

1904.  
NEW ZEALAND.

“THE REPRINT OF STATUTES ACT, 1895”  
(SECOND *AD INTERIM* REPORT OF THE COMMISSIONERS UNDER).

*Presented to both Houses of the General Assembly by Act.*

REPORT.

To His Excellency the Right Honourable Lord Plunket, K.C.V.O., Governor of the Colony of New Zealand.

MAY IT PLEASE YOUR EXCELLENCY,—

We, the undersigned, being the Commissioners appointed by Your Excellency's predecessor under “The Reprint of Statutes Act, 1895,” have the honour to submit to Your Excellency this our second *ad interim* report as to our progress and proceedings.

We have thus far dealt with forty-three (43) consolidated bills, comprising one hundred and seventy-two (172) of the existing Acts, but, as indicated in our former report, do not propose to submit any to Your Excellency until the consolidation of the whole of the statute-book is completed, so far as relates to the public general Acts.

In the course of our work we meet with numerous difficulties and defects in the existing enactments. With many of these we can deal ourselves, and it is therefore unnecessary to refer to them. Others, however, are not within the scope of our authority, and with respect to them we suggest that they be dealt with by special legislation, so that the result may be incorporated by us. Amongst them the following have so far come under our notice:—

1. The Animals Protection Acts.—The existing Acts are imperfect in many respects. Moreover, the amending Act of 1900 repealed some earlier provisions which apparently should not have been repealed. We therefore suggest that a consolidating and amending Bill be introduced on lines that will make the law simple and workable.

2. Education Reserves Acts.—The leasing provisions of these Acts are of old date and moreover are conflicting. We suggest that they be recast on uniform and modern lines.

3. Copyright Acts.—“The International Copyright Act, 1886” (Imperial) is in force in New Zealand, but it has been judicially decided that it does not by implication repeal the New Zealand Copyright Ordinance of 1842. There are thus two conflicting enactments in operation. To remove this anomaly we suggest that the whole copyright law be consolidated by adapting the provisions of the Imperial Act so far as applicable.

4. Native Land Acts.—These Acts involve title to land, and raise many difficult questions of implied repeal which should be settled by the Legislature. We therefore suggest that the Government introduce a consolidating measure.

5. Civil Service Acts.—These Acts contain many provisions which, though no longer applicable, are not within our power to repeal or alter. For example, the original Act of 1866 was based on a classification scheme which has never been carried out, and cannot now be given effect to, owing to the subsequent legislation on different branches of the Service. Moreover, many of the existing provisions require amplification to cover contingencies constantly arising in a growing service. For these reasons we think the Government should deal with the matter.

6. Public Works Acts.—The street-widening provisions of these Acts have led to much litigation, and the Court of Appeal has not been unanimous as to their true meaning. We suggest that the Government remove all doubt by legislation.

7. Criminal Code Act.—In our opinion the Act requires amendment on the following points:—

- (a.) Sections 194 and 196 (carnally knowing young girls): The question should be settled whether, on an indictment for a completed offence, the accused may be found guilty of the attempt.