

Statutes Amendment Bill

Government Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Statutes Amendment Bill and recommends that it be passed with the amendments shown.

Introduction

This is an omnibus bill that would amend various statutes. It is designed to provide a legislative vehicle for minor, technical, and non-controversial amendments to existing legislation.

We recommend the amendments to the bill set out below.

Employment Relations Act 2000

We recommend inserting new Part 9A to amend section 103(1)(i) of the Employment Relations Act 2000. This amendment would correct an error in the Employment Relations Amendment Act 2016, which incorrectly referred to section 67G(4) of the principal Act. The correct reference is section 67G(3). This correction would ensure that employees are able to correctly pursue a personal grievance where their employer has not provided the employee with either notice of a cancelled shift or compensation if notice is not given (as per their employment agreement).

Protection of Personal and Property Rights Act 1988

Creation of enduring power of attorney

We recommend changes in Part 21, amending clause 75(1), new section 94A(4A)(b), regarding the witnessing of donor signatures. As introduced, the bill would set a higher standard for lawyers in certifying that no conflict of interest arises than is required

under the Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008 which set out lawyers' ethical obligations.

We believe that adequate protection would be achieved by adopting the same formulation as in the Act. We therefore recommend replacing the wording "does not constitute a conflict of interest" with "does not constitute more than a negligible risk of conflict of interest".

We recommend a consequential amendment to clause 75(5) which would amend section 94A(7)(c) to refer to no more than a negligible risk of conflict of interest.

Dividing the Statutes Amendment Bill

Victims' Orders Against Violent Offenders Act 2014

Part 26 of the bill as introduced proposes amendments to the Victims' Orders Against Violent Offenders Act 2014. Amendments made by statutes amendment bills should be minor, technical, and non-controversial changes to existing legislation. We consider that the Statutes Amendment Bill is not the appropriate vehicle for the amendments to the Victims' Orders Against Violent Offenders Act 2014, as these do not adequately fit these criteria. After due consideration, and accordingly under Standing Order 294, we resolved to divide the provisions in Part 26 into a separate bill. This bill has been renamed the Victims' Orders Against Violent Offenders Amendment Bill.

Charities Act 2005

Part 3 of the bill as introduced proposes amendments to the Charities Act 2005. During our consideration, we were made aware of some concerns in the sector about these proposed amendments. We believe that further consultation and consideration is required, and consider that it would be preferable to progress the amendments to the Charities Act as separate legislation. Accordingly, under Standing Order 294, we have divided the bill and are reporting the provisions in Part 3 as a separate bill, named the Charities Amendment Bill.

Appendix

Committee process

The Statutes Amendment Bill was referred to the committee on 9 December 2015. The closing date for submissions was 29 January 2016. We received and considered five submissions from interested groups and individuals. We heard oral evidence from two submitters.

We received advice from the Ministry of Justice.

Committee membership

Hon Ruth Dyson (Chairperson)

Kris Faafoi

Paul Foster-Bell

Brett Hudson

Mojo Mathers

Mark Mitchell

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Simon Bridges

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Statutes Amendment Act **2015**.
- 2 Commencement**
- (1) **Sections 75(4) and 78** come into force 90 days after the date on which this Act receives the Royal assent. 5
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Accident Compensation Act 2001

- 3 Principal Act** 10
This **Part** amends the Accident Compensation Act 2001 (the **principal Act**).
- 4 Section 139 amended (Corporation’s duties to secure independence of reviewer)**
- (1) Replace section 139(1) with:
- (1) The Corporation must not engage as a reviewer a person who is currently— 15
- (a) employed by the Corporation; or
- (b) engaged by the Corporation to make decisions on claims in a capacity other than that of reviewer; or
- (c) employed or engaged by a subsidiary of the Corporation.
- (2) Repeal section 139(2). 20
- (3) In section 139(3), replace “the reviewer’s contract” with “a contract with a reviewer”.

Part 2

Bail Act 2000

- 5 Principal Act** 25
This **Part** amends the Bail Act 2000 (the **principal Act**).
- 6 Section 14 amended (Exercise of discretion when considering bail pending appeal)**
- (1) Replace section 14(1) with:
- (1) This section applies if an appellant— 30
- (a) is appealing his or her conviction or sentence, or both; and
- (b) is—
- (i) in custody; or

- (ii) in a home detention residence subject to a sentence of home detention.
- (1A) The court must not grant bail to the appellant unless it is satisfied on the balance of probabilities that it would be in the interests of justice in the particular case to do so. 5
- (2) In section 14(3), replace “subsection (1)” with “**subsection (1A)**”.
- 7 Section 53 amended (Granting of bail to appellant in custody or on home detention pending appeal to District Court presided over by District Court Judge)**
- Replace section 53(1) with: 10
- (1) This section applies if an appellant—
- (a) is appealing his or her conviction or sentence, or both, to the District Court presided over by a District Court Judge; and
- (b) is— 15
- (i) in custody; or
- (ii) in a home detention residence subject to a sentence of home detention.
- 8 Section 54 amended (Granting of bail to appellant in custody or on home detention pending appeal to High Court)**
- Replace section 54(1) with: 20
- (1) This section applies if an appellant—
- (a) is appealing his or her conviction or sentence, or both, to the High Court; and
- (b) is— 25
- (i) in custody; or
- (ii) in a home detention residence subject to a sentence of home detention.
- 9 Section 55 amended (Granting of bail to appellant in custody or on home detention pending appeal to Court of Appeal or Supreme Court)**
- Replace section 55(1) with: 30
- (1) This section applies if an appellant—
- (a) is appealing his or her conviction or sentence, or both, to the Court of Appeal or the Supreme Court; and
- (b) is— 35
- (i) in custody; or
- (ii) in a home detention residence subject to a sentence of home detention.

Part 4

Children, Young Persons, and Their Families Act 1989

14 Principal Act

This **Part** amends the Children, Young Persons, and Their Families Act 1989 (the **principal Act**). 5

15 Section 113B amended (Effect of special guardianship order)

In section 113B(2)(a) (as inserted by section 22 of the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014), replace “section 121(2)(c) or (d)” with “section 121(2)(d) or (e)”. 10

16 Section 140 amended (Agreements for extended care of children and young persons by chief executive, iwi social service, etc)

In section 140(3) (as inserted by section 27(4) of the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014), delete “convened for the purpose”. 15

17 Section 145 amended (Agreement not to be made without approval of family group conference)

- (1) In the heading to section 145, after “**made**”, insert “, **extended, or terminated**”. 20
- (2) Replace section 145(2) (as amended by section 29(2) and (3) of the Children, Young Persons, and Their Families (Vulnerable Children) Amendment Act 2014) and (3) with: 20
 - (2) A care and protection co-ordinator must convene or reconvene a family group conference if it is proposed that— 25
 - (a) an agreement be entered into under section 140(1), 141(2), or 142(2); or 25
 - (b) an agreement entered into under section 140(1)(d), 141(2), or 142(2) be extended; or
 - (c) an agreement entered into under section 140(1)(d), 141(2), or 142(2) be terminated other than in the manner specified in the agreement in accordance with section 146(1)(c). 30
- (3) If a family group conference has been convened or reconvened other than under **subsection (2)** in relation to a child or young person, the conference may consider a proposal referred to in **subsection (2)** concerning the child or young person as if the conference had been convened or reconvened under that subsection. 35

- (4) To the extent that they are relevant, sections 20 to 36, with all necessary modifications, apply to the convening or reconvening of a family group conference under **subsection (2)**.

Part 5 Commodity Levies Act 1990

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18 Principal Act

This **Part** amends the Commodity Levies Act 1990 (the **principal Act**).

19 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

10

The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

20 Section 13 replaced (Levy orders to expire after 6 years)

Replace section 13 with:

13 Levy orders in force no more than 6 years unless extended

15

- (1) A levy order is in force for a period of 6 years and, unless extended under **subsection (2)** or sooner revoked, is revoked at the end of that 6-year period.

- (2) The Governor-General may extend the period for which a levy order is in force by a specified period of not more than 5 years by Order in Council made—

- (a) on the recommendation of a Minister, given after complying with the requirements of section 5 (except section 5(1)(b)); and
(b) at least 12 months before the levy order would otherwise be revoked.

20

- (3) The Governor-General may make multiple Orders in Council under **subsection (2)** in respect of the same levy order.

- (4) Section 12 applies to a levy order that is extended under **subsection (2)** as if the extension is the making of the order.

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21 New Schedule 1AA inserted

After section 26, insert the **Schedule 1AA** set out in **Schedule 1** of this Act.

Part 6 Community Trusts Act 1999

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22 Principal Act

This **Part** amends the Community Trusts Act 1999 (the **principal Act**).

23 Section 11 amended (Regional identity of community trusts)

In section 11(2), replace “sections 17” with “sections **16A**, 17,”.

24 New section 16A inserted (Adjustment to areas or regions of adjoining community trusts)

Before section 17, insert:

5

16A Adjustment to areas or regions of adjoining community trusts

- (1) The trustees of 2 or more adjoining community trusts may, in accordance with a resolution passed by not less than 75% of the trustees of each trust, submit to the Minister a scheme to adjust the areas or regions of the community trusts by adjusting the adjoining boundaries of those community trusts. 10
- (2) A scheme submitted under **subsection (1)** must—
- (a) state the names of the community trusts:
 - (b) state the names of the trustees of the community trusts:
 - (c) state the proposed adjustment to the areas or regions of the community trusts: 15
 - (d) have annexed to it the trust deeds establishing the community trusts:
 - (e) have annexed to it the proposed changes to the trust deeds establishing the community trusts:
 - (f) have annexed to it any proposed transfer of property, rights, assets, or liabilities between the community trusts to reflect the proposed adjustment to the areas or regions: 20
 - (g) contain a summary of any submissions made under **subsection (4)**:
 - (h) contain such other matters as may be appropriate:
 - (i) be dated.
- (3) The trustees of the community trusts must supply to the Minister any additional information relating to the scheme required by the Minister. 25
- (4) Before submitting a scheme to the Minister under **subsection (1)**, the trustees of each community trust must—
- (a) give notice in the *Gazette* and in 1 or more principal newspapers circulating in the area or region of the trust— 30
 - (i) stating that the trustees of the trust intend to submit the scheme to the Minister; and
 - (ii) specifying details of the scheme; and
 - (iii) stating that any person residing in the area or region of the trust may, within 28 days after the last publication of the notice, make 35
 - written submissions to the trustees regarding the scheme; and
 - (b) have regard to any submissions made within that period.

- (5) The Governor-General may, on the advice of the Minister, by Order in Council, approve a scheme to adjust the adjoining boundaries of the trusts so that the areas or regions of 2 or more adjoining community trusts are adjusted to areas or regions described in the order.
- (6) On a date specified in the order,— 5
- (a) the areas or regions of the community trusts are adjusted to the areas or regions described in the proposed changes to the trust deeds submitted to the Minister under **subsection (2)(e)**; and
- (b) property, rights, assets, or liabilities proposed to be transferred under the scheme vest in the trustees of the community trusts in any manner proposed in **subsection (2)(f)**, and are held by them on and subject to the trusts contained in the trust deeds. 10

Part 7

Conservation Act 1987

- 25 Principal Act** 15
This **Part** amends the Conservation Act 1987 (the **principal Act**).
- 26 Section 38 amended (Hunting, etc)**
In section 38(4)(e) and (g), after “net,” insert “trap,”.

Part 8

Corrections Act 2004

- 27 Principal Act** 20
This **Part** amends the Corrections Act 2004 (the **principal Act**).
- 28 Section 3 amended (Interpretation)**
- (1) In section 3(1), definition of **authorised property**, replace “may be issued to a prisoner” with “prisoners may be issued with or allowed to keep”. 25
- (2) In section 3(1), definition of **person under control or supervision**, repeal paragraph (d).
- 29 Section 8 amended (Powers and functions of chief executive)**
- In section 8(1)(c), delete “serving a sentence of imprisonment on home detention, or”. 30
- 30 Cross-heading above section 24 amended**
- In the cross-heading above section 24, replace “*parole, or sentences of imprisonment served on home detention*” with “*or parole*”.

- 31 Section 25 amended (Functions of probation officers)**
In section 25(1)(a), delete “or while serving a sentence of imprisonment on home detention.”.
- 32 Section 34 amended (Detention of prisoners)**
In section 34(1), delete “(other than a person who is serving a sentence of imprisonment on home detention)”.
- 33 Section 47 amended (Security classifications)**
Repeal section 47(2).
- 34 Section 103 amended (Detention pending investigation by Police)**
Replace section 103(2) with: 10
- (2) An officer may detain a person under this section only for the purpose of obtaining the attendance of a constable who is entitled in the circumstances to exercise any statutory search power.
- 35 Section 156 amended (Investigation of complaints by inspector of corrections)** 15
Repeal section 156(2)(b)(ii)(A).
- 36 Section 182A amended (Information sharing about child sex offenders)**
In section 182A(3)(a), delete “detention conditions (if the offender is serving a sentence of imprisonment on home detention),”.
- 37 Section 182B amended (Definition of child sex offender)** 20
- (1) In section 182B(1), after “means a person”, delete “who”.
- (2) In section 182B(1)(a), before “has”, insert “who”.
- (3) In section 182B(1)(c), delete “detention conditions (if the offender is serving a sentence of imprisonment on home detention),”.
- Part 9** 25
Crown Entities Act 2004
- 38 Principal Act**
This **Part** amends the Crown Entities Act 2004 (the **principal Act**).
- 39 Section 107 amended (Directions to support whole of government approach)** 30
In section 107(2A), replace “subsection (2)(a)” with “subsection (2)(a) and (c)”.

40 Section 110 replaced (Obligation to give effect to direction)

Replace section 110 with:

110 Obligation to give effect to direction

- (1) Every Crown entity within the category or type or group of Crown entities to which a direction is given under section 107 must give effect to the direction on— 5
- (a) the date on which the direction comes into force under section 109; or
 - (b) any later date specified in the direction in relation to that Crown entity or to the category or type or group of Crown entities to which the Crown entity belongs. 10
- (2) If a Crown entity is established on or after the date on which a direction is given under section 107 (a **new Crown entity**) and the direction was given to a category or type of Crown entities to which the new Crown entity belongs, the new Crown entity must give effect to the direction on—
- (a) the date on which the new Crown entity is established; or 15
 - (b) any later date on which a Crown entity within that category or type of Crown entity must give effect to the direction in accordance with **sub-section (1)**. 5

41 Section 139B amended (Minister may grant extension of time for, or waive, requirement to provide statement of intent) 20

In section 139B(4)(c), replace “exemption” with “extension”.

42 Section 149L amended (Obligation to publish and present statement of performance expectations)

In section 149L(3), delete “entity’s responsible”.

Part 9A 25**Employment Relations Act 2000****42A Principal Act**

This **Part** amends the Employment Relations Act 2000 (the **principal Act**).

42B Section 103 amended (Personal grievance)

In section 103(1)(i), replace “67G(4)” with “67G(3)”. 30

Part 10 Fisheries Act 1996

- 43 Principal Act**
This **Part** amends the Fisheries Act 1996 (the **principal Act**).
- 44 New section 6A inserted (Transitional, savings, and related provisions)** 5
After section 6, insert:
- 6A Transitional, savings, and related provisions**
The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.
- 45 Section 186A amended (Temporary closure of fishing area or restriction on fishing methods)** 10
Replace section 186A(5)(a) with:
- (a) may be in force for a period of not more than 2 years and, unless sooner revoked, is revoked at the end of that 2-year period:
- 46 Section 186B amended (Temporary closure of fisheries)** 15
Replace section 186B(4)(a) with:
- (a) may be in force for a period of not more than 2 years and, unless sooner revoked, is revoked at the end of that 2-year period:
- 47 Section 197 amended (Appointment of honorary fishery officers)**
In section 197(3)(a), replace “not exceeding \$1,000 in any one year” with “at a rate determined by the chief executive”. 20
- 48 New Schedule 1AA inserted**
After section 370, insert the **Schedule 1AA** set out in **Schedule 2** of this Act.

Part 11 Government Roothing Powers Act 1989

- 49 Principal Act**
This **Part** amends the Government Roothing Powers Act 1989 (the **principal Act**).
- 50 Section 48 amended (Powers of Minister over roads under Minister’s control)** 30
In section 48(2), replace “paragraphs (13) to (20) and (38) to (41A) of section 684(1) of the Local Government Act 1974” with “section 22AB(1) of the Land Transport Act 1998”.

- 51 Section 61 amended (Powers and duties of Agency in relation to State highways)**
- In section 61(3), replace “paragraphs (13) to (20), and (38) to (41A) of section 684(1) of the Local Government Act 1974” with “section 22AB(1) of the Land Transport Act 1998”. 5

Part 12 Harassment Act 1997

- 52 Principal Act**
- This **Part** amends the Harassment Act 1997 (the **principal Act**).
- 53 Section 42 amended (Rules of court)** 10
- (1) In section 42(2)(h), replace “District Courts Rules 2009” with “District Courts Rules 2014”.
- (2) In section 42(3), replace “District Courts Rules 2009” with “District Courts Rules 2014”.

Part 13 Health Practitioners Competence Assurance Act 2003

- 54 Principal Act**
- This **Part** amends the Health Practitioners Competence Assurance Act 2003 (the **principal Act**).
- 55 Section 54 amended (Application for, and conferral of, protection on quality assurance activity)** 20
- Replace section 54(4) with:
- (4) Every notice issued under subsection (3), unless sooner revoked, remains in force for a period of 5 years and is revoked at the end of that 5-year period.
- (4A) **Subsection (4)** does not prevent the Minister from issuing another notice in respect of the same quality assurance activity. 25

Part 14 Land Transport Act 1998

- 56 Principal Act**
- This **Part** amends the Land Transport Act 1998 (the **principal Act**). 30
- 57 Section 30ZH amended (Duties regarding logbooks)**
- In section 30ZH(1)(a) and (b), replace “36 months” with “12 months”.

- 58 Section 98 amended (Release of vehicle after 28 days)**
- (1) In section 98(1), replace “the person in respect of the vehicle, or a person authorised for the purpose by the person” with “the owner of the vehicle, or a person authorised for the purpose by the owner”.
- (2) In section 98(1)(a)(i), replace “the person in respect of the vehicle” with “the owner of the vehicle”. 5
- 59 Section 119 amended (Powers of entry)**
- (1) In section 119(3)(a)(iii), replace “a crime” with “an imprisonable offence (within the meaning of section 5 of the Criminal Procedure Act 2011)”.
- (2) In section 119(5), replace “Judge” with “issuing officer”. 10
- 60 Section 165 amended (Incorporation by reference)**
- In section 165(1)(d), after “Agency”, insert “(as the case may be)”.

Part 15

Land Transport Management Act 2003

- 61 Principal Act** 15
- This **Part** amends the Land Transport Management Act 2003 (the **principal Act**).
- 62 Section 52 amended (Who is liable to pay toll)**
- Replace section 52(3A)(a) with:
- (a) sending it, or a copy of it, by post addressed to the registered person at that person’s last known place of residence or business or postal address; or 20

Part 16

Members of Parliament (Remuneration and Services) Act 2013

- 63 Principal Act** 25
- This **Part** amends the Members of Parliament (Remuneration and Services) Act 2013 (the **principal Act**).
- 64 Section 23 amended (Services and funding subject to Speaker’s directions)**
- Replace section 23(1)(a) with:
- (a) the entitlements of members of Parliament and qualifying electoral candidates to travel services, including the extent (if at all) to which travel services may continue to be provided after a member of Parliament vacates his or her seat for the purpose of enabling the member to attend to matters associated with leaving Parliament; and 30

Part 17 Misuse of Drugs Act 1975

- 65 Principal Act**
This **Part** amends the Misuse of Drugs Act 1975 (the **principal Act**).
- 66 Section 23 amended (Powers of Minister to prohibit prescribing, etc)** 5
In section 23(2)(ca), replace “the Nursing Council of New Zealand” with “the Midwifery Council”.

Part 18 New Zealand Superannuation and Retirement Income Act 2001

- 67 Principal Act** 10
This **Part** amends the New Zealand Superannuation and Retirement Income Act 2001 (the **principal Act**).
- 68 Schedule 4 amended**
In Schedule 4, Parts 1 and 2, delete “Progressive Coalition Party”.

Part 19 Oaths and Declarations Act 1957

- 69 Principal Act**
This **Part** amends the Oaths and Declarations Act 1957 (the **principal Act**).
- 70 Section 22 amended (By whom oath of allegiance and judicial oath to be taken)** 20
Replace section 22(2)(a) with:
(a) in the case of the Chief Justice, a Judge of the High Court, or a Master of the High Court, by a Judge of the High Court:
- 71 Schedule 2 amended** 25
In Schedule 2, replace the item relating to Judges of the Arbitration Court with:
Employment Court Judges

Part 20 Parliamentary Service Act 2000

- 72 Principal Act** 30
This **Part** amends the Parliamentary Service Act 2000 (the **principal Act**).

73 Section 14 amended (Functions of Parliamentary Service Commission)

Replace section 14(1)(c) with:

- (c) to recommend to the Speaker persons who are suitable to be members of a review committee.

Part 21

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Protection of Personal and Property Rights Act 1988**74 Principal Act**

This **Part** amends the Protection of Personal and Property Rights Act 1988 (the **principal Act**).

75 Section 94A amended (Creation of enduring power of attorney)

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(1) Replace section 94A(4A) with:

(4A) If 2 people appoint each other as attorney, the witness to the signature of one person as donor (**witness A**) does not fail to be independent for the purposes of subsection (4) by reason only that the witness to the signature of the other person as donor—

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- (a) is a lawyer or legal executive in the same firm, or an officer or employee of the same trustee corporation, as witness A; or
- (b) is the same person as witness A, if, having regard to the matters listed in subsection (7)(a) to (b), the witness is satisfied that witnessing both signatures does not constitute ~~a conflict of interest~~ more than a negligible risk of a conflict of interest.

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(2) After section 94A(6), insert:

(6A) If regulations made under **section 112(bab)** prescribe a form of standard explanation for any of the matters required to be explained to a donor under subsection (6), the witness to the donor's signature may give the explanation by—

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- (a) giving a copy of the form to the donor; and
- (b) following any instructions in the form for giving a verbal explanation to the donor; and
- (c) if the form and the instructions do not cover all of the matters in subsection (6), using other appropriate means to fulfil all of the requirements of that subsection.

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(3) In section 94A(7), after “prescribed form”, insert “for the certificate referred to in subsection (2)(b)”.

(4) After section 94A(7)(a), insert:

- (ab) in the case of an enduring power of attorney signed by the donor after the commencement of this paragraph, the witness believes on reasonable grounds that the donor—

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- (i) understands the nature of the instrument; and
- (ii) understands the potential risks and consequences of the instrument; and
- (iii) is not acting under undue pressure or duress; and
- (5) In section 94A(7)(c), after “applies”, insert “or, if **subsection (4A)(b)** applies, the witness is satisfied that no more than a negligible risk of a conflict of interest arises”. 5
- 76 New section 95A inserted (Notice revoking earlier enduring power of attorney)**
- After section 95, insert: 10
- 95A Notice revoking earlier enduring power of attorney**
- (1) If an enduring power of attorney states that it revokes an earlier enduring power of attorney and both powers of attorney are of the same kind, they both continue to have effect until the earlier power of attorney is revoked by notice given in the manner set out in **subsection (2)** or ceases to have effect by any of the other ways listed in section 106(1). 15
- (2) Notice revoking an earlier power of attorney is given when a copy of the later power of attorney is given to the attorney or attorneys appointed under the earlier power of attorney and, to avoid doubt, the notice may be given by a person other than the donor, for example, the donor’s lawyer or one of the attorneys appointed under the later power of attorney, including in the event that the donor becomes mentally incapable. 20
- (3) This section applies to any enduring power of attorney, whether executed before or after this section comes into force.
- (4) For the purposes of this section, **of the same kind**, in relation to 2 enduring powers of attorney, means— 25
- (a) that both powers of attorney relate to—
- (i) the donor’s property; or
- (ii) the donor’s personal care and welfare; or
- (b) if the earlier power of attorney relates to the donor’s property or the donor’s personal care and welfare, or both, the later power of attorney relates to both the donor’s property and the donor’s personal care and welfare. 30
- 77 Section 99A amended (Attorney’s duty to consult)**
- (1) In section 99A(1)(b), after “that matter”, insert “; and”. 35
- (2) After section 99A(1)(b), insert:

- (c) any other attorney appointed by the donor under the enduring power of attorney (other than a successive attorney whose appointment has not taken effect); and
- (d) any other attorney appointed by the donor under another enduring power of attorney (other than a successive attorney whose appointment has not taken effect). 5
- (3) After section 99A(7), insert:
- (8) To avoid doubt, if the same attorney must be consulted under **subsection (1)(c) or (d)** and subsection (7), the requirements of both subsections must be met in relation to that attorney. 10
- 78 Section 99D amended (Medical certification of incapacity)**
Replace section 99D(1) with:
- (1) A certificate of the donor’s mental incapacity under this Part must—
- (a) contain the prescribed information; or
- (b) if the certificate is issued outside New Zealand, be in a form acceptable to the competent authority of the State concerned. 15
- 79 Section 106 amended (Circumstances in which enduring power of attorney shall cease to have effect)**
- (1) In the heading to section 106, replace “**shall cease**” with “**ceases**”.
- (2) After section 106(1)(a), insert: 20
- (ab) it is revoked by notice given in the manner set out in **section 95A** to the attorney or attorneys; or
- (3) After section 106(1)(b), insert:
- (ba) the donor, by notice in writing to the attorney, revokes the appointment of the attorney while mentally capable of doing so; or 25
- (bb) in the case of an enduring power of attorney that appoints more than 1 attorney with joint but not several authority, the donor, by notice in writing to one of the attorneys, revokes the appointment of that attorney while mentally capable of doing so; or
- (4) In section 106(1)(d) and (e), replace “becomes a special or committed patient under the Mental Health Act 1969” with “becomes subject to compulsory treatment or a special patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992”. 30
- (5) After section 106(1)(e), insert:
- (ea) in the case of an enduring power of attorney that appoints more than 1 attorney with several authority or with joint and several authority, the last remaining attorney— 35

- (i) has his or her appointment revoked by the donor under **section 106A(1)**; or
- (ii) dies, is adjudged bankrupt, becomes subject to compulsory treatment or a special patient under the Mental Health (Compulsory Assessment and Treatment) Act 1992, is subject to a personal order or a property order, or otherwise becomes incapable of acting; or 5
- (6) In section 106(2), replace “the provisions of paragraphs (c) to (f) of subsection (1) shall apply” with “**subsection (1)(ba)** to (f) applies”.
- 80 New section 106A inserted (Revocation of appointment of attorneys with several authority)** 10
- After section 106, insert:
- 106A Revocation of appointment of attorneys with several authority**
- (1) If an enduring power of attorney appoints more than 1 attorney with several authority or with joint and several authority, the donor may, by notice in writing to 1 or more of the attorneys, revoke the appointment of that attorney or those attorneys while mentally capable of doing so. 15
- (2) To avoid doubt, if a donor revokes the appointment of 1 or more attorneys under **subsection (1)**, the enduring power of attorney remains in effect if there is at least 1 remaining attorney. 20
- 81 Section 112 amended (Regulations)**
- (1) After section 112(ba), insert:
- (bab) prescribing a form of standard explanation for the purpose of explaining the effects and implications of an enduring power of attorney to a donor (which may include requirements for the content of the explanation and the manner in which it is to be given) under section 94A(6) and **(6A)**: 25
- (2) Replace section 112(bc) with:
- (bc) prescribing information required for certificates for the purposes of any medical examination or assessment under Part 9: 25

Part 22

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Public Finance Act 1989

82 Principal Act

This **Part** amends the Public Finance Act 1989 (the **principal Act**).

83 Section 45M amended (Application of Crown Entities Act 2004 to Schedule 4 organisations)

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After section 45M(1), insert:

- (1A) If section 150 of the Crown Entities Act 2004 does not apply to a Schedule 4 organisation under subsection (1)(d), the organisation and the responsible Minister for that organisation must, in relation to the annual financial statements, statement of responsibility, and audit report required under subsection (1)(b), comply with the provision, presentation, and publication obligations set out in section 150(1)(b) and (3) to (6) of the Crown Entities Act 2004— 5
- (a) as if, in those provisions,—
- (i) every reference to a Crown entity were a reference to a Schedule 4 organisation; and
- (ii) every reference to the annual report were a reference to the annual financial statements, statement of responsibility, and audit report required under subsection (1)(b); and 10
- (b) with all other necessary modifications.

Part 23

Sale and Supply of Alcohol Act 2012

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84 Principal Act

This **Part** amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**).

85 Section 22 amended (Special licences)

- (1) In section 22(2), replace “sell or supply” with “sell and supply”. 20
- (2) In section 22(3), replace “sell or supply” with “sell and supply”.

86 Section 102 amended (Objections to applications)

In section 102(1), replace “for it” with “for the licence”.

87 Section 103 amended (Police, Medical Officer of Health, and inspector must inquire into applications)

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In section 103(4), replace “sending the copy of the application to them” with “the Police or Medical Officer of Health received the copy of the application”.

88 Section 141 amended (Inquiry into applications by Police, inspector, and Medical Officer of Health)

In section 141(5), replace “sending the copy of the application to them” with “the Police or Medical Officer of Health received the copy of the application”. 30

89 Section 360 amended (Existing community trust continues in existence)

In section 360, replace “The trust” with “Each of the trusts”.

90 New section 415A inserted (Application of amendments to section 360 and Schedule 1)

After section 415, insert:

415A Application of amendments to section 360 and Schedule 1

This Act must be read as if the amendments to section 360 and Schedule 1 made by **Part 23 of the Statutes Amendment Act 2015** had come into force on 18 December 2013. 5

91 Schedule 1 amended

- (1) In Schedule 1, Part 2, delete “Parakai Licensing Trust”.
- (2) In Schedule 1, Part 3, insert in its appropriate alphabetical order “Parakai Community Trust”. 10

Part 24 Sentencing Act 2002

92 Principal Act

This **Part** amends the Sentencing Act 2002 (the **principal Act**). 15

93 Section 30 amended (No sentence of imprisonment to be imposed without opportunity for legal representation)

- (1) In section 30(2)(a), replace “Legal Services Act 2000” with “Legal Services Act 2011”.
- (2) In section 30(4)(a), replace “Legal Services Act 2000” with “Legal Services Act 2011”. 20

94 Section 69I amended (Variation or cancellation of sentence of community detention)

In section 69I(3A), delete “for variation of conditions”.

95 Section 80F amended (Application for variation or cancellation of sentence of home detention) 25

In section 80F(4A), delete “for variation of conditions”.

96 Section 80FA amended (Chief executive of Department of Corrections may vary offender’s home detention address)

- (1) In the heading to section 80FA, replace “**address**” with “**residence**”. 30
- (2) In section 80FA, replace “address” with “residence” in each place.

97 Section 80N amended (Imposition of post-detention conditions on offender)

In section 80N(2)(a), replace “otherwise” with “a different period”.

- 98 Section 80ZGD amended (Effect of appeal on resumption of sentence of home detention)**
In section 80ZGD(3)(a), replace “address” with “residence”.
- 99 Section 93 amended (Imposition of conditions on release of offender sentenced to imprisonment for short term)** 5
In section 93(2)(a), replace “otherwise” with “a different date”.
- 100 Section 123C amended (Provisions applying to protection order made under section 123B)**
In section 123C(1)(a), replace “32(1) and (4), and 33” with “51D, and 51L”.
- 101 Section 123D amended (Explanation of protection order)** 10
In section 123D(1)(a)(ii), replace “section 32” with “section 51D”.
- 102 Section 123G amended (Protection order treated as if made by Family Court)**
Replace section 123G(b) with:
- (b) sections 22(2)(b) and (6), 23, 45(2), 46(1), 47(1), 48, 49, 50, 51C, 51G, 51H, 51L to 51T, 82, and 88 to 95 of the Domestic Violence Act 1995 apply to the order accordingly. 15

Part 25

State Sector Act 1988

- 103 Principal Act** 20
This **Part** amends the State Sector Act 1988 (the **principal Act**).
- 104 Section 2 amended (Interpretation)**
- (1) In section 2, definition of **State services**, paragraph (aba), before “organisations”, insert “includes”.
- (2) In section 2, definition of **State services**, repeal paragraph (ac). 25
- 105 Section 43 amended (Review of performance of chief executive)**
In section 43(2), replace “its” with “the”.
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Part 27
Vulnerable Children Act 2014

109 Principal Act

This **Part** amends the Vulnerable Children Act 2014 (the **principal Act**).

110 Section 36 amended (Application for exemption)

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Replace section 36(1)(c) with:

- (c) whether the person is subject to any conditions imposed under—
- (i) the Parole Act 2002; or
 - (ii) the Sentencing Act 2002; or
 - (iii) the Criminal Justice Act 1985:

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111 Schedule 2 amended

In Schedule 2, clause 1, replace paragraph (31) with:

- (31) section 194(a) (assault on child):

Part 28
Wildlife Act 1953

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112 Principal Act

This **Part** amends the Wildlife Act 1953 (the **principal Act**).

113 Section 7A amended (Noxious animals)

(1) Replace the heading to section 7A with “**Wild animals**”.

(2) In section 7A(1), replace—

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- (a) “Wild animals” with “Animals”;
- (b) “noxious animals” with “wild animals”;
- (c) “Noxious Animals Act 1956” with “Wild Animal Control Act 1977”.

114 Schedule 6 heading replaced

Replace the Schedule 6 heading with:

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Schedule 6
Animals declared to be wild animals subject to the Wild Animal Control Act 1977

s 7A

Schedule 1
New Schedule 1AA inserted

s 21

Schedule 1AA
Transitional, savings, and related provisions

5

s 2A

Part 1
Provision relating to Part 5 of Statutes Amendment Act 2015

Part 5 of Statutes Amendment Act 2015 has no effect in relation to levy orders made before its commencement

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This Act continues to apply, as if **Part 5 of the Statutes Amendment Act 2015** were not in force, to a levy order made before the commencement of that Act.

Schedule 2
New Schedule 1AA inserted

s 48

Schedule 1AA
Transitional, savings, and related provisions

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s 6A

Part 1
Provision relating to Part 10 of Statutes Amendment Act 2015

Part 10 of Statutes Amendment Act 2015 has no effect in relation to notices made under section 186A or 186B before its commencement

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This Act continues to apply, as if **Part 10 of the Statutes Amendment Act 2015** were not in force, to a notice made under section 186A or 186B before the commencement of that Act.

Legislative history

14 October 2015
9 December 2015

Introduction (Bill 71–1)
First reading and referral to Government Administration
Committee