Part:

Part 8A
Judicature Act 1908

35A Judicature Act 1908 called principal Act in this Part

In this Part, the Judicature Act 1908¹ is called “the principal Act”.

¹ 1908 No 89

35B Associate Judge may exercise certain powers of the Court

Section 26I(1)(c) of the principal Act is amended by inserting, after the expression “145,”, the expression “145A,”.

Part 12: clause 68

To omit the words “(other than a contract for the sale of a used motor vehicle to which both parties are motor vehicle traders registered under this Act)” (lines 25 to 27 on page 35), and substitute the words “, unless the other party to that contract is a person referred to in **section 14(1A)(a), (b), or (c)**”.

Part 14: clause 73

To omit *new section 57(2) to (4)* (lines 29 to 33 on page 36), and substitute the following subsections:

- “(2) CHFA is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
- “(3) The Crown Entities Act 2004 applies to CHFA except to the extent that this Act expressly provides otherwise.
- “(4) CHFA is owned by the Crown.”

Schedule 2

To omit from *Part 1* the item headed “**Section 64(1)(c)**” (lines 29 to 31 on page 48).

To insert in *Part 2*, before the item relating to the Health Sector (Transfers) Act 1993 (line 9 on page 49), the following item:

Crown Entities Act 2004 (2004 No 115)

Insert in Part 1 of Schedule 1, before the item relating to District Health Boards, the following item:

Crown Health Financing
Agency

Omit from Part 1 of Schedule 1 the item relating to the Residual Health Management Unit.

To omit from *Part 2* the item relating to the Public Finance Act 1989 (lines 20 to 25 on page 49), and substitute the following item:

Ombudsmen Act 1975 (1975 No 9)

Omit from Part 2 of Schedule 1 the item “Residual Health Management Unit” and substitute, in its appropriate alphabetical order, the item “Crown Health Financing Agency”.

Explanatory note

This Supplementary Order Paper replaces SOP No 343. The changes, foreshadowed at the Standing Orders Committee, affect only the amendments to the Constitution Act 1986 in Part 2A of the Statutes Amendment Bill (No 4).

Section 20 of the Constitution Act 1986 provides for the carry over of parliamentary business to the next session of Parliament (whether a session in the same parliamentary term or a session of the next Parliament). *New clause 6C* substitutes a *new section 20*, which makes no provision for parliamentary business to be carried over from the previous Parliament, but which instead provides that parliamentary business before the House or any of its committees during a session of Parliament—

- does not lapse on the prorogation of the Parliament and may be resumed in the next session of Parliament (a session of that Parliament); but
- lapses on the dissolution or expiration of the Parliament, but may be reinstated in the next session of Parliament (a session of the next Parliament).

Section 21 of the Constitution Act 1986 provides that the House of Representatives shall not pass any Bill providing for the appropriation of public money or the imposition of a charge upon the public revenue unless the making of that appropriation or the imposition of that charge has been recommended to the House of Representatives by the Crown. *New clause 6D* repeals (and does not replace) section 21 because it is inconsistent with, and is to be replaced by, the Standing Orders of the House of Representatives relating to the Crown's financial veto.

This SOP also sets out amendments to the Statutes Amendment Bill (No 4) that omit *Part 1*, insert *new Part 8A*, adjust *Part 12*, and update *Part 14* and *Schedule 2*. These amendments do not differ from those set out in SOP No 343.

Part 1 is no longer required because the amendment it would have made to the Alcohol Advisory Council Act 1976 has already been effected by an amendment in the Wine Act 2003 that came into force on 30 June 2004.

New Part 8A amends the Judicature Act 1908. The amendment ensures that Associate Judges' jurisdiction in relation to caveats reflects recent changes to the Land Transfer Act 1952. Section 145A of the Land Transfer Act 1952 was inserted by the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002. Under section 145A, a registered proprietor of an estate or interest in land protected by a caveat against dealings may apply to the Registrar-General of Land for the caveat to lapse. The caveat lapses unless the caveator applies to the High Court for an order that the caveat not lapse, and an order to that effect is made and served on the Registrar-General within the prescribed period. *New Part 8A* extends Associate Judges' jurisdiction so that it includes applications under section 145A of the Land Transfer Act 1952.

Part 12 (which includes *clauses 65 to 69*) amends the Motor Vehicle Sales Act 2003. As recommended by the Government Administration Committee during its consideration of the Bill, *clause 67* has been amended to ensure that the notice requirement in section 14(1) of the Act will not apply to used motor vehicles that a registered motor vehicle trader offers or displays for sale exclusively to specified people (that is, to other registered motor vehicle traders

or to licensed secondhand dealers). A consequential adjustment to *clause 68* ensures that the requirements in section 16(2) of the Act (including obtaining a written acknowledgment from the buyer that he or she has received a copy of the notice) do not apply to a motor vehicle trader who is a party to, or acts as an agent for a party to, a contract entered into with one of those specified people for the sale of a used motor vehicle.

Part 14 and *Schedule 2* amend the New Zealand Public Health and Disability Act 2000 and related Acts, to rename the Residual Health Management Unit (RHMU) as the Crown Health Financing Agency (CHFA). The amendments are updated in the light of the enactment of the Crown Entities Act 2004 and related Public Finance Amendment Act 2004.

