

Statutes Amendment Bill

Government Bill

Explanatory note

General policy statement

The Statutes Amendment Bill consists entirely of amendments to Acts and is therefore an omnibus Bill that may be introduced by virtue of Standing Order 266(1)(f).

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause.

Part 1

Amendment to Agricultural Compounds and Veterinary Medicines Act 1997

Part 1 amends the Agricultural Compounds and Veterinary Medicines Act 1997.

Clause 4 inserts *new section 78A*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Food Safety or the Director-General (the chief executive of the Ministry for Primary Industries (MPI)). Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Part 2

Amendments to Animal Products Act 1999

Part 2 amends the Animal Products Act 1999.

Clause 6 inserts *new section 167B*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Food Safety or the Director-General (the chief executive of MPI). Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Clause 7 inserts *new Part 2* containing *new clause 6* into Schedule 1, which contains transitional provisions. The new clause excludes *new section 167B* from applying to existing notices that are not continuing notices under clause 3 of Schedule 1. Any remaining notices of that type will be revoked by clause 4(3) of Schedule 1.

Part 3

Amendment to Animal Welfare Act 1999

Part 3 amends the Animal Welfare Act 1999.

Clause 9 inserts *new section 184A*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister of Agriculture, the Director-General (the chief executive of MPI), or the Minister of Conservation. Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Part 4

Amendments to Anti-Money Laundering and Countering Financing of Terrorism Act 2009

Part 4 amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (the **principal Act**).

Clause 11 amends the definition of law enforcement purposes in section 5 to replace the reference to the Customs and Excise Act 1996 with a reference to the Customs and Excise Act 2018. When the Customs and Excise Act 1996 was repealed and replaced with the Customs and Excise Act 2018, the consequential amendment to the definition of law enforcement purposes was not made. Making this amendment will enable the New Zealand Police to share information with the New Zealand Customs Service for the purpose of enforcing and administering the Customs and Excise Act 2018.

Clause 12 amends section 49 to replace an outdated reference to section 40(1)(b) with a reference to paragraph (b) of the definition of suspicious activity in section 39A.

Section 40 was replaced in 2017 by section 25 of the Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2017 (the **2017 Act**), with the effect that section 40(1)(b) no longer exists. The 2017 Act moved the substance of what was in section 40(1)(b) to paragraph (b) of the definition of suspicious activity in section 39A of the principal Act. Making this amendment will enable reporting entities to keep appropriate transaction records where an officer, employee, or agent of the reporting entity has formed a suspicion about the transaction.

Clause 13 amends section 140, which authorises the disclosure of information obtained under certain enactments for the purposes of anti-money laundering and countering the financing of terrorism (AML/CFT).

Clause 13(1) replaces section 140(1) to include regulators in the class of entities authorised to disclose information obtained under the enactments listed in section 140(2) for AML/CFT purposes. Section 140(1) currently authorises only government agencies and AML/CFT supervisors to disclose this information. However, the enactments listed in section 140(2) include the Lawyers and Conveyancers Act 2006 and the New Zealand Institute of Chartered Accountants Act 1996. The entities that currently receive AML/CFT information under those 2 Acts are the New Zealand Law Society (NZLS), the New Zealand Society of Conveyancers (NZSOC), and New Zealand Institute of Chartered Accountants (NZICA). Those entities are neither government agencies nor AML/CFT supervisors. However, they are regulators, as defined in section 5. Making this amendment will enable NZLS, NZSOC, and NZICA to share information obtained under the Lawyers and Conveyancers Act 2006 and the New Zealand Institute of Chartered Accountants Act 1996 with government agencies and AML/CFT supervisors for AML/CFT purposes.

Clause 13(2) amends section 140(2)(c) to replace a reference to the Customs and Excise Act 2018 with a reference to the Criminal Proceeds (Recovery) Act 2009. Section 140(2)(c) was replaced when the Customs and Excise Act 1996 was repealed and replaced with the Customs and Excise Act 2018. However, section 140(2)(c) was replaced instead of section 140(2)(d) (which refers to the Customs and Excise Act 1996). Section 140(2)(c) referred to the Criminal Proceeds (Recovery) Act 2009. Making this amendment will restore the ability of government agencies and AML/CFT supervisors to use section 140 to disclose information obtained under the Criminal Proceeds (Recovery) Act 2009.

Clause 13(3) replaces a reference to the Customs and Excise Act 1996 with a reference to the Customs and Excise Act 2018.

Clause 14 amends section 144(2) and (3) to include references to Police employees. Section 144(2) and (3) impose conditions on the exercise of powers delegated under section 144(1). Section 144(1) was amended by the 2017 Act to allow the Commissioner of Police to delegate powers to a Police employee who is as senior as, or more senior than, a constable at or above the level of inspector. Before this amendment, the Commissioner could delegate powers only to a constable. However, the 2017 Act did not amend section 144(2) and (3) to apply the conditions in those subsections to the exercise of delegated powers by a Police employee. Making this amendment will

require Police employees exercising powers delegated under section 144(1) to abide by the conditions in section 144(2) and (3).

Part 5

Amendment to Biosecurity Act 1993

Part 5 amends the Biosecurity Act 1993.

Clause 16 inserts *new section 166A*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Biosecurity, the Director-General (the chief executive of MPI), a chief technical officer, or a management agency. Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Part 6

Amendment to Canterbury Earthquakes Insurance Tribunal Act 2019

Part 6 amends the Canterbury Earthquakes Insurance Tribunal Act 2019.

Clause 18 replaces section 46(2). The new wording clarifies that a limitation period that applies to a claim being dealt with by the Canterbury Earthquakes Insurance Tribunal is suspended while the tribunal deals with it. The wording is based on section 37 of the Weathertight Homes Resolution Services Act 2006, which was considered by the Supreme Court in *Lee v Whangarei District Council* [2017] 1 NZLR 401.

Part 7

Amendment to Care of Children Act 2004

Part 7 amends the Care of Children Act 2004 (the **principal Act**).

Clause 20 amends section 47B, which relates to mandatory statements and evidence in support of applications for a parenting order or to vary a parenting order under the principal Act. The amendment replaces the reference in section 47B(3)(f)(ii) to domestic violence with a reference to family violence for consistency with other provisions of the principal Act.

Part 8

Amendment to Courts Security Act 1999

Part 8 amends the Courts Security Act 1999.

Clause 22 amends section 30(2), which provides for the maximum penalty for an offence against section 30 on conviction by a court presided over by a District Court

Judge or 2 or more Justices of the Peace. The effect of removing the reference to Justices of the Peace is to ensure that section 30(2) does not confer jurisdiction in respect of the offence on the District Court presided over by those justices. The District Court presided over by Justices of the Peace has jurisdiction in respect of an offence only if an enactment provides that it may be exercised by them. (*See* section 355 of the Criminal Procedure Act 2011.)

The amendment also removes the reference in section 30(2) to a District Court Judge, leaving it to the Criminal Procedure Act 2011 to deal with the District Court's jurisdiction in respect of the offence.

Part 9

Amendment to COVID-19 Recovery (Fast-track Consenting) Act 2020

Part 9 amends the COVID-19 Recovery (Fast-track Consenting) Act 2020.

Clause 24 amends clause 25(2) of Schedule 6 to clarify who must provide information requested under clause 25(1)(a).

Part 10

Amendment to Crown Entities Act 2004

Part 10 amends the Crown Entities Act 2004.

Clause 26 amends section 9, which allows certain changes to be made by Order in Council to the list of statutory entities and Crown entity companies. The amendment extends the powers in section 9, so that they also allow changes to be made to the financial powers that apply to those entities and companies.

Part 11

Amendment to Crown Forest Assets Act 1989

Part 11 amends the Crown Forest Assets Act 1989.

Clause 28 amends section 36, which applies if there is a final recommendation of the Waitangi Tribunal for the return to Māori ownership of any licensed land. The section provides a permanent legislative authority for any money required to be paid as compensation, for which no further appropriation is required. The amendment extends that permanent legislative authority so that it applies to any expenses incurred by the Crown in returning the land to Māori ownership.

Part 12

Amendment to Customs and Excise Act 2018

Part 12 amends the Customs and Excise Act 2018 (the **principal Act**).

The principal Act imposes excise and excise-equivalent duty on various types of alcoholic products. The rates of duty are set out in the Excise and Excise-equivalent Duties Table (the **EEDT**). The EEDT can be amended by Order in Council on 1 July each year to adjust the rates of duty in line with any change in the New Zealand Consumers Price Index (the **CPI**) in the preceding year (*see* clause 21 of Schedule 3 of the principal Act).

Excise item 99.44 (undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% volume) was added to the EEDT in 2018. Orders in Council were made in 2019 and 2020 to adjust the rates of excise duty for various alcoholic products. However, item 99.44 was inadvertently left out, so the rates of duty for that item have not been adjusted for 2019 and 2020 CPI changes.

As a result, the excise rates for item 99.44 are out of line with the excise-equivalent rate for the same item. This means that the rate of duty on imported products of that kind is higher than that for domestically manufactured product. This is contrary to New Zealand's international trade obligations.

This cannot be fixed by an order under clause 21 of Schedule 3 (because it would require an increase of more than the permitted annual adjustment) and the principal Act does not allow for the rates to be amended any other way. It is not practicable for this Bill to directly amend the EEDT because the commencement date of this Bill is not known in advance so it is not possible to calculate the required new rate of excise.

This Bill therefore inserts *new Part 4* into Schedule 1 of the principal Act to allow a one-off Order in Council to be made to adjust the rates of excise duty for item 99.44 to the rates they would have been had the annual CPI adjustments been made each 1 July since 2019.

Part 13

Amendment to Dog Control Act 1996

Part 13 amends the Dog Control Act 1996.

Clause 32 amends section 30A, which prohibits the importation of certain dog breeds and types. The importation prohibition does not apply to disability assist dogs or dogs used by specific agencies (subsection (5)). However, currently an importer of those dogs is still required to make an exempting statutory declaration. The amendment removes this requirement.

Part 14

Amendments to Equal Pay Act 1972 and Equal Pay Amendment Act 2020

Part 14 amends the Equal Pay Act 1972 (the **principal Act**) and the Equal Pay Amendment Act 2020 (the **amendment Act**). Section 24 of the amendment Act contains an error, in that the text in section 24(2) of the amendment Act should have been inserted into the principal Act as *new section 19(1A)*. The amendments in *clauses 34*

and 35 correct this error by inserting a *new section 19(1A)* into the principal Act and repealing section 24(2) of the amendment Act. (Section 19 of the principal Act contains a regulation-making power, and *new section 19(1A)* provides that regulations may not be made under that section that require the comparators against which a pay equity claim is to be assessed to be ranked or weighted.)

Part 15

Amendment to Evidence Act 2006

Part 15 amends the Evidence Act 2006 (the **principal Act**).

Clause 37 repeals section 202 and the cross-heading above it. Section 202 provides for a periodic review of the operation of the principal Act. The principal Act has been reviewed twice since it came into force. In its latest review (R142, March 2019), the Law Commission found that the principal Act is generally operating well and recommended that section 202 be repealed.

Part 16

Amendments to Family Violence Act 2018

Part 16 amends the Family Violence Act 2018.

Clause 39 amends section 49 to remove the reference to section 171, which is not applicable (as proceedings under sections 46 and 51 are criminal proceedings).

Clause 40 amends section 105 to clarify that if proceedings are commenced under the Care of Children Act 2004 to replace, vary, or discharge an interim order made under section 105, the court may under section 7 of that Act appoint a lawyer to represent the child in that proceeding.

Clause 41 amends section 106 to correct a cross-reference.

Part 17

Amendments to Fire and Emergency New Zealand Act 2017

Part 17 amends the Fire and Emergency New Zealand Act 2017 (the **principal Act**).

Clause 43 replaces section 23, which is concerned with authorisations by the board of Fire and Emergency New Zealand (**FENZ**). The amendment allows the authorisation of a class of persons. This change has the effect that the board may authorise a class of firefighters (or other members of a class) as a group, rather than individually authorising many thousands of firefighters (or other members of a class).

Clause 44 replaces section 25(2). *New section 25(2)* requires that persons appointed by the board to roles, ranks, and positions in FENZ must be FENZ personnel. (FENZ personnel is defined in section 6 to mean FENZ employees, volunteers, and contractors.) Currently, appointees are required to be FENZ employees or FENZ volunteers; in other words, the change includes contractors.

Clause 45 amends section 42, which is concerned with the power an authorised person has in relation to land, buildings, or structures when responding to an emergency. Currently, an authorised person can take or send equipment or machines into, through, or upon any land, building, or structure. The amendment enables an authorised person also to take or send equipment or machines over any land, building, or structure.

Clause 46 amends section 71, which is concerned with the powers of industry brigades that operate in an emergency. The amendment enables the principal officer of an industry brigade to perform the functions and duties and exercise the powers of an authorised person under sections 38 to 40, in addition to the powers under sections 41 to 45. The principal officer can only perform those functions and duties and exercise those powers if the person who would normally do so is not present at the emergency, or if the principal officer is in charge under an agreement under section 70.

Clause 47 amends section 75, which defines the term relevant building for the purposes of the sections of the principal Act that deal with evacuation schemes. The effect of the amendment is that evacuation schemes are not required for household units that store small amounts of hazardous substances. The term household unit is defined in section 6. Subsection (1) has also been restructured for clarity.

Clause 48 amends section 76, with the effect that evacuation schemes do not have to be provided and maintained for buildings that are used for either or both of 2 purposes. Buildings that are used for either or both of those 2 purposes, and other purposes as well, will need to have an evacuation scheme. The 2 purposes are providing employment facilities for 10 or more persons (*new section 75(1)(a)(ii)*) and providing accommodation for 6 or more persons except in 3 or fewer household units (*new section 75(1)(a)(iii)*).

Clauses 49 and 50 amend sections 149 and 150, which are concerned with the functions, duties, and powers of the Chief of Defence Force. The amendment enables the Chief to perform the functions and duties and exercise the powers of an authorised person under sections 38 to 40, in addition to the powers under sections 41 to 45.

Clauses 51 to 55 amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018. The amendments are consequential on the restructuring of section 75(1) of the principal Act.

Part 18

Amendment to Food Act 2014

Part 18 amends the Food Act 2014.

Clause 57 inserts *new section 443A*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Food Safety or the chief executive of MPI. Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument

need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Part 19

Amendments to Government Roothing Powers Act 1989

Part 19 amends the Government Roothing Powers Act 1989 (the **principal Act**).

Clause 59 amends section 43, which is an interpretation section, as a consequence of changes made by the Cadastral Survey Act 2002. That Act uses the term Surveyor-General, which replaces the term Chief Surveyor. *Clause 59(1)* repeals the definition of Chief Surveyor in the principal Act and *clause 59(3)* inserts the new definition of Surveyor-General (which is the same as the definition in the Cadastral Survey Act 2002). The amendment made by *clause 59(2)* reflects the position that, although previously there was a Chief Surveyor in each land district, there is now only 1 Surveyor-General.

Part 20

Amendments to Infrastructure Funding and Financing Act 2020

Part 20 amends the Infrastructure Funding and Financing Act 2020 (the **principal Act**).

Clause 61 amends section 3, which is the purpose provision. The purpose of the principal Act is to provide a funding and financing model for the provision of infrastructure for housing and urban development that, among other things, supports the functioning of urban land markets. *Clause 61* deletes the reference to housing from section 3 and inserts a definition of urban development. The definition of urban development is the same as that which appears in the Urban Development Act 2020. It includes the development of housing and the development and renewal of urban environments.

Part 21

Amendments to Land Transport Act 1998

Part 21 amends the Land Transport Act 1998 (the **principal Act**).

Clause 63 amends section 22AB. Under that section, a road controlling authority can make bylaws reserving parking spaces for categories of people, including medical practitioners. The Land Transport Amendment Act 2016 amended the principal Act elsewhere to refer instead to health practitioners, which is a term defined in section 2 of the principal Act. This amendment aligns section 22AB with those amendments.

Clauses 64 and 65 amend sections 74 and 75. Section 74 refers to posting blood specimens by registered post, and section 75 refers to various certificates certifying that a blood specimen was sent by registered post. The amendments remove the references to registered post as registered post is no longer offered as a means of sending items by post.

Part 22

Amendments to Legislation Act 2019

Part 22 amends the Legislation Act 2019.

Clause 67 amends the following definitions in section 13 to remove technically incorrect references to Cook Strait:

- North Island or Te Ika-a-Māui:
- South Island or Te Waipounamu.

Part 23

Amendment to Local Government Official Information and Meetings Act 1987

Part 23 amends the Local Government Official Information and Meetings Act 1987 (the **principal Act**).

Clause 69 amends section 27, which sets out the Ombudsmen's functions under the principal Act. The amendment corrects a redundant cross-reference in subsection (6).

Part 24

Amendments to Maritime Transport Act 1994

Part 24 amends the Maritime Transport Act 1994 (the **principal Act**).

Clause 71 amends section 40A, which is the interpretation provision for Part 4A (regulation of alcohol consumption by seafarers). The amendment repeals the definition of doctor's surgery and inserts a new definition of medical centre, being any place where a medical examination or medical care or treatment is carried out or given, including a place on board a ship. The amendments align the principal Act with the Land Transport Act 1998.

Clauses 72 to 75 amend sections 40H, 40I, 40M, and 40O as a consequence of the amendment to section 40A.

Clause 76 amends section 40Z, which relates to drug and alcohol testing of safety-sensitive workers by the Director of Maritime New Zealand. In order to receive the informed consent of a worker to be tested, the Director must present a document that contains a statement about the testing powers, process, and procedures. However, the reference in section 40Z(6)(a) incorrectly provides that the statement must contain the matters set out in the document referred to in subsection (5)(b). The amendment corrects this reference to refer to subsection (5)(a).

Clause 77 amends section 200A. Section 200A(1)(a) refers to a situation where a regional council (that has navigational safety jurisdiction over an area under the Local Government Act 1974) asks the Minister to declare a major maritime event. Section 7 of the Maritime Transport Amendment Act 2013 restated this jurisdiction as a new

Part 3A of the principal Act. The amendment clarifies that Part 3A is now the source of a regional council's jurisdiction, not the Local Government Act 1974.

Part 25

Amendment to National Animal Identification and Tracing Act 2012

Part 25 amends the National Animal Identification and Tracing Act 2012.

Clause 79 inserts *new section 70A*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Biosecurity, the Director-General (the chief executive of MPI), or the NAIT organisation. Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Part 26

Amendment to Oaths and Declarations Act 1957

Part 26 amends the Oaths and Declarations Act 1957.

Clause 81 amends section 9, which lists the persons before whom a declaration may be made in New Zealand. The amendment adds to the list a Registrar and Deputy Registrar of the Māori Land Court who, by a notice issued in the *Gazette* on 25 June 1992 at p 2181 under section 9(1)(f), are authorised to take declarations.

Part 27

Amendment to Port Companies Act 1988

Part 27 amends the Port Companies Act 1988 (the **principal Act**).

Clause 83 amends section 20, which applies certain provisions of the principal Act to related and associated companies. Section 20(1) contains cross-references to subsections in section 4 (subsections (1), (3), (6), and (7)) that have been repealed. The amendment deletes those cross-references.

Part 28

Amendment to Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009

Part 28 amends the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

Clause 85 amends the definition of deferred selection property to include, as a further deferred selection property, a property (Thorndon School) that is listed in subpart I of Part 4 of the provisions schedule of the deed of settlement.

Part 29

Amendment to Prisoners' and Victims' Claims Act 2005

Part 29 amends the Prisoners' and Victims' Claims Act 2005.

Clause 87 amends section 28 to provide that the victim's claim form must be approved by the chief executive of the Ministry of Justice after consulting the Chief District Court Judge instead of being approved by the Secretary for Justice.

Part 30

Amendments to Privacy Act 2020

Part 30 amends the Privacy Act 2020 (the **principal Act**).

Clause 89 amends section 11, which sets out when an agency holds information as agent for another agency. The amendment clarifies that an agency holds information on behalf of another agency whether or not it holds the information in the capacity as a representative or an agent.

Clause 90 amends section 107, which empowers the Chairperson of the Human Rights Review Tribunal (the **Tribunal**) to make an interim order suspending an access direction until an appeal is determined. The substantive amendment clarifies that an order may be made under section 107 whether or not the Chairperson or a Deputy Chairperson of the Tribunal makes an interim order under section 95 of the Human Rights Act 1993 (*see* the amendment to section 111 below).

Clause 91 amends section 111 to apply sections 95 and 96 of the Human Rights Act 1993 to proceedings under sections 97, 98, 104, and 105 of the principal Act. The effect of this amendment is that in proceedings under any of the latter sections, the Chairperson or a Deputy Chairperson of the Tribunal is able to make an interim order to preserve the position of the parties pending a final determination of the proceedings that, on the application of the defendant, may be varied or rescinded by the High Court.

Clauses 92 and 93 amend sections 120 and 121 to include a reference to officers of an agency. These amendments ensure that officers of an agency, as well as employees, members, and agents of an agency, will not be individually liable for an agency's failure to notify a notifiable breach.

Clause 94 amends section 132, which empowers the Chairperson of the Tribunal to make an interim order suspending all or part of a compliance notice until an appeal is determined. The substantive amendment clarifies that an order may be made under this section whether or not the Chairperson or Deputy Chairperson of the Tribunal makes an interim order under section 95 of the Human Rights Act 1993 (*see* the amendment to section 134 below).

Clause 95 amends section 134 to apply sections 95 and 96 of the Human Rights Act 1993 to proceedings under subpart 2 of Part 6 of the principal Act (compliance notices). The effect of this is that in proceedings relating to compliance notices, the Chairperson or Deputy Chairperson of the Tribunal is able to make an interim order

to preserve the position of the parties pending a final determination of the proceedings that, on the application of the defendant, may be varied or rescinded by the High Court.

Clause 96 amends section 208 to enable the Privacy Commissioner to consult the Independent Police Conduct Authority about any matter relating to the Commissioner's functions under the principal Act. Currently, the class of persons the Commissioner may consult under section 208 is limited to an Ombudsman, the Health and Disability Commissioner, and the Inspector-General of Intelligence and Security.

Part 31

Amendments to Public Finance Act 1989

Part 31 amends the Public Finance Act 1989.

Clause 98 amends section 45M, which applies certain provisions of the Crown Entities Act 2004 to Schedule 4 organisations. The amendments correct the references to the sections that are applied.

Part 32

Amendments to Railways Act 2005

Part 32 amends the Railways Act 2005 (the **principal Act**).

Clause 100 amends section 94, which provides for methods of giving, serving, or providing notices or other documents under the principal Act. The amendments remove the references to registered post as registered post is no longer offered as a means of sending items by post.

Part 33

Amendment to Residential Tenancies Act 1986

Part 33 amends the Residential Tenancies Act 1986 (the **principal Act**).

Clause 102 amends section 74 to correct a cross-reference. The Residential Tenancies Amendment Act 2020 inserted section 95A, which contains powers for the Tenancy Tribunal to make suppression orders, into the principal Act, and repealed section 95(3).

Part 34

Amendments to Resource Management Act 1991

Part 34 amends the Resource Management Act 1991.

Clause 104 amends section 46A(2) to clarify that the definition of national direction applies to section 46B, which authorises a national direction to incorporate material by reference.

Clause 105 repeals section 277A. Appeals can no longer be brought by way of rehearing under clause 60 of Schedule 1.

Part 35

Amendment to Retirement Villages Act 2003

Part 35 amends the Retirement Villages Act 2003.

Clause 107 amends section 30 to provide that it is the operator's obligation to ensure that the intending resident has received the information specified in section 30(1) before any occupation right agreement can be entered into.

Part 36

Amendments to Returning Offenders (Management and Information) Act 2015

Part 36 amends the Returning Offenders (Management and Information) Act 2015 (the **principal Act**).

The amendments arise from the Justice Committee's September 2019 report on its review of the operation of the principal Act. The report included a recommendation that the Government consider amendments "to specifically provide for a determination to be revoked where there is a change in the relevant circumstances of a returning offender" and, in particular, where their overseas conviction is quashed, or they are pardoned. In the Government response to the report, presented on 16 December 2019, the Government supported the recommended amendments, noting that they would be sought to be included in the next Statutes Amendment Bill.

Clause 109 amends section 4(1). The amendment inserts new definitions, used in *new sections 23A and 34A* inserted by *Part 36*, of the following 2 terms:

- overturned, in relation to a conviction for an overseas jurisdiction offence:
- pardoned, in relation to a person and an overseas jurisdiction offence.

Clause 110 inserts *new section 23A*. *New section 23A* requires the Commissioner of Police to revoke a determination that a person is a returning prisoner. The Commissioner must revoke the determination if, after considering information provided by or on behalf of the person, the Commissioner is satisfied—

- that the person has been convicted in an overseas jurisdiction of an offence for conduct that constitutes an imprisonable offence in New Zealand; and
- that the determination was made in respect of the conviction; and
- that the conviction has been overturned, or that the person has been pardoned for that overseas jurisdiction offence.

After the revocation, the person—

- is no longer a returning prisoner because of the determination; and

- is no longer subject to, and required to comply with, standard release conditions because of service on the person of a determination notice related to the determination; and
- is no longer required to comply with any special conditions, or interim special conditions, imposed on the person by the District Court because of the determination.

Clause 111 inserts *new section 34A*. *New section 34A(1)* requires the chief executive of the Department of Corrections to make an application to the District Court to revoke conditions imposed under subpart 3 of Part 2 on a person. The chief executive must make the application if, after considering information provided by or on behalf of the person, the chief executive is satisfied—

- that the person has been convicted in an overseas jurisdiction of an offence for conduct that constitutes an imprisonable offence in New Zealand; and
- that the conditions were imposed under that subpart by a court in respect of the conviction; and
- that the conviction has been overturned, or that the person has been pardoned for that overseas jurisdiction offence.

New section 34A(2) requires the court, on the application, to revoke the conditions if satisfied of the matters specified in *new section 34A(1)(a), (b), and (c)*.

New section 34A(4) ensures that, after the revocation, the person is no longer required to comply with any conditions imposed on the person by the District Court under section 33(1) because of the conviction.

Part 37

Amendment to Sale and Supply of Alcohol Act 2012

Part 37 amends the Sale and Supply of Alcohol Act 2012.

Clause 113 amends section 178 to require the Alcohol Regulatory and Licensing Authority (the **authority**) to submit an annual report to the Minister of Justice (the **Minister**) within 6 months after the end of its financial year. At present, the authority is required to report to the Minister within 3 months after the end of its financial year, the same period within which territorial authorities are required to submit their annual reports to the authority. This amendment will ensure that information provided to the House of Representatives in the authority's report will be able to include all of the information that the territorial authorities provide.

Part 38

Amendments to Senior Courts Act 2016

Part 38 amends the Senior Courts Act 2016.

Clause 115 inserts a *new paragraph (j)* into section 20(2), providing an Associate Judge of the High Court with the jurisdiction to make a liquidation order for a limited partnership under section 89 of the Limited Partnerships Act 2008.

Clause 116 inserts *new section 44A*, which re-enacts the previously repealed section 3 of the Judicature Amendment Act 1910. The effect of the provision is to give the High Court (and Court of Appeal and Supreme Court) the power to direct a person to execute a conveyance, contract, or other document, or to endorse a negotiable instrument, if the person originally directed by the court to carry out this role failed to do so.

Clause 117 amends section 114(2) by replacing paragraphs (a) to (c) with *new paragraphs (a) and (b)*. The replacement paragraphs set out who may be appointed as an acting Associate Judge. They differ from the current provisions by no longer including a person who is eligible to be appointed as an Associate Judge and by imposing an age limit of 75 years on former District Court Judges.

Clause 118 amends section 138 as a consequence of the amendment made to section 114.

Part 39

Amendment to Te Awa Tupua (Whanganui River Claims Settlement) Act 2017

Part 39 amends the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017.

Clause 120 amends Schedule 3 to ensure that Te Pou Tupua does not, at the end of the term of office of an appointee, have a vacancy in the event that a reappointment or new appointment cannot be made before the expiry of the appointment.

Part 40

Amendment to Unit Titles Act 2010

Part 40 amends the Unit Titles Act 2010.

Clause 122 amends section 88, which relates to meetings. The amendment expands the effect of existing section 88(3)(a), which will be repealed 12 weeks after the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked, and clarifies that, as well as being able to attend meetings by audio link or audiovisual link (or other remote access facility), members of a body corporate or a body corporate committee may vote by audio link, audiovisual link, or other remote access facility at a general meeting or a committee meeting. *New section 88(4)* requires that meetings conducted under section 88 comply with any procedures or other matters prescribed in the regulations.

Part 41

Amendment to Wine Act 2003

Part 41 amends the Wine Act 2003

Clause 124 inserts *new section 120B*. The new section allows certain secondary legislation or published instruments made by the same maker to be consolidated. The maker is the Minister for Food Safety or the Director-General (the chief executive of MPI). Consolidation involves revoking 1 or more existing instruments and making a new instrument with the same effect as the revoked instruments and any further effect authorised by relevant empowering provisions. Only the new or amended parts of the new instrument need to satisfy all the requirements for making those parts. The revoked (and remade) parts need only satisfy the requirements for publication.

Clause 125 inserts *new Part 2* containing *new clause 6* into Schedule 1, which contains transitional provisions. The new clause excludes *new section 120B* from applying to existing notices that are not continuing notices under clause 3 of Schedule 1. Any remaining notices of that type will be revoked by clause 4(3) of Schedule 1.

Hon Aupito William Sio

Statutes Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Statutes Amendment Act **2021**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal Assent.

Part 1

Amendment to Agricultural Compounds and Veterinary Medicines Act 1997 5

3 Principal Act

This **Part** amends the Agricultural Compounds and Veterinary Medicines Act 1997.

4 New section 78A inserted (Certain secondary legislation or published instruments may be consolidated) 10

After section 78, insert:

78A Certain secondary legislation or published instruments may be consolidated

Secondary legislation made by Director-General and with same publishing requirements 15

(1) The Director-General (the **maker**) may at any time apply this section to any secondary legislation that—

(a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and 20

(b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker with same publishing requirements

(2) The Minister or the Director-General (the **maker**) may at any time apply this section to any instruments that— 25

(a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and

(b) are not secondary legislation.

Once this section is applied to specific instruments 30

(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—

(a) revoke any specific instruments that have been made (a **revoked instrument**); and 35

- (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—
- (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and
 - (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**). 5
- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and 10
 - (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.
- (5) To avoid doubt,— 15
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and
 - (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 20
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)** 25
- specific empowering provisions** means the provisions of this Act, or of regulations, that—
- (a) empower the making of the specific instruments; and
 - (b) are referred to in the subsection under which the maker applies this section to the specific instruments 30
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments—
- (a) have been made (and are to be revoked); or
 - (b) are able to be made.

Part 2

Amendments to Animal Products Act 1999

5 Principal Act

This **Part** amends the Animal Products Act 1999.

6 New section 167B inserted (Certain secondary legislation or published instruments may be consolidated) 5

After section 167A, insert:

167B Certain secondary legislation or published instruments may be consolidated

Secondary legislation made by same maker and with same publishing requirements 10

- (1) The Minister or the Director-General (the **maker**) may at any time apply this section to any secondary legislation that—
- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and 15
 - (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker with same publishing requirements

- (2) The Minister or the Director-General (the **maker**) may at any time apply this section to any instruments that— 20
- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and
 - (b) are not secondary legislation.

Once this section is applied to specific instruments 25

- (3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—
- (a) revoke any specific instruments that have been made (a **revoked instrument**); and 30
 - (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—
 - (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and
 - (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**). 35

- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and
 - (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made. 5
- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and 10
 - (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 15
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**
- specific empowering provisions** means the provisions of this Act, or of regulations, that— 20
- (a) empower the making of the specific instruments; and
 - (b) are referred to in the subsection under which the maker applies this section to the specific instruments
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments— 25
- (a) have been made (and are to be revoked); or
 - (b) are able to be made.
- 7 **Schedule 1 amended**
- In Schedule 1,— 30
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
 - (b) make all necessary consequential amendments.

Part 3

Amendment to Animal Welfare Act 1999

- 8 **Principal Act** 35
- This **Part** amends the Animal Welfare Act 1999.

9 New section 184A and cross-heading inserted

After section 184, insert:

Consolidation of secondary legislation or published instruments

184A Certain secondary legislation or published instruments may be consolidated

5

Secondary legislation made by same maker and with same publishing requirements

(1) The Minister, the Director-General, or the Minister of Conservation (the **maker**) may at any time apply this section to any secondary legislation that—

- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and 10
- (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

Other instruments made by same maker with same publishing requirements

(2) The Minister or the Director-General (the **maker**) may at any time apply this section to any instruments that— 15

- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and
- (b) are not secondary legislation. 20

Once this section is applied to specific instruments

(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—

- (a) revoke any specific instruments that have been made (a **revoked instrument**); and 25
- (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—
 - (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and 30
 - (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).

(4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—

- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and 35
- (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated

- as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.
- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and 5
- (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 10
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**
- specific empowering provisions** means the provisions of this Act, or of regulations, that— 15
- (a) empower the making of the specific instruments; and
- (b) are referred to in the subsection under which the maker applies this section to the specific instruments
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments— 20
- (a) have been made (and are to be revoked); or
- (b) are able to be made.

Part 4

Amendments to Anti-Money Laundering and Countering Financing of Terrorism Act 2009 25

10 Principal Act

This **Part** amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

11 Section 5 amended (Interpretation)

In section 5(1), definition of **law enforcement purposes**, paragraph (b)(vi), replace “1996” with “2018”. 30

12 Section 49 amended (Obligation to keep transaction records)

In section 49(2)(f)(ii), replace “section 40(1)(b)” with “paragraph (b) of the definition of suspicious activity in section 39A”.

- 13 Section 140 amended (Power to use and disclose information supplied or obtained under other enactments for AML/CFT purposes)**
- (1) Replace section 140(1) with:
- (1) A government agency, an AML/CFT supervisor, or a regulator may disclose to another government agency or AML/CFT supervisor any information supplied or obtained under an enactment listed in subsection (2) if the disclosing entity has reasonable grounds to believe that the disclosure of that information is necessary or desirable for the purpose of ensuring compliance with this Act and regulations. 5
- (2) In section 140(2)(c), replace “Customs and Excise Act 2018” with “Criminal Proceeds (Recovery) Act 2009”. 10
- (3) In section 140(2)(d), replace “Customs and Excise Act 1996” with “Customs and Excise Act 2018”.
- 14 Section 144 amended (Delegation of powers of Commissioner)**
- In section 144(2) and (3), replace “constable” with “constable or Police employee” in each place. 15

Part 5

Amendment to Biosecurity Act 1993

- 15 Principal Act**
- This **Part** amends the Biosecurity Act 1993. 20
- 16 New section 166A inserted (Certain secondary legislation or published instruments may be consolidated)**
- After section 166, insert:
- 166A Certain secondary legislation or published instruments may be consolidated** 25
- Secondary legislation made by same maker and with same publishing requirements*
- (1) The responsible Minister or the Director-General (the **maker**) may at any time apply this section to any secondary legislation that—
- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and 30
- (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).

- Other instruments made by same maker with same publishing requirements*
- (2) The responsible Minister, the Director-General, a chief technical officer, or a management agency (the **maker**) may at any time apply this section to any instruments that—
- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and 5
- (b) are not secondary legislation.
- Once this section is applied to specific instruments*
- (3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to— 10
- (a) revoke any specific instruments that have been made (a **revoked instrument**); and
- (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that— 15
- (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and
- (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**). 20
- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and
- (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made. 25
- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and 30
- (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 35
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**

specific empowering provisions means the provisions of this Act, or of regulations, that—

- (a) empower the making of the specific instruments; and
- (b) are referred to in the subsection under which the maker applies this section to the specific instruments

5

specific instruments means the 1 or more instruments to which the maker applies this section, whether the instruments—

- (a) have been made (and are to be revoked); or
- (b) are able to be made.

Part 6

10

Amendment to Canterbury Earthquakes Insurance Tribunal Act 2019

17 Principal Act

This **Part** amends the Canterbury Earthquakes Insurance Tribunal Act 2019.

18 Section 46 amended (Tribunal’s decision: substance)

15

Replace section 46(2) with:

- (2) For the purposes of the Limitation Act 2010 (and any other enactment that imposes a limitation period), each of the following has effect as if it were the filing of proceedings in a court:

- (a) the making of an application under section 12 of this Act:
- (b) the transfer of proceedings to the tribunal under section 16 of this Act.

20

Part 7

Amendment to Care of Children Act 2004

19 Principal Act

This **Part** amends the Care of Children Act 2004.

25

20 Section 47B amended (Mandatory statement and evidence in applications)

In section 47B(3)(f)(ii), replace “domestic violence” with “family violence (as defined in section 9 of the Family Violence Act 2018)”.

Part 8

Amendment to Courts Security Act 1999

30

21 Principal Act

This **Part** amends the Courts Security Act 1999.

- 22 Section 30 amended (Offence to obstruct court security officer)**
 In section 30(2), delete “by a court presided over by a District Court Judge or 2 or more justices”.

Part 9

Amendment to COVID-19 Recovery (Fast-track Consenting) Act 2020 5

- 23 Principal Act**
 This **Part** amends the COVID-19 Recovery (Fast-track Consenting) Act 2020.
- 24 Schedule 6 amended**
 In Schedule 6, clause 25(2), replace “requesting” with “requested to provide”. 10

Part 10

Amendment to Crown Entities Act 2004

- 25 Principal Act**
 This **Part** amends the Crown Entities Act 2004.
- 26 Section 9 amended (Power to amend Schedules 1 and 2)** 15
 After section 9(1)(f), insert:
- (g) remove the exemption for an entity or company from all or any of sections 161, 162, 163, and 164 of this Act:
 - (h) exempt an entity or company from all or any of sections 161, 162, 163, 164, and 165 of this Act. 20

Part 11

Amendment to Crown Forest Assets Act 1989

- 27 Principal Act**
 This **Part** amends the Crown Forest Assets Act 1989.
- 28 Section 36 amended (Return of Crown forest land to Maori ownership and payment of compensation)** 25
 Replace section 36(3) with:
- (3) Any expenses incurred in returning land to Māori ownership, or in paying compensation required to be paid, under this section may be incurred without further appropriation than this section. 30

Part 12
Amendment to Customs and Excise Act 2018

29 Principal Act

This **Part** amends the Customs and Excise Act 2018.

30 Schedule 1 amended

5

In Schedule 1,—

- (a) insert the Part set out in **Schedule 2** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

Part 13
Amendment to Dog Control Act 1996

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31 Principal Act

This **Part** amends the Dog Control Act 1996.

32 Section 30A amended (Prohibition on import of dogs listed in Schedule 4)

In section 30A(5), replace “Subsection (1) does” with “Subsections (1) and (2)(b) do”.

15

Part 14
Amendments to Equal Pay Act 1972 and Equal Pay Amendment Act 2020

33 Principal Act

Section 34 amends the Equal Pay Act 1972.

20

34 Section 19 amended (Regulations)

After section 19(1), insert:

- (1A) Regulations may not be made under this section that require the comparators against which a pay equity claim is to be assessed to be ranked or weighted.

35 Amendment to Equal Pay Amendment Act 2020

25

- (1) This section amends the Equal Pay Amendment Act 2020.
- (2) Repeal section 24(2).

Part 15

Amendment to Evidence Act 2006

36 Principal Act

This **Part** amends the Evidence Act 2006.

37 Section 202 and cross-heading repealed

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Repeal section 202 and the cross-heading above section 202.

Part 16

Amendments to Family Violence Act 2018

38 Principal Act

This **Part** amends the Family Violence Act 2018.

10

39 Section 49 amended (Police safety order: contravention: standard of proof)

In section 49(1), delete “(in accordance with, but without limiting, section 171)”.

40 Section 105 amended (Interim orders in respect of child of applicant’s family)

15

After section 105(6)(b), insert:

(c) a lawyer may be appointed under section 7 of that Act to represent a child who is the subject of proceedings under that Act for the replacement, variation, or discharge of the interim order).

20

41 Section 106 amended (Proceedings about interim order in respect of child of applicant’s family: legal aid)

In section 106(1)(c), replace “105(4)” with “105(6)”.

Part 17

Amendments to Fire and Emergency New Zealand Act 2017

25

42 Principal Act

This **Part** amends the Fire and Emergency New Zealand Act 2017.

43 Section 23 replaced (Authorised person for purposes of this Act and regulations under this Act)

Replace section 23 with:

30

23	Authorised person or class of persons for purposes of this Act and regulations under this Act	
(1)	The board may, by written notice, authorise a person or class of persons to perform or exercise a function, duty, or power under this Act and regulations made under this Act.	5
(2)	The board may only authorise a person or class of persons if it is satisfied that the person or class of persons is suitably qualified or trained to perform or exercise the function, duty, or power.	
(3)	Any authorisation made by the board is subject to any conditions or limitations specified in the notice.	10
(4)	However, the performance or exercise of a function, duty, or power by an authorised person is not invalid merely because it does not comply with the conditions specified in the notice.	
(5)	The board may revoke an authorisation at any time by written notice.	
44	Section 25 amended (Appointment to roles and ranks)	15
	Replace section 25(2) with:	
(2)	Appointees must be FENZ personnel.	
45	Section 42 amended (Powers of authorised person in relation to land, building, or structure)	
	In section 42(2)(c), replace “into, through, or upon” with “into, through, upon, or over”.	20
46	Section 71 amended (Powers of industry brigades)	
	Replace section 71(a) with:	
(a)	the principal officer of the industry brigade may perform all the functions and duties and exercise all the powers of an authorised person under sections 38 to 45 if—	25
(i)	no authorised person is present at the emergency; or	
(ii)	the principal officer is in charge in accordance with an agreement under section 70; and	
47	Section 75 amended (Relevant building defined for purposes of sections 76 to 79)	30
	Replace section 75(1) with:	
(1)	In sections 76 to 79, relevant building means—	
(a)	a building or part of a building used for 1 or more of the following purposes:	35
(i)	the gathering together, for any purpose, of 100 or more persons:	
(ii)	providing employment facilities for 10 or more persons:	

(iii)	providing accommodation for 6 or more persons (other than in 3 or fewer household units):	
(iv)	providing an early childhood education and care centre (other than in a household unit):	
(v)	providing nursing, medical, or geriatric care (other than in a household unit):	5
(vi)	providing specialised care for persons with disabilities (other than in a household unit):	
(vii)	providing accommodation for persons under lawful detention (not being persons serving a sentence of home detention or community detention, or serving a sentence of imprisonment on home detention, or on parole subject to residential restrictions imposed under section 15 of the Parole Act 2002):	10
(viii)	any other prescribed purpose; or	
(b)	a building or part of a building (other than a household unit) where hazardous substances are present in quantities exceeding the prescribed minimum amounts, whatever the purpose for which the building is used.	15
48	Section 76 amended (Owner must provide and maintain evacuation scheme for relevant building)	
	Replace section 76(3)(a) with:	20
(a)	the building is used only for either or both of the purposes specified in section 75(1)(a)(ii) and (iii) ; and	
49	Section 149 amended (Functions, duties, and powers of Chief of Defence Force in relation to defence area)	
	In section 149(1)(b), replace “sections 41 to 45” with “sections 38 to 45”.	25
50	Section 150 amended (Command of defence fire brigade and any other personnel)	
	In section 150(2), replace “sections 41 to 45” with “sections 38 to 45”.	
	<i>Consequential amendments to Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018</i>	30
51	Principal regulations	
	Sections 52 to 55 amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018.	
52	Regulation 23 amended (Minimum amounts of hazardous substances)	
	In regulation 23, replace “75(1)(d)” with “ 75(1)(b) ”.	35

- 53 Regulation 35 amended (Building owner must notify FENZ if certain events occur)**
In regulation 35(1)(h), replace “for a purpose described in section 75(1)(a) to (i) of the Act” with “in a manner described in **section 75(1)** of the Act”.
- 54 Schedule 3 amended** 5
In the Schedule 3 heading, replace “**75(1)(d)**” with “**75(1)(b)**”.
- 55 Schedule 4 amended**
In Schedule 4, replace paragraph (d) with:
(d) the manner in which the building is used according to the options set out in **section 75(1)** of the Act: 10

Part 18 Amendment to Food Act 2014

- 56 Principal Act**
This **Part** amends the Food Act 2014.
- 57 New section 443A and cross-heading inserted** 15
After section 443, insert:
- Consolidation of secondary legislation or published instruments*
- 443A Certain secondary legislation or published instruments may be consolidated** 20
Secondary legislation made by same maker and with same publishing requirements
- (1) The Minister or the chief executive (the **maker**) may at any time apply this section to any secondary legislation that—
- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and 25
- (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).
- Other instruments made by same maker with same publishing requirements*
- (2) The Minister or the chief executive (the **maker**) may at any time apply this section to any instruments that— 30
- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and
- (b) are not secondary legislation.

Once this section is applied to specific instruments

- (3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—
- (a) revoke any specific instruments that have been made (a **revoked instrument**); and 5
 - (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—
 - (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and 10
 - (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).
- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and 15
 - (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made. 20
- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and
 - (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts. 25
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied.
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)** 30
- specific empowering provisions** means the provisions of this Act, or of regulations, that—
- (a) empower the making of the specific instruments; and
 - (b) are referred to in the subsection under which the maker applies this section to the specific instruments 35
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments—
- (a) have been made (and are to be revoked); or

(b) are able to be made.

Part 19

Amendments to Government Roothing Powers Act 1989

58 Principal Act

This **Part** amends the Government Roothing Powers Act 1989. 5

59 Section 43 amended (Interpretation)

- (1) In section 43(1), repeal the definition of **Chief Surveyor**.
- (2) In section 43(1), definition of **road**, paragraph (d), replace “Chief Surveyor of the land district in which such road is situated” with “Surveyor-General”.
- (3) In section 43(1), insert in its appropriate alphabetical order: 10
Surveyor-General means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002

Part 20

Amendments to Infrastructure Funding and Financing Act 2020

60 Principal Act

This **Part** amends the Infrastructure Funding and Financing Act 2020. 15

61 Section 3 amended (Purpose)

- (1) In section 3, delete “housing and”.
- (2) In section 3, insert as subsection (2):
- (2) In this section, **urban development** includes— 20
 - (a) development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing:
 - (b) development and renewal of urban environments, whether or not this includes housing development: 25
 - (c) development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works.

Part 21

Amendments to Land Transport Act 1998

62 Principal Act

This **Part** amends the Land Transport Act 1998. 30

- 63 Section 22AB amended (Road controlling authorities may make certain bylaws)**
- In section 22AB(1)(o)(ii), replace “medical practitioners” with “health practitioners”.
- 64 Section 74 amended (Procedure for dealing with blood specimens)** 5
- (1) In section 74(3), delete “by registered post” in each place.
- (2) In section 74(4)(a), delete “by registered post”.
- (3) In section 74(5)(b)(ii), delete “registered”.
- 65 Section 75 amended (Certificates in blood-alcohol proceedings)**
- (1) In section 75(4)(b), delete “registered”. 10
- (2) In section 75(5)(a), delete “registered”.
- (3) In section 75(6), delete “registered”.

Part 22

Amendments to Legislation Act 2019

- 66 Principal Act** 15
- This **Part** amends the Legislation Act 2019.
- 67 Section 13 amended (Definitions of terms for all legislation)**
- (1) In section 13, definition of **North Island** or **Te Ika-a-Māui**, delete “north of Cook Strait”.
- (2) In section 13, definition of **South Island** or **Te Waipounamu**, delete “south of Cook Strait”. 20

Part 23

Amendment to Local Government Official Information and Meetings Act 1987

- 68 Principal Act** 25
- This **Part** amends the Local Government Official Information and Meetings Act 1987.
- 69 Section 27 amended (Functions of Ombudsmen)**
- In section 27(6), replace “section 17(1)(e) to (g)” with “section 17(e) to (g)”.

Part 24

Amendments to Maritime Transport Act 1994

- 70 Principal Act**
This **Part** amends the Maritime Transport Act 1994.
- 71 Section 40A amended (Interpretation)** 5
(1) In section 40A, repeal the definition of **doctor’s surgery**.
(2) In section 40A, insert in its appropriate alphabetical order:
medical centre means any place where a medical examination or medical care or treatment is carried out or given, including a place on board a ship
- 72 Section 40H amended (Who must undergo breath screening test)** 10
In section 40H(2), replace “doctor’s surgery” with “medical centre”.
- 73 Section 40I amended (Who must undergo evidential breath test)**
In section 40I(7), replace “doctor’s surgery” with “medical centre”.
- 74 Section 40M amended (Who must give blood specimen in hospital or surgery)** 15
(1) In the heading to section 40M, replace “**surgery**” with “**medical centre.**”
(2) In section 40M(1), (2), (3), and (5)(a)(ii), replace “doctor’s surgery” with “medical centre”.
- 75 Section 40O amended (Certificates in proceedings)** 20
In section 40O(3)(a) and (c)(ii), replace “doctor’s surgery” with “medical centre”.
- 76 Section 40Z amended (Director testing)**
In section 40Z(6)(a), replace “(5)(b)” with “(5)(a)”.
- 77 Section 200A amended (Minister may notify maritime event where special enforcement powers exercisable)** 25
In section 200A(1)(a), replace “the Local Government Act 1974” with “Part 3A”.

Part 25

Amendment to National Animal Identification and Tracing Act 2012

- 78 Principal Act** 30
This **Part** amends the National Animal Identification and Tracing Act 2012.

79 New section 70A and cross-heading inserted

After section 70, insert:

Consolidation of secondary legislation or published instruments

- 70A Certain secondary legislation or published instruments may be consolidated** 5
- Secondary legislation made by same maker and with same publishing requirements*
- (1) The Minister or the NAIT organisation (the **maker**) may at any time apply this section to any secondary legislation that— 10
- (a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and
- (b) is not drafted by the PCO (*see* section 67 of the Legislation Act 2019).
- Other instruments made by same maker with same publishing requirements*
- (2) The Minister, the Director-General, or the NAIT organisation (the **maker**) may at any time apply this section to any instruments that— 15
- (a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and
- (b) are not secondary legislation. 20
- Once this section is applied to specific instruments*
- (3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—
- (a) revoke any specific instruments that have been made (a **revoked instrument**); and 25
- (b) make an instrument under any of the specific empowering provisions (the **new instrument**) that—
- (i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and 30
- (ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the **new or amended parts**).
- (4) For each part of the new instrument (the **replacement part**) that has the same effect as part of a revoked instrument (the **revoked part**),—
- (a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and 35
- (b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated

as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.

- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and 5
- (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 10
- (7) In this section,—
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**
- specific empowering provisions** means the provisions of this Act, or of regulations, that— 15
- (a) empower the making of the specific instruments; and
- (b) are referred to in the subsection under which the maker applies this section to the specific instruments
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments— 20
- (a) have been made (and are to be revoked); or
- (b) are able to be made.

Part 26

Amendment to Oaths and Declarations Act 1957

- 80 Principal Act** 25
- This **Part** amends the Oaths and Declarations Act 1957.
- 81 Section 9 amended (Declarations made in New Zealand)**
- After section 9(1)(e), insert:
- (ea) a Registrar (including the Chief Registrar) or Deputy Registrar of the Māori Land Court; or 30

Part 27

Amendment to Port Companies Act 1988

- 82 Principal Act**
- This **Part** amends the Port Companies Act 1988.

83 Section 20 amended (Application of Act to related and associated companies)

In section 20(1), delete “(except subsections (1), (3), (6), and (7))”.

Part 28

Amendment to Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009 5

84 Principal Act

This **Part** amends the Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009.

85 Section 7 amended (Interpretation) 10

In section 7, definition of **deferred selection property**, after “subpart H”, insert “or subpart I”.

Part 29

Amendment to Prisoners’ and Victims’ Claims Act 2005

86 Principal Act 15

This **Part** amends the Prisoners’ and Victims’ Claims Act 2005.

87 Section 28 amended (Filing of claims)

Replace section 28(2)(a) with:

- (a) in a form approved for the purpose by the chief executive of the Ministry of Justice after consulting the Chief District Court Judge; and 20

Part 30

Amendments to Privacy Act 2020

88 Principal Act

This **Part** amends the Privacy Act 2020.

89 Section 11 amended (Personal information treated as being held by another agency in certain circumstances) 25

Replace section 11(1) with:

- (1) This section applies if an agency (A) holds information for or on behalf of another agency (B) (for example, the information is held by A as a representative or agent of B, or for safe custody or processing on behalf of B). 30

- 90 Section 107 amended (Interim order suspending Commissioner’s direction pending appeal)**
- (1) In section 107(2), after “is made”, insert “under subsection (1)”.
- (2) After section 107(3), insert:
- (4) An interim order may be made under subsection (1) (and varied or rescinded by the High Court under subsection (2)) whether or not the Chairperson or a Deputy Chairperson of the Tribunal makes an interim order under section 95 of the Human Rights Act 1993 (that may be varied or rescinded by the High Court under section 96 of that Act). 5
- 91 Section 111 amended (Certain provisions of Human Rights Act 1993 to apply)** 10
- In section 111(2)(b)(ii), delete “95, 96,”.
- 92 Section 120 amended (Liability for actions of employees, agents, and members of agencies)**
- (1) In the heading to section 120, after “actions of”, insert “officers,”. 15
- (2) In section 120(2), replace “An employee” with “An officer, an employee,”.
- (3) In section 120(3), replace “employee” with “officer, an employee,”.
- 93 Section 121 amended (Knowledge of employees, agents, and members of agencies to be treated as knowledge of employers, principal agencies, and agencies)** 20
- (1) In the heading to section 121, before “employees”, insert “officers,”.
- (2) In section 121(2), replace “employee” with “officer, an employee,”.
- 94 Section 132 amended (Interim order suspending compliance notice pending appeal)**
- (1) In section 132(2), after “is made”, insert “under subsection (1)”.
- (2) After section 132(3), insert:
- (4) An interim order may be made under subsection (1) (and varied or rescinded by the High Court under subsection (2)) whether or not the Chairperson or a Deputy Chairperson of the Tribunal makes an interim order under section 95 of the Human Rights Act 1993 (that may be varied or rescinded by the High Court under section 96 of that Act). 30
- 95 Section 134 amended (Application of Human Rights Act 1993)**
- In section 134, delete “95, 96,”.
- 96 Section 208 amended (Consultation)**
- After section 208(1)(c), insert: 35
- (d) the Independent Police Conduct Authority.

Part 31

Amendments to Public Finance Act 1989

97 Principal Act

This **Part** amends the Public Finance Act 1989.

98 Section 45M amended (Application of Crown Entities Act 2004 to Schedule 4 organisations) 5

(1) In section 45M(1)(e), replace “139A, 139” with “139A, 139B”.

(2) After section 45M(1)(e), insert:

(ea) if section 149C of the Crown Entities Act 2004 (which is the obligation to prepare a statement of performance expectations) applies to the organisation under paragraph (d), sections 149E to 149M of that Act (which also relate to statements of performance expectations): 10

Part 32

Amendments to Railways Act 2005

99 Principal Act 15

This **Part** amends the Railways Act 2005.

100 Section 94 amended (Notices)

(1) In section 94(1)(b) and (d), delete “registered”.

(2) In section 94(2), delete “or registered post”.

Part 33

Amendment to Residential Tenancies Act 1986

20

101 Principal Act

This **Part** amends the Residential Tenancies Act 1986.

102 Section 74 amended (Records of Tribunal)

In section 74(2), replace “section 95(3)” with “section 95A”. 25

Part 34

Amendments to Resource Management Act 1991

103 Principal Act

This **Part** amends the Resource Management Act 1991.

104 Section 46A amended (Single process for preparing national directions)

In section 46A(2), replace “sections 47 to 51” with “sections 46B to 51”.

105 Section 277A repealed (Powers of Environment Court in relation to evidence heard on appeal by way of rehearing)

Repeal section 277A.

5

Part 35**Amendments to Retirement Villages Act 2003****106 Principal Act**

This **Part** amends the Retirement Villages Act 2003.

107 Section 30 amended (Information to be provided)

10

- (1) Replace the heading to section 30 with “**Operator must ensure information is provided**”.
- (2) In section 30(1), replace “the intending resident must receive” with “the operator must ensure that the intending resident has received”.

Part 36

15

Amendments to Returning Offenders (Management and Information) Act 2015**108 Principal Act**

This **Part** amends the Returning Offenders (Management and Information) Act 2015.

20

109 Section 4 amended (Interpretation)

In section 4(1), insert in their appropriate alphabetical order:

overturned, in relation to a conviction for an overseas jurisdiction offence (*see sections 23A and 34A*), means that the conviction is set aside—

- (a) without an order for retrial; or
- (b) with a retrial being ordered but—
 - (i) not being proceeded with; or
 - (ii) not resulting in a conviction; or
 - (iii) being ended by a stay of proceedings

25

pardoned, in relation to a person and an overseas jurisdiction offence (*see sections 23A and 34A*), means that the person—

- (a) has been granted a free pardon for the offence; or

30

- (b) is, because of the exercise of other applicable legal powers of clemency or mercy, otherwise taken never to have committed the offence

110 New section 23A inserted (Commissioner must revoke determination if conviction overturned, or person pardoned, for overseas jurisdiction offence) 5

After section 23, insert:

- 23A Commissioner must revoke determination if conviction overturned, or person pardoned, for overseas jurisdiction offence**
- (1) The Commissioner must revoke a determination that a person is a returning prisoner if, after considering information provided by or on behalf of the person, the Commissioner is satisfied— 10
- (a) that the person has been convicted in an overseas jurisdiction of an offence for conduct that constitutes an imprisonable offence in New Zealand; and
- (b) that the determination was made in respect of the conviction; and 15
- (c) that the conviction has been overturned, or that the person has been pardoned for that overseas jurisdiction offence.
- (2) This section does not limit any other duty or power of the Commissioner or of a court to amend or revoke the determination.
- (3) After the revocation, the person— 20
- (a) is no longer a returning prisoner because of the determination; and
- (b) is no longer subject to, and required to comply with, standard release conditions because of service on the person of a determination notice related to the determination; and
- (c) is no longer required to comply with any special conditions, or interim special conditions, imposed on the person by the District Court because of the determination. 25
- (4) **Subsection (3)** overrides sections 24 to 30.

111 New section 34A inserted (Application to court to revoke conditions imposed if conviction overturned, or person pardoned, for overseas jurisdiction offence) 30

After section 34, insert:

- 34A Application to court to revoke conditions imposed if conviction overturned, or person pardoned, for overseas jurisdiction offence**
- (1) The chief executive must make an application to a court to revoke conditions imposed under this subpart on a person if, after considering information provided by or on behalf of the person, the chief executive is satisfied— 35

- (a) that the person has been convicted in an overseas jurisdiction of an offence for conduct that constitutes an imprisonable offence in New Zealand; and
- (b) that the conditions were imposed under this subpart by a court in respect of the conviction; and 5
- (c) that the conviction has been overturned, or that the person has been pardoned for that overseas jurisdiction offence.
- (2) A court must revoke the conditions if, on an application made under this section by the chief executive, the court is satisfied of the matters specified in **subsection (1)(a), (b), and (c)**. 10
- (3) This section does not limit any other power of a court to amend or revoke the conditions.
- (4) After the revocation, the person is no longer required to comply with any conditions imposed on the person by a court under section 33(1) because of the conviction. 15
- (5) **Subsection (4)** overrides sections 26 to 34.

Part 37

Amendment to Sale and Supply of Alcohol Act 2012

- 112 Principal Act** 20
This **Part** amends the Sale and Supply of Alcohol Act 2012.
- 113 Section 178 amended (Annual report)**
In section 178(1), replace “3 months” with “6 months”.

Part 38

Amendments to Senior Courts Act 2016

- 114 Principal Act** 25
This **Part** amends the Senior Courts Act 2016.
- 115 Section 20 amended (Associate Judge may exercise certain powers of High Court)**
After section 20(2)(i), insert:
(j) section 89 of the Limited Partnerships Act 2008. 30
- 116 New section 44A inserted (Execution of instruments by order of High Court)**
After section 44, insert:

44A Execution of instruments by order of High Court

- (1) This section applies if a person fails to comply, before a date specified by the court or, if no date is specified, within a reasonable time, with a judgment or order of the High Court directing the person to—
- (a) execute a conveyance, contract, or other document; or 5
 - (b) endorse a negotiable instrument.
- (2) The High Court may, on application and on the terms it thinks just, make an order directing another person, who it nominates for the purpose, to—
- (a) execute the conveyance, contract, or other document; or 10
 - (b) endorse the negotiable instrument.
- (3) The nominee must execute the conveyance, contract, or other document, or endorse the negotiable instrument, before the date specified by the court, or, if no date is specified, within a reasonable time.
- (4) A conveyance, contract, document, or instrument executed or endorsed by the nominee operates and is effective as if the person referred to in **subsection (1)** had made the execution or endorsement. 15
- (5) The exercise of the High Court’s power in **subsection (2)** does not—
- (a) affect a proceeding already commenced in a court; or
 - (b) invalidate anything that was previously lawful; or
 - (c) validate anything previously declared invalid in any proceeding. 20

Compare: 1910 No 27 s 3

117 Section 114 amended (Appointment of acting Associate Judges)

Replace section 114(2)(a) to (c) with:

- (a) is a District Court Judge; or
- (b) is under the age of 75 years and has retired or resigned from office as— 25
 - (i) an Associate Judge; or
 - (ii) a District Court Judge.

118 Section 138 amended (Superannuation of acting Judges)

- (1) In section 138(1), replace “114(2)(c)” with “**114(2)(b)**”.
- (2) In section 138(2), replace “114(2)(b)” with “**114(2)(a)**”. 30

Part 39
Amendment to Te Awa Tupua (Whanganui River Claims Settlement)
Act 2017

119 Principal Act

This **Part** amends the Te Awa Tupua (Whanganui River Claims Settlement) Act 2017. 5

120 Schedule 3 amended

In Schedule 3, after clause 1(2), insert:

- (3) If the term of appointment of a person appointed to Te Pou Tupua expires, unless the person resigns or is removed from office, that person continues to hold office by virtue of the appointment for the term that has expired, until— 10
- (a) that person is reappointed; or
 - (b) a successor to that person is appointed.

Part 40
Amendment to Unit Titles Act 2010 15

121 Principal Act

This **Part** amends the Unit Titles Act 2010.

122 Section 88 amended (Meetings)

Replace section 88(3) to (5) with:

- (3) Members of a body corporate may attend and vote at a general meeting (and members of a body corporate committee may attend and vote at a committee meeting) in person or by audio link, audiovisual link, or other remote access facility despite any limitation or condition on the use of an audio link, audiovisual link, or remote access facility that is contained in the body corporate operational rules. 20
- (4) A meeting conducted under this section must comply with any procedures or other matters prescribed in the regulations, including those relating to electronic voting. 25

Part 41
Amendments to Wine Act 2003 30

123 Principal Act

This **Part** amends the Wine Act 2003.

124 New section 120B inserted (Certain secondary legislation or published instruments may be consolidated)

After section 120A, insert:

120B Certain secondary legislation or published instruments may be consolidated	5
<i>Secondary legislation made by same maker and with same publishing requirements</i>	
(1) The Minister or the Director-General (the maker) may at any time apply this section to any secondary legislation that—	
(a) the maker has made, or may make, under a provision of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the secondary legislation; and	10
(b) is not drafted by the PCO (<i>see</i> section 67 of the Legislation Act 2019).	
<i>Other instruments made by same maker with same publishing requirements</i>	
(2) The Minister or the Director-General (the maker) may at any time apply this section to any instruments that—	15
(a) the maker has made, or may make, under any provisions of this Act, or of regulations made under this Act, by satisfying the same requirements for publishing the instruments; and	
(b) are not secondary legislation.	20
<i>Once this section is applied to specific instruments</i>	
(3) The powers of the maker to amend or replace the specific instruments (whether given by a specific empowering provision, section 48 of the Legislation Act 2019, or otherwise) authorise the maker to—	
(a) revoke any specific instruments that have been made (a revoked instrument); and	25
(b) make an instrument under any of the specific empowering provisions (the new instrument) that—	
(i) has the same effect that all or part of the revoked instrument or instruments had immediately before being revoked; and	30
(ii) otherwise has any further effect (if any) authorised by the specific empowering provisions (the new or amended parts).	
(4) For each part of the new instrument (the replacement part) that has the same effect as part of a revoked instrument (the revoked part),—	
(a) the replacement part must be treated as being made under the specific empowering provision under which the revoked part was made; and	35
(b) any requirements for making the replacement part or for revoking the revoked part, other than the requirements for publication, must be treated	

as being satisfied to the extent that the requirements for making the revoked part were satisfied when it was made.

- (5) To avoid doubt,—
- (a) the new or amended parts of the new instrument (if any) are made under the relevant specific empowering provisions; and 5
 - (b) any requirements of the relevant specific empowering provisions must be satisfied in making those parts.
- (6) A revoked instrument continues to have effect, as if it had not been revoked, in relation to any matter in a period to which the revoked instrument applied. 10
- (7) In this section,— 10
- instrument** has the meaning given in section 5 of the Legislation Act 2019
- maker**, in relation to an instrument, means the person empowered to make it, as defined by **subsection (1) or (2)**
- specific empowering provisions** means the provisions of this Act, or of regulations, that— 15
- (a) empower the making of the specific instruments; and
 - (b) are referred to in the subsection under which the maker applies this section to the specific instruments
- specific instruments** means the 1 or more instruments to which the maker applies this section, whether the instruments— 20
- (a) have been made (and are to be revoked); or
 - (b) are able to be made.

125 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and 25
- (b) make all necessary consequential amendments.

Schedule 1

New Part 2 inserted into Schedule 1 of Animal Products Act 1999

s 7

Part 2

Provision relating to Statutes Amendment Act 2021

5

6 No consolidation of existing notices that are not continuing notices
Section 167B does not apply to a notice to which clause 4 applies.

Schedule 2**New Part 4 inserted into Schedule 1 of Customs and Excise Act 2018****s 30****Part 4****Provisions relating to 2019 and 2020 increases in rates of excise duty
for Excise item 99.44** 5**41 Adjustment of rates of excise duty for Excise item 99.44**

- (1) The Governor-General may, by Order in Council, amend the Excise and Excise-equivalent Duties Table to change the rates of duty that apply to Excise item 99.44. 10
- (2) The new rates must not exceed what the rates would have been on the date on which the order is made had the rates that applied on 30 June 2019 been increased by the maximum amount permitted under clause 21 of Schedule 3 on 1 July 2019 and each subsequent 1 July until the order under this clause is made. 15
- (3) Only 1 order may be made under this clause, and it cannot be made more than 12 months after this clause comes into force.
- (4) An order made under this clause is taken to be an order made under clause 21 of Schedule 3, and this Act (other than clause 21(4) of Schedule 3) applies accordingly. 20

Schedule 3
New Part 2 inserted into Schedule 1 of Wine Act 2003

s 125

Part 2
Provision relating to Statutes Amendment Act 2021

5

6 **No consolidation of existing notices that are not continuing notices**
Section 120B does not apply to a notice to which clause 4 applies.