

# **Statutes Amendment Bill**

Government Bill

As reported from the Governance and Administration Committee

## **Commentary**

### **Recommendation**

The Governance and Administration Committee has examined the Statutes Amendment Bill and recommends that it be passed with the amendments shown. We recommend all amendments unanimously.

### **Introduction**

A statutes amendment bill is an omnibus bill that amends various statutes. It is designed to provide a legislative vehicle for technical, short, and non-controversial amendments to existing legislation.

### **Legislative scrutiny**

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

### **Proposed amendments**

This Statutes Amendment Bill, as introduced, proposes to amend 41 Acts administered by various government agencies. This commentary covers the two amendments we recommend to the bill. It does not discuss minor or consequential amendments.

### **Unit Titles Act**

A temporary provision in the Epidemic Preparedness (COVID-19) Notice 2020 allowed people to attend body corporate meetings remotely via an audio or audio-visual link. Part 40 of the bill, as introduced, would amend section 88 of the Unit Titles Act 2010 to make this provision permanent. Since the bill was introduced, an amendment to the same effect has been made through section 12 of the Unit Titles

(Strengthening Body Corporate Governance and Other Matters) Amendment Act 2022. We therefore recommend removing Part 40 of the bill.

### **Ngāti Manuhiri Claims Settlement Act**

South Mangawhai Forest is a commercial redress property transferred to Ngāti Manuhiri Settlement Trust through the Ngāti Manuhiri Claims Settlement Act 2012. Section 108 provides a right of access for Māori to protected sites, where they exist, within that forest. Section 110 requires an encumbrance to be lodged on the land title to this effect. This means that an encumbrance must be lodged against all land titles that make up South Mangawhai Forest, regardless of whether these properties contain protected sites or the right of access applies. We understand that Ngāti Manuhiri Settlement Trust has entered into a joint venture to develop the land in a discrete area of the forest.

We recommend inserting Part 25A into the bill, which would amend sections 108 and 110 of the Act. Our proposed amendment would remove the unnecessary encumbrance on a group of identified properties in the South Mangawhai Forest that do not contain protected sites and for which no right of access exists. We were advised that this encumbrance is no longer relevant as it has been determined that there are no protected sites in this area.

Removing this encumbrance would allow Ngāti Manuhiri Settlement Trust to fulfil its aspirations to develop part of the forest land, consistent with the land's status as commercial redress.

## **Appendix**

### **Committee process**

The Statutes Amendment Bill was referred to the committee on 8 March 2022. We called for submissions on the bill with a closing date of 20 April 2022. We received and considered 16 submissions from interested groups and individuals.

We received advice on the bill from the Ministry of Justice and Te Arawhiti. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

### **Committee membership**

Ian McKelvie (Chairperson)

Rachel Boyack

Naisi Chen

Jamie Strange

Hon Michael Woodhouse



**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~



*Hon Aupito William Sio*

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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. 5

**Part 1**

**Amendment to Agricultural Compounds and Veterinary Medicines Act 1997**

- 3 Principal Act** 10  
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)**  
After section 78, insert: 15
- 78A Certain secondary legislation or published instruments may be consolidated**

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

  - (1) The Director-General (the **maker**) may at any time apply this section to any secondary legislation that— 20
    - (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 or the Director-General (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 2

10

### 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)

15

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*

20

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

25

*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—

- (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.

30

*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.

**7 Schedule 1 amended**

In Schedule 1,—

- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and  
 (b) make all necessary consequential amendments. 5

**Part 3**

**Amendment to Animal Welfare Act 1999**

**8 Principal Act**

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

**9 New section 184A and cross-heading inserted 10**

After section 184, insert:

*Consolidation of secondary legislation or published instruments*

**184A Certain secondary legislation or published instruments may be consolidated**

*Secondary legislation made by same maker and with same publishing requirements 15*

- (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 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 4

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

- 10 Principal Act**  
This **Part** amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009. 5
- 11 Section 5 amended (Interpretation)**  
In section 5(1), definition of **law enforcement purposes**, paragraph (b)(vi), replace “1996” with “2018”.
- 12 Section 49 amended (Obligation to keep transaction records)** 10  
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: 15
- (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. 20
- (2) In section 140(2)(c), replace “Customs and Excise Act 2018” with “Criminal Proceeds (Recovery) Act 2009”.
- (3) In section 140(2)(d), replace “Customs and Excise Act 1996” with “Customs and Excise Act 2018”. 25
- 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.

## Part 5

### Amendment to Biosecurity Act 1993 30

- 15 Principal Act**  
This **Part** amends the Biosecurity Act 1993.

**16 New section 166A inserted (Certain secondary legislation or published instruments may be consolidated)**

After section 166, insert:

<b>166A Certain secondary legislation or published instruments may be consolidated</b>	5
<i>Secondary legislation made by same maker and with same publishing requirements</i>	
(1) The responsible Minister or the Director-General (the <b>maker</b> ) 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 responsible Minister, the Director-General, a chief technical officer, or a management agency (the <b>maker</b> ) 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	20
(b) are not secondary legislation.	
<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—	25
(a) revoke any specific instruments that have been made (a <b>revoked instrument</b> ); and	
(b) make an instrument under any of the specific empowering provisions (the <b>new instrument</b> ) 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 <b>new or amended parts</b> ).	
(4) For each part of the new instrument (the <b>replacement part</b> ) that has the same effect as part of a revoked instrument (the <b>revoked part</b> ),—	35
(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) 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.
- (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.

## Part 6

### Amendment to Canterbury Earthquakes Insurance Tribunal Act 2019 25

#### 17 Principal Act

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

#### 18 Section 46 amended (Tribunal's decision: substance)

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: 30
- (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.

## **Part 7**

### **Amendment to Care of Children Act 2004**

**19 Principal Act**

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

**20 Section 47B amended (Mandatory statement and evidence in applications) 5**

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**

**21 Principal Act 10**

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 15**

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

**23 Principal Act**

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

**24 Schedule 6 amended 20**

In Schedule 6, clause 25(2), replace “requesting” with “requested to provide”.

## **Part 10**

### **Amendment to Crown Entities Act 2004**

**25 Principal Act**

This **Part** amends the Crown Entities Act 2004. 25

**26 Section 9 amended (Power to amend Schedules 1 and 2)**

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.

## Part 11

### Amendment to Crown Forest Assets Act 1989

- 27 Principal Act** 5  
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)**  
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. 10

## Part 12

### Amendment to Customs and Excise Act 2018

- 29 Principal Act** 15  
This **Part** amends the Customs and Excise Act 2018.
- 30 Schedule 1 amended**  
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. 20

## Part 13

### Amendment to Dog Control Act 1996

- 31 Principal Act**  
This **Part** amends the Dog Control Act 1996.
- 32 Section 30A amended (Prohibition on import of dogs listed in Schedule 4)** 25  
In section 30A(5), replace “Subsection (1) does” with “Subsections (1) and (2)(b) do”.

**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. 5
- 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~~ Principal Act** 10  
 (1) This section **Section 35A** amends the Equal Pay Amendment Act 2020.  
 (2) ~~Repeal section 24(2).~~
- 35A Section 24 amended (Section 19 amended (Regulations))**  
Repeal section 24(2).

**Part 15** 15  
**Amendment to Evidence Act 2006**

- 36 Principal Act**  
 This **Part** amends the Evidence Act 2006.
- 37 Section 202 and cross-heading repealed** 20  
 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.
- 39 Section 49 amended (Police safety order: contravention: standard of proof)** 25  
 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)** 30  
 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).

- 41 Section 106 amended (Proceedings about interim order in respect of child of applicant’s family: legal aid)** 5  
 In section 106(1)(c), replace “105(4)” with “105(6)”.

## Part 17

### Amendments to Fire and Emergency New Zealand Act 2017

- 42 Principal Act** 10  
 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:
- 23 Authorised person or class of persons for purposes of this Act and regulations under this Act** 15
- (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.
- (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. 20
- (3) Any authorisation made by the board is subject to any conditions or limitations specified in the notice.
- (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. 25
- (5) The board may revoke an authorisation at any time by written notice.
- 44 Section 25 amended (Appointment to roles and ranks)**  
 Replace section 25(2) with:
- (2) Appointees must be FENZ personnel. 30
- 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”.

**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—
  - (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

5

**47 Section 75 amended (Relevant building defined for purposes of sections 76 to 79)**

10

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:
    - (i) the gathering together, for any purpose, of 100 or more persons: 15
    - (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): 20
    - (v) providing nursing, medical, or geriatric care (other than in a household unit):
    - (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): 25
    - (viii) any other prescribed purpose; or 30
  - (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.

**48 Section 76 amended (Owner must provide and maintain evacuation scheme for relevant building)**

35

Replace section 76(3)(a) with:

- (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”.
- 50 Section 150 amended (Command of defence fire brigade and any other personnel)** 5  
In section 150(2), replace “sections 41 to 45” with “sections 38 to 45”.
- Consequential amendments to Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018*
- 51 Principal regulations**  
**Sections 52 to 55** amend the Fire and Emergency New Zealand (Fire Safety, Evacuation Procedures, and Evacuation Schemes) Regulations 2018. 10
- 52 Regulation 23 amended (Minimum amounts of hazardous substances)**  
In regulation 23, replace “75(1)(d)” with “**75(1)(b)**”.
- 53 Regulation 35 amended (Building owner must notify FENZ if certain events occur)** 15  
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**  
In the Schedule 3 heading, replace “**75(1)(d)**” with “**75(1)(b)**”.
- 55 Schedule 4 amended** 20  
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:

**Part 18**  
**Amendment to Food Act 2014** 25

- 56 Principal Act**  
This **Part** amends the Food Act 2014.
- 57 New section 443A and cross-heading inserted**  
After section 443, insert:

*Consolidation of secondary legislation or published instruments***443A Certain secondary legislation or published instruments may be consolidated***Secondary legislation made by same maker and with same publishing requirements*

5

(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

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 chief executive (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

15

(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—

20

(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—

25

(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**).

30

(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.

35

- (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. 5
- (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)** 10
- 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 15
- 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. 20

## Part 19

### Amendments to Government Roding Powers Act 1989

#### 58 Principal Act

This **Part** amends the Government Roding Powers Act 1989.

#### 59 Section 43 amended (Interpretation) 25

- (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:

**Surveyor-General** means the Surveyor-General appointed under section 5 of the Cadastral Survey Act 2002 30

## Part 20

### Amendments to Infrastructure Funding and Financing Act 2020

#### 60 Principal Act

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

#### 61 Section 3 amended (Purpose) 5

(1) In section 3, delete “housing and”.

(2) In section 3, insert as subsection (2):

(2) In this section, **urban development** includes—

(a) development of housing, including public housing and community housing, affordable housing, homes for first-home buyers, and market housing: 10

(b) development and renewal of urban environments, whether or not this includes housing development:

(c) development of related commercial, industrial, community, or other amenities, infrastructure, facilities, services, or works. 15

## Part 21

### Amendments to Land Transport Act 1998

#### 62 Principal Act

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

#### 63 Section 22AB amended (Road controlling authorities may make certain bylaws) 20

In section 22AB(1)(o)(ii), replace “medical practitioners” with “health practitioners”.

#### 64 Section 74 amended (Procedure for dealing with blood specimens)

(1) In section 74(3), delete “by registered post” in each place. 25

(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”.

(2) In section 75(5)(a), delete “registered”. 30

(3) In section 75(6), delete “registered”.



## Part 22 Amendments to Legislation Act 2019

### 66 Principal Act

This **Part** amends the Legislation Act 2019.

### 67 Section 13 amended (Definitions of terms for all legislation) 5

- (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”.

## Part 23 10 Amendment to Local Government Official Information and Meetings Act 1987

### 68 Principal Act

This **Part** amends the Local Government Official Information and Meetings Act 1987. 15

### 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 20

This **Part** amends the Maritime Transport Act 1994.

### 71 Section 40A amended (Interpretation)

- (1) In section 40A, repeal the definition of **doctor’s surgery**.
- (2) In section 40A, insert in its appropriate alphabetical order:
 

<b>medical centre</b> means any place where a medical examination or medical care or treatment is carried out or given, including a place on board a ship	25
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### 72 Section 40H amended (Who must undergo breath screening test)

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”. 30

- 74 Section 40M amended (Who must give blood specimen in hospital or surgery)**
- (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”. 5
- 75 Section 40O amended (Certificates in proceedings)**
- 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)”. 10
- 77 Section 200A amended (Minister may notify maritime event where special enforcement powers exercisable)**
- In section 200A(1)(a), replace “the Local Government Act 1974” with “Part 3A”. 15

## Part 25

15

### Amendment to National Animal Identification and Tracing Act 2012

- 78 Principal Act**
- This **Part** amends the National Animal Identification and Tracing Act 2012.
- 79 New section 70A and cross-heading inserted**
- After section 70, insert: 20
- Consolidation of secondary legislation or published instruments*
- 70A Certain secondary legislation or published instruments may be consolidated**
- Secondary legislation made by same maker and with same publishing requirements* 25
- (1) The Minister or the NAIT organisation (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 Minister, the Director-General, or the NAIT organisation (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
- (b) are not secondary legislation.
- Once this section is applied to specific instruments* 5
- (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 10
- (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**). 15
- (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 20
- (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,— 25
- (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. 30
- (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)** 35
- 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

**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.

5

## **Part 25A**

### **Amendments to Ngāti Manuhiri Claims Settlement Act 2012**

#### **79A Principal Act**

This **Part** amends the Ngāti Manuhiri Claims Settlement Act 2012.

10

#### **79B Section 108 amended (Right of access to protected site)**

After section 108(3), insert:

(4) The right of access described in this section does not apply to the land described in **Schedule 5**.

#### **79C Section 110 amended (Notation on computer freehold register)**

15

(1) In the heading to section 110, replace “**computer freehold register**” with “**record of title**”.

(2) In section 110(1) and (2)(b), replace “computer freehold register” with “record of title” in each place.

(3) After section 110(2), insert:

20

(2A) The Registrar-General must remove the notation directed by subsection (1) from—

(a) each record of title listed in **Part 1 of Schedule 5**; and

(b) the supplementary record sheet listed in **Part 2 of Schedule 5**.

(2B) The Registrar-General must amend the notation directed by subsection (1) on the records of title listed in **Part 3 of Schedule 5** to reflect that the described land in each case is not subject to the right of access under this subpart.

25

#### **79D New Schedule 5 inserted**

After Schedule 4, insert the **Schedule 5** set out in **Schedule 4** of this Act.

## **Part 26**

30

### **Amendment to Oaths and Declarations Act 1957**

#### **80 Principal Act**

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

**Part 27**

5

**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)**

10

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****84 Principal Act**

15

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

**85 Section 7 amended (Interpretation)**

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

20

**Part 29****Amendment to Prisoners’ and Victims’ Claims Act 2005****86 Principal Act**

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

**87 Section 28 amended (Filing of claims)**

25

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

## 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) 5

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). 10

#### 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). 15

#### 91 Section 111 amended (Certain provisions of Human Rights Act 1993 to apply) 20

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,”. 25
- (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) 30

- (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)”. 35

- (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). 5
- 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: 10
- (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. 15
- 98 Section 45M amended (Application of Crown Entities Act 2004 to Schedule 4 organisations)**
- (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): 20

### Part 32

#### Amendments to Railways Act 2005

- 99 Principal Act**  
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”. 30

**Part 33**  
**Amendment to Residential Tenancies Act 1986**

**101 Principal Act**

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

**102 Section 74 amended (Records of Tribunal)**

5

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

**Part 34**  
**Amendments to Resource Management Act 1991**

**103 Principal Act**

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

10

**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.

15

**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)**

20

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

25

**108 Principal Act**

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

30



**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 5
- (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

**pardoned**, in relation to a person and an overseas jurisdiction offence (see **sections 23A and 34A**), means that the person— 10

- (a) has been granted a free pardon for the offence; or
- (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) 15**

After section 23, insert:

**23A Commissioner must revoke determination if conviction overturned, or person pardoned, for overseas jurisdiction offence 20**

- (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—
  - (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 25
  - (b) that the determination was made in respect of the conviction; and
  - (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. 30
- (3) After the revocation, the person—
  - (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 35

- (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.
- (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)** 5
- After section 34, insert:
- 34A Application to court to revoke conditions imposed if conviction overturned, or person pardoned, for overseas jurisdiction offence** 10
- (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—
- (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 15
- (b) that the conditions were imposed under this subpart by a court in respect of the conviction; and
- (c) that the conviction has been overturned, or that the person has been pardoned for that overseas jurisdiction offence. 20
- (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)**.
- (3) This section does not limit any other power of a court to amend or revoke the conditions. 25
- (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.
- (5) **Subsection (4)** overrides sections 26 to 34.

## Part 37

30

### Amendment to Sale and Supply of Alcohol Act 2012

#### 112 Principal Act

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”.

35

## Part 38

### Amendments to Senior Courts Act 2016

#### 114 Principal Act

This **Part** amends the Senior Courts Act 2016.

#### 115 Section 20 amended (Associate Judge may exercise certain powers of High Court) 5

After section 20(2)(i), insert:

(j) section 89 of the Limited Partnerships Act 2008.

#### 116 New section 44A inserted (Execution of instruments by order of High Court) 10

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— 15
  - (a) execute a conveyance, contract, or other document; or
  - (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— 20
  - (a) execute the conveyance, contract, or other document; or
  - (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. 25
- (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 30
  - (c) validate anything previously declared invalid in any proceeding.

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 35

- (b) is under the age of 75 years and has retired or resigned from office as—
  - (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)**”. 5
- (2) In section 138(2), replace “114(2)(b)” with “**114(2)(a)**”.

**Part 39**

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

**119 Principal Act** 10

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

**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— 15
  - (a) that person is reappointed; or
  - (b) a successor to that person is appointed.

**Part 40** 20

**Amendment to Unit Titles Act 2010**

**121 Principal Act**

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

**122 Section 88 amended (Meetings)**

Replace section 88(3) to (5) with: 25

- (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.~~ 30
- (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.~~

## Part 41 Amendments to Wine Act 2003

### 123 Principal Act

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

### 124 New section 120B inserted (Certain secondary legislation or published instruments may be consolidated) 5

After section 120A, insert:

- 120B 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.

## 125 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in **Schedule 3** of this Act as the last Part; and 30
- (b) make all necessary consequential amendments.

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**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 45 inserted into Schedule 1 of Customs and Excise Act**  
**2018**

s 30

<b>Part <u>45</u></b>	5
<b>Provisions relating to 2019 and 2020 increases in rates of excise duty for Excise item 99.44</b>	
<b><u>4144</u> Adjustment of rates of excise duty for Excise item 99.44</b>	
(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



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**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.

**Schedule 4**  
**New Schedule 5 inserted into Ngāti Manuhiri Claims Settlement Act**  
**2012**

s 79D

**Schedule 5**  
**Land not subject to right of access**

5

ss 108, 110

**Part 1**  
**Records of title not subject to right of access**

<b>Description</b>	<b>Record of title</b>
<u>Lot 24 Deposited Plan 547805</u>	<u>970616</u>
<u>Lot 25 Deposited Plan 547805</u>	<u>970617</u>
<u>Lot 26 Deposited Plan 547805</u>	<u>970618</u>
<u>Lot 27 Deposited Plan 547805</u>	<u>970619</u>
<u>Lot 28 Deposited Plan 547805</u>	<u>970620</u>
<u>Lot 29 Deposited Plan 547805</u>	<u>970621</u>
<u>Lot 30 Deposited Plan 547805</u>	<u>970622</u>
<u>Lot 31 Deposited Plan 547805</u>	<u>970623</u>
<u>Lot 32 Deposited Plan 547805</u>	<u>970624</u>
<u>Lot 33 Deposited Plan 547805</u>	<u>970625</u>
<u>Lot 34 Deposited Plan 547805</u>	<u>970626</u>
<u>Lot 35 Deposited Plan 547805</u>	<u>970627</u>
<u>Lot 36 Deposited Plan 547805</u>	<u>970628</u>
<u>Lot 37 Deposited Plan 547805</u>	<u>970629</u>
<u>Lot 42 Deposited Plan 547805</u>	<u>970630</u>
<u>Lot 200 Deposited Plan 547805</u>	<u>970633</u>
<u>Lot 500 Deposited Plan 547805</u>	<u>970640</u>
<u>Lot 43 Deposited Plan 564230</u>	<u>1005313</u>
<u>Lot 38 Deposited Plan 564230</u>	<u>1005315</u>
<u>Lot 39 Deposited Plan 564230</u>	<u>1005316</u>
<u>Lot 40 Deposited Plan 564230</u>	<u>1005317</u>
<u>Lot 45 Deposited Plan 566118</u>	<u>1012923</u>
<u>Lot 46 Deposited Plan 566118</u>	<u>1012924</u>
<u>Lot 47 Deposited Plan 566118</u>	<u>1012925</u>
<u>Lot 48 Deposited Plan 566118</u>	<u>1012926</u>
<u>Lot 49 Deposited Plan 566118</u>	<u>1012927</u>
<u>Lot 50 Deposited Plan 566118</u>	<u>1012928</u>
<u>Lot 51 Deposited Plan 566118</u>	<u>1012929</u>
<u>Lot 52 Deposited Plan 566118</u>	<u>1012930</u>
<u>Lot 53 Deposited Plan 566118</u>	<u>1012931</u>
<u>Lot 54 Deposited Plan 566118</u>	<u>1012932</u>

<b>Description</b>	<b>Record of title</b>
<u>Lot 55 Deposited Plan 566118</u>	<u>1012933</u>
<u>Lot 56 Deposited Plan 566118</u>	<u>1012934</u>
<u>Lot 57 Deposited Plan 566118</u>	<u>1012935</u>
<u>Lot 58 Deposited Plan 566118</u>	<u>1012936</u>
<u>Lot 59 Deposited Plan 566118</u>	<u>1012937</u>
<u>Lot 60 Deposited Plan 566118</u>	<u>1012938</u>
<u>Lot 11 Deposited Plan 569364</u>	<u>1027844</u>
<u>Lot 12 Deposited Plan 569364</u>	<u>1027845</u>
<u>Lot 13 Deposited Plan 569364</u>	<u>1027846</u>
<u>Lot 14 Deposited Plan 569364</u>	<u>1027847</u>
<u>Lot 15 Deposited Plan 569364</u>	<u>1027848</u>
<u>Lot 16 Deposited Plan 569364</u>	<u>1027849</u>
<u>Lot 17 Deposited Plan 569364</u>	<u>1027850</u>
<u>Lot 18 Deposited Plan 569364</u>	<u>1027851</u>
<u>Lot 19 Deposited Plan 569364</u>	<u>1027852</u>
<u>Lot 20 Deposited Plan 569364</u>	<u>1027853</u>
<u>Lot 21 Deposited Plan 569364</u>	<u>1027854</u>
<u>Lot 22 Deposited Plan 569364</u>	<u>1027855</u>
<u>Lot 23 Deposited Plan 569364</u>	<u>1027856</u>
<u>Lots 100, 101, 102, 104, 105, 106, 107, 119, 150, 151, and 152 Deposited Plan 547805, Lots 109 and 154 Deposited Plan 564230, Lots 110, 111, 112, and 113 Deposited Plan 566118, Lot 14 Deposited Plan 569960, and Lots 103, 108, 114, and 115 Deposited Plan 569364</u>	<u>1027946</u>
<u>Lots 1, 3, and 12 Deposited Plan 569960, and Lots 201, 410, and 411 Deposited Plan 547805</u>	<u>1028750</u>
<u>Lots 2 and 4 Deposited Plan 569960</u>	<u>1028751</u>
<u>Lot 5 Deposited Plan 569960 and Lot 412 Deposited Plan 547805</u>	<u>1028752</u>
<u>Lots 202 and 207 Deposited Plan 569960, Lot 203 Deposited Plan 566118, and Lot 206 Deposited Plan 564230</u>	<u>1028755</u>

## **Part 2**

### **Supplementary record sheet under Unit Titles Act 2010 not subject to right of access**

<b>Description</b>	<b>Supplementary record sheet</b>
<u>Lots 11 and 13 Deposited Plan 569960</u>	<u>1057374</u>

## **Part 3**

### **Records of title where part not subject to right of access**

<b>Description</b>	<b>Record of title (part)</b>
<u>Those parts of Lot 600 Deposited Plan 564455 shown as D and F on Survey Office Plan 578146</u>	<u>1005902</u>
<u>Lot 204 Deposited Plan 569364 and that part of Lot 205 Deposited Plan 569364 shown as J on Survey Office Plan 578146</u>	<u>1027947</u>

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**Description**

**Record of title (part)**

Lot 603 Deposited Plan 566118 and that part of Lot 403 Deposited Plan  
564455 shown as I on Survey Office Plan 578146

1034136

**Legislative history**

22 December 2021  
8 March 2022

Introduction (Bill 108–1)  
First reading and referral to Governance and Administration  
Committee