

## **Statutes Amendment Bill (No 2)**

Government Bill

### **Explanatory note**

#### **General policy statement**

This Statutes Amendment Bill consists entirely of amendments to Acts and is therefore an omnibus Bill that may be introduced by virtue of standing order 258(1)(f). It is intended that the Bill will be divided into separate Bills at the committee of the whole House stage.

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

### **Part 1**

#### **Antarctica (Environmental Protection)**

##### **Act 1994**

*Part 1* amends the Antarctica (Environmental Protection) Act 1994.

*Clause 4* amends section 27(3) of that Act by repealing paragraph (a) and substituting a *new paragraph (a)*. *New paragraph (a)(i)* repeats the current paragraph (a). *New paragraph (a)(ii)* allows the Minister to authorise removal of any part of, or the contents of, any Historic

Site or Historic Monument if to do so is consistent with an applicable management plan.

## **Part 2**

### **Charities Act 2005**

*Part 2* amends the Charities Act 2005.

*Clause 6* amends the definition of officer in section 4(1) so that the officers of a society or an institution always include a person who is in a position to exercise significant influence over the entity's management or administration (in addition to the members of any board or governing body of the entity).

*Clause 7* amends the definition of charitable purpose in section 5(2) to include the purpose of an entity that promotes sport if the purpose is expressed to be, and is in fact, the means by which a charitable purpose (such as the promotion of health or education) will be achieved.

*Clauses 8, 9, and 10* amend sections 17, 24, and 27 (respectively) to distinguish between matters now prescribed by the Charities Commission (the **Commission**) and matters still prescribed by regulations made under the principal Act.

*Clause 11* amends section 40(1) by adding the requirement for a charitable entity to notify the Commission of a change that disqualifies an officer of the entity from being an officer. Section 40(2) is amended to recognise that certain forms and requirements are now prescribed by the Commission.

*Clause 12* amends section 41(2) to also recognise that certain forms and requirements are now prescribed by the Commission.

*Clause 13* amends section 42 so that the form of, and requirements for, annual returns are now prescribed by the Commission, not by regulations. The Commission may prescribe a form or requirement only for certain purposes and must satisfy certain publication and consultation requirements.

*Clauses 14 and 15* amend sections 44(3) and 45(2) (respectively) to recognise that certain forms and requirements are now prescribed by the Commission.

*Clause 16* inserts a *new section 72A*. The new section lets the Commission prescribe certain forms and requirements. The Commission

may prescribe a form or requirement only for certain purposes and must satisfy certain publication and consultation requirements.

*Clause 17* amends section 73 to remove the regulation-making powers that have been replaced by the Commission's powers under *new section 72A*. Section 73(3) and (4) are amended to clarify that fees and related matters are still prescribed by regulations.

*Clause 18* is a transitional provision that applies if a person becomes an officer of a charitable entity because of the amended definition of officer.

*Clause 19* is a transitional provision that covers certain information and documentation received by the Commission before the changes made by *this Part* to forms and requirements.

*Clause 20* is a transitional provision that lets the Commission consult on forms and requirements before the commencement of *this Part*.

*Clause 21* makes consequential amendments to the Charities (Fees, Forms, and Other Matters) Regulations 2006 to remove anything relating to forms.

### **Part 3**

#### **Citizens Initiated Referenda Act 1993**

*Part 3* amends the Citizens Initiated Referenda Act 1993.

*Clause 23* substitutes section 26A(6). Section 26A makes provision for the writ for an indicative referendum to be conducted by postal voting. The Governor-General issues the writ to the Electoral Commission, requiring the Commission to conduct the referendum by postal voting, and to return the writ, endorsed with the result, after the referendum has been completed. *New section 26A(6)* ensures that the latest date for the return of the writ is after the last day on which votes may be returned by post.

*Clause 24* inserts *new subsections (5A) and (5B)* into section 39 of the principal Act. These provide that, where the voting period for an indicative referendum conducted by postal voting is extended under the Referenda (Postal Voting) Act 2000, the Electoral Commission may postpone the return of the writ until after the end of the extended voting period.

## **Part 4**

### **Civil Defence Emergency Management Act 2002**

*Part 4* amends the Civil Defence Emergency Management Act 2002.

*Clause 26* amends section 12, which requires local authorities to establish Civil Defence Emergency Management Groups. The amendment specifies that clause 30(5) and (7) of Schedule 7 of the Local Government Act 2002 must not be read as permitting the discharge or reconstitution of a Civil Defence Emergency Management Group.

*Clause 27* amends section 68, which provides for the declaration of a state of local emergency by authorised persons. The amendment clarifies that declarations for areas displace declarations for districts or wards within those areas and that declarations for districts displace declarations for wards within those districts.

*Clause 28* amends section 69, which provides for the declaration of a state of local emergency by the Minister. The amendment clarifies that declarations for areas displace declarations for districts or wards within those areas and that declarations for districts displace declarations for wards within those districts.

*Clause 29* substitutes *new section 70*, which provides for the commencement and duration of a state of emergency.

*Clause 30* substitutes *new section 71*, which provides for the commencement and duration of an extension of a state of emergency.

*Clause 31* amends section 72, which provides for the termination of a state of emergency. The amendment clarifies that a state of emergency terminates when a declaration of termination is made.

*Clause 32* amends clause 6 of Part A of Schedule 1. The amendment changes “Lyttleton” to “Lyttelton”.

*Clause 33* consequentially amends a number of declaration forms set out in Schedule 2 of the Civil Defence Emergency Management Regulations 2003.

## **Part 5**

### **Companies Act 1993**

*Part 5* amends the Companies Act 1993.

*Clause 35* amends section 241 to clarify that the court can consider an application to appoint a liquidator in respect of a company that has

been removed from the New Zealand register. However, the company must be restored to the register before or at the same time as the court appoints a liquidator. This amendment addresses practical difficulties in applying liquidation processes to companies no longer on the register, which arose after the repeal of section 327 by section 4 of the Companies Amendment Act 2007.

*Clause 36* amends section 360 by repealing subsections (2) and (3). Subsection (2) allows the register of companies to be divided into different parts and kept in different places in New Zealand. Subsection (3) requires the overseas register to be kept at a place in New Zealand determined by the Registrar. These subsections are redundant now that the registers are kept in electronic form.

*Clause 37* repeals section 361, which allows the Registrar to direct the physical transfer of records from one place in New Zealand to another. This section is redundant now that the register of companies and records relating to companies are kept in electronic form.

## **Part 6**

### **Crimes Act 1961**

*Part 6* amends the Crimes Act 1961.

*Clause 39* amends clause 1(3), which indexes the sections contained in each Part of the principal Act. The amendments update the index to identify correctly the section numbers that are currently contained in each Part.

## **Part 7**

### **Criminal Proceeds (Recovery) Act 2009**

*Part 7* amends the Criminal Proceeds (Recovery) Act 2009.

*Clause 41* updates the definition of lawyer in section 5 to refer to the definition of lawyer in the Lawyers and Conveyancers Act 2006.

*Clause 42* amends section 33, which sets out the process for applications for further orders associated with restraining orders. The effect of the amendment is to require an applicant for a further order to serve a copy of the application on the Official Assignee. Currently, a copy of an application for a restraining order must be served on the Official Assignee, but there is no similar requirement in relation to applications for further orders.

*Clause 43* amends section 87 to include reference to foreign restraining orders. Section 87 currently allows the Official Assignee to recover costs incurred in taking custody and control of property under a restraining order, forfeiture order, or foreign forfeiture order. The effect of this amendment is to enable the Official Assignee to recover costs incurred in taking custody and control of property under a foreign restraining order.

*Clause 44* amends section 91, which provides a definition of Commissioner for the purposes of subpart 6 of Part 2. The amendment replaces “functions and powers” with “powers, functions, or duties” for consistency with the changes proposed by *clauses 46* and *47*.

*Clause 45* amends the heading above section 96 by replacing the words functions or powers with powers, functions, or duties.

*Clause 46* repeals and replaces section 96. Section 96 provides that the provisions of the Police Act 1958 relating to the delegation of functions or powers of the Commissioner apply to the functions and powers of the Commissioner under this Act. It is necessary to update this section and to ensure that it corresponds appropriately to section 17 of the Policing Act 2008, which enables the delegation of powers, functions, or duties of the Commissioner.

*Clause 47* amends section 105(1) by removing both references to “or any member of the police”. Those words are removed because the civil forfeiture regime in the Act is intended to be enforced by the Commissioner and his or her nominated delegates.

The effect of *clauses 48* and *49* is to relocate the heading above section 107. The correct location is directly above section 106.

*Clause 50* amends section 107(3)(c) and (d) by substituting “notice” with “order”. The references to “notice” are incorrect because section 107(3) is about the order that the Judge may make.

*Clause 51* amends section 116(2)(b), which requires warrants issued under section 102 or 108 to be directed to the Commissioner and every member of the police. The words “every member of the police” are removed because the warrants issued under those sections are part of the civil forfeiture regime (which is intended to be enforced by the Commissioner and his or her nominated delegates).

*Clause 52* corrects an incorrect section reference in section 138.

*Clause 53* corrects an oversight in section 159(3). Section 159(1) provides that the duty to provide information under section 105 (pro-

duction orders) or 107 (examination orders) overrides every enactment or rule of law that obliges any person to maintain secrecy in relation to, or not to disclose, any matter. However, section 159(3) provides that the duty to disclose the information is subject to section 160 (legal professional privilege) and exemptions for certain statutory officers in section 162. Section 159(3) is incomplete because it should also include reference to section 161, which protects privilege in relation to tax advice. Section 159(3) is corrected to incorporate the exception relating to tax advice.

*Clause 54* updates a reference in section 160(4) to the Law Practitioners Act 1982 to the appropriate provision in the Lawyers and Conveyancers Act 2006 and amends section 160(7) as a consequence of the new definition of lawyer.

*Clause 55* updates a cross-reference in section 207 to the appropriate provision in the High Court Rules.

## **Part 8**

### **Domestic Violence Act 1995**

*Part 8* amends the Domestic Violence Act 1995.

*Clause 57* amends section 124A, which is the interpretation provision for Part 6A (Police safety orders). A definition of District Court is inserted so that the Court's jurisdiction may be exercised by Justices of the Peace and Community Magistrates. A definition of Registrar is also added.

*Clause 58* amends section 124L to clarify that it applies where a person has been served with a Police safety order and refuses or fails to comply with the order or any condition of the order. A Police safety order does not come into force until it is served on the person against whom it is issued (section 124K).

*Clauses 59 and 60* amend sections 124M and 124O respectively, to provide that a Registrar or Deputy Registrar may issue warrants under these sections.

*Clause 61* makes consequential amendments to the Domestic Violence (General) Regulations 1996. Forms 2, 5, and 6 of the Schedule are amended to include a Registrar and Deputy Registrar as appropriate signatories.

## **Part 9**

### **Judicature Act 1908**

*Part 9* amends the Judicature Act 1908. The amendments relate to section 26I, which authorises Associate Judges of the High Court to exercise certain powers of the court.

*Clause 63(1)* repeals, because it is now redundant, section 26I(1)(b), which gives an Associate Judge the court's jurisdiction and powers in respect of an application to stay, or dismiss, an application for the appointment of a liquidator. When, on 6 November 1986, the Judicature Amendment Act 1986 inserted section 26I(1)(b), it did not overlap with section 26I(2), since section 26I(2) did not then mention enactments that empower the court to appoint a liquidator. But the section 26I(2)(e) substituted on 1 July 1994 by the Judicature Amendment Act 1994 gave an Associate Judge all the jurisdiction and powers vested in the court, or a Judge of the court, by Part 16 (liquidations) of the Companies Act 1993. That Part includes section 241, which empowers the court to appoint a liquidator. *New section 241(2)(c)(viii) and (2A)* of the Companies Act 1993, to be added and inserted by *clause 35*, will also provide for the court to appoint a liquidator of a company that has been removed from (but when the appointment is made is restored to) the New Zealand register. As to staying, or dismissing, an application, section 26I(3) gives an Associate Judge all the court's jurisdiction and powers to deal with matters incidental to matters over which an Associate Judge has jurisdiction under section 26I(2)(e). Section 26IA also gives an Associate Judge, in all proceedings properly before the Associate Judge, jurisdiction to make any order or to exercise any authority or jurisdiction (except one in section 26J(3) or (4)) that a Judge of the court might make or exercise.

*Clause 63(2)* amends section 26I(2)(e). The amendment gives an Associate Judge all the court's jurisdiction and powers under section 329 of the Companies Act 1993. That section empowers the court to order that a company that has been removed from the New Zealand register be restored to the register.

## **Part 10**

### **Limited Partnerships Act 2008**

*Part 10* amends the Limited Partnerships Act 2008.



*Clause 65* amends section 4 to repeal the definitions of Deputy Registrar and Registrar and substitute a new definition of Registrar. The amendment clarifies that, in accordance with section 357(2) of the Companies Act 1993, a Deputy Registrar of Companies has and may exercise the powers, and has and may carry out the duties and functions, of the Registrar of Companies under the Limited Partnerships Act 2008, subject to the control of the Registrar of Companies.

*Clause 66* amends section 79(2) to remove a reference to the Deputy Registrar that is redundant as a consequence of the substituted definition of Registrar in section 4.

## **Part 11**

### **Marriage Act 1955**

*Part 11* amends the Marriage Act 1955.

*Clause 68* substitutes a *new section 41* to enable any person (whether or not a New Zealand citizen) who intends to marry outside New Zealand to apply to the Registrar-General for a certificate that states that there is no lawful impediment to the marriage. The certificate is no longer to be a prescribed form.

*Clause 69* makes consequential amendments to the Marriage (Forms) Regulations 1995.

## **Part 12**

### **Mutual Assistance in Criminal Matters Act 1992**

*Part 12* amends the Mutual Assistance in Criminal Matters Act 1992.

*Clause 71* repeals section 58(2)(d) as a consequence of the enactment of section 136(1)(b) of the Criminal Proceeds (Recovery) Act 2009.

A foreign restraining order must be registered in New Zealand to have effect in New Zealand. Section 136(1) of the Criminal Proceeds (Recovery) Act 2009 determines the duration of a registered foreign restraining order in relation to a list of key dates in the life of the order. The date that the order expires is the earliest of those dates. One of the key dates is the date that is the end of 2 years after the date on which the order is registered in New Zealand (section 136(1)(b)). Section 58(2) of the principal Act describes when the Attorney-General may give a direction to the Commissioner of Police to apply to

the High Court to cancel the registration of a foreign restraining order or a foreign forfeiture order. In particular, section 58(2)(d) provides that a direction may be given, in the case of a foreign restraining order, if 1 year has passed since the foreign country made the foreign restraining order. This particular provision should have been, but was not, repealed as a consequence of the enactment of section 136(1)(b) of the Criminal Proceeds (Recovery) Act 2009.

### **Part 13**

#### **New Zealand Railways Corporation Act 1981**

*Part 13* amends the New Zealand Railways Corporation Act 1981. *Clause 73* amends section 4, which establishes the New Zealand Railways Corporation (the **Corporation**). Section 4(2) currently provides that the Corporation consists of up to 7 directors appointed by the Minister. The effect of the amendment is to allow up to 9 directors to be appointed. The Corporation needs additional directors to manage the increased workload associated with a 10-year turnaround plan, which involves the Corporation investing \$4.6 billion in its assets.

### **Part 14**

#### **New Zealand Superannuation and Retirement Income Act 2001**

*Part 14* amends the New Zealand Superannuation and Retirement Income Act 2001.

*Clause 75* adds a *new section 9(3)*. Section 9(1) requires that no account be taken of certain periods of absence in determining when a person is present in New Zealand for the purpose of the residential qualifications for New Zealand superannuation. Section 9(1)(d) refers to absences while serving as an accredited volunteer appointed by Volunteer Service Abroad Incorporated.

The amendment arises from the name of Volunteer Service Abroad not being stated accurately in section 9(1)(d) when it was enacted, and also not being stated accurately in its predecessor sections, being section 4(2)(d) of the Social Welfare (Transitional Provisions) Act 1990 and section 14(2)(e) of the Social Security Act 1964. Volunteer

Service Abroad also changed its name on 12 April 2007 to Te Tuao Tawahi: Volunteer Service Abroad Incorporated.

The *new section 9(3)* requires the reference to Volunteer Service Abroad Incorporated in section 9(1)(d) to be read for all purposes relating to the operation of section 9(1)(d) on and after 12 October 2001, and despite any later changes to that body's name, as a reference to the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as Volunteer Service Abroad Inc. The amendment ensures that section 9(1)(d) applies, and has always applied, to the body to which it is, and has always been, intended to apply, despite any changes after 11 October 2001 to that body's name.

*Clause 76* inserts a *new section 79A*. *New section 79A* requires the references to Volunteer Service Abroad Incorporated in 2 predecessor sections similarly to be read, for all purposes related to the operation of those provisions, as references to the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as Volunteer Service Abroad Inc.

## **Part 15**

### **Public Finance Act 1989**

*Part 15* amends the Public Finance Act 1989.

*Clauses 78 to 81* amend sections 13(1), 26I(2), 26O(2), and 39(1) respectively. Each of those sections specifies that the Minister must present the particular documents referred to in each of those sections to the House of Representatives immediately after he or she has delivered the Budget for the relevant financial year. In order to provide greater flexibility, *clauses 78 to 81* amend those sections so that they require the relevant documents to be presented at that time or at any time prior to that time on the same day.

*Clause 82* amends section 75, which concerns the Minister of Finance's power to exercise powers relating to *bona vacantia*. It provides a permanent legislative appropriation in relation to the transfer or disposal of property or a right, and the spending of public money, in accordance with section 75(1). This means that a separate appropriation will not be required every time the Minister performs an act under section 75(1).

## **Part 16**

### **Social Security Act 1964**

*Part 16* amends the Social Security Act 1964.

*Clause 84* corrects a drafting error in section 74A(1A) (as substituted by section 406(1) and Schedule 3 of the Immigration Act 2009). That section generally prevents a person who is unlawfully resident or present in New Zealand, or lawfully resident or present by virtue of holding a temporary entry class visa, from receiving a benefit under the principal Act. However, in the circumstances set out in section 74A(1A), the chief executive may grant the person an emergency benefit or temporary additional support, or may continue a special benefit already granted. The drafting error relates to the use of the word “or” where it first appears.

The amendment repeals section 74A(1A) and substitutes *new subsections (1A) and (1B)*. The effect of the new subsections is to clarify that the chief executive may take either or both of the following actions in those circumstances:

- grant the person an emergency benefit:
- grant the person temporary additional support, or continue a special benefit already granted to the person.

## **Part 17**

### **Sugar Loaf Islands Marine Protected Area Act 1991**

*Part 17* amends the Sugar Loaf Islands Marine Protected Area Act 1991.

*Clause 86* amends section 7(2) to correct a spelling error in the name of an island.

## **Part 18**

### **Trade Marks Act 2002**

*Part 18* amends the Trade Marks Act 2002.

*Clause 88* amends section 44(1) to create more certainty about when the Commissioner will treat as abandoned an application to register a trade mark.

## **Part 19**

### **Wild Animal Control Act 1977**

*Part 19* amends the Wild Animal Control Act 1977.

*Clauses 90 and 91* amend a definition in section 2(1) and amend section 12(5)(a) (respectively) to correct a spelling error in the name of an animal.

## **Part 20**

### **Wills Act 2007**

*Part 20* amends the Wills Act 2007.

*Clause 93* amends section 11 (which specifies requirements for validity of wills) as from its commencement on 1 November 2007.

*New subsections (3) to (6)* are substituted to ensure that—

- a will-maker need not actually sign his or her will in the presence of witnesses, but may acknowledge in the presence of witnesses that he or she signed the will earlier and that the signature on the will is his or her own:
- a witness need not include a statement of his or her attestation, but statements of this kind made by at least 2 witnesses are evidence of the will's valid execution.

*Clause 94* amends section 40(2). *New paragraphs (k), (l), and (n)* are substituted to ensure that, for wills made before 1 November 2007 of persons who die after the commencement of *Part 20*, the following sections apply:

- section 14, which empowers the High Court to declare valid a document that appears to be a will that does not comply with section 11 (which specifies requirements for validity of wills) and that came into existence in or out of New Zealand:
- section 15(d), which ensures that a change to all, or to part of, a valid will is a valid change if the change is declared valid under section 14:
- section 16(h), which ensures that a revocation of all, or of part of, a valid will is a valid revocation if the revocation is declared valid under section 14.

*Clause 95* inserts a *new section 40A* on the application of *Part 20*. *New section 40A(1) and (2)* ensure that the enactments substituted by *Part 20* apply, instead of the enactments repealed by it, in making

after the commencement of *Part 20* a determination whether a document is, or can and is to be declared by order of the High Court to be, a valid will. But *new section 40A(3)* ensures that nothing in, or in an enactment substituted or inserted by, *Part 20* affects the validity or consequences of a grant of administration (as defined in section 2(1) of the Administration Act 1969) made before the commencement of *Part 20*.

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*Hon Nathan Guy*

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Government Bill

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**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Statutes Amendment Act (No 2) **2011**.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent. 5

**Part 1****Antarctica (Environmental Protection)****Act 1994****3 Principal Act amended** 10

**This Part** amends the Antarctica (Environmental Protection) Act 1994.

**4 Respect for protected areas**

Section 27(3) is amended by repealing paragraph (a) and substituting the following paragraph: 15

“(a) in accordance with the written authorisation of the Minister,—

“(i) for the purpose of restoration or protection; or

“(ii) if the removal is consistent with any management plan that applies to the Historic Site or Historic Monument; or”.

 20
**Part 2****Charities Act 2005****5 Principal Act amended**

**This Part** amends the Charities Act 2005. 25

**6 Interpretation**

(1) This section amends section 4(1).

(2) Paragraph (b)(i) of the definition of **officer** is amended by omitting “; or” and substituting “; and”.

(3) Paragraph (b)(ii) of the definition of **officer** is amended by omitting “in any other case,”. 30

**7 Meaning of charitable purpose and effect of ancillary non-charitable purpose**

- (1) Section 5(2) is amended by omitting “However” and substituting “In addition”.
- (2) Section 5(2) is amended by adding “; and” and also by adding the following paragraph: 5
- “(c) the purpose of an entity that promotes sport is a charitable purpose if the purpose is expressed to be, and is in fact, the means by which a charitable purpose (such as the promotion of health or education) will be achieved.” 10

**8 Application for registration**

- (1) Section 17(1) is amended by repealing paragraph (a) and substituting the following paragraph:
- “(a) be in the form prescribed by the Commission; and”.
- (2) Section 17(1)(b) is amended by omitting “prescribed form” and substituting “form prescribed by the Commission”. 15
- (3) Section 17(1)(d) is amended by omitting “prescribed fee” and substituting “fee prescribed by regulations”.
- (4) Section 17(1)(e) is amended by omitting “prescribed information or documentation” and substituting “information or documentation prescribed by the Commission”. 20

**9 Contents of register**

Section 24(2) is amended by omitting “prescribed information or documents” and substituting “information or documents prescribed by regulations”. 25

**10 Search of register**

Section 27(2)(d) is amended by omitting “prescribed criteria” and substituting “criteria prescribed by regulations”.

**11 Duty to notify changes to Commission**

- (1) Section 40(1) is amended by inserting the following paragraph after paragraph (c): 30
- “(ca) a change that disqualifies an officer of the charitable entity from being an officer of the entity.”.

- (2) Section 40(2)(a) is amended by omitting “prescribed form” and substituting “form prescribed by the Commission”.
- (3) Section 40(2)(b) is amended by omitting “prescribed information or documentation” and substituting “information or documentation prescribed by the Commission”. 5
- 12 Duty to prepare annual return**  
Section 41(2) is amended by inserting “by the Commission” after “prescribed”.
- 13 Regulations concerning content of annual returns**
- (1) The heading to section 42 is amended by omitting “**Regulations concerning**” and substituting “**Commission must prescribe**”. 10
- (2) Section 42(1) is amended by omitting “The Governor-General may, on the recommendation of the Minister, by Order in Council,” and substituting “The Commission must”. 15
- (3) Section 42(2) is amended by omitting “The order made under subsection (1)” and substituting “The Commission”.
- (4) Section 42 is amended by adding the following subsection:  
“(3) **Section 72A(2) and (5) to (7)** apply to a form or requirement to be prescribed under this section.” 20
- 14 Commission may treat entity and affiliated or closely related entities as single entity**  
Section 44(3) is amended by omitting “prescribed form” and substituting “form prescribed by the Commission”.
- 15 Parent entity may request means of compliance with duties** 25  
Section 45(2) is amended by omitting “prescribed form” and substituting “form prescribed by the Commission”.
- 16 New section 72A inserted** 30  
The following section is inserted before section 73:  
“**72A Forms and requirements prescribed by Commission**  
“(1) The Commission may do 1 or more of the following things:  
“(a) prescribe forms for the purposes of this Act:

- “(b) prescribe requirements for—
- “(i) specified information or documents to be included in or attached to forms:
- “(ii) forms to be signed by specified persons:
- “(c) prescribe requirements with which documents sent or delivered for registration must comply. 5
- “(2) The Commission may prescribe a form or requirement only for the purpose of collecting information or documentation required for the Commission to perform its functions and duties under this Act. 10
- “(3) However, a form prescribed under this section may require information or documents to be included in or attached to the form for the purpose of assisting any person—
- “(a) in the exercise of the person’s powers in connection with subpart LD of the Income Tax Act 2007; or 15
- “(b) in the performance of the person’s functions in connection with that subpart.
- “(4) **Subsection (3)** applies regardless of whether the information or documentation is collected for the purposes of this Act.
- “(5) In order to prescribe a form or requirement, the Commission— 20
- “(a) must publish it on its Internet site; and
- “(b) may publish it in any other way.
- “(6) In developing a form or requirement to be prescribed, the Commission must consult persons or organisations that the Commission considers to be representative of the interests of charitable entities. 25
- “(7) A failure to comply with **subsection (6)** does not affect the validity of the prescribed form or requirement.”
- 17 Regulations**
- (1) Section 73(1)(a) and (b) are repealed. 30
- (2) Section 73(2) is repealed.
- (3) Section 73(3) is amended by omitting “prescribed fee” and substituting “fee prescribed by regulations”.
- (4) Section 73(4) is amended by inserting “by regulations” after “prescribed”. 35

**18 Transitional provision for officers**

- (1) This section applies if a person becomes an officer of a charitable entity because of the amendments made to the definition of officer by **section 6**.
- (2) The charitable entity must ensure that it sends or delivers notice of the change to the Commission. 5
- (3) The notice must—
- (a) be in the form prescribed by the Commission (if any); and
  - (b) be accompanied by a document in the form prescribed by the Commission that is signed by, or on behalf of, the person who became an officer and that contains a certification that the person is not disqualified under section 16 of the principal Act from being an officer of the entity; and 10 15
  - (c) contain, or be accompanied by, any other information or documentation prescribed by the Commission; and
  - (d) specify the date of commencement of **this Part** as the effective date of the change; and
  - (e) be sent or delivered to the Commission together with, or as part of, the first annual return to be provided by the charitable entity under section 41 of the principal Act after the commencement of **this Part**. 20
- (4) This section overrides section 40(1)(c) of the principal Act and, until the notice is sent or delivered, section 24(1)(d) of that Act. 25
- (5) A term or expression that is used in this section and is defined in the principal Act has the meaning given by that Act.

**19 Transitional provision for information or documentation received**

- (1) This section applies if, before the commencement of **this Part**, the Commission received any information or documentation that complied with the principal Act's requirements when it was received. 30
- (2) The Commission must deal with the information or documentation as if the principal Act had not been amended by **this Part**. 35



- 20 Transitional provision for Commission prescribing form or requirement**  
The Commission may satisfy the requirement for consultation under **section 42(3) or 72A(6)** of the principal Act even if the consultation occurs before the commencement of **this Part**. 5
- 21 Consequential amendments to Charities (Fees, Forms, and Other Matters) Regulations 2006**
- (1) This section amends the Charities (Fees, Forms, and Other Matters) Regulations 2006.
- (2) After the commencement of this section,— 10
- (a) the Charities (Fees, Forms, and Other Matters) Regulations 2006 are called the Charities (Fees and Other Matters) Regulations 2006; and
- (b) a reference in another enactment or in a document to the Charities (Fees, Forms, and Other Matters) Regulations 2006 must be read as a reference to the Charities (Fees and Other Matters) Regulations 2006, unless the context requires otherwise. 15
- (3) Regulation 1 is amended by omitting “Fees, Forms,” and substituting “Fees”. 20
- (4) The heading above section 5 is revoked.
- (5) Regulations 5 to 7 are revoked.
- (6) The Schedule is revoked.
- Part 3**
- Citizens Initiated Referenda Act 1993** 25
- 22 Principal Act amended**  
**This Part** amends the Citizens Initiated Referenda Act 1993.
- 23 Writ for indicative referendum conducted by postal voting**  
Section 26A is amended by repealing subsection (6) and substituting the following subsection: 30
- “(6) The latest day for the return of the writ is the 60th day after the issue of the writ.”

**24 Endorsement and return of writ**

- (1) Section 39 is amended by inserting the following subsections after subsection (5):

“(5A) If the voting period for an indicative referendum conducted by postal voting is extended under section 37 of the Referenda (Postal Voting) Act 2000, the Electoral Commission may postpone the return of the writ until as soon as practicable after noon on the fourth day after the last day of the extended voting period. 5

“(5B) **Subsection (5A)** applies whether the voting period is extended in relation to the whole or any area or areas of New Zealand, or any or all of Tokelau, Campbell Island, Raoul Island, or the Ross Dependency.” 10

- (2) Section 39(6) is amended by omitting “and (5)” and substituting “to **(5B)**”. 15

**Part 4**  
**Civil Defence Emergency Management**  
**Act 2002**

**25 Principal Act amended**

**This Part** amends the Civil Defence Emergency Management Act 2002. 20

**26 Local authorities to establish Civil Defence Emergency Management Groups**

Section 12(2) is amended by omitting “Clause 30(5)” and substituting “Clause 30(5) or (7)”. 25

**27 Declaration of state of local emergency**

Section 68 is amended by inserting the following subsection after subsection (2):

“(2A) If an authorised person declares a state of local emergency for— 30

“(a) the whole area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more districts or wards within the area ceases to have effect:

“(b) a district within the area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more wards within the district ceases to have effect.”

**28 Minister may declare state of local emergency in certain cases** 5

Section 69 is amended by inserting the following subsection after subsection (1):

“(1A) If the Minister declares a state of local emergency for—

“(a) the whole area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more districts or wards within the area ceases to have effect: 10

“(b) a district within the area of a Civil Defence Emergency Management Group, then any other state of local emergency already in force for 1 or more wards within the district ceases to have effect.” 15

**29 New section 70 substituted**

Section 70 is repealed and the following section substituted:

**“70 Commencement and duration of state of emergency** 20

“(1) A declaration of a state of emergency must specify the time and date on which the declaration is made.

“(2) A state of emergency comes into force at the time and on the date that a declaration of the state of emergency is made.

“(3) A state of emergency expires 7 days after the time and date on which the state of emergency comes into force. 25

“(4) Nothing in this section prevents—

“(a) the extension of a state of emergency under **section 71**; or

“(b) the termination of a state of emergency under section 72. 30

“(5) For the purposes of this section, **7 days after the time and date on which the state of emergency comes into force** means immediately after a period that—

“(a) begins immediately after the time of the day on which the state of emergency comes into force; and 35

“(b) ends immediately before the same time of the day on the date that is 7 days after the day on which the state of emergency comes into force.

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**Example**

If a state of emergency came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the state of emergency came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.

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**30 New section 71 substituted**

Section 71 is repealed and the following section substituted: 10

**“71 Extension of duration of state of emergency**

“(1) Before a state of national emergency expires, the Minister may, by declaration, extend the state of national emergency.

“(2) Before a state of local emergency expires, a person authorised to declare a state of local emergency for an area may, by declaration, extend the state of local emergency. 15

“(3) An extension of a state of emergency comes into force—  
“(a) immediately before the state of emergency would have expired under **section 70(3)**; or

“(b) if the state of emergency was previously extended under this section, immediately before that extension would have expired under **subsection (4)**. 20

“(4) An extension of a state of emergency expires 7 days after the time and date on which the extension of the state of emergency comes into force. 25

“(5) Nothing in this section prevents—

“(a) the further extension of a state of emergency that has been extended under this section; or

“(b) the termination of a state of emergency under section 72. 30

“(6) For the purposes of this section, **7 days after the time and date on which the extension of the state of emergency comes into force** means a period that—

“(a) begins immediately after the time of the day on which the extension comes into force; and 35

“(b) ends immediately before the same time of the day on the date that is 7 days after the day on which the extension comes into force.”

**31 Termination of state of emergency**

Section 72 is amended by repealing subsection (2) and substituting the following subsection: 5

“(2) A declaration made under subsection (1)—

“(a) must specify the time and date on which it is made; and

“(b) terminates the state of emergency when made.”

**32 Schedule 1 amended**

10

Clause 6 of Part A of Schedule 1 is amended by omitting “Lyttleton” and substituting “Lyttelton”.

**33 Consequential amendments to Civil Defence Emergency Management Regulations 2003**

(1) This section amends the Civil Defence Emergency Management Regulations 2003. 15

*Form 2 of Schedule 2*

(2) Form 2 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:

“The state of national emergency comes into force immediately on the making of this declaration.” 20

(3) Form 2 of Schedule 2 is amended by omitting the third sentence and substituting the following sentence:

“The state of national emergency expires 7 days after the time and date on which the state of emergency comes into force.” 25

(4) Form 2 of Schedule 2 is amended by omitting note 3 and substituting the following note:

“3 Calculating ‘7 days after the time and date on which the state of emergency comes into force’: If the state of emergency came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the state of emergency came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 30

*Form 3 of Schedule 2*

- (5) Form 3 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:

“The state of national emergency is extended for 7 days immediately before the expiry of the original declaration/the last extension\*.” 5

- (6) Form 3 of Schedule 2 is amended by omitting the first footnote after the designation and substituting the following footnote:

†Include times and dates when any extensions took effect.

- (7) Form 3 of Schedule 2 is amended by omitting note 3 and substituting the following note: 10

“3 Calculating the extension of ‘7 days’ for a declaration extending the state of emergency: If the extension came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the extension came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 15

- (8) Form 3 of Schedule 2 is amended by omitting note 4 and substituting the following note:

“4 If this is a second or subsequent extension of a state of emergency, specify the time and date when each previous extension took effect and the time and date when the state of emergency was first declared.” 20

*Form 4 of Schedule 2*

- (9) Form 4 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:

“The termination of the state of national emergency takes effect from the time and date this declaration is made.” 25

- (10) Form 4 of Schedule 2 is amended by omitting the first footnote after the designation and substituting the following footnote:

†Include times and dates when any extensions took effect.

- (11) Form 4 of Schedule 2 is amended by omitting note 2 and substituting the following note: 30

“2 If any extension of the state of emergency was made, specify the time and date when each extension took effect, as well as the time and date when the state of emergency was first declared.”

- (12) Form 4 of Schedule 2 is amended by omitting note 3.
- Form 5 of Schedule 2*
- (13) Form 5 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:  
 “The state of local emergency comes into force immediately on the making of this declaration.” 5
- (14) Form 5 of Schedule 2 is amended by omitting the third sentence and substituting the following sentence:  
 “The state of local emergency expires 7 days after the time and date on which the state of emergency comes into force.” 10
- (15) Form 5 of Schedule 2 is amended by omitting note 2 and substituting the following note:  
 “2 Calculating ‘7 days after the time and date on which the state of emergency comes into force’: If the state of emergency came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the state of emergency came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 15
- Form 6 of Schedule 2*
- (16) Form 6 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:  
 “The state of local emergency is extended for 7 days immediately before the expiry of the original declaration/the last extension\*.” 20
- (17) Form 6 of Schedule 2 is amended by omitting the first footnote after the designation and substituting the following footnote:  
 †Include times and dates when any extensions took effect. 25
- (18) Form 6 of Schedule 2 is amended by omitting note 2 and substituting the following note:  
 “2 Calculating the extension of ‘7 days’ for a declaration extending the state of emergency: If the extension came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the extension came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 30
- (19) Form 6 of Schedule 2 is amended by omitting note 3 and substituting the following note: 35

- “3 If this is a second or subsequent extension of a state of emergency, specify the time and date when each previous extension took effect and the time and date when the state of emergency was first declared.”
- Form 7 of Schedule 2* 5
- (20) Form 7 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:  
 “The termination of the state of local emergency takes effect from the time and date when this declaration is made.”
- (21) Form 7 of Schedule 2 is amended by omitting the first footnote after the designation and substituting the following footnote: 10  
 †Include times and dates when any extensions took effect.
- (22) Form 7 of Schedule 2 is amended by omitting note 2 and substituting the following note:
- “2 If any extension of the state of emergency was made, specify the time and date when each extension took effect, as well as the time and date when the state of emergency was first declared.” 15
- (23) Form 7 of Schedule 2 is amended by omitting note 3.
- Form 8 of Schedule 2*
- (24) Form 8 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence: 20  
 “The state of local emergency comes into force immediately on the making of this declaration.”
- (25) Form 8 of Schedule 2 is amended by omitting the third sentence and substituting the following sentence: 25  
 “The state of local emergency expires 7 days after the time and date on which the state of emergency comes into force.”
- (26) Form 8 of Schedule 2 is amended by omitting note 2 and substituting the following note:
- “2 Calculating ‘7 days after the time and date on which the state of emergency comes into force’: If the state of emergency came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the state of emergency came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 30 35



*Form 9 of Schedule 2*

- (27) Form 9 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence:  
 “The state of local emergency is extended for 7 days immediately before the expiry of the original declaration/the last extension\*.” 5
- (28) Form 9 of Schedule 2 is amended by omitting the first footnote after the second sentence and substituting the following footnote:  
 †Include times and dates when any extensions took effect.
- (29) Form 9 of Schedule 2 is amended by omitting note 2 and substituting the following note: 10  
 “2 Calculating the extension of ‘7 days’ for a declaration extending the state of emergency: If the extension came into force at 9.35 am on 1 January, it would expire at 9.35 am on 8 January. If the extension came into force at 9.35 am on a Friday, it would expire at 9.35 am on the following Friday.” 15
- (30) Form 9 of Schedule 2 is amended by omitting note 3 and substituting the following note:  
 “3 If this is a second or subsequent extension of a state of emergency, specify the time and date when each previous extension took effect and the time and date when the state of emergency was first declared.” 20
- Form 10 of Schedule 2*
- (31) Form 10 of Schedule 2 is amended by omitting the second sentence and substituting the following sentence: 25  
 “The termination of the state of local emergency takes effect from the time and date when this declaration is made.”
- (32) Form 10 of Schedule 2 is amended by omitting the first footnote after the second sentence and substituting the following footnote: 30  
 †Include times and dates when any extensions took effect.
- (33) Form 10 of Schedule 2 is amended by omitting note 2 and substituting the following note:  
 “2 If any extension of the state of emergency was made, specify the time and date when each extension took effect, as well

as the time and date when the state of emergency was first declared.”

- (34) Form 10 of Schedule 2 is amended by omitting note 3.

## Part 5 Companies Act 1993

5

### 34 Principal Act amended

**This Part** amends the Companies Act 1993.

### 35 Commencement of liquidation

- (1) Section 241(2)(c) is amended by adding the following subparagraph:

10

“(viii) in the case of a company that has been removed from the New Zealand register, the Registrar or a person who, immediately before the company was removed from the New Zealand register, was a person described in subparagraph (ii), (iii), (iv), or (vii); or”.

15

- (2) Section 241 is amended by inserting the following subsection after subsection (2):

“(2A) However, the court must not appoint a liquidator under **subsection (2)(c)(viii)** unless the company is restored to the New Zealand register under section 328 or 329.”

20

### 36 Registers

Section 360 is amended by repealing subsections (2) and (3).

### 37 Section 361 repealed

Section 361 is repealed.

25

## Part 6 Crimes Act 1961

### 38 Principal Act amended

**This Part** amends the Crimes Act 1961.

**39 Short title, commencement, etc**

Section 1(3) is amended by,—

- (a) in the item relating to Part 5, omitting “98A” and substituting “98F”; and
- (b) in the item relating to Part 8, omitting “210” and substituting “210A”; and 5
- (c) in the item relating to Part 9A, omitting “216E” and substituting “216N”; and
- (d) in the item relating to Part 12, omitting “378” and substituting “378F”; and 10
- (e) in the item relating to Part 14, omitting “412” and substituting “415”.

**Part 7****Criminal Proceeds (Recovery) Act 2009****40 Principal Act amended** 15

**This Part** amends the Criminal Proceeds (Recovery) Act 2009.

**41 Interpretation**

Section 5(1) is amended by repealing the definition of **lawyer** and substituting the following definition: 20

“**lawyer** means a lawyer within the meaning of section 6 of the Lawyers and Conveyancers Act 2006”.

**42 Applying for further orders**

Section 33 is amended by repealing subsection (2) and substituting the following subsection: 25

“(2) The applicant for the further order must serve a copy of the application on—

- “(a) every person, or every other person (if the applicant is a party), who is a party to the proceeding in which—
  - “(i) the making of the associated restraining order is to be considered; or 30
  - “(ii) the associated restraining order was made; and
- “(b) the Official Assignee.”

- 43 Costs recoverable by Official Assignee**  
Section 87(1)(a) is amended by inserting “foreign restraining order registered in New Zealand,” after “restraining order.”
- 44 Interpretation**  
Section 91 is amended by omitting “functions and powers” and substituting “powers, functions, or duties”. 5
- 45 Heading above section 96 amended**  
The heading above section 96 is amended by omitting “*functions or powers*” and substituting “*powers, functions, or duties*”. 10
- 46 Section 96 substituted**  
Section 96 is repealed and the following section substituted:
- “96 Delegation of powers, functions, or duties of Commissioner of Police**  
The provisions of the Policing Act 2008 relating to the delegation of powers, functions, or duties of the Commissioner apply in all respects to the powers, functions, or duties of the Commissioner under this Act.” 15
- 47 Court may make production order**  
Section 105(1) is amended by omitting “or any member of the police” in each place where it appears. 20
- 48 New heading inserted**  
The following heading is inserted above section 106:  
*“Examination orders”*.
- 49 Heading above section 107 repealed** 25  
The heading above section 107 is repealed.
- 50 Power to require attendance before Commissioner, production of documents, etc**  
(1) Section 107(3)(c) is amended by omitting “notice” and substituting “order”. 30

- (2) Section 107(3)(d) is amended by omitting “notice” and substituting “order”.
- 51 Form and content of search warrant**  
Section 116(2)(b) is amended by omitting “and every member of the police”. 5
- 52 Additional matters relating to extension of registration of foreign restraining order**  
Section 138(1) is amended by omitting “section 135” and substituting “section 137”.
- 53 Duties as to confidentiality generally overridden** 10  
Section 159(3) is amended by omitting “sections 160 and 162” and substituting “sections 160 to 162”.
- 54 Legal professional privilege**
- (1) Section 160(4)(a) is amended by omitting “section 2 of the Law Practitioners Act 1982” and substituting “section 6 of the Lawyers and Conveyancers Act 2006.” 15
- (2) Section 160(7) is amended by omitting “the term **lawyer** means a barrister or solicitor of the High Court, and”.
- 55 Application of Part 4A**  
Section 207 is amended by omitting “Rule 458D(1)(a)(xvii)” 20 and substituting “Rule 19.2(r)”.

## Part 8

### Domestic Violence Act 1995

- 56 Principal Act amended**  
**This Part** amends the Domestic Violence Act 1995. 25
- 57 Interpretation**
- (1) Section 124A is amended by inserting the following definition in its appropriate alphabetical order:

- “**District Court** includes a Justice or Justices, or a Community Magistrate or Community Magistrates, presiding over a District Court; but does not include a Registrar”.
- (2) Section 124A is amended by adding the following definition:  
 “**Registrar** means any Registrar of a District Court; and includes a Deputy Registrar”. 5
- 58 Contravention of Police safety order**  
 Section 124L(1) is amended by omitting “against whom an order is issued” and substituting “who has been served with an order”. 10
- 59 Issue of summons where person cannot be brought before District Court within 24 hours**  
 Section 124M(3) is amended by omitting “the District Court” and substituting “a District Court or Registrar”.
- 60 Issue of warrant to arrest person who contravenes Police safety order or fails to attend adjourned proceedings** 15  
 Section 124O(2) is amended by omitting “The District Court” and substituting “A District Court or Registrar”.
- 61 Consequential amendments to Domestic Violence (General) Regulations 1996** 20
- (1) This section amends the Domestic Violence (General) Regulations 1996.
- (2) Form 2 of the Schedule is amended by inserting “/Registrar/Deputy Registrar” after “Community Magistrate(s)”.
- (3) Form 5 of the Schedule is amended by inserting “/Registrar/Deputy Registrar” after “Community Magistrate(s)”. 25
- (4) Form 6 of the Schedule is amended by inserting “Registrar/Deputy Registrar” after “Community Magistrate(s)”.
- Part 9**
- Judicature Act 1908** 30
- 62 Principal Act amended**  
**This Part** amends the Judicature Act 1908.

- 63 Associate Judge may exercise certain powers of the court**
- (1) Section 26I(1) is amended by repealing paragraph (b).
- (2) Section 26I(2)(e) is amended by omitting “and Part 16” and substituting “Part 16, and section 329”.

## Part 10

5

### Limited Partnerships Act 2008

**64 Principal Act amended**

**This Part** amends the Limited Partnerships Act 2008.

**65 Interpretation**

- (1) The definition of **Deputy Registrar** in section 4 is repealed. 10
- (2) Section 4 is amended by repealing the definition of **Registrar** and substituting the following definition:
- “**Registrar** means the Registrar of Companies holding office under the Companies Act 1993 and includes a Deputy Registrar acting in accordance with section 357(2) of that Act”. 15

**66 Disclosure of information and reports**

Section 79(2) is amended by omitting “or a Deputy Registrar when directed to do so by any person holding either of those offices” and substituting “when directed to do so by a person holding that office”. 20

## Part 11

### Marriage Act 1955

**67 Principal Act amended**

**This Part** amends the Marriage Act 1955.

**68 New section 41 substituted**

25

Section 41 is repealed and the following section substituted:

**“41 Certificate of no impediment to person intending foreign marriage**

- “(1) A person who intends to marry outside New Zealand in accordance with the law of another country or jurisdiction may apply to the Registrar-General for a certificate of no impediment. 30

- “(2) An application must—
- “(a) be made in the prescribed form; and
  - “(b) contain the prescribed information; and
  - “(c) be accompanied by the prescribed fee.
- “(3) On receipt of an application, the Registrar-General must make 5  
whatever searches and inquiries he or she considers appropriate.
- “(4) The provisions of sections 25(1) to (3) and 26 apply in respect  
of intended marriages to which this section relates in the same  
way as they apply to marriages intended to be solemnised in 10  
New Zealand.
- “(5) The Registrar-General may issue a certificate of no impediment to the applicant if—
- “(a) any caveat lodged within 14 days of the Registrar-General receiving an application under **subsection (1)** is 15  
withdrawn by the caveator or discharged under section 26; and
  - “(b) the Registrar-General is satisfied that no lawful impediment to the intended marriage has been shown to exist.”

**69 Consequential amendments to Marriage (Forms) Regulations 1995** 20

- (1) This section amends the Marriage (Forms) Regulations 1995.
- (2) Regulation 3 is amended by revoking paragraph (e) and substituting the following paragraph:
- “(e) for an application under **section 41** by a person who 25  
intends to marry outside New Zealand for a certificate of no impediment, **form 5**.”.
- (3) Regulation 3 is amended by revoking paragraph (f).
- (4) The Schedule is amended by—
- (a) revoking form 5 and substituting the form 5 set out in 30  
the **Schedule** of this Act; and
  - (b) revoking form 6.



**Part 12**  
**Mutual Assistance in Criminal Matters**  
**Act 1992**

- 70 Principal Act amended** 5  
**This Part** amends the Mutual Assistance in Criminal Matters Act 1992.
- 71 Cancelling registration of foreign orders in New Zealand**  
Section 58(2)(d) is repealed.

**Part 13**  
**New Zealand Railways Corporation Act** 10  
**1981**

- 72 Principal Act amended**  
**This Part** amends the New Zealand Railways Corporation Act 1981.
- 73 New Zealand Railways Corporation** 15  
Section 4(2) is amended by omitting “7” and substituting “9”.

**Part 14**  
**New Zealand Superannuation and**  
**Retirement Income Act 2001**

- 74 Principal Act amended** 20  
**This Part** amends the New Zealand Superannuation and Retirement Income Act 2001.
- 75 Periods of absence that are not counted**  
Section 9 is amended by adding the following subsection:  
“(3) The reference in subsection (1)(d) to ‘Volunteer Service 25  
Abroad Incorporated’ must for all purposes relating to the  
operation of subsection (1)(d) on or after its commencement  
on 12 October 2001, and despite any later changes to that  
body’s name, be read as a reference to the body incorporated  
under the Incorporated Societies Act 1908 on 8 April 1963 as 30  
‘Volunteer Service Abroad Inc’.”

**76 New section 79A inserted**

The following section is inserted after section 79:

**“79A References to Volunteer Service Abroad Incorporated**

The references in the following provisions to ‘Volunteer Service Abroad Incorporated’ must for all purposes relating to the operation of those provisions be read as references to the body incorporated under the Incorporated Societies Act 1908 on 8 April 1963 as ‘Volunteer Service Abroad Inc’:

“(a) section 14(2)(e) of the Social Security Act 1964 (as inserted on 29 September 1969 by section 4 of the Social Security Amendment Act 1969, and repealed on 1 April 1990 by section 14(18) of the Social Welfare (Transitional Provisions) Act 1990):

“(b) section 4(2)(d) of the Social Welfare (Transitional Provisions) Act 1990 (which commenced on 1 April 1990, and was repealed by section 77 of this Act on 12 October 2001).”

**Part 15****Public Finance Act 1989****77 Principal Act amended**

20

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

**78 Estimates and other supporting information must be presented with first Appropriation Bill**

Section 13(1) is amended by adding “, or at any time prior to that time on the same day”.

25

**79 Fiscal strategy report**

Section 26I(2) is amended by adding “, or at any time prior to that time on the same day”.

**80 Economic and fiscal update**

Section 26O(2) is amended by adding “, or at any time prior to that time on the same day”.

30

- 81 Obligation to present and publish information on future operating intentions**  
Section 39(1) is amended by adding “, or at any time prior to that time on the same day”.
- 82 Minister may exercise powers relating to *bona vacantia*** 5  
(1) Section 75(3) is amended by omitting “in this section shall derogate” and substituting “in subsection (1) or (2) derogates”.  
(2) Section 75 is amended by adding the following subsection:  
“(4) If the Minister or a department performs an act under subsection (1) that involves— 10  
“(a) the transfer or disposal of property or a right, that transfer or disposal may be made without further appropriation than this section:  
“(b) the spending of public money, that money may be paid out of a Crown Bank Account without further appropriation than this section.” 15

## Part 16 Social Security Act 1964

- 83 Principal Act amended**  
**This Part** amends the Social Security Act 1964. 20
- 84 Persons unlawfully resident or present in New Zealand**  
Section 74A(1A) (as substituted by section 406(1) and Schedule 3 of the Immigration Act 2009) is repealed and the following subsections are substituted:  
“(1A) Despite subsection (1), the chief executive may take either or both of the actions specified in **subsection (1B)** if the chief executive is satisfied that the person is— 25  
“(a) a person lawfully present in New Zealand who is awaiting the outcome of his or her claim for recognition as a refugee or a protected person; or 30  
“(b) a person who is recognised as a refugee or a protected person; or  
“(c) a person applying for a residence class visa under the Immigration Act 2009 who is compelled to remain in New Zealand because of unforeseen circumstances. 35

- “(1B) The actions referred to in **subsection (1A)** are—
- “(a) grant the person an emergency benefit under section 61:
- “(b) grant the person temporary additional support under section 61G or, as the case requires, continue, under section 23 of the Social Security (Working for Families) Amendment Act 2004, a special benefit already granted to the person.” 5

**Part 17**  
**Sugar Loaf Islands Marine Protected**  
**Area Act 1991**

10

**85 Principal Act amended**

**This Part** amends the Sugar Loaf Islands Marine Protected Area Act 1991.

**86 Protected Area to be conservation area**

Section 7(2) is amended by omitting “Saddlebank Island” and substituting “Saddleback Island”. 15

**Part 18**  
**Trade Marks Act 2002**

**87 Principal Act amended**

**This Part** amends the Trade Marks Act 2002.

20

**88 Abandonment of application**

Section 44(1) is amended by omitting “the applicant has not responded” and substituting “the Commissioner does not receive a response from the applicant”.

**Part 19**  
**Wild Animal Control Act 1977**

25

**89 Principal Act amended**

**This Part** amends the Wild Animal Control Act 1977.

**90 Interpretation**

Paragraph (a)(ii) of the definition of **wild animal** in section 2(1) is amended by omitting “thar” and substituting “tahr”.

**91 Keeping of specified wild animals in captivity**

Section 12(5)(a) is amended by omitting “thar” and substituting “tahr”. 5

## **Part 20 Wills Act 2007**

**92 Principal Act amended**

**This Part** amends the Wills Act 2007. 10

**93 Requirements for validity of wills**

Section 11 is amended by repealing subsections (3) and (4) as from their commencement, on 1 November 2007, and substituting, as from that commencement, the following subsections: 15

“(3) The will-maker must—

“(a) sign the document; or

“(b) direct another person to sign the document on his or her behalf in his or her presence.

“(4) At least 2 witnesses must— 20

“(a) be together in the will-maker’s presence when the will-maker—

“(i) complies with **subsection (3)**; or

“(ii) acknowledges that—

“(A) he or she signed the document earlier and that the signature on the document is his or her own; or

“(B) another person directed by him or her signed the document earlier on his or her behalf in his or her presence; and 30

“(b) each sign the document in the will-maker’s presence.

“(5) As evidence of compliance with **subsection (4)**, at least 2 witnesses may each state on the document, in the will-maker’s presence, the following:

- “(a) that he or she was present with the other witnesses when the will-maker—
- “(i) signed the document; or
  - “(ii) acknowledged that he or she signed the document earlier and that the signature on the document is his or her own; or 5
  - “(iii) directed another person whose signature appears on the document to sign the document on his or her behalf in his or her presence; or
  - “(iv) acknowledged that another person directed by him or her signed the document earlier on his or her behalf in his or her presence; and 10
- “(b) that he or she signed the document in the will-maker’s presence.
- “(6) No particular form of words is required for the purposes of **subsection (5)**.” 15

**94 Wills made before 1 November 2007**

- (1) Section 40(2) is amended by repealing paragraphs (k) and (l) and substituting the following paragraphs:
- “(k) section 14 does not apply unless they are wills of persons who die after the commencement of the **Part 20 of the Statutes Amendment Act 2011**; and 20
  - “(l) section 15(d) does not apply unless they are wills of persons who die after the commencement of the **Part 20 of the Statutes Amendment Act 2011**; and” 25
- (2) Section 40(2) is amended by repealing paragraph (n) and substituting the following paragraph:
- “(n) section 16(g) and (h) do not apply unless they are wills of persons who die after the commencement of the **Part 20 of the Statutes Amendment Act 2011**, in which case section 16(h) (but not section 16(g)) applies; and” 30

**95 New section 40A inserted**

The following section is inserted after section 40:

**“40A Application of Wills (Validity) Amendment Act 2011**

- “(1) The enactments substituted by the **Part 20 of the Statutes Amendment Act 2011** apply (instead of the enactments repealed by that **Part**) in making after the commencement of that **Part** (in this section called the **commencement**) a determination whether a document is, or can and is to be declared by order of the High Court to be, a valid will. 5
- “(2) **Subsection (1)** applies whether or not the determination—
- “(a) is made by the High Court, a Judge of the High Court, a Registrar or Senior Deputy Registrar of the High Court, a personal representative (as defined in section 6) of a person who has died, or any other court or person: 10
- “(b) arises from, or without, an application for administration (whether without notice, or in solemn form) made before or after the commencement (including, without limitation, one in solemn form made before or after the commencement and following one without notice made unsuccessfully before the commencement): 15
- “(c) arises from an application made before or after the commencement for a review by the High Court or a Judge of the High Court of a determination made by a Registrar or Senior Deputy Registrar of the High Court made before or after the commencement. 20
- “(3) But nothing in, or in an enactment substituted or inserted by, **Part 20 of the Statutes Amendment Act 2011** affects the validity or consequences of a grant of administration (as defined in section 2(1) of the Administration Act 1969) made before the commencement.” 25
-

	<b>Schedule</b>	<b>s 69(4)(a)</b>
	<b>New Form 5 substituted in Schedule of Marriage (Forms) Regulations 1995</b>	
	Form 5	r 3(e)
	Application for certificate of no impediment <i>Section 41, Marriage Act 1955</i>	5
	<b>To the Registrar-General</b>	
1	I, [ <i>full name</i> ], at present residing at [ <i>place</i> ], intend to marry [ <i>full name</i> ], a national or citizen of [ <i>country of nationality of partner</i> ], in [ <i>country of intended marriage</i> ].	
2	I apply for a certificate of no impediment to my intended marriage.	10
3	My details are— Name at birth (if different from above): Date of birth: Place of birth: Father's full name: Father's full name at birth: Mother's full name: Mother's full name at birth:	15
	<i>Select any of paragraphs 4 to 6 that apply.</i>	20
4	I have previously been married— Date of previous marriage: Place of previous marriage: How marriage ended: Date and place of dissolution (if applicable):	25
5	I have previously been in a civil union— Date of previous civil union: Place of previous civil union: How civil union ended: Date and place of dissolution (if applicable):	30
6	<i>For this paragraph select the statement that applies.</i> <i>Statement A</i> My mother/father/parents* live in New Zealand.	



Form 5—*continued*

My mother's/father's/parents'\* address is:

\*Select one.

*Statement B*

Neither of my parents live in New Zealand.

The name and address of a relative/friend\* in New Zealand  
who has known me over a period of time is:

5

\*Select one.

Date:

Signature of applicant: