

**Rugby World Cup 2011
(Empowering) Bill**

Government Bill

As reported from the committee of the whole
House

Rugby World Cup 2011 (Empowering) Bill

Key to symbols used in reprinted bill

**As reported from the committee of the whole
House**

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Hon Murray McCully

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Rugby World Cup 2011 (Empowering) Act **2010**.
- 2 Commencement**
 - (1) **Sections 1 and 2** and **Parts 1, 2, and 6** come into force 5 on the day after the date on which this Act receives the Royal assent.
 - (2) **Parts 3 and 5** come into force 28 days after the date on which this Act receives the Royal assent.
 - (3) **Part 4** comes into force on 1 July 2011. 10

Part 1 Preliminary provisions

3 Purpose and overview

- (1) The purpose of this Act is to enable applications to be determined expeditiously for activities or facilities reasonably necessary for the proper conduct of the Rugby World Cup 2011. 5
- (2) To that end, this Act—
- (a) establishes the Rugby World Cup Authority under **Part 2**; and
 - (b) provides for its role as an approval authority under **Part 3**—
 - (i) to determine applications for approvals and test approvals for activities and facilities; and
 - (ii) to make declarations and test declarations of specified activities or facilities, or class of activity or facility, as Rugby World Cup permitted activities; and 15
 - (c) under **Part 4**,—
 - (i) empowers the making of regulations, subject to a recommendation of the Authority, to declare an activity, facility, or class of activity or facility as a Rugby World Cup permitted activity in circumstances of urgency that, for good reason, were not foreseen; and 20
 - (ii) empowers the Minister, subject to a recommendation of the Authority, to grant urgent approvals for activities and facilities in circumstances of urgency that, for good reason, were not foreseen; and 25
 - (d) provides, in **Part 5**, for an alternative and temporary process under which the Authority may grant Rugby World Cup liquor licences. 30

4 Interpretation

In this Act, unless the context otherwise requires,—

activity includes— 35

- (a) a use, trade, business, occupation, and service; and
- (b) as relevant, a proposed activity

administrative secretariat means an administrative secretariat established under **section 15**

ancillary events—

- (a) means events scheduled in support of the Rugby World Cup 2011 tournament, whether or not they are sporting events, wherever they occur, and irrespective of who organises them; and 5
- (b) includes events such as the live public screening of a game that is part of the tournament

application means an application made to the Authority under this Act 10

approval—

- (a) means any type of approval that could be granted, given, or authorised by or under an enactment; and
- (b) includes a consent, licence, right, authorisation, permit, dispensation, exemption, waiver, and any other type of approval; but 15
- (c) to avoid doubt, does not include a Rugby World Cup liquor licence

Authority means the Rugby World Cup Authority established by **section 8** 20

chairperson means the person appointed under **section 11(2)** to be the chairperson of the Authority

change of conditions, in relation to an approval, a declaration, or a test approval or declaration, means 1 or more of the following: 25

- (a) to amend a condition:
- (b) to cancel a condition:
- (c) to impose a new condition

condition, in relation to an approval, includes a requirement, term, standard, rule, restriction, and prohibition 30

declaration means a declaration that an activity, facility, or class of activity or facility is a Rugby World Cup 2011 permitted activity, made—

- (a) by the Authority under **Part 3**: 35
- (b) by Order in Council under **subpart 1 of Part 4**

district has the same meaning as in section 5 of the Local Government Act 2002

environment has the meaning given in section 2 of the Resource Management Act 1991

facility means works, a site, or a structure and includes, as relevant, a proposed facility

land includes land covered by water and the airspace above the land 5

local authority has the same meaning as in section 5 of the Local Government Act 2002

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 10

notice of determination means—

- (a) a copy of any determination made by the Authority on an application for an approval or a declaration; or 15
- (b) a notice summarising such a determination

panel means a panel comprising members of the Authority who are appointed by the chairperson of the Authority under **section 12**

public notice— 20

- (a) means a notice published by the Authority on an Internet site to which members of the public have free access; and
- (b) includes notice given by other means in accordance with a direction of the Authority 25

region has the meaning given in section 5 of the Local Government Act 2002

relevant statutory person or body means the statutory person or body that would, but for this Act, have responsibility for determining a particular application 30

Rugby New Zealand 2011 Limited means the company of that name that—

- (a) is incorporated in New Zealand, is jointly owned by the New Zealand Rugby Union Incorporated and the Crown, and has its principal place of business in Wellington, New Zealand; and 35

- (b) is responsible to Rugby World Cup Limited for the planning, operational, and delivery requirements of the Rugby World Cup 2011 tournament

Rugby World Cup 2011—

- (a) means the Rugby World Cup 2011 tournament; and 5
 (b) includes all ancillary events

Rugby World Cup 2011 tournament and tournament—

- (a) mean the seventh quadrennial international rugby world championship scheduled to be held in New Zealand in 2011; and 10
 (b) include each of the games that constitute that tournament

Rugby World Cup Limited means the company of that name that is wholly owned by the International Rugby Board, incorporated under the laws of the Isle of Man, and having its principal place of business in Dublin, Ireland 15

Rugby World Cup liquor licence and licence have the meaning given in **section 57**

Rugby World Cup permitted activity means an activity or facility that may be undertaken or constructed without an approval that would, but for this Act, be required by or under another enactment or statutory planning instrument 20

service means service in accordance with **section 89**

ship has the meaning given in **section 57**

statutory person or body means the person or body that, under any enactment other than this Act, would, but for this Act, carry out the functions specified by or under this Act 25

statutory planning instrument means a planning instrument made under any enactment to regulate specified activities or the provision of specified facilities, including (but not limited to) district and regional plans, proposed plans, bylaws, conservation management plans, codes, and rules 30

structure includes—

- (a) a partially built structure; and
 (b) any part of a structure; and 35
 (c) a temporary structure or any part of such structure

test approval or declaration has the meaning given in **section 17(5)**

test event has the meaning given in **section 17(5)**

tournament venue means an official venue, such as a stadium or sports arena, where a game that is part of the tournament is played

urgent approval means an approval granted by the Minister under **subpart 1 of Part 4**. 5

Limitations to application of this Act and certain other Acts

5 Limits to application of this Act

- | | | |
|-----------|--|----|
| (1) | This Act does not limit or affect— | 10 |
| | (a) the Biosecurity Act 1993; or | |
| | (ab) the Burial and Cremation Act 1964; or | |
| | (ac) the Civil Defence Emergency Management Act 2002; or | |
| | (ad) the Coroners Act 2006; or | 15 |
| | (b) the Food Act 1981; or | |
| | (c) the Hazardous Substances and New Organisms Act 1996; or | |
| | (d) the Health Act 1956. | |
| (2) | Part 3 does not limit or affect— | 20 |
| | (a) the Building Act 2004; or | |
| | (b) the Gambling Act 2003; or | |
| | (c) the transport legislation. | |
| (3) | Parts 3 and 4 do not limit or affect the Sale of Liquor Act 1989. | 25 |
| (4) | In this section, transport legislation means— | |
| | (a) the Civil Aviation Act 1990; and | |
| | (b) the Land Transport Act 1998; and | |
| | (ba) the Land Transport Management Act 2003; and | |
| | (c) the Maritime Security Act 2004; and | 30 |
| | (d) the Maritime Transport Act 1994; and | |
| | (e) the Public Transport Management Act 2008; and | |
| | (f) the regulations and rules made under any of those Acts. | |
| 5A | Limits to application of Building Act 2004 | |
| (1) | This section applies only— | 35 |
| | (a) to a household unit within a building that— | |

-
- (i) since 1 June 2001, has been approved, in part or as a whole, for use as household units under the Building Act 2004; and
- (ii) is in an area of New Zealand that has reasonable access to a tournament venue; and 5
- (b) if, for the nominated period, the owner or person responsible for the household unit—
- (i) provides and displays, in accordance with regulations made under this Act, an evacuation notice and information on how to call emergency services; and 10
- (ii) ensures that a smoke alarm is at all times installed in the household unit and is in good working order.
- (2) Despite **section 5(2)(a)**, if a household unit is used during the nominated period for transient accommodation, that use is not to be treated as a change of use for the purposes of sections 114 and 115 of the Building Act 2004 and regulations made under that Act. 15
- (3) In this section,— 20
- household unit** has the meaning given in section 7 of the Building Act 2004
- nominated period** means the period prescribed for the purpose of this section by regulations made under this Act
- transient accommodation** means accommodation that is let to travellers for any period within, or the whole of, the nominated period. 25
- 5B Application for status as major maritime event in relation to certain ancillary events**
- (1) This section applies to an activity or a facility— 30
- (a) that takes place or is used on, over, in, or adjacent to the sea or a navigable river for the whole or part of the period between 1 September 2011 and 31 October 2011; and
- (b) for which, unless there is other lawful authority for the activity or facility, the Authority has granted— 35

- (i) an approval or made a declaration under **Part 3 or 4**;
- (ii) a Rugby World cup liquor licence under **Part 5**.
- (2) Despite **section 5(2)(c)**, the following persons or bodies may apply to the Minister to declare by notice in the *Gazette* that an activity or a facility to which **subsection (1)** applies is a major maritime event for the purposes of sections 200A and 200B of the Maritime Transport Act 1994:
- (a) the regional council that has jurisdiction over the area for which a declaration is sought;
- (b) the Commissioner of Police.
- (3) If the Minister makes a declaration under **subsection (2)**, sections 200A and 200B of the Maritime Transport Act 1994 apply, except to the extent that this section provides otherwise.
- (4) If a notice given under **subsection (2)** provides for the regional council to make a determination of the kind provided for by section 200A(2)(e) of the Maritime Transport Act 1994, the regional council must first consult the Commissioner of Police, if the Police are not the applicant.
- (5) Section 200A(6) of the Maritime Transport Act 1994 does not apply to any application made under this section.
- (6) In this section, **Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Maritime Transport Act 1994.
- 6 Act binds the Crown**
This Act binds the Crown.
- 7 Expiry**
- (1) **Parts 4 and 5** expire on 31 October 2011.
- (2) The rest of this Act expires on the date specified in the Order in Council made under **section 13**.

Part 2 Establishment of Rugby World Cup Authority

Authority to be established

- | | | |
|----------|--|----|
| 8 | Establishment of Authority | 5 |
| (1) | This section establishes the Rugby World Cup Authority. | |
| (2) | The Authority is a body corporate. | |
| (3) | The Authority continues in existence until it is dissolved in accordance with section 13 . | |
| | | |
| 9 | Functions of Authority | 10 |
| (1) | The functions of the Authority are— | |
| | (a) to determine all applications made under Part 3 ; and | |
| | (b) to make recommendations to the Minister in relation to— | |
| | (i) the making of regulations under subpart 1 of Part 4 ; | 15 |
| | (ii) the granting of urgent approvals under that subpart; and | |
| | (c) to determine applications made under Part 5 for Rugby World Cup liquor licences; and | 20 |
| | (d) to the extent provided for by this Act, to undertake enforcement functions. | |
| (2) | In exercising its functions under this Act, the Authority must, to the extent relevant, have regard to— | |
| | (a) the desirability of making proper preparation for the Rugby World Cup 2011; and | 25 |
| | (b) the need to ensure the efficient, safe, and lawful conduct of the Rugby World Cup 2011; and | |
| | (c) the desirability of supporting the appropriate delivery of services by or through Rugby New Zealand 2011 Limited; and | 30 |
| | (d) the importance of ensuring— | |
| | (i) that public health and safety are protected as far as is reasonably practicable during the period of the Rugby World Cup 2011; and | 35 |
| | (ii) the security of property; and | |

- (iii) that permanent adverse effects on the environment are avoided; and
- (iv) that other adverse effects are, to the extent appropriate in the circumstances, avoided, remedied, or mitigated; and 5
- (e) the desirability of maximising the benefit to be derived during or after the tournament from things done in preparation for, or in support of, the tournament.
- 10 Powers of Authority**
- (1) For the purpose of carrying out its functions, the Authority has— 10
- (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and
- (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges. 15
- (2) Without limiting **subsection (1)**, the Authority has the same functions, powers, privileges, and immunities in respect of every application made under this Act as the relevant statutory person or body would have, but for this Act.
- 11 Membership of Authority** 20
- (1) The Minister must appoint persons to be members of the Authority, by notice in the *Gazette*, after consultation with—
- (a) the Minister of Justice; and
- (b) the Minister for Economic Development; and
- (c) the Minister for the Environment. 25
- (2) The Minister must appoint—
- (a) a member of the Authority who is a current, former, or retired Judge or a lawyer of at least 7 years' standing to be the chairperson of the Authority; and
- (b) another member who is a lawyer of at least 7 years' standing to be its deputy chairperson. 30
- (3) In appointing members, the Minister must ensure that the Authority has available to it sufficient members with the knowledge, skill, and experience relevant to the Authority's functions and, in particular, knowledge, skill, or experience relating to— 35

- (a) the enactments relevant or likely to be relevant to those functions; and
- (b) the matters that are likely to come before the Authority; and
- (c) the regions where the tournament will take place; and 5
- (d) judicial processes.

12 Chairperson to appoint panels to determine proceedings

- (1) When any application is received by the Authority under this Act, the chairperson must appoint—
 - (a) a panel selected from among the members of the Authority to constitute the Authority for the purpose of considering and determining the application; and 10
 - (b) a member of that panel to constitute the Authority for the purpose of making the preliminary determination required by **section 22(1)**; and 15
 - (c) either a panel or a member of the Authority who is a lawyer of at least 7 years' standing, as he or she considers appropriate, to constitute the Authority for the purpose of determining applications for interim injunctive and other enforcement orders under **subpart 5 of Part 3, subpart 2 of Part 4, or subpart 5 of Part 5.** 20
- (2) A panel must comprise at least 3 members including, as presiding officer, a lawyer of at least 7 years' standing (who may be the chairperson of the Authority).
- (3) In appointing a panel, the chairperson must have regard to the need for the panel to have available to it sufficient members with the knowledge, skill, and experience relevant to the particular application before it. 25
- (4) The powers of the Authority are able to be exercised by a panel even if a member of that panel is absent for part of the proceedings of that panel, so long as the presiding officer of that panel and at least 1 other member are present. 30
- (5) In the event of disagreement on any matter before a panel,—
 - (a) the decision of the majority of the members is the decision of the Authority; but 35
 - (b) the decision of the presiding officer of the panel is, if the members are equally divided, the decision of the Authority.

- (6) The chairperson's exercise of the discretion under **subsection (1)** may not be questioned in proceedings before the Authority or in a court.

13 Dissolution of Authority

- (1) The Authority is dissolved on the date specified in regulations made by the Governor-General by Order in Council, on the recommendation of the Minister. 5
- (2) The Order in Council must not be made unless the Authority has completed its functions and all appeals relating to its decisions have been decided. 10

14 Further provisions applying to Authority

Schedule 1 applies to the Authority.

Administrative secretariat

15 Administrative secretariat to support Authority

- (1) The territorial authority of each district in which an activity is to be undertaken or a facility constructed for or in relation to the Rugby World Cup 2011 must ensure that— 15
- (a) provision is made for premises for the Authority, as needed, and for the secretarial, recording, accounting, administrative, and technical facilities and services that are necessary to enable the Authority to carry out its functions; and 20
- (b) an administrative secretariat is established for the support of the Authority in exercising its functions in, or in relation to, a district. 25
- (2) The obligations under **subsection (1)** are in addition to the powers of a territorial authority under the Local Government Act 2002.
- (3) An administrative secretariat comprises advisory and administrative staff employed by, or acting under delegation from, the chief executive of the territorial authority for the purpose of undertaking the functions of the administrative secretariat. 30
- (4) The functions of an administrative secretariat are—
- (a) to receive and register applications under **Parts 3 and 5**; and 35

- (b) to forward applications to the Authority and to the relevant statutory person or body not later than the next working day after they are lodged with the administrative secretariat; and
- (ba) to provide advice to the Authority, in accordance with its requirements, for matters relevant to any determinations of the Authority; and 5
- (bb) to act on the instructions that the Authority gives in carrying out its functions under this Act, including undertaking the preparation of reports required by the Authority, whether or not those reports would, but for this Act, be the responsibility of another statutory person or body; and 10
- (c) to determine, in accordance with regulations and in consultation with the chairperson of the Authority, the amount of any deposit to be paid in relation to each application made under **Part 3, 4, or 5**; and 15
- (ca) to receive and hold any bond required by the Authority, and refund or use the bond in accordance with any directions of the Authority; and 20
- (d) to perform any other functions for the support of the Authority that the chairperson of the Authority requests of the chief executive of the relevant territorial authority.

15A Deposit to be paid to administrative secretariat

- (1) A deposit, calculated in accordance with regulations made under this Act, must be paid by an applicant to the administrative secretariat at the time of lodging an application under **Part 3, 4, or 5**. 25
- (2) The purpose of any deposit is to enable the recovery of costs and expenses, including full costs and expenses, in accordance with regulations made under **section 88**, by— 30
 - (a) the Authority, in determining applications made to the Authority; and
 - (b) the statutory person or body that would, but for this Act, be responsible for undertaking monitoring and enforcement in relation to— 35
 - (i) an approval, declaration, or test approval or declaration granted or made under **Part 3**:

- (ii) a Rugby World Cup permitted activity declared, or an urgent approval granted, under **Part 4**:
- (iii) a Rugby World Cup liquor licence granted under **Part 5**; and
- (c) an administrative secretariat, in carrying out its functions under this Act. 5
- (3) If the deposit paid is more than the costs and expenses calculated in accordance with regulations made under this Act, the Authority must authorise the administrative secretariat to refund the excess to the applicant. 10
- (4) If the deposit is less than the costs and expenses calculated in accordance with regulations made under this Act, the applicant must pay the deficiency to the administrative secretariat before the Authority releases its determination.
- (5) An administrative secretariat or the Authority is under no obligation to commence processing or determining an application until the deposit required by **subsection (1)** is available to the administrative secretariat in cleared funds. 15

Part 3

Approvals and declarations 20

Subpart 1—Applications to Authority

16 Applications for approvals, declarations, and change to conditions

Approvals

- (1) Any person may apply to the Authority for an approval that would, but for this Part, be required by or under another enactment or a statutory planning instrument for an activity or a facility reasonably necessary for the proper conduct of the Rugby World Cup 2011. 25

Declarations

- (2) Applications may also be made to the Authority to declare, in relation to a specified location or area, that a specified activity or facility, or class of activity or facility, is a Rugby World Cup permitted activity. 30
- (3) An application for a declaration may be made only by the relevant statutory person or body. 35

- (4) A declaration may relate only to an activity or facility, or class of activity or facility, that is reasonably necessary for the proper conduct of the Rugby World Cup 2011.
- Changes to conditions*
- (5) A person who holds an approval or a declaration granted under this Part may apply to the Authority for a change to any conditions of the approval or declaration. 5
- (6) A person who holds an approval granted under any other enactment may apply to the Authority for a change to any conditions of the approval. 10
- (7) An application may not be made under **subsection (5) or (6)** unless the change sought is reasonably necessary for the proper conduct of the Rugby World Cup 2011.
- 17 Applications relating to test events**
- (1) Applications may be made for test approvals or declarations relating to a test event. 15
- (2) A test approval or declaration may be granted—
- (a) subject to any conditions that the Authority considers appropriate; and
- (b) for a specified term, which must not exceed the time required for the specified test event, in order to test the adequacy of the activity or facility. 20
- (3) A person who holds a test approval or declaration may apply to the Authority for a change to the conditions of a test approval or declaration. 25
- (4) The provisions of this Part (other than **section 19**) apply, with any necessary modifications, to an application under this section as if it were an application made under **section 16**.
- (5) In this Part,—
- test approval or declaration** means an approval or a declaration that— 30
- (a) is required for an activity or a facility or a class of activity or facility to be undertaken or constructed in relation to a test event; and
- (b) is necessary or desirable in order to test whether the activity or facility is adequate and appropriate for the 35

purpose for which it would be required if the test event were part of the tournament

test event means an event, whether or not a sporting event, that is not organised and held as part of the tournament, but for which an approval or a declaration may be sought under this section to enable the testing of a particular activity or facility that is, or is likely to be, required for the tournament. 5

18 Method of making application

Applications for approvals and declarations under **section 16 or 17** must be— 10

- (a) made in writing, in the form and manner prescribed by regulations or as approved by the Authority; and
- (b) lodged for registration with the administrative secretariat; and
- (c) accompanied by— 15
 - (i) the information required by **section 19 or 20**, as the case requires; and
 - (ii) the deposit that the administrative secretariat may require under **section 15A**.

19 Information to be supplied with applications for approvals and declarations 20

- (1) Every application made under this Part must supply—
 - (a) all the information required under the enactment that would, but for this Act, apply; and
 - (b) if not required by the other enactments, an electronic address for service of notices given under this Act. 25
- (2) Without limiting **subsection (1)**,—
 - (a) an application made under **section 16(1)** for an approval must—
 - (i) specify the activity or facility for which the approval is required; and 30
 - (ii) specify the enactment or statutory planning instrument that would apply, but for this Part; and
 - (iii) describe the land, location, or area to which the activity or facility relates and state why the site is suitable for that activity or facility; and 35

- (b) an application made under **section 16(2)** for a declaration must—
 - (i) describe the activity or facility, or class of activity or facility, in respect of which a declaration is sought; and 5
 - (ii) specify the enactment or statutory planning instrument that would apply, but for this Part; and
 - (iii) describe the land, location, or area where the proposed declaration is to apply and state why that land, location, or area is a suitable site for the relevant Rugby World Cup permitted activity; and 10
 - (iv) provide information as to why the declaration is requested; and
- (c) an application under **section 16(1) or (2)** must also include— 15
 - (i) evidence that the activity or facility to which the application relates meets the criteria set out in **section 22(3)**; and
 - (ii) evidence of any planning or other preparation undertaken under the enactment that would, but for this Part, apply in relation to the activity or facility and why the application ought to be considered under this Part, rather than under that other enactment; and 20 25
 - (iii) information as to the steps the applicant will take to ensure, as far as is reasonably practicable, the health and safety of those carrying out the activity or using the facility; and
 - (iv) maps and plans that describe the activity or facility and its location or proposed location; and 30
 - (v) any conditions that the applicant considers appropriate to apply to the approval or declaration, if granted; and
 - (vi) an assessment of how the activity or facility to which the application relates is likely to promote the matters set out in **section 9(2)**; and 35

- (vii) any other information that the applicant considers would assist in the determination of the application; and
- (d) an application made under **section 16(5) or (6)** in relation to a change to the conditions must— 5
 - (i) describe the approval or declaration to which it relates; and
 - (ii) identify the condition that is the subject of the request or the new condition that is sought; and
 - (iii) provide information as to why the change or cancellation of the condition is requested or a new condition is sought; and 10
 - (iv) include an assessment of how the change or cancellation of a condition or provision of a new condition is likely to promote the matters set out in **section 9(2)**; and 15
 - (v) include the information required by **subsections (1) and (2)(c)(iv) and (vii)**.

20 Information to be supplied with applications for test approvals or declarations 20

An application made under **section 17** must include—

- (a) a description of the test event, including—
 - (i) the location where it is to take place; and
 - (ii) the date and time when it is to take place; and
- (b) a statement as to why a test approval or declaration is required and how it is to be used for the purpose of testing, as part of the preparation for the Rugby World Cup 2011, that an activity or facility is adequate and appropriate to achieve the intended outcome; and 25
- (ba) information as to the steps the applicant will take to ensure, as far as is reasonably practicable, the health and safety of those carrying out the activity or using the facility; and 30
- (c) any other information relevant to the test event for which the test approval or declaration is required; and 35
- (d) in the case of an application to change the conditions of a test approval or declaration, the information required under **section ~~19(4)~~ 19(2)(d)**.

*Overlapping applications***21A Procedure in event of overlapping applications to both statutory person or body and Authority for same activity**

- (1) If an applicant lodges an application for an approval under **section 18(b)** that is the same, or substantially the same, as an application already lodged with a statutory person or body,— 5
- (a) the Authority must proceed to make—
- (i) the preliminary determination under **section 22 or 22A**; and
- (ii) the determination referred to in **subsection (2)**; 10
and
- (b) if the Authority is satisfied that the application meets the criteria of **subsection (2)** and, to the extent relevant, the criteria of **section 22(3)**,—
- (i) the Authority must proceed to deal with the application under **Part 3**; and 15
- (ii) the application to the relevant statutory person or body is to be treated as having been withdrawn from the relevant statutory person or body and must be transferred to the Authority in accordance with regulations made under this Act. 20
- (2) In determining whether an application is the same or substantially the same as the application lodged with the relevant statutory person or body, the Authority must take into account— 25
- (a) the duration of the activity or facility proposed in each application; and
- (b) any other matters the Authority considers relevant in the circumstances.
- (3) If the Authority proceeds to determine an application to which this section applies, it must notify the relevant statutory person or body that it is doing so. 30
- (4) If notice is given under **subsection (3)**, the relevant statutory person or body must, without delay,—
- (a) forward a copy of all documentation it holds on the application to the Authority; and 35
- (b) cease to process the application.

- (5) However, if the Authority declines to grant an approval under this Part, the relevant statutory person or body must, if requested to do so by the applicant, reinstate the application and proceed to determine it as if the application had not been transferred to the Authority. 5
- (6) If **subsection (5)** applies,—
- (a) the application and documentation held by the Authority in relation to the application must be transferred without delay to the relevant statutory person or body; and 10
- (b) the statutory time limits applying to the relevant statutory person or body recommence from the date that the statutory body or person receives the documentation.
- (7) If the relevant statutory person or body is requested to reinstate and determine the application under **subsection (5)**,— 15
- (a) it must treat the decision and reasons of the Authority as irrelevant for the purposes of the decision on the application; but
- (b) it may have regard to any other relevant information that is transferred under **subsection (6)(a)**. 20

Subpart 2—Jurisdiction, public notification, and making of submissions

Preliminary question of jurisdiction

22 Preliminary consideration of applications

- (1) The Authority must determine, in relation to every application made under **subpart 1**, whether the application meets the criteria set out in **subsection (3)**. 25
- (2) Before making that decision the Authority may request further information from the applicant, if it is satisfied that provision of the information will, in the circumstances, assist in the fair and timely determination of the application. 30

Criteria

- (3) The Authority must be satisfied that—
- (a) the application relates to an activity or facility that is reasonably necessary for the proper conduct of, as the case may be,— 35
- (i) the Rugby World Cup 2011; or

- (ii) a test event; and
- (b) the applicant has undertaken all reasonably practicable measures to ensure that the necessary approval, declaration, test approval or declaration, or change to the conditions was obtained under the enactment or statutory planning instrument that would have applied, but for this Part, or that the application could not reasonably have been made at an earlier date; and 5
- (c) it is unlikely that, but for this Part, the application could be determined in time to enable the activity to be undertaken or the facility constructed for the Rugby World Cup 2011 or the test event, as the case may be. 10

22A Preliminary consideration of applications relating to tournament venues

In determining an application that relates to a tournament venue, the Authority must disregard the criteria set out in **section 22(3)(b) and (c)**. 15

23 Notice of preliminary decision

- (1) The Authority must give notice to the applicant of its determination under **section 22(1)**, advising whether or not the application is to be determined under this Act, and the reasons for the decision. 20
- (2) The Authority must give notice of its decision not later than 5 working days after receiving—
 - (a) the application from the administrative secretariat under **section 15(4)(b)**; or 25
 - (b) any further information requested under **section 22(2)**.

Notification of applications

24 Authority must give public notice of applications

- (1) If the Authority determines under **section 22** that an application is to be determined under this Act, the Authority must, not later than 5 working days after notifying the applicant under **section 23**,— 30
 - (a) give public notice of that application; and

- (b) serve a copy of the application and of all documents and maps or plans submitted with it—
 - (i) on the relevant statutory person or body; and
 - (ii) on Rugby New Zealand 2011 Limited; and
 - (iii) on the New Zealand Fire Service. 5
- (2) However, **subsection (1)(a)** does not apply if the enactment or statutory planning instrument that would apply, but for this Act, makes no provision for public notice to be given of an application made under that enactment or statutory planning instrument. 10
- (3) Despite **subsection (2)**, the Authority may give public notice of an application to which that subsection applies if it considers that there are special circumstances that warrant public notice being given.
- (4) If public notice is not given, the Authority must, without delay, 15 give written notice to the persons with a right to be heard, as provided for in **section 29(2)**, of—
 - (a) the decision not to publicly notify the application; and
 - (b) the right of those persons to request a hearing.
- (5) Any request for a hearing must be received by the administrative secretariat not later than 4 working days after the date of the notice given under this subsection. 20

25 Contents of public notice

- (1) A public notice must specify—
 - (a) the nature of the application, with details that include— 25
 - (i) the activity, facility, or test activity or facility for which an approval is sought or the activity or facility, or class of activity or facility, that would become a Rugby World Cup permitted activity; and 30
 - (ii) the land, location, or area where any approval, declaration, or test approval or declaration would apply; and
 - (b) the enactment that would, but for this Act, apply to the application; and 35
 - (c) the persons or classes of person who are entitled to make a submission on the application; and

- (d) how any submissions opposing or in support of the application must be made (which may include requiring submissions to be made by electronic transmission); and
 - (e) the address for service of submissions to— 5
 - (i) the applicant; and
 - (ii) the relevant statutory person or body; and
 - (f) the date by which submissions must be received by the Authority (which must be not later than 10 working days after the date of the public notice); and 10
 - (g) where access (which may be restricted to Internet access) to the application and all accompanying documents and plans is available without charge; and
 - (h) how to obtain further information on the application.
- (2) The Authority must supply a copy of an application and of the documents and any maps or plans submitted with it, if requested, on the payment of a reasonable fee fixed by the Authority. 15

Standing to make submissions

- 26 Submissions** 20
- (1) After an application has been publicly notified, submissions may be made in support of, or opposing, the application by—
- (a) the applicant;
 - (b) the relevant statutory person or body;
 - (c) an affected person, as determined in accordance with **section 27**: 25
 - (d) a person with an interest greater than that of the general public in the matter to which the application relates;
 - (e) the New Zealand Fire Service.
- (2) No submissions may be made by any person on, or in relation to, trade competition or the effects of trade competition. 30
- (3) Submissions, including any request to be heard, must be—
- (a) made in the form and manner prescribed by regulation or as approved by the Authority; and
 - (b) lodged with the Authority by the date given in the public notice; and 35

- (c) served on the applicant and the relevant statutory person or body without delay after being lodged with the Authority.

27 Determination of affected person status

- (1) A person is an affected person if the adverse effects on the person of an activity, facility, or class of activity or facility for which an approval, declaration, or test approval or declaration is sought will be, or are likely to be, more than minor. 5
- (2) However, a person is not an affected person—
- (a) if, and to the extent that, the effects on that person relate to trade competition or the effects of trade competition; or 10
- (ab) if, and to the extent that, the effects of the activity, facility, or class of activity or facility on that person are expressly permitted by any statutory planning instrument or by a declaration made under this Part; or 15
- (b) if the person has given written approval for the activity, facility, or class or activity or facility and has not withdrawn that approval by written notice to the Authority before the Authority has made its determination on the matter; or 20
- (c) if it is unreasonable in the circumstances to seek the person's written approval.
- (3) In determining whether a person is an affected person, the Authority must disregard an adverse effect that is of a temporary nature, having regard to the duration of the activity or facility for which an approval, a declaration, or a test approval or declaration is sought. 25

Subpart 3—Hearing and determination of applications 30

Hearing

29 Persons with right to be heard

- (1) The Authority need not conduct a hearing in relation to an application unless—
- (a) it considers that a hearing is necessary; or 35

- (b) a person with a right to be heard has requested to be heard.
- (2) The persons who have a right to be heard by the Authority are—
- (a) the applicant; and 5
- (b) the relevant statutory person or body; and
- (c) any person who lodged a submission under **section 26**.
- 29A Commencement of any hearing**
- (1) If an application is publicly notified under **section 24**, the Authority must, not later than 5 working days after the closing date for submissions notified under **section 25(1)(f)**, give written notice to the persons with a right to be heard as to— 10
- (a) whether the Authority is to conduct a hearing; and
- (b) if so, the date of its commencement, which must be not later than 5 working days after the date on which the written notice is given under this subsection. 15
- (2) If an application is not publicly notified, the Authority must, not later than 5 working days after giving written notice to the persons with a right to be heard under **section 24(4)**, give those persons written notice as to— 20
- (a) whether the Authority is to conduct a hearing; and
- (b) if so, the date of its commencement, which must be not later than 5 working days after the date of the written notice given under this subsection.
- (3) No hearing is required under this section if— 25
- (a) the persons with a right to be heard waive that right; and
- (b) the Authority considers that a hearing is not necessary.

Determination of applications

- 30 Determination of applications for approvals**
- (1) In determining an application made under **section 16(1) or (5) or 17** for an approval, a test approval, or a change to the conditions of an approval or a test approval, the Authority must have regard to any adverse effects on the environment that would be, or would be likely to be, if the application were granted, more than minor as determined in accordance with **section 31A**. 30 35

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- (2) **Subsection (1)** also applies, with the necessary modifications, to the determination of an application under **section 16(6)** to change the conditions of an approval granted, given, or authorised under another enactment.
- (2A) The Authority must not grant the application if the activity or facility that is the subject of the application is prohibited by another Act. 5
- (3) In making a determination under **subsection (1) or (2)**, the Authority must take into account—
- (a) the particular circumstances of the application; and 10
 - (b) the extent to which an approval, a test approval, or a change to the conditions of an approval or test approval, if granted, would promote the matters set out in **section 9(2)**.
- (4) The Authority may take into account— 15
- (a) the effect of an approval, a test approval, or a change to the conditions of an approval or a test approval, if granted, on activities or facilities that have been authorised under this Act or another enactment; and
 - (b) the provisions of any enactment or statutory planning instrument that would, but for this Part, apply and whether the application meets the requirements of those provisions. 20
- (5) The Authority may grant the application in full or in part or decline the application. 25
- (6) If the Authority grants the application, the Authority—
- (a) must prescribe, as a condition of the approval or test approval, or change to the conditions of the approval or test approval,—
 - (i) in the case of an approval or a change to the conditions of that approval, the duration of the approval or conditions, which may commence at any time provided for by the Authority and must, unless **section 36** applies, expire not later than 31 December 2011; and 30
 - (ii) in the case of a test approval, the duration of the approval, which may commence not earlier than 1 week before the commencement of the relevant 35

- test event and must expire not later than the day
after the final day of that event; and
- (b) may prescribe any other conditions that it considers appropriate, including a condition for a bond to be paid to the administrative secretariat to secure the performance of the conditions of an approval or a test approval. 5
- 31 Determination of applications for declarations**
- (1) In determining an application under **section 16(2) or (5) or 17** for a declaration, a test declaration, or a change to the conditions of a declaration or a test declaration, the Authority must have regard to any adverse effects on the environment that would be, or would be likely to be, if the application were granted, more than minor as determined in accordance with **section 31A**. 10
- (1A) The Authority must not grant the application if the activity, facility, or class of activity or facility that is the subject of the application is prohibited by another Act. 15
- (2) In making a determination under **subsection (1)**, the Authority must take into account—
- (a) the particular circumstances of the application; and 20
- (b) the extent to which a declaration, test declaration, or change to the conditions of a declaration or test declaration, if granted, would promote the matters set out in **section 9(2)**.
- (3) The Authority may take into account— 25
- (a) the effect of a declaration, test declaration, or change to the conditions of a declaration or test declaration, if granted, on activities or facilities that have been authorised under this Act or another enactment; and
- (b) the provisions of any enactment or statutory planning instrument that would, but for this Part, apply and whether the application meets the requirements of those provisions. 30
- (4) The Authority may grant the application in full or in part or decline the application. 35
- (5) If the Authority grants the application, it must—

- (a) prescribe, as a condition of the declaration or test declaration, the duration of the declaration or test declaration, which may commence,—
- (i) in the case of a declaration, not earlier than 1 August 2011 and must expire not later than 31 October 2011; and 5
- (ii) in the case of a test declaration, not earlier than 1 week before the commencement of the relevant test event and must expire not later than the day after the final day of that event; and 10
- (b) prescribe the land, area, or location where the Rugby World Cup permitted activity may be undertaken or constructed; and
- (c) direct the relevant statutory person or body to treat the specified activity or facility, or class of activity or facility, as a Rugby World Cup permitted activity. 15
- (6) The Authority may prescribe any other conditions that it considers appropriate, including—
- (a) conditions that apply to any of the activities, facilities, or class of activity or facility to which the declaration relates; and 20
- (b) a condition for a bond to be paid to the administrative secretariat to secure the performance of the conditions of a declaration or test declaration.
- 31A Determination of whether adverse effects are more than minor** 25
- In determining, for the purposes of **sections 30 and 31**, whether an activity or facility will, or is likely to, have adverse effects on the environment that are more than minor (including on any person), the Authority must disregard— 30
- (a) any adverse effect of the activity or facility that—
- (i) relates solely to the site or location of the activity or facility; and
- (ii) is expressly permitted by any statutory planning instrument or by a declaration made under this Part; and 35

- (iii) is of a temporary nature, having regard to the duration of the approval, declaration, or test approval or declaration; and
- (b) any effect of the activity or facility on a person who has given written approval to the application; and 5
- (c) trade competition and the effects of trade competition.

32 Notice of determination

- (1) If an application is not publicly notified under **section 24** or if a hearing is not conducted under **section 29** (whether or not a hearing is conducted), the Authority must serve notice of its determination, as required by **subsection (3)**, on— 10
 - (a) the applicant; and
 - (b) the relevant statutory person or body; and
 - (c) the New Zealand Fire Service; and
 - (d) Rugby New Zealand 2011 Limited. 15
- (2) If an application is publicly notified (whether or not a hearing is conducted), the Authority must serve notice of its determination, as required by **subsection (3)**, on—
 - (a) the applicant; and
 - (b) the relevant statutory person or body; and 20
 - (c) each person who lodged a submission on the application or is required to provide a report under **clause 11 of Schedule 1**; and
 - (d) Rugby New Zealand 2011 Limited.
- (3) The required notice must be served,— 25
 - (a) ~~in the case of an application to which **subsection (1)** applies, not later than 5 working days after the notice given under **section 29(3)**; and~~
 - (a) in the case of an application which is not publicly notified,— 30
 - (i) not later than 5 working days after notice is given under **section 29A(2)**; or
 - (ii) not later than 10 working days after the end of a hearing, if one is conducted; or
 - (b) ~~in the case of an application to which **subsection (2)** applies that is publicly notified, not later than 10 working days after—~~ 35

- (i) the closing date for submissions to be lodged under **section 26**, if no hearing is conducted; or
 - (ii) the end of the hearing, if a hearing is conducted.
- (4) A notice served under this section must include—
- (a) the reasons for the determination; and 5
 - (b) the provisions of any enactment and statutory planning instrument relevant to that determination; and
 - (c) the principal issues in contention and the main findings on them; and
 - (d) the reasons for any conditions that are imposed; and 10
 - (e) advice as to the right of appeal under **subpart 6**; and
 - (f) the date by which any appeal must be lodged.
- (5) A copy of a determination of the Authority and of any map or plan to which it refers must be—
- (a) kept at the place specified by the Authority (including, at the discretion of the Authority, on an Internet site); and 15
 - (b) made available for public inspection without charge during ordinary office hours (or on an Internet site, without charge). 20

Subpart 4—Further provisions applying to approvals and declarations

33 Commencement of approvals and declarations

Unless the Authority specifies a later date, an approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration commences on the third working day after the determination of the Authority is publicly notified. 25

34 Expiry of approvals and declarations

An approval, a declaration, a test approval or declaration, or a change to the conditions of an approval or a declaration expires— 30

- (a) on the date specified by the Authority under **section 30 or 31**, as the case may be; or
- (b) if the Authority does not so specify, on the date specified in **section 30 or 31**, as the case may be. 35

35 Effect of approvals and declarations by Authority under this subpart

- (1) An approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration granted or made under this Part has full force and effect for its duration and according to its terms and conditions as if it were granted or made under the enactment or statutory planning instrument that would, but for this Part, apply. 5
- (2) To avoid doubt, unless **section 36** applies, an activity or facility undertaken or constructed under an approval, a declaration, or a test approval or declaration granted or made under this Part does not— 10
- (a) give rise to or create any right to the use of land after the expiry of the approval, declaration, or test approval or declaration; or 15
- (b) qualify, in the case of an approval that would, but for this Part, be required by or under the Resource Management Act 1991, for— 20
- (i) a certificate of compliance under section 139 of that Act; or
- (ii) an existing use certificate under section 139A of that Act.

36 Continuing effect of approvals after expiry

- (1) A person to whom an approval is granted under this Part may apply to the relevant statutory person or body for a certificate that certifies that the approval granted under this Part continues to have effect as if it were an approval granted under the enactment or statutory planning instrument that would, but for this Part, apply. 25 30
- (3) A certificate issued under **subsection (1)**—
- (a) applies subject to the enactment or statutory planning instrument that would, but for this Act, apply; and
- (b) may impose conditions in accordance with the requirements of that enactment or statutory planning instrument. 35

- (4) In addition, a certificate issued under **subsection (1)** must include a condition as to the duration of the approval or certificate.
- (5) An application under **subsection (1)** must be made not later than 1 month before the expiry of the approval granted under this Part. 5
- (6) The relevant statutory person or body may, in its discretion,—
- (a) allow the person to whom the approval was granted to continue to operate under the approval granted by the Authority under this Part until the relevant statutory person or body— 10
- (i) grants a new approval under the enactment or statutory planning instrument that would, but for this Part, apply and all appeals are determined; or
- (ii) issues a certificate under **subsection (1)**; or 15
- (iii) declines to grant a new approval under the enactment that would, but for this Part, apply or issue a certificate; and
- (b) impose conditions in accordance with the requirements of that enactment or statutory planning instrument. 20

Subpart 5—Enforcement

37 Monitoring and enforcement under this Part

- (1) The statutory person or body responsible for monitoring and enforcement under an enactment or statutory planning instrument that would, but for this Part, apply must carry out monitoring and enforcement in relation to approvals or test approvals granted, or declarations or test declarations made, under this Part. 25
- (2) That statutory person or body has the same powers for that purpose as that person or body has under the other enactment or statutory planning instrument. 30
- (3) The provisions for monitoring and enforcement under that other enactment or statutory planning instrument apply, with the necessary modifications.
- (4) To avoid doubt, any right of appeal that applies under the enactment or statutory planning instrument that would, but for this Part, apply also applies to enforcement proceedings taken 35

in relation to activities or facilities for which approvals are granted or declarations made under this Part.

Enforcement by interim injunctive orders

38 Applications for interim injunctive orders

- (1) This section and **section 39** apply, in addition to the powers of enforcement available under **section 37**, in relation to activities or facilities for which approvals are granted or declarations made under this Part. 5
- (2) The relevant statutory person or body may apply to the Authority for an interim injunctive order to— 10
- (a) require a person to cease undertaking an activity or constructing a facility; or
 - (b) prohibit a person from commencing an activity or beginning to construct a facility.
- (3) No undertaking as to damages may be required in relation to an application made under this section. 15

39 Making of interim injunctive orders

- (1) The Authority may make an interim injunctive order if, in its opinion, the application relates to an activity or a facility that— 20
- (a) contravenes, or is likely to contravene, the approval, declaration, or test approval or declaration granted for the activity or facility; or
 - (b) is, or is likely to be, noxious, dangerous, offensive, or objectionable to such an extent that it has, or is likely to have,— 25
 - (i) an adverse effect on the environment that is not of a temporary nature; or
 - (ii) a serious prejudicial effect on the proper conduct of the Rugby World Cup 2011.
- (2) If the Authority considers it necessary or desirable to avoid, mitigate, or remedy an effect of a kind described in **subsection (1)(b)**, an interim injunctive order may be made— 30
- (a) without requiring service of the application on the person against whom the order is sought; and
 - (b) without holding a hearing. 35
- (3) Before making an order, the Authority must consider—

- (a) the effect on the environment or on the conduct of the Rugby World Cup 2011 of not making the order; and
- (b) whether any adverse effect is of a temporary nature only; and
- (c) whether the Authority should hear the statutory person or body that applied for the order or the person against whom the order is sought; and 5
- (d) any other matters that the Authority thinks fit.

40 Procedure in relation to interim injunctive orders

- (1) The Authority must serve a copy of any interim injunctive order on the person against whom the order is made without delay. 10
- (2) If the person against whom the order is made was not heard by the Authority before the order was made, that person may apply to the Authority, as soon as practicable after being served with the order, for an order changing or cancelling the interim order. 15
- (3) An application made under **subsection (2)** must be—
 - (a) made in the form and manner prescribed by regulations or as approved by the Authority; and 20
 - (b) accompanied by the fee prescribed for the purpose in accordance with regulations made under this Part.
- (4) The Authority may confirm or cancel the interim injunctive order, or may issue a new interim injunctive order, as it thinks fit. 25

41 Effect and duration of interim injunctive orders

- (1) An interim injunctive order made under this subpart takes effect according to its terms from the time that it is served or such later time as the order directs.
- (2) An order stays in force until— 30
 - (a) the Authority cancels the order or issues a new order under **section 40(4)**; or
 - (b) the statutory person or body has sought and obtained an appropriate order under the enactment or statutory planning instrument that would, but for this Part, apply; 35
or

- (c) the person against whom the order was made, or another person directly affected by the order, has sought and obtained cancellation of, or a change to, the order under that enactment or statutory planning instrument.

Offences and penalties 5

42 Offences and penalties

- (1) The offences and penalties prescribed by or under an enactment that would, but for this Part, apply to an approval, a declaration, or a test approval or declaration apply to the breach of an approval, a declaration, or a test approval or declaration granted or made under this Part. 10
- (2) In an enactment that would apply, but for this Part, a reference to an approval that could be granted, given, or authorised under that enactment is to be read as a reference to an approval given under this Part. 15
- (3) Every person who breaches an interim injunctive order commits an offence and is liable, on summary conviction, to a fine,—
- (a) in the case of a natural person, not exceeding \$300,000; and 20
- (b) in the case of a person other than a natural person, not exceeding \$600,000; and
- (c) in each case, if the offence is a continuing offence, not exceeding \$10,000 for every day or part of a day during which the offence continues. 25

Subpart 6—Appeal rights

Right of appeal on question of law only

43 Appeals

- (1) A person or body that applied for an approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration and is dissatisfied with the determination of the Authority under **section 22(1)** (which relates to the determination of the Authority as to jurisdiction) may appeal to the High Court, but only on a question of law. 30 35

- (2) There is a right of appeal to the High Court, but only on a question of law, against a determination of the Authority made under—
- (a) **section 30** (which relates to an application for an approval) for the applicant, the relevant statutory person or body, and any person who made a submission: 5
 - (b) **section 31** (which relates to an application for a declaration) for the relevant statutory body and any person who made a submission:
 - (c) **section 39 or 40(4)** (which each relate to interim injunctive orders) for— 10
 - (i) the statutory person or body that applied for an order; or
 - (ii) the person against whom the Authority makes an order. 15
- (3) An appeal under this section must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**.

Part 4

Procedures available in circumstances of urgency 20

Purpose

44 Purpose of this Part

- (1) The purpose of this Part is to make provision for special procedures to apply in circumstances of urgency that, for good reason, were not foreseen. 25
- (2) The powers conferred by the Part may be exercised only in relation to an activity, facility, or a class of activity or facility—
 - (a) that is necessary for the proper conduct of the Rugby World Cup 2011; and 30
 - (b) for which an approval could not be granted, in the time available, under any other enactment.

Subpart 1—Declarations of status as Rugby
World Cup permitted activity and grant of
urgent approvals

Applications

- 45 Applications for recommendation of Authority** 5
- (1) Applications may be made to the Authority by a statutory person or body for a recommendation to the Minister, in respect of a specified activity, facility, or class of activity or facility, that an Order in Council be made under **section 48** declaring the activity, facility, or class of activity or facility to be a Rugby World Cup permitted activity. 10
- (2) Applications may also be made to the Authority by any person for a recommendation under **section 50** that the Minister grant an urgent approval for an activity or a facility that is necessary for the proper conduct of the Rugby World Cup 2011. 15
- (3) Applications must—
- (a) be in writing, in the form and manner prescribed by regulations or as approved by the Minister; and
- (ab) be lodged directly with the Authority; and
- (ac) include, as far as is relevant, the information required by **section 19** (which relates to the information to be supplied with applications for approvals and declarations); and 20
- (b) in relation to an application made under **subsection (1)**, give particulars relevant to the determination of the Authority under **section 47**; and 25
- (c) in relation to an application under **subsection (2)**, give information relevant to the determination of the Authority under **section 50**.
- Declaration of status as Rugby World Cup
permitted activity* 30
- 47 Matters relevant to determination of application**
- (1) Before the Authority makes a recommendation to the Minister on an application under **section 45(1)**, the Authority must be satisfied that it is reasonable to do so, having regard to— 35
- (a) the circumstance of urgency that has arisen; and

-
- (b) the nature and significance of the activity or facility to which the regulations, if made, would apply; and
 - (c) the location or area where the regulations, if made, would apply; and
 - (d) the extent (if any) to which the proposed Rugby World Cup permitted activity would be inconsistent with the requirements of—
 - (i) the enactment or statutory planning instrument that would, but for this Part, apply in relation to that activity; and 5
 - (ii) any relevant rule of law; and 10
 - (e) the likely impacts on persons or property of the proposed Rugby World Cup permitted activity being undertaken; and
 - (f) any matters relevant to securing public safety; and 15
 - (g) the extent and intensity of those impacts and whether they are, or are likely to be,—
 - (i) no more than temporary; or
 - (ii) able to be remedied or mitigated; and
 - (h) whether the proposed regulations are necessary— 20
 - (i) to permit the proper conduct of the Rugby World Cup 2011:
 - (ii) to provide appropriately for hospitality in relation to the Rugby World Cup 2011:
 - (iii) to provide support for the appropriate delivery of services by Rugby New Zealand 2011 Limited; and 25
 - (i) the likely impact on the proper conduct of the Rugby World Cup 2011 if the regulations are not made; and
 - (j) the matters set out in **section 9(2)**; and 30
 - (k) any other matter that the Authority considers relevant.
- (2) In determining an application, the Authority must state, with reasons,—
- (a) whether it recommends that the declaration sought should be granted; and 35
 - (b) if so, any terms and conditions that it recommends, including—

- (i) conditions that apply to any of the activities, facilities, or classes of activity or facility to which the declaration relates; and
- (ii) a condition for a bond to be paid to the administrative secretariat to secure the performance of the conditions of a declaration or test declaration. 5

48 Power to declare Rugby World Cup permitted activities

- (1) The Governor-General may, on the advice of the Minister given after considering the recommendation of the Authority received under **section 47**, by Order in Council, make regulations to declare as a Rugby World Cup permitted activity— 10
 - (a) a specified activity or facility:
 - (b) a specified class of activity or facility.
- (2) However, before the Minister may give advice to the Governor-General under **subsection (1)**, the Minister must, in relation to the recommendation of the Authority, consult— 15
 - (a) the Minister for Economic Development; and
 - (b) each Minister of the Crown who would, but for this subpart, be responsible for the enactment that would otherwise apply to the proposed activity or facility or class of activity or facility. 20

49 Contents of regulations

- (1) Regulations made under **section 48(1)** must—
 - (a) describe the activity, facility, or class of activity or facility to which they apply; and 25
 - (b) describe the location or area where they apply; and
 - (c) state the date on which the regulations commence, which must not be earlier than 1 August 2011; and
 - (d) state the date on which the regulations expire, which must not be later than 31 October 2011; and 30
 - (e) prescribe any conditions that are appropriate, having regard to—
 - (i) the recommendation of the Authority given under **section 47**; and
 - (ii) any advice received by the Minister under **section 48(2)**; and 35
 - (iii) the need, as far as practicable, to—

- (A) secure public safety; and
 - (B) avoid, control, or mitigate any adverse impacts of a Rugby World Cup permitted activity on the environment.
- (2) Regulations may include requirements for, or relating to, matters such as the cessation of an activity or the dismantling or removal of a facility—
- (a) during the tournament; or
 - (b) after its conclusion.
- Grant of urgent approvals* 10
- 50 Recommendation of Authority**
- (1) Before determining an application made under **section 45(2)**, the Authority must be satisfied that—
- (a) it is reasonable to do so, having regard to the matters set out in **sections 9(2) and 47(1)**; and 15
 - (b) the approval is necessary—
 - (i) to secure public safety; or
 - (ii) to avoid seriously compromising the proper conduct of the Rugby World Cup 2011; or
 - (iii) to provide support for the appropriate delivery of services by or through Rugby New Zealand 2011 Limited. 20
- (2) In determining an application under this section, the Authority must state, with reasons,—
- (a) whether it recommends that the urgent approval should be granted; and 25
 - (b) if so, any terms and conditions that it recommends, including a condition for a bond to be paid to the administrative secretariat to secure the performance of the conditions of an urgent approval. 30
- 51 Granting of urgent approvals**
- (1) Before determining whether or not to grant an urgent approval, the Minister must, in relation to the recommendation of the Authority received under **section 50(2)**, consult—
- (a) the Minister for Economic Development; and 35

- (b) each Minister of the Crown who would, but for this subpart, be responsible for the enactment that would otherwise apply to the proposed activity or facility or class of activity or facility.
- (2) The Minister may grant an application for an urgent approval in full or in part, or decline the application. 5
- (3) In granting an application, the Minister must—
- (a) specify the date on which the approval commences, which must not be earlier than 1 September 2011; and
- (b) specify the date on which the approval expires, which must not be later than 31 October 2011; and 10
- (c) prescribe any conditions that are appropriate, having regard to—
- (i) the recommendation of the Authority given under **section 50**; and 15
- (ii) any advice received by the Minister under **section 51(1)**; and
- (iii) the need, as far as practicable, to—
- (A) secure public safety; and
- (B) avoid, control, or mitigate any adverse impacts of a Rugby World Cup permitted activity on the environment. 20
- (3A) The conditions imposed under this section may include conditions as to the cessation of an activity or the dismantling or removal of a facility— 25
- (a) during the tournament; or
- (b) after its conclusion.
- (4) A decision of the Minister under this section is final.

Subpart 2—Miscellaneous provisions

Effect of regulations 30

52 Effect of declaration made by Order in Council

- (1) Regulations made under **section 48** have full force and effect, for their duration and according to their terms and conditions, despite any restriction, prohibition, or limitation on the relevant activity or facility, or class of activity or facility, under any rule of law, enactment, or statutory planning instrument that would, but for this Part, apply. 35

- (2) To avoid doubt, an activity undertaken or a facility constructed in reliance on regulations made under this Part does not give rise to, or create, any right to use land after the expiry of the regulations.

Effect of urgent approval

5

53 Effect of urgent approval granted by Minister

- (1) An urgent approval granted under **section 51** has full force and effect, for its duration and according to its terms and conditions, despite any restriction, prohibition, or limitation on the activity or facility under any rule of law, enactment, or statutory planning instrument that would, but for this Part, apply. 10
- (2) To avoid doubt, an activity undertaken or a facility constructed in reliance on an urgent approval does not give rise to, or create, any right based on the use of land after the expiry of the approval. 15

Monitoring, enforcement, and appeal rights

54 Monitoring, enforcement, and appeals

- (1) The provisions of **subpart 5 of Part 3** (which relate to monitoring, enforcement, and offences and penalties) apply to an activity or a facility permitted under this Part as if— 20
- (a) a reference to a declaration made under **Part 3** were a reference to a Rugby World Cup permitted activity declared by Order in Council in regulations made under this Part; and
- (b) a reference to an approval granted under that Part were a reference to an urgent approval granted under this Part. 25
- (2) There is a right of appeal to the High Court, but only on a question of law, against a determination of the Authority on an application for a recommendation to the Minister—
- (a) made under **section 45(1)**, by the statutory person or body that made the application: 30
- (b) made under **section 45(2)**, by the person who made the application.
- (3) An appeal under this section—

- (a) must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**; and
- (b) is not an appeal to which Rule 20.10(2) of the High Court Rules applies. 5

Offences and penalties

55 Offences and penalties

- (1) The provisions of **section 42** apply as if a breach of a regulation made under this Part were a breach of a declaration made, or an approval granted, under **Part 3**. 10
- (2) The penalties prescribed for offences under **Part 3** apply to offences under this Part.

Part 5

Rugby World Cup liquor licences

Subpart 1—Preliminary matters 15

56 Purpose

- (1) The purpose of this Part is to establish a temporary process for licensing the sale and supply of liquor to the public during the period of the Rugby World Cup 2011, as an alternative to the process under the Sale of Liquor Act 1989, whilst having regard to— 20
 - (a) the significance of the Rugby World Cup 2011 (or any particular part of it), the scale of the hospitality that is needed, and any relevant circumstances, such as the times at which games are scheduled; and 25
 - (b) the need to ensure that priority is given to—
 - (i) matters of public health and safety; and
 - (ii) the minimisation of harm to persons and property.
- (2) To that end, this Part provides for the Authority— 30
 - (a) to consider and determine applications for Rugby World Cup liquor licences; and
 - (b) to grant licences subject to terms and conditions that—

- (i) are appropriate, having regard to the particular circumstances applying during the period of the Rugby World Cup 2011; and
 - (ii) ensure that public health and safety are protected as far as is reasonably practicable during the period of the Rugby World Cup 2011. 5
- (3) The Sale of Liquor Act 1989 does not apply to, or in relation to, licences issued under this Part, except to the extent that the Sale of Liquor Act 1989 is applied by this Part.

57 Interpretation 10

In this Part, unless the context otherwise requires,—

application includes a group of applications for a Rugby World Cup liquor licence that relate to a specified geographical location

area means an area consisting of more than 1 premises or a defined outdoor area that is subject to a Rugby World Cup liquor licence 15

inspector means an inspector appointed under the Sale of Liquor Act 1989

licensee means the person to whom a Rugby World Cup liquor licence is granted 20

liquor has the meaning given in section 2 of the Sale of Liquor Act 1989

manager has the meaning given in **section 74(1)**

permanent club charter means a charter— 25

(a) granted under section 260(3) of the Licensing Act 1908 or any former Licensing Act; and

(b) in force immediately before the commencement of this Part

premises means premises subject to a Rugby World Cup liquor licence, and includes temporary premises and ships 30

restricted area, in relation to premises or an area subject to a Rugby World Cup liquor licence, means any part of the premises or area so designated by the Authority where a person under the age of 18 years must not be admitted 35

Rugby World Cup liquor licence and licence mean a licence issued under this Part and having the purpose and scope set out in **section 58**

ship means a large passenger ship, wherever it is registered, that is— 5

(a) in New Zealand waters at any time between 9 September and 31 October 2011; and

(b) being used primarily for the purpose of providing passenger accommodation to persons attending the tournament, whether the passengers— 10

(i) are international passengers or domestic passengers; or

(ii) have travelled to New Zealand on that ship or boarded the ship for the first time in New Zealand waters 15

supervised area, in relation to premises or an area subject to a Rugby World Cup liquor licence, means any part of the premises or area so designated by the Authority where a person under the age of 18 years must not be admitted unless accompanied by the person's parents or guardian 20

territorial authority has the meaning given in section 5 of the Local Government Act 2002.

Subpart 2—Rugby World Cup liquor licensing scheme

Purpose and scope 25

58 Purpose and scope of Rugby World Cup liquor licence

(1) A Rugby World Cup liquor licence authorises the licensee—

(a) to sell and supply liquor to any person present on premises, or in an area described in a licence, for consumption on those premises or in that area; and 30

(b) to allow the consumption of liquor in accordance with **paragraph (a)**.

(2) **Subsection (1)** does not permit the sale or supply of liquor to, or consumption of liquor by, a person under the age of 18 years or a person who is intoxicated. 35

(3) A Rugby World Cup liquor licence—

- (a) comes into force on 9 September 2011 and expires on 31 October 2011, unless the licence specifies a shorter period; and
 - (b) authorises the sale and supply of liquor on the days and during the hours that are specified by the licence; and 5
 - (c) applies to or in respect of premises or an area defined in the licence as the premises or area where the licence applies.
- (4) The premises or area described in a licence may be 1 or more of the following: 10
- (a) single premises:
 - (b) a specified outdoor area, with or without premises, the part or whole of which is defined as an area where a licence applies.

Applications for Rugby World Cup liquor licences 15

59 Who may apply for and hold Rugby World Cup liquor licence

- (1) Application may be made for a Rugby World Cup liquor licence by— 20
- (a) a person who holds, or is eligible to hold, an on-licence under the Sale of Liquor Act 1989; or
 - (b) by a club that holds, or is deemed to hold, a club licence under that Act; or
 - (c) by a chartered club that holds a permanent club charter. 25
- (1A) Unless a Rugby World Cup liquor licence is held in respect of a tournament venue, no person may sell or supply liquor at a Rugby World Cup 2011 game or ancillary event at that venue, whether or not a licence is held under the Sale of Liquor Act 1989 for that venue. 30
- (2) A Rugby World Cup liquor licence granted under this Part in respect of 1 or more premises or areas applies, for the period for which it is granted, instead of the licence or permanent club charter that would, but for this Part, apply to the relevant premises or area. 35

- (3) To avoid doubt, any licence held under the Sale of Liquor Act 1989 and any permanent club charter that would apply, but for **subsection (2)**, is suspended—
- (a) to the extent that the licence applies to the premises or area for which the Rugby World Cup liquor licence applies; and 5
 - (b) for the period for which the Rugby World Cup liquor licence is granted.
- 60 Applications for Rugby World Cup liquor licences**
- (1) Applications may be made at any time in accordance with this section for a Rugby World Cup liquor licence to be issued by the Authority. 10
- (2) Applications made under this section must—
- (a) be made in writing, in the form and manner prescribed by regulations or as approved by the Authority; and 15
 - (b) be made by, and in the name of, the person who will hold the licence, if the application is granted; and
 - (c) include an address for service of the applicant; and
 - (d) be lodged for registration with the administrative secretariat; and 20
 - (e) be accompanied by the deposit that the administrative secretariat may require under **section 15A**.
- (3) Applications must include—
- (a) information relevant to the matters set out in **section 63A**; and 25
 - (b) any conditions sought by the applicant; and
 - (c) information as to why the application is made under this Act; and
 - (d) information as to how the premises or area to which the application relates is to be used for the Rugby World Cup 2011; and 30
 - (da) information on how entry to and exit from the premises or area are to be controlled; and
 - (e) if the application relates to premises, a certificate from the local authority that the proposed use of the premises meets any requirements of— 35
 - (i) the Resource Management Act 1991; and

- (ii) the building code made under the Building Act 2004.
- (4) Applications must be forwarded to the Authority by the administrative secretariat on the first working day after being lodged, if the administrative secretariat is satisfied that an application contains the information required by **subsection (3)**. 5
- (5) If an application does not contain the necessary information, it must be returned to the applicant who, upon payment of any further deposit required by the administrative secretariat, may lodge another application. 10
- (6) At the same time as the administrative secretariat forwards an application to the Authority, the administrative secretariat must provide a copy of each application to—
- (a) the constable in charge of the Police station nearest to the premises or area in respect of which the licence is sought; and 15
- (b) the Medical Officer of Health of the district within which those premises or that area is situated; and
- (c) an inspector; and
- (d) the chief executive of the New Zealand Fire Service. 20
- 60A Applications under this Part and Part 3 for same activity or approval**
- (1) This section applies if an application made under this Part relates to the same activity or facility for which an approval or declaration is also sought under **Part 3**. 25
- (2) The applications may be lodged and processed concurrently and considered by the Authority together.
- (3) **Section 60** applies to an application for a licence lodged concurrently with an application under **Part 3**, except that the certificate required by **section 60(3)(e)** is replaced by the approval or declaration, if granted or made, under **Part 3**. 30
- 61 Applications relating to specified geographic locations**
- (1) The Authority may, in its discretion, publish notices—
- (a) inviting applications for Rugby World Cup liquor licences in relation to— 35

- (i) premises or areas in a specified geographical location; or
 - (ii) ships; and
 - (b) specifying the date by which all applications in relation to the specified geographical location must be received by the Authority. 5
 - (2) This section does not limit **section 60(1)**.
- 62 Reports to Authority**
- (1) When the persons referred to in **section 60(6)** receive an application from the administrative secretariat, each must— 10
 - (a) inquire into the application; and
 - (b) report to the Authority in the form and manner prescribed by regulations or as approved by the Authority, stating—
 - (i) whether there is any matter on which he or she opposes the application: 15
 - (ii) any conditions that he or she considers should be imposed on the licence.
 - (1A) The Authority may request a further report, if that is necessary in its opinion, on any matter relevant to that person's report on the application. 20
 - (2) Reports must be returned to the Authority as soon as practicable and not later than 15 working days after the date that the application was forwarded by the administrative secretariat under **section 60(6)**. 25
 - (3) The Authority must—
 - (a) provide a copy of each report to the applicant; and
 - (b) make a copy of each report, including any further report, available for inspection at the place specified in the notice given under **section 63(1)**. 30

Notice

- 63 Public notice of applications**
- (1) Unless provided otherwise in this Part, the Authority must—
 - (a) give public notice of an application not later than 5 days after the application is lodged with the administrative secretariat; and 35

- (b) advise where copies of an application may be inspected.
- (2) However, before notifying an application, the Authority must be satisfied that—
- (a) the application relates to premises or an area that is to be used for the Rugby World Cup 2011; and 5
- (b) granting the licence would promote the purpose of this Part.
- (3) The Authority may notify and determine applications—
- (a) singly and in the order that they are lodged with the administrative secretariat; or 10
- (b) together as a group, in the case of applications that relate to a specified geographical location; or
- (c) in relation to 1 or more ships.
- (4) If the Authority determines to process a group of applications together,— 15
- (a) it must advise the relevant applicants of that intention and give public notice of the applications, at the time and in the manner prescribed by regulations or as the Authority thinks appropriate; and
- (b) each applicant must comply with **subsection (5)** in respect of that applicant's application. 20
- (5) The applicant (and in the case of a group of applications, each applicant) must ensure that notice of an application is attached, in the form and manner prescribed by regulations or as approved by the Authority, to a conspicuous place on or adjacent 25 to the premises or area to which the application relates, unless the Authority agrees, in writing, that it is impracticable or unreasonable to do so.

Matters relevant to determining applications

- 63A Matters relevant to objections and determinations** 30
- (1) The matters relevant for the purposes of **sections 64, 65, and 70** are—
- (a) the days on which liquor may be sold or supplied for consumption on the premises or in the area to which the Rugby World Cup liquor licence applies, which must not be outside the period prescribed in **section 58(3)(a)**; and 35

- (b) the hours during which liquor may be sold or supplied for consumption on the premises or within the area to which the licence applies; and
 - (c) the nature and location of the premises or area in respect of which the licence is sought; and 5
 - (d) the applicant's proposals for how the premises or area will be managed during the period for which any licence is granted, including the control of entry to, or exit from, the premises or area; and
 - (e) any parts of the premises or area in respect of which a licence is sought that the applicant proposes should be designated as restricted areas or supervised areas; and 10
 - (f) the steps that the applicant will take to ensure that the conditions of any licence are observed; and
 - (g) the applicant's proposal to engage in— 15
 - (i) the sale or supply of goods other than liquor or food; or
 - (ii) the provision of services other than those directly related to the sale or supply of liquor and food; and 20
 - (h) any matters raised in the reports received by the Authority under **section 62**.
- (2) The Authority must not take into account any prejudicial effect that the grant of a Rugby World Cup liquor licence may have on the business conducted under any other licence granted under this Part or under the Sale of Liquor Act 1989. 25

Who may object

64 Objections

- (1) A person who has an interest greater than that of the general public may object to an application for a Rugby World Cup liquor licence. 30
- (2) Objections must be made in writing to the Authority, in the form and manner prescribed by regulations or as approved by the Authority, not later than 5 working days after the public notice given under **section 63(1)**. 35
- (3) Objections may relate only to—
 - (a) the suitability of the applicant:

- (b) the premises or area for which a licence is sought, whether the application relates to—
 - (i) single premises; or
 - (ii) more than 1 premises in a specified area; or
 - (iii) an area: 5
- (c) the matters set out in **section 63A(1)**.
- (4) In the case of an applicant who holds or is deemed to hold a current licence under the Sale of Liquor Act 1989 or a permanent club charter, any objection may relate only to—
 - (a) any extension of the premises to which that licence or permanent club charter relates: 10
 - (b) the matters set out in **section 63A(1)**.

Decisions on applications

- 65 Grant of unopposed applications without hearing**
- (1) The chairperson of the Authority must, without delay, appoint a panel to determine, without a hearing, an application for a Rugby World Cup liquor licence unless—
 - (a) the reports received under **section 62** contain matters in opposition to the grant of a Rugby World Cup liquor licence; or 20
 - (b) an objection is received under **section 64**.
 - (2) In making a determination on whether to grant the application, the Authority must have regard to the matters set out in **section 63A(1)**.
 - (3) The Authority must notify a determination under **subsection (2)** not later than 5 working days after the expiry of the period for objections under **section 64(2)**. 25
- 67 Hearing in case of opposed licence**
- (1) This section applies if, in relation to an application,—
 - (a) a report is received under **section 62** that includes any matter in opposition to the application; or 30
 - (b) an objection is received under **section 64**.
 - (2) The Authority must convene a hearing unless—
 - (a) an application or all the applications in a group of applications are withdrawn; or 35

- (b) having considered the application and the reports received under **section 62**, the Authority believes the objection is vexatious or based on grounds outside the scope of this Part; or
- (c) all persons who have a right to be heard waive that right and it is satisfied that a hearing is not necessary. 5
- (3) A hearing (if any) must be convened not later than 15 working days after the closing date for objections under **section 64**.
- (4) The Authority must give not less than 10 working days' written notice of the hearing, advising the date, time, and place of the hearing, to— 10
- (a) the applicant or group of applicants; and
- (b) each objector; and
- (c) the persons that provided reports under **section 62**.
- (5) The persons notified under **subsection (4)(a) and (b)** are entitled to make written submissions. 15
- (6) Submissions must be lodged with the Authority, in the form and manner prescribed by regulations or as approved by the Authority.
- 68 Right to appear and be heard** 20
- The following persons have a right to appear and be heard in any public hearing convened by the Authority under this Part:
- (a) the persons who are entitled to make a written submission under **section 67(5)** and who did so; and
- (b) the persons notified under **section 67(4)(c)**; and 25
- (c) a member of the New Zealand Fire Service established under the Fire Service Act 1975 authorised to undertake fire safety inspections or person authorised by the relevant local authority to do so; and
- (d) any other person who satisfies the Authority that he or she has a particular interest greater than that of the public generally in the application that is the subject of the hearing. 30
- 69 Decision on papers**
- (1) If the Authority does not hold a hearing, it must determine the matters on the papers, after considering— 35

- (a) any reports and objections received in relation to it; and
 - (b) the matters set out in **section 63A**.
- (2) The Authority must—
- (a) notify its decision within 5 working days of notifying the applicant that there would be no hearing; and 5
 - (b) if a licence is granted, issue that licence.
- 70 Decision if hearing held**
- (1) The Authority must determine the application, after having regard to the matters before it, including those set out in **section 63A**. 10
- (2) The Authority must, not later than 5 working days after the conclusion of any hearing under **section 67**, notify its decision in writing, with reasons, to—
- (a) the applicant, and in the case of a decision on a group of applications, each applicant; and 15
 - (b) each person who made a submission and was heard at the hearing; and
 - (c) each person or body that exercised the right, or was permitted by the Authority, to appear under **section 68**.
- Licences issued* 20
- 71 Issue of licence**
- (1) In the case of a successful application, the chairperson must ensure that a Rugby World Cup liquor licence is issued—
- (a) in the form prescribed by regulations made under this Act; and 25
 - (b) subject to any requirements imposed as a prior condition of the licence being met.
- (2) The premises or area that is the subject of an application for a licence is not subject to a Rugby World Cup liquor licence until a licence is issued. 30
- (3) If the Authority considers an application under this Part concurrently with an application under **Part 3** in respect of the same premises or area, it must not issue a Rugby World Cup liquor licence in respect of the premises or area until all the necessary approvals have been granted. 35

Subpart 3—Conditions of Rugby World Cup liquor licences

72 Conditions applying to all licences

- (1) A licence granted under this Part is, unless expressly stated otherwise, subject to the following conditions: 5
- (a) the licensee must ensure that at all times there is displayed,—
- (i) on the exterior of the premises or within the area subject to the licence, a sign that is easily read by persons immediately outside the principal entrance of the premises or within the area; and 10
- (ii) inside the premises or at a suitable site within the area subject to the licence, so as to be easily read by persons entering the premises or within the area, a copy of the licence and its conditions; and 15
- (b) the licensee has available, for consumption on the premises or in the area,—
- (i) a reasonable range of non-alcoholic refreshments for sale or supply; and
- (ii) drinking water free of charge; and 20
- (c) the licensee is not obliged to sell or supply liquor at any time or to any person.
- (2) The sign required by **subsection (1)(a)(i)** must state that a Rugby World Cup liquor licence is held in respect of the premises or area and the days and hours of opening that apply under that licence. 25
- (3) **Subsection (1)(c)** applies subject to the Human Rights Act 1993.
- (4) If the licensee is the holder of a licence by virtue of the Sale of Liquor Act 1989, the Rugby World Cup liquor licence must be displayed beside the other licence. 30
- (5) **Subsection (4)** does not limit **section 59(2)**.

73 Other conditions of licences

- (1) In granting any licence under this Part, the Authority must impose conditions relating to the following matters: 35

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- (a) the days on which liquor may be sold or supplied, which may only be within the period prescribed in **section 58(3)(a)**; and
 - (b) the hours during which liquor may be sold or supplied; and 5
 - (c) the sale and supply of low-alcohol beverages; and
 - (ca) the provision of food for consumption on the premises or in the area to which the licence applies; and
 - (d) actions that are prohibited in order to discourage the excessive consumption of liquor by persons on the premises or in the area; and 10
 - (e) the maximum number of patrons permitted on the premises or in the area at any one time; and
 - (f) the provision of information about, or assistance with, alternative forms of transport from the premises or area. 15
- (2) Different conditions may be imposed under **subsection (1)(a) and (b)** in respect of different parts of the premises or area.
- (3) In granting a licence under this Part, the Authority may impose conditions relating to— 20
- (a) the designation of the whole or a specified part or parts of the premises or area to which the licence applies as a restricted area or supervised area:
 - (c) any limits on when liquor may be served, and what quantity or kind of liquor may be served: 25
 - (d) the types and sizes of vessels in which drinks must be served:
 - (e) information that the licensee must provide to patrons as a means to promote responsible consumption of liquor:
 - (f) the number of security staff that must be in attendance at any time and the means to control access to the premises or area, including an emergency evacuation plan: 30
 - (g) any other security measures that are required:
 - (ga) the payment of a bond to the administrative secretariat to secure compliance with any conditions relating to the mitigation or remedying of any adverse effects to public property arising from a Rugby World Cup liquor licence: 35

- (h) other conditions that the Authority considers necessary or desirable to minimise harm to persons or property.
- (3A) In the case of a Rugby World Cup liquor licence granted under this Part to a club or a chartered club, the Authority may also impose a condition restricting or otherwise defining the class of persons who may purchase or be served with liquor. 5
- (4) In determining the conditions to be imposed in respect of any licence, the Authority must have regard to—
 - (a) the purpose of this Part and of this Act; and
 - (b) the days and times when persons are likely to be attending the tournament; and 10
 - (c) the site of the premises or area in relation to the neighbouring land use.

73A Licences under this Part not to affect limitations under Gambling Act 2003 15

- (1) No class 4 gambling must take place on or in premises or an area subject to a Rugby World Cup liquor licence unless, at the time of the granting of that licence, the premises or area was subject to—
 - (a) a licence under the Sale of Liquor Act 1989 or a permanent club charter; and 20
 - (b) a class 4 venue licence.
- (2) If a Rugby World Cup liquor licence extends the hours or days when liquor may be sold or supplied for consumption on or in premises or an area that was, at the time of the granting of that licence, subject to a licence granted under the Sale of Liquor Act 1989, no class 4 gambling may take place during those extended hours. 25
- (3) **Subsections (1) and (2)** apply despite anything in—
 - (a) the Gambling Act 2003; or 30
 - (b) a class 4 venue licence.
- (4) **Class 4 gambling** and **class 4 gambling venue licence** have the meanings given in section 4(1) of the Gambling Act 2003.

Subpart 4—Management

74 **Responsibility for management and compliance**

- (1) In this Part, **manager** has the meaning given in section 2 of the Sale of Liquor Act 1989, and the provisions of that Act apply, in relation to a person who is, or may be appointed as, a manager under this Part, as if a reference to—
- (a) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence; and
 - (b) a licence were a reference to a Rugby World Cup liquor licence.
- (2) The licensee is responsible for ensuring that the management of the premises or area is appropriately carried out in accordance with—
- (a) the conditions of the licence to which the premises or area is subject; and
 - (b) the provisions of this Part.
- (3) At all times when liquor is sold or supplied to the public on premises or in an area subject to a Rugby World Cup liquor licence,—
- (a) a manager must be on duty; and
 - (b) the manager is responsible for compliance with—
 - (i) the provisions of this Part; and
 - (ii) the conditions of the Rugby World Cup liquor licence; and
 - (c) the name of the manager must be displayed inside the premises, or within the area, subject to a Rugby World Cup liquor licence and, for the purposes of this Part, the named person is to be treated as the manager of the premises or area at that time; and
 - (d) the licensee must take all reasonable steps to enable the manager to comply with his or her obligations under this Part.

75 **Further application of Sale of Liquor Act 1989**

- (1) The following provisions of the Sale of Liquor Act 1989 apply under this Part:
- (a) section 223 (which relates to service on licensees and managers); and

- (b) sections 225 to 225B (which relate to the notification of changes to companies that hold licences); and
 - (c) section 226 (which permits duplicate licences to be issued in certain circumstances); and
 - (d) section 227 (which relates to the voluntary surrender of a licence); and 5
 - (e) section 228 (which enables a temporary alternative licence to be issued in certain circumstances).
- (2) Those provisions apply as if a reference to—
- (a) a licensee or manager under the Sale of Liquor Act 1989 were a reference under this Part: 10
 - (b) the District Licensing Agency, the Licensing Authority, or the Secretary of the District Licensing Agency or Licensing Authority were a reference to the Authority under this Part: 15
 - (c) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence under this Part.

Subpart 5—Enforcement, offences,
penalties, and appeal rights 20

Enforcement

76 Powers of inspectors and constables in relation to licensed premises or areas

- (1) The provisions of section 131(1) to (3) of the Sale of Liquor Act 1989 apply to the powers of inspectors to enter premises or an area subject to a Rugby World Club liquor licence. 25
- (2) The following provisions of the Sale of Liquor Act 1989 apply to the powers of constables in relation to premises or an area subject to a Rugby World Cup liquor licence:
 - (a) sections 173(1) and (2) and 174(1) to (4) (which confer powers for the closure of premises in the case of rioting or fighting); and 30
 - (b) sections 175(1) to (3) and 176(1) to (3) (which confer powers for constables to enter licensed premises without warrant and to demand information); and 35
 - (c) sections 177 and 177A (which relate to the execution of a search warrant and confer power to seize samples).

- (3) The provisions of the Sale of Liquor Act 1989 referred to in **subsections (1) and (2)** apply under this section as if a reference in those sections to—
- (a) a licence were a reference to a Rugby World Cup liquor licence; and 5
 - (b) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence; and
 - (c) a licensee or a manager were a reference to a licensee or a manager under this Part; and
 - (d) a provision of the Sale of Liquor Act 1989 were a reference to that Act as applied by this Part. 10
- (4) An order made under section 173(1) or 174(1) of the Sale of Liquor Act 1989 (which relate to the closure of licensed premises) may have effect from the time it is made until the time that the premises or area would otherwise close within the 24-hour period of the order being made, as provided for by the terms of the Rugby World Cup liquor licence. 15
- 77 Variation, suspension, or cancellation of licence**
- (1) An inspector or constable may, at any time, apply to the Authority for an order to— 20
- (a) vary or revoke a condition of a Rugby World Cup liquor licence; or
 - (b) impose any new condition relating to a matter specified in **section 63A(1)**; or
 - (c) suspend or cancel a licence. 25
- (2) The grounds on which an order may be sought are that—
- (a) the provisions of this Part or the conditions of a licence have been breached;
 - (b) the licensee has used the licence, or permitted the licence to be used, in an improper way: 30
 - (c) the conduct of the licensee shows that the person is not suitable to hold a licence:
 - (d) the premises or area subject to the licence are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public. 35
- (3) The Authority must, without delay, serve an application lodged under **subsection (1)** on the licensee of the relevant premises or area.

- (4) The Authority must ensure that—
 - (a) an application is considered and determined within 24 hours of being lodged; and
 - (b) an opportunity to be heard and to call, examine, and cross-examine witnesses is given to— 5
 - (i) the inspector or constable, as the case may be; and
 - (ii) the licensee.
- (5) If the Authority is satisfied that any ground in **subsection (2)** is established and that it is desirable to make an order, it must make the appropriate order, as permitted under **subsection (1)**. 10
- (7) The Authority must, without delay, notify a decision under this section to—
 - (a) the licensee; and 15
 - (b) the inspector or constable who applied for an order; and
 - (c) each person or body who has responsibility for enforcing the conditions of the Rugby World Cup liquor licence.
- 77A Suspension or cancellation of licence without notice** 20
- (1) If the Authority is of the opinion, in relation to an application made under **section 77(1)**, that the application discloses evidence of a serious breach of one of the grounds under **section 77(2)**, the Authority may, despite **section 77(4)**, and without notice to the licensee, make an order to— 25
 - (a) suspend the licence for any period that the Authority considers appropriate in the circumstances; or
 - (b) cancel the licence.
- (2) An order made under **subsection (1)** comes into effect as soon as notice is served on the licensee. 30
- (3) Notice of the order must also be given in accordance with **section 77(7)(b) and (c)**.
- (4) A licensee may apply to the Authority to set aside an order given under **section 77(1)** not later than 5 working days after receiving notice of the order under **subsection (2)** of this section. 35

- (5) **Section 77(4)** applies to an application made under **subsection (4)** of this section as if it were an application under **section 77(1)**.

79 Suspension of licence for public health or fire precaution requirements 5

- (1) This section applies if a Medical Officer of Health (within the meaning of section 2(1) of the Health Act 1956) or a member of the New Zealand Fire Service established under the Fire Service Act 1975 has reason to believe that persons using premises or an area are likely to be injured or their safety is likely to be endangered because of the failure of the licensee of the premises or area subject to a Rugby World Cup liquor licence to comply with any requirements (other than requirements under the Building Act 2004) relating to— 10
- (a) public health; or 15
- (b) the escape of people in the event of fire.
- (2) The Medical Officer of Health or the member of the New Zealand Fire Service may apply to the Authority for—
- (a) immediate suspension or cancellation of the licence; or
- (b) immediate variation of the conditions of the licence. 20
- (3) As a matter of urgency, the Authority—
- (a) must summon the licensee to appear not later than 24 hours after the summons is served, to establish good reasons why the licence should not be suspended, cancelled, or its conditions varied; or 25
- (b) may, if the Authority is satisfied, on the evidence of the applicant, that the health and safety of persons using the premises or area are in danger,—
- (i) suspend the licence until it is satisfied that everything necessary or desirable to remedy the default has been done and there is no further likelihood of danger; or 30
- (ii) order the closure of the premises or of the area and cancel the licence; or
- (iii) vary the conditions of the licence to ensure that the health and safety of persons are not endangered. 35

- (4) Despite **subsection (3)**, if the Authority is of the opinion that an application under **subsection (2)** discloses evidence of an immediate and serious risk to the health and safety of any person, the Authority may, without hearing from the licensee, make an order of the kind specified in **section 77A(1)**. 5
- (5) **Section 77A(2) to (5)** apply, with any necessary modifications, to an order made under **subsection (4)** as if the application were an application made under **section 77**.

Enforcement of manager's certificate

- 79A Suspension or cancellation of manager's certificate** 10
- (1) An inspector or constable may, at any time, apply to the Authority for an order to suspend or cancel a manager's certificate.
 - (2) The grounds on which an order may be sought are that—
 - (a) the manager has failed to manage the premises or area subject to a Rugby World Cup liquor licence in a proper manner in accordance with the provisions of this Part and the conditions of the licence: 15
 - (b) the conduct of the manager shows that the manager is not suitable to hold the certificate. 20
 - (3) The Authority must, without delay, serve an application made under **subsection (1)** on the manager and on the licensee of the relevant premises or area.
 - (4) The Authority must ensure that—
 - (a) an application is considered and determined within 24 hours of being made; and 25
 - (b) an opportunity to be heard and to call, examine, and cross-examine witnesses is given to—
 - (i) the inspector or constable; and
 - (ii) the manager; and 30
 - (iii) if appropriate, the licensee.
 - (5) If the Authority is satisfied that any ground in **subsection (2)** is established and that it is desirable to make an order, it must make the appropriate order.

*Offences and penalties***80 Offence of licensee in respect of manager**

- (1) A licensee commits an offence and is liable to a fine not exceeding \$5,000 who fails, without reasonable excuse,—
- (a) to appoint a manager for the purposes of **section 74**; 5
or
 - (b) to ensure compliance with that section.
- (2) However, the licensee is not responsible for an offence against this Part by a manager except if the licensee was a party to the offence. 10

81 Offences by licensee or manager

- (1) The offences under sections 131(5), 154A, 155(1), 161, 164, 165, 166(1), 167, 168, 169, 171, 173(4) and (5), 174(6) and (7), and 175(5) of the Sale of Liquor Act 1989 (offences by a licensee or manager against that Act) are to be treated as if they were offences by a licensee or manager against this Part. 15
- (2) The penalties prescribed under the sections of the Sale of Liquor Act 1989 referred to in **subsection (1)** apply under this section as if they were prescribed under this Part.
- (3) The provisions referred to in **subsection (1)** apply as if a reference to— 20
- (a) a licence were a reference to a Rugby World Cup liquor licence under this Part; and
 - (b) a licensee or manager were a reference to a licensee or manager under this Part; and 25
 - (c) licensed premises or premises were a reference to premises or an area subject to a Rugby World Cup liquor licence under this Part; and
 - (d) the conditions of a licence were a reference to the conditions of a Rugby World Cup liquor licence; and 30
 - (e) a provision of the Sale of Liquor Act 1989 were a reference to that provision of that Act as applied by this Part.

82 Offences by persons other than licensee or manager

- (1) The offences in sections 131(4), 151, 152, 153, 154, 155(2), 160, 162, 163, 166(2), 170, 172, 175(4), and 176(4) of the Sale 35

- of Liquor Act 1989 (offences against that Act by persons other than a licensee or manager) are offences against this Part.
- (2) The penalties prescribed in the sections of the Sale of Liquor Act 1989 referred to in **subsection (1)** apply under this section as if they were prescribed under this Part. 5
- (3) The provisions referred to in **subsection (1)** apply as if a reference to—
- (a) a licence were a reference to a Rugby World Cup liquor licence; and
 - (b) a licensee or manager were a reference to a licensee or manager under this Part; and 10
 - (c) unlicensed premises were a reference to premises or an area that is not subject to a Rugby World Cup liquor licence; and
 - (d) the conditions of a licence were a reference to the conditions of a Rugby World Cup liquor licence; and 15
 - (e) a provision of the Sale of Liquor Act 1989 were a reference to that provision of that Act as applied by this Part.
- 83 Matters of evidence** 20
- Sections 178 to 180 of the Sale of Liquor Act 1989 (which relate to matters of evidence) apply, with the necessary modifications, as if the proceedings in relation to offences against the provisions of this Part were offences against the provisions of that Act.
- 84 Other provisions applying to offences and penalties under this Part** 25
- (1) Offences against this Part are punishable on summary conviction.
- (2) On the conviction of a person for an offence against this Part, the Court may declare liquor found in the possession of the offender or on the premises where the offence occurred, together with the containers and packages, to be forfeited to the Crown. 30
- (3) The exemption under section 157 of the Sale of Liquor Act 1989 applies, with the necessary modification, to the supply of liquor on premises or in an area subject to a Rugby World Cup liquor licence. 35

- (4) Section 184 of the Sale of Liquor Act 1989 (which relates to the notification of any prosecution or conviction) applies as if the offence against provisions of this Part were an offence against the provisions of that Act.
- (5) The Registrar of the court that entered the conviction must also send a notice of a conviction under this Part to the Authority. 5

Amendment to Sale of Liquor Act 1989

85 Amendment to Sale of Liquor Act 1989

- (1) Section 84 amends the Sale of Liquor Act 1989.
- (2) The following section is inserted above the Part 7 heading: 10
- “136A Offences under Part 5 of Rugby World Cup 2011 (Empowering) Act 2010**

To avoid doubt, an offence committed under **Part 5** of the Rugby World Cup 2011 (Empowering) Act **2010** may be taken into account, if and to the extent that it is relevant, for the purposes of applying the provisions of this Act.” 15

Infringement offences

86 Infringement offences under this Part

Sections 162A to 162D of the Sale of Liquor Act 1989 apply, with any necessary modifications, in relation to the relevant offences under **section 82** as they do to offences under sections 162 and 163 of that Act. 20

Right of appeal on questions of law only

87 Appeal

- (1) A person or body that applied for a Rugby World Cup liquor licence under this Part may appeal to the High Court, but only on a question of law, if that person or body is dissatisfied with— 25
- (a) a decision of the Authority under **section 69 or 70** (which relate to the decision to grant or decline a licence); or 30
- (ab) a decision of the Authority under **sections 77 to 79** (which relate to the suspension or cancellation of a licence or the variation of its conditions); or

- (ac) a decision of the Authority under **section 79A** (which relates to the suspension or cancellation of a manager's certificate); or
 - (b) the conditions imposed on a licence under **section 73** (which relates to the imposition of conditions). 5
- (2) An appeal under this section must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**.

Part 6

Miscellaneous 10

Regulations

88 Regulations

- The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that prescribe— 15
- (a) procedural and other requirements for 1 or more administrative secretariats:
 - (b) procedures for the purposes of the Authority:
 - (c) the content of forms required under this Act:
 - (d) the purposes for which a deposit may be authorised under this Act: 20
 - (e) the method for calculating a deposit, including whether the deposit is to provide for the full cost recovery by, or a fair and reasonable contribution to the costs of,—
 - (i) the Authority in determining an application: 25
 - (ii) the statutory person or body responsible for monitoring and enforcing the activity or facility to which an application relates:
 - (iii) an administrative secretariat, in providing support to the Authority: 30
 - (ea) the recovery of any other costs relating to the determination of an application:
 - (eb) the allocation of any fees paid under another enactment in relation to applications of the kinds provided for in **sections 21A and 60A**: 35
 - (f) the deposit that may be authorised in relation to applications for test approvals or declarations:

- (g) the method by which a deposit must be allocated between the Authority, a statutory person or body in relation to any monitoring and enforcement functions it has, and an administrative secretariat:
- (h) the fee payable in relation to an application for interim injunctive orders under this Act: 5
- (ha) the method for calculating the deposit payable in respect of recommendations of the Authority under **section 45**, including costs that may be recommended and any minimum deposit that must be imposed: 10
- (i) the form, contents, colour, and size of print of a Rugby World Cup liquor licence, including the form and other matters required for licences issued in respect of a group of applications:
- (j) any requirements as to the display of a licence and signs required by this Act: 15
- (k) such other matters as are contemplated by or necessary for giving effect to the provisions of this Act and its due administration.

Service

20

89 Service of notices and documents

- (1) A notice or other document that must be served on, or given to, a person under this Act must be in writing, may be given electronically or by fax, and is sufficiently served if it is—
 - (a) delivered to that person; or 25
 - (b) sent by electronic means to the electronic address supplied; or
 - (d) sent by registered mail addressed to that person by name at that place of residence or business in New Zealand; or 30
 - (e) sent in the prescribed manner (if any); or
 - (f) if a person has specified an address for service, delivered, left at, or posted to that address.
- (2) If the person is absent from New Zealand, the notice or document may be served on or given to the person's agent in New Zealand. 35

- (3) If the person is deceased, the notice or document may be served on or given to the person's personal representative.
- (4) If a notice or document is to be served on a Minister of the Crown, service on the chief executive of the appropriate department of State is service on the Minister. 5
- (5) If a notice or document is to be served on a body, whether incorporated or unincorporated, service on an officer of the body or on its registered office is service on the body.
- (5A) A notice or document is deemed to have been received as follows: 10
- (a) if sent electronically, when acknowledged by the recipient, or when an automated delivery receipt (if requested) is received by the sender:
 - (b) if sent by fax, when the successful transmission is notified to the sender of the fax: 15
 - (c) if sent by registered mail, the date of the receipt or delivery:
 - (d) if delivered, when delivery is effected.
- (5B) If a notice or document is required to be served or delivered on or by a particular working day,— 20
- (a) it must be served or delivered by 4.00 pm on that day; and
 - (b) if it is served or delivered after 4.00 pm on that day, it is deemed to have been served or delivered on the next working day. 25
- (6) This section does not apply to a notice or document served or given in any proceedings in any court.

Consequential amendment

90 Amendment to Official Information Act 1982

- (1) This section amends the Official Information Act 1982. 30
- (2) Schedule 1 is amended by inserting the following item in its appropriate alphabetical order: "Rugby World Cup Authority".

Schedule 1**s 14****Further provisions applying to Authority****Part 1****Administrative matters relevant to Authority**

- 1 Functions and powers of deputy chairperson of Authority** 5
 The person appointed to be deputy chairperson of the Authority has and may exercise the functions and powers and perform the duties of the chairperson of the Authority if—
- (a) the office of chairperson is vacant; or
 - (b) the chairperson is unable, for any reason, to perform the functions and duties and exercise the powers of the chairperson. 10
- 2 Term of appointment**
- (1) The members of the Authority are appointed until the expiry of the term stated by the Minister in the notice of appointment or until the Authority is dissolved under **section 13**, whichever is the sooner. 15
 - (2) The Minister may, by notice in writing, remove a member from office at any time for inability to perform the functions of office, legal incapacity, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister. 20
 - (3) A member may resign by notice in writing to the Minister.
- 3 Powers of delegation**
- (1) The Authority may delegate to the administrative secretariat any of its powers, duties, and discretions relating to— 25
 - (a) the giving of notice:
 - (b) the service of applications and other documents:
 - (c) the provision of copies of applications and other documents and the fee charged for copies:
 - (d) the persons or classes of persons to be served with copies of an application and other documents: 30
 - (e) whether further information is required in relation to an application:
 - (f) the power to require information or expert advice to be provided to the Authority. 35

Part 1—*continued*

- (2) The chairperson may delegate to the deputy chairperson the functions conferred on the chairperson by **section 12**.

4 Validity of appointments

The appointment of a person as a member, chairperson, or deputy chairperson of the Authority is not invalid because of a defect in the appointment. 5

5 Validity of member's acts

Anything done by a person as a member, chairperson, or deputy chairperson is valid—

- (a) despite any defect in the appointment: 10
(b) even though the occasion for the person acting or for the appointment had not arisen or had ceased.

6 Remuneration and travelling allowances

The members of the Authority are entitled to receive—

- (a) remuneration determined by the Minister in accordance with the fees framework for members of statutory and other bodies; and 15
(b) payment of reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the Authority. 20

7 Members' liability

A member of the Authority is not liable for anything done or omitted in the performance of the functions of the Authority, if done or omitted in good faith.

8 No entitlement to compensation 25

A member of the Authority is not entitled to compensation or any other payment or benefit if he or she ceases to hold office as a member of the Authority.

Part 1—*continued***9 Judicial notice**

Every court and person acting judicially must take judicial notice of the signature of the chairperson of the Authority or the presiding officer of a panel attached to a document that appears to be made or issued by the Authority.

5

Part 2

Provisions relating to procedures of Authority

10 Authority to regulate its own procedure

(1) Subject to this Act, the Authority may regulate its own procedure, having regard to the purpose of the Act as a whole and, as relevant, the purposes specified for particular Parts of the Act.

10

(2) The Authority may conduct its proceedings or any part of them by teleconference or by any other means of communication that allows individuals a reasonable opportunity to participate in the proceedings.

15

11 Powers of Authority to require information or expert assistance

For the purpose of performing its functions under this Act, the Authority may—

20

(a) require reports, including reports by persons with the relevant expertise in matters of public health and safety, such as the New Zealand Fire Service, to be provided to it on any matter relevant to a determination before the Authority:

25

(ab) require such reports to be provided within the time that the Authority directs, having regard to the time within which the Authority must notify any decision under this Act:

(ac) direct persons who have provided such reports to appear as witnesses in any hearing:

30

(b) appoint persons with relevant expertise to assist the Authority with its consideration of an application.

Part 2—*continued***12 Waiver and extension of time limits**

- (1) If the Authority, in its discretion, considers it necessary for the fair determination of an application, it may, of its own motion or at the request of the person or body who made an application,— 5
- (a) waive a failure to comply with a time or method specified by or under this Act for any process prescribed by or under this Act;
 - (b) extend a time period specified by or under this Act, whether or not the time period has expired. 10
- (2) Before granting a waiver or extension, the Authority must take into account—
- (a) the matters set out in **section 9(2)**; and
 - (b) the interests of any person who, in its opinion, is likely to be directly affected by a waiver or extension. 15
- (3) The Authority must not grant an extension of time—
- (a) exceeding twice the maximum time period specified by or under this Act; and
 - (b) unless there are exceptional circumstances that justify the extension. 20
- (4) The Authority must ensure that notice of the grant of a waiver or extension is notified to—
- (a) the person who applied for the approval or declaration; and
 - (b) the relevant statutory body. 25

13 Representation at hearing

Any person entitled to be heard may be represented by counsel or by a duly authorised representative.

Schedule 2**ss 43, 87****Further provisions relating to appeal procedure****1 Notice of appeal**

- (1) A person who wishes to exercise a right of appeal to the High Court under this Act must file a notice of appeal with the Registrar of the High Court not later than 5 working days after notice is given of the relevant determination of the Authority. 5
- (2) At the same time as a notice of appeal is filed under **subclause (1)**, the appellant must serve a copy of the notice, as appropriate, on— 10
- (a) the Authority, in the case of an appeal under **section 43(1) or 87**; and
 - (b) the Authority and on every person who had a right to be heard by the Authority under **section 29(2)** and who exercised that right, in the case of an appeal under **section 43(2)(a) or (b)**; and 15
 - (c) the Authority, the statutory person or body that applied for the order, the person against whom the order is made, and any other party to the proceedings before the Authority, in the case of an appeal under **section 43(2)(c) or 54(2)**. 20
- (3) Every notice of appeal must specify—
- (a) the determination or part of the determination that is appealed against; and 25
 - (b) the error of law alleged by the appellant; and
 - (c) the question of law to be resolved; and
 - (d) the grounds of appeal; and
 - (e) the relief sought.
- (4) As soon as is reasonably practicable after receiving notice of an appeal, the Authority must provide to the Registrar of the High Court a copy of the whole of the determination appealed against. 30

2 Right to appear and be heard on appeal

- (1) The persons who are served with a notice of appeal under **clause 1(2)** may appear and be heard in relation to that appeal. 35

- (2) Not later than 5 working days after being served with a notice of appeal, any person wishing to appear and be heard on the appeal must serve notice of that intention to—
- (a) the appellant; and
 - (b) the Registrar of the High Court; and 5
 - (c) the Authority.
- (3) Any person entitled to be heard may be represented by counsel.
- 3 Parties to appeal**
- (1) The parties to an appeal to the High Court are the appellant and the person or bodies who have given notice under **clause 2(2)**. 10
- (2) The Registrar of the High Court must ensure that the parties to an appeal are served with—
- (a) every document relating to the appeal that is filed in the High Court; and 15
 - (b) notice of the date set down for hearing the appeal.
- 4 Orders of the High Court**
- (1) The High Court may, on application by a party or of its own motion, make orders directing the Authority to lodge with the Registrar of the High Court— 20
- (a) anything in the possession of the Authority relevant to the appeal;
 - (b) any report on a specified matter that records findings of fact by the Authority that are not set out in its determination: 25
 - (c) any report in respect of a specified matter setting out, as far as is reasonably practicable, the reasons or considerations of the Authority that are not set out in its determination.
- (2) Application for orders under this clause must be made— 30
- (a) in the case of the appellant, not later than 10 working days after the date on which the notice of appeal is filed; or
 - (b) in the case of any other party to the appeal, not later than 10 working days after the notice of appeal was served on that party. 35

- (3) The High Court may make an order under this clause—
- (a) only if it is satisfied that it is not otherwise able to make a proper determination of a point of law; and
 - (b) subject to the conditions that the High Court thinks fit.

5 Additional appeals on questions of law 5

- (1) Any party to an appeal filed under **clause 1**, other than the appellant, may file a notice with the Registrar of the High Court that the determination of the Authority is in error on questions of law other than those raised in the appellant's notice of appeal. 10
- (2) A notice must be—
- (a) filed not later than 10 working days after the date of service of the notice of appeal under **clause 1(2)**; and
 - (b) served on the other parties to the appeal in accordance with **clause 1(1) and (3)**. 15

6 Dismissal of appeal

The High Court may dismiss an appeal if the appellant does not—

- (a) appear at the hearing of the appeal; or
- (b) proceed with the appeal with due diligence and another party applies to the Court to dismiss the appeal. 20

7 Extension of time

The High Court may, on the application of any party to an appeal, extend any period of time prescribed in this schedule or by the High Court Rules, provided that the time period as extended does not exceed twice the maximum time period so prescribed. 25

8 Appeal to be set down for hearing

The Registrar of the High Court must set the appeal down for hearing as soon as practicable after the appellant has notified the Registrar that— 30

- (a) the notice of appeal has been served on all parties; and
- (b) either no application has been filed under **clause 4(2)** or any application has been dealt with; and

- (c) the appeal is ready for hearing.

9 Further right of appeal

- (1) No appeal may be made to the Court of Appeal from a determination of the High Court under this Act.
- (2) However, a party may apply to the Supreme Court for leave to bring an appeal to that court against a determination of the High Court, and for this purpose sections 12 to 14 of the Supreme Court Act 2003 apply with any necessary modifications. 5
- (3) If leave is declined by the Supreme Court because exceptional circumstances have not been established under section 14 of the Supreme Court Act 2003, that court may remit the proposed appeal to the Court of Appeal if the Supreme Court considers that a further appeal from the determination of the High Court is justified. 10 15
- (4) Any determination of the Court of Appeal under **subclause (3)** is final.
- (5) Despite any enactment to the contrary,—
- (a) an application for leave for the purposes of **subclause (2)** must be filed no later than 10 working days after the determination of the High Court; and 20
- (b) the Supreme Court or the Court of Appeal, as the case may be, must determine an application for leave or an appeal under this section as a matter of priority and urgency. 25
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Rugby World Cup 2011 (Empowering) Bill

Legislative history

10 June 2010	Introduction (Bill 135–1)
22 June 2010	First reading and referral to Government Administration Committee
27 September 2010	Reported from Government Administration Committee (Bill 135–2)
19 October 2010	Second reading
26, 27 October 2010	Committee of the whole House
9 November 2010	Reported from Committee of the whole House (Bill 135–3)
