

(Minister/Member in Charge Shown in Parenthesis)

Social Security Amendment Bill (No. 6) (N.B. Referred for briefing, to be reported back 19 March 1992)

Referred to Select Committee

Social Services

Local Bill

18 March 1992

Selwyn Plantation Board Empowering Bill (Hon. Ruth Richardson)

Internal Affairs and Local Government

Private Members' Bills

18 March 1992

Passive Resistance Sprays Reform Bill (Ms Gail McIntosh)
Fireworks Restriction Bill (Brian Neeson)

Justice and Law Reform
Labour

Summary of Bills Introduced

Consumer Guarantees Bill

This Bill contains a new set of guarantees which are implied where goods or services are supplied to consumers.

Supplies of goods

The guarantees replace, in the case of supplies of goods to consumers, the implied conditions as to title, quality, fitness, and correspondence with description and sample that are contained in the Sale of Goods Act 1908. Also, some new additional guarantees are introduced. In addition, the consumer has the benefit of any express guarantee given by a manufacturer of the goods.

Supplies of services

New guarantees are proposed in respect of the supply of services to consumers.

Application

The main circumstances in which the guarantees will not apply are as follows—

- (a) Where the goods or services are supplied otherwise than in trade;
- (b) Where the goods are supplied by auction or by competitive tender.
- (c) Where the application of the guarantees is excluded. This can happen only in the following two circumstances:
 - (i) The guarantees may be excluded by an agreement in writing made between a supplier and a person who acquires the goods or services for the purpose of a business;
 - (ii) The guarantee as to the availability of spare parts and facilities for repairs may be excluded where reasonable action is taken to notify the consumer that the manufacturer does not undertake that repair facilities and spare parts will be available for those goods.

The bill applies not only to sales, but also to hire purchases, exchanges, hires and leases, and promotional gifts.

The bill applies only where the consumer acquires goods or services of a kind ordinarily acquired for personal, domestic, or household use or consumption. If a consumer buys goods that are ordinarily bought for business use, the bill will not apply, even if the consumer in the particular case intends to use them for a non-business use.

Remedies

An important feature of the bill is the introduction of rights of redress against either the manufacturer or the supplier where the goods or services fail to comply with a guarantee in the bill.

The remedies available against a supplier where services fail to comply with a guarantee are similar to those available in respect of goods. The remedy corresponding to rejection of goods is cancellation of the contract for services. Where a consumer cancels a contract for services, he or she is, in the absence of a Court or Tribunal order to the contrary, entitled to a refund of any deposit or pre-payment.

Any remedy available against a supplier can be pursued only by the original consumer and any person to whom that consumer has given the goods as a gift. A remedy available against a manufacturer can be pursued by the consumer and any person who later acquires the goods.

Electoral Amendment Bill (No. 2)

This Bill amends the Electoral Act 1956 in order to deal with a number of problems that have arisen from difficulties in applying the definition of the term "Maori electoral population". Its main purpose is to provide statutory directions which will enable the Representation Commission to continue its work and complete it with the minimum of delay.

It is intended that the Bill will redefine more clearly the definition of the Maori electoral population and particularly how Maori children are to be calculated. To avoid any further confusion the Bill states the actual numbers of Maori children as advised to the Government by the Government Statistician using the new definition. It also validates the manner in which the principal Act was interpreted in the past.

Social Security Amendment Bill (No. 6)

This Bill proposes to amend the Social Security Act 1964 to exclude those who are aged 60 years or more when applying for a benefit on or after 1 April 1992 from the stand-down provision for entitlement to benefits applying in the case of redundancy