

Statutes Amendment Bill (No 2)

Government Bill

As reported from the Governance and Administration Committee

Commentary

Recommendation

The Governance and Administration Committee has examined the Statutes Amendment Bill (No 2) and recommends that it be passed with the amendments shown.

Introduction

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

Animal Welfare Act 1999

Part 1 of the bill seeks to amend the Animal Welfare Act 1999 to explicitly allow live-capture animal traps to be remotely monitored.

Clause 4, new section 36(1)(b)(i), provides an example of an electronic system for monitoring traps remotely. We recommend rewording this clause to clarify that the electronic monitoring system envisaged in the bill would include a system of capture sensors and a wireless communication network.

We also recommend amending clause 4, new section 36(1)(b)(ii), to replace the words “details of any animals captured” with “the fact that an animal has been captured”. The intent of this clause is to ensure that people promptly attend to the welfare of animals in traps. We consider that our proposed wording would make this obligation clearer.

Anti-Money Laundering and Countering Financing of Terrorism Act 2009

We recommend inserting new Part 1A to amend the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

These amendments would allow a reporting entity that is structured as a partnership to appoint a partner as a compliance officer, regardless of whether the entity has any employees. Currently, the Act requires that a compliance officer be an employee of the reporting entity. If a reporting entity has no employees, it can appoint a person to be a compliance officer. Often a partner in a firm is the most appropriate person to be the compliance officer, but partners are not employees.

Our new Part 1A would also clarify that a partnership is liable for the same penalties as body corporates for criminal offending or a civil liability act.

Biosecurity Act 1993

Part 2 of the bill would amend the Biosecurity Act 1993 regarding import health standards (IHS).

We recommend amending clause 8, new sections 24B(5A) and 24B(9), to clarify that the “goods” referred to in this clause would include one or more goods covered by the standard.

We recommend amending clause 8, new section 24B(5B), to clarify that an IHS could be suspended because of the type of good, or because of where the good was imported from.

Oranga Tamariki Act 1989

Part 5 of the bill would amend the Children, Young Persons, and Their Families Act 1989. The name of this Act was changed in 2017 to the Oranga Tamariki Act 1989. To include the Act’s updated name, we recommend replacing Part 5 with new part 19A.

Parole Act 2002

Part 20 of the bill seeks to amend the Parole Act 2002 to align the treatment of interim supervision orders and extended supervision orders. Currently, the Act allows for an arrest without warrant to be made if there has been a breach of an extended supervision order. We recommend inserting new clause 60A. This would allow an arrest without warrant to be made for a breach of an interim supervision order.

Public Finance Act 1989

Part 24 of the bill seeks to amend the Public Finance Act 1989. We recommend removing clauses 76 and 77. These clauses would allow Reserve Boards to be exempt from auditing requirements, except when the benefit from public accountability outweighs the cost. We consider that these amendments would more appropriately be made in conservation legislation which is currently under development.

Public Records Act 2005

We recommend removing Part 25 of the bill. These amendments would change Archives New Zealand's name to the National Archives of New Zealand. We do not consider that this name change is necessary at this time.

State-Owned Enterprises Act 1986

Part 27 of the bill seeks to amend the State-Owned Enterprises Act 1986. These amendments would require State-Owned Enterprises (SOEs) to publish accountability documents online after they have been provided to the Minister. We recommend amending clause 95, new section 16A(1), to include half-yearly reports in the list of documents SOEs must publish. We consider that these are accountability documents, and publishing them would ensure transparency and accountability in reporting.

Weights and Measures Act 1987

We recommend removing Part 29 of the bill. These amendments would give power once held by the Chief Inspector—a role which no longer exists under the Weights and Measures Act 1987—to the chief executive of the department responsible for administering the Act. We do not consider that these amendments are necessary. The change they would enable has already been achieved through the editorial power possessed by the Chief Parliamentary Counsel under the Legislation Act 2012.

Appendix

Committee process

The Statutes Amendment Bill (No 2) was referred to the committee on 28 November 2017. The closing date for submissions was 23 February 2018. We received and considered one written submission.

We received advice from the Ministry of Justice.

Committee membership

Brett Hudson (Chairperson)

Virginia Andersen

Kanwaljit Singh Bakshi

Hon Jacqui Dean

Paul Eagle

Hon Peeni Henare

Raymond Huo

Dr Jian Yang

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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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) **2017**.

2 Commencement

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

Part 1
Animal Welfare Act 1999

3 Principal Act

This **Part** amends the Animal Welfare Act 1999 (the **principal Act**). 10

4 Section 36 amended (Obligations relating to traps)

Replace section 36(1) with:

- (1) A person who, for the purpose of capturing alive a mammal, bird, reptile, or amphibian, sets a trap or causes a trap to be set must—
- (a) manually inspect that trap, or cause a competent person to manually inspect that trap, within 12 hours after sunrise on each day the trap remains set, beginning on the day immediately after the day on which the trap is set; or 15
 - (b) manually inspect that trap, or cause a competent person to manually inspect that trap, within 24 hours after the capture of an animal in the trap, but this paragraph applies only if— 20
 - (i) the person monitors the trap with an electronic monitoring system (such as a system of capture sensors ~~and~~ a wireless communication network) that is maintained by the person and that is reliable; and 25
 - (ii) the monitoring system operates in such a way that it promptly communicates details of any animal the fact that an animal has been captured in the trap and enables the person to meet the person's obligations under subsection (2) within that 24-hour period.

Part 1A
Anti-Money Laundering and Countering Financing of Terrorism
Act 2009

4A Principal Act

This **Part** amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (the **principal Act**). 5

4B Section 56 amended (Reporting entity must have AML/CFT programme and AML/CFT compliance officer)

After section 56(4), insert:

- (5) Despite subsections (2) to (4), if a reporting entity is a partnership,— 10
- (a) the partnership may designate one of the partners as an AML/CFT compliance officer to administer and maintain its AML/CFT programme, irrespective of whether the partnership has or does not have employees; and
- (b) the partner so designated must report to another partner designated for the purpose of receiving those reports by the partnership. 15

4C Section 90 amended (Pecuniary penalties for civil liability act)

- (1) In section 90(2)(b), after “body corporate”, insert “or partnership”.
- (2) In section 90(3)(b), after “body corporate”, insert “or partnership”.

4D Section 100 amended (Penalties) 20

In section 100(b), after “body corporate”, insert “or partnership”.

4E Section 105 amended (Penalties)

- (1) In section 105(1)(b), after “body corporate”, insert “or partnership”.
- (2) In section 105(2)(b), after “body corporate”, insert “or partnership”.

4F Section 112 amended (Penalties) 25

In section 112(b), after “body corporate”, insert “or partnership”.

Part 2
Biosecurity Act 1993

5 Principal Act

This **Part** amends the Biosecurity Act 1993 (the **principal Act**). 30

6 Section 2 amended (Interpretation)

In section 2(1), definition of **unauthorised goods**, replace paragraphs (a) and (b) with:

(a)	uncleared goods in a place that is not a transitional facility, biosecurity control area, or containment facility (other than goods that, in accordance with the authority of an inspector, are—	
(i)	proceeding from a transitional facility, biosecurity control area, or containment facility to a transitional facility, biosecurity control area, or containment facility; or	5
(ii)	being exported from New Zealand); or	
(b)	uncleared goods that—	
(i)	are in a transitional facility, biosecurity control area, or containment facility; and	10
(ii)	have proceeded there, other than in accordance with the authority of an inspector, from a transitional facility, biosecurity control area, or containment facility; and	
(iii)	have not received the authority of an inspector to remain there; or	
7	Section 7 amended (Relationship with other enactments)	15
	In section 7(2), after “Fisheries Act 1983,” insert “the Fisheries Act 1996,”.	
8	Section 24B amended (Amendment, revocation, suspension, and reinstatement)	
(1)	In section 24B, replace the heading above subsection (3) with:	
	<i>General suspension</i>	20
(2)	After section 24B(5), insert:	
	<i>Partial suspension</i>	
(5A)	Subsections (5B) to (5D) apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way as to cause the requirements in an import health standard to no longer enable the purposes of this Part to be achieved in relation to <u>specified goods 1 or more goods covered by the standard.</u>	25
(5B)	The officer may, subject to <u>in accordance with subsection (5D),</u> recommend to the Director-General the suspension of the standard in relation to—	
(a)	goods of a specified class or description; or	30
(b)	goods of a <u>specified</u> class or description imported from a specified country or specified countries, countries of a specified class or description, a specified location or specified locations, or all countries. —	
(i)	<u>a specified country or countries; or</u>	
(ii)	<u>countries of a specified class or description; or</u>	35
(iii)	<u>a specified location or locations; or</u>	
(iv)	<u>all countries.</u>	

- (5C) After receiving the officer’s recommendation, the Director-General may suspend the standard in relation to those goods.
- (5D) The officer must not recommend the suspension of the standard in relation to all goods covered by the standard.
- (3) In section 24B, replace the heading above subsection (6) with: 5
Reinstatement after general suspension
- (4) After section 24B(8), insert:
Reinstatement after partial suspension
- (9) **Subsections (10) and (11)** apply if a chief technical officer believes on reasonable grounds that circumstances or knowledge have changed in such a way as to cause the requirements in an import health standard to again enable the purposes of this Part to be achieved in relation to specified goods 1 or more goods in respect of which the standard is suspended. 10
- (10) The officer may recommend to the Director-General the reinstatement of the standard in relation to those goods. 15
- (11) After receiving the officer’s recommendation, the Director-General may reinstate the standard in relation to those goods.
- 9 Section 25 amended (Goods to be cleared for entry into New Zealand)**
- (1) In section 25(2), replace “transitional facility or biosecurity control area” with “transitional facility, biosecurity control area, or containment facility”. 20
- (2) In section 25(3), replace “transitional facility or biosecurity control area” with “transitional facility, biosecurity control area, or containment facility”.
- (3) Replace section 25(4) with:
- (4) Uncleared goods that are in a transitional facility, biosecurity control area, or containment facility may leave the facility or area if an inspector authorises their movement to a transitional facility, biosecurity control area, or containment facility. 25
- (4) In section 25(8)(b), replace “goods before they are given a biosecurity clearance” with “uncleared goods to which the authorisation relates”.
- (5) In section 25(9), replace “goods before they are given a biosecurity clearance” with “uncleared goods to which an authorisation relates”. 30
- 10 Section 37 amended (Approval of ports as places of first arrival)**
- After section 37(9), insert:
- (10) The Director-General— 35
- (a) may, for the purpose of subsection (1), approve standards relating to the operation of arrangements, facilities, and systems at a port to be approved as a place of first arrival; and

(b) must, before approving the standard, consult the persons that the Director-General considers representative of the classes of persons likely to have an interest in a proposed standard ~~before approving the standard.~~

11 Section 39 amended (Approval and cancellation of approval of transitional facilities and containment facilities) 5

In section 39(3A), after “facility”, insert “or a containment facility”.

12 Section 105A amended (Call in of powers or functions)

In section 105A(1), replace “26” with “25, 26, 27A”.

Part 3

Care of Children Act 2004 10

13 Principal Act

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

14 Section 131 amended (Fees and expenses of lawyer appointed under section 7 or 130)

(1) In section 131(1)(a), replace “the Registrar” with “a Registrar”. 15

(2) Replace section 131(2) with:

(2) An invoice for fees and expenses submitted for payment by a lawyer appointed under section 7 or 130 must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice. 20

Part 4

Child Support Act 1991

15 Principal Act

This **Part** amends the Child Support Act 1991 (the **principal Act**).

16 Section 226B amended (Fees and expenses of lawyer appointed under section 226 or 226A) 25

(1) In section 226B(1)(a), replace “the Registrar” with “a Registrar”.

(2) Replace section 226B(2) with:

(2) An invoice for fees and expenses submitted for payment by a lawyer appointed under section 226 or 226A must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice. 30

Part 5

~~Children, Young Persons, and Their Families Act 1989~~

17 Principal Act

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

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18 Section 162 amended (Payment of lawyer appointed under section 159 or 160)

(1) ~~In section 162(1)(a), replace “the Registrar” with “a Registrar”.~~

(2) ~~Replace section 162(2) with:~~

(2) ~~An invoice for fees and expenses submitted for payment by a lawyer appointed under section 159 or 160 must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice.~~

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Part 6

Companies Act 1993

15

19 Principal Act

This **Part** amends the Companies Act 1993 (the **principal Act**).

20 Section 303 amended (Admissible claims)

In section 303(2), after “penalties,”, insert “sentences of reparation, orders,”.

21 Section 308 amended (Fines and penalties)

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In section 308(a), after “fine”, insert “, monetary penalty, sentence of reparation, or other order for the payment of money”.

Part 7

Coroners Act 2006 and related amendment

22 Principal Act

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This **Part** amends the Coroners Act 2006 (the **principal Act**).

Amendments to Coroners Act 2006

23 Section 10 amended (Coroner defined)

(1) After section 10(1)(a), insert:

(ab) the deputy chief coroner; and

30

(2) After section 10(2)(a), insert:

(ab) section 105A(1) (deputy chief coroner):

24 Section 110 amended (Salaries and allowances)

- (1) In section 110(1), replace “the chief coroner” with “the chief coroner, the deputy chief coroner.”
- (2) After section 110(4), insert: 5
- (4A) If the deputy chief coroner ceases to hold that office but continues to hold office as a coroner, his or her salary and allowances may be reduced by the amount of any salary or allowances he or she received solely because of being the deputy chief coroner.
- (3) In section 110(5), after “subsection (4)”, insert “or **(4A)**”. 10

Related amendment to Remuneration Authority Act 1977

25 Amendment to Remuneration Authority Act 1977

- (1) This section amends the Remuneration Authority Act 1977.
- (2) In section 12B(1)(f), replace “the chief coroner” with “the chief coroner, the deputy chief coroner.” 15

Part 8

Credit Contracts and Consumer Finance Act 2003

26 Principal Act

This **Part** amends the Credit Contracts and Consumer Finance Act 2003 (the **principal Act**). 20

27 Cross-heading above section 9J amended

In the cross-heading above section 9J, delete “*disclosure of*”.

Part 9

Crown Proceedings Act 1950 and related amendments

28 Principal Act 25

This **Part** amends the Crown Proceedings Act 1950 (the **principal Act**).

Amendments to Crown Proceedings Act 1950

29 Section 21 repealed (Recovery of debts due upon recognisance)

Repeal section 21.

30 Section 22 amended (Barristers or solicitors may be appointed to act for Attorney-General in each district)

- (1) In section 22(1), replace “sections 20 and 21” with “section 20”.
- (2) Replace section 22(2) with:
- (2) On the appointment of a person being made and published in the *Gazette*, and while the appointment is in force,—
- (a) certificates under section 20 of fines imposed within the person’s district must be sent to the person instead of to the Attorney-General; and
- (b) the person must cause final judgment to be signed in accordance with section 20.

31 Section 23 amended (Judgments for fines and on recognisances may be vacated by High Court)

- (1) In the heading to section 23, delete “and on recognisances”.
- (2) In section 23, delete “or section 21”.

32 Section 24 amended (Satisfaction of orders against the Crown)

- (1) In section 24(3), delete “, without further appropriation than this section,”.
- (2) Replace section 24(4) with:
- (4) A department that has paid money under this section must include in its annual financial statements a statement showing the total of all amounts paid under this section in the relevant financial year.

33 Section 30 replaced (Rules of court)

Replace section 30 with:

30 Rules about the Crown’s participation in civil proceedings, etc

A provision in another Act that empowers the making of rules about civil proceedings also empowers the making of rules for 1 or more of the following purposes:

- (a) providing for the Crown’s participation in civil proceedings:
- (b) in civil proceedings by the Crown for the recovery of taxes, duties, or penalties, providing that the defendant is not entitled to a set-off or counterclaim:
- (c) in other civil proceedings by the Crown, providing that the defendant is not entitled to a set-off or counterclaim arising out of a right or claim to repayment in respect of any taxes, duties, or penalties:
- (d) in civil proceedings by or against the Crown, providing that the defendant is not entitled, without the court’s leave, to a set-off or counterclaim if the subject matter of the set-off or counterclaim does not relate to the subject matter of the proceedings:

- (e) providing that the Crown is not entitled to a set-off or counterclaim without the court's leave.

34 Schedule 3 amended

In Schedule 3, repeal forms 3 and 4.

Related amendments to other Acts

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35 Amendment to Bail Act 2000

- (1) This section amends the Bail Act 2000.
 (2) After section 39, insert:

39A Court must order bail money to be paid to the Crown unless justice, etc, requires money to be returned to surety

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- (1) If a defendant's failure to comply with a condition of bail has been entered in the court record under section 39(3), any money paid by a surety under a bail bond is forfeited.
 (2) The court must order money forfeited under a bail bond to be paid to the Crown, unless the court considers that equity and good conscience and the real merits and justice of the case require the money to be returned to the surety.

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Compare: 1950 No 54 s 21

36 Amendment to Electoral Act 1993

- (1) This section amends the Electoral Act 1993.
 (2) After section 250(2), insert:
 (3) For the purposes of subsection (2), sections 21 and 23 and Schedule 3 of the Crown Proceedings Act 1950 continue to apply as if they had not been amended by **Part 9 of the Statutes Amendment Act (No 2) 2017**.

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Part 10

District Court Act 2016

25

37 Principal Act

This **Part** amends the District Court Act 2016 (the **principal Act**).

38 Section 212 amended (Contempt of court)

In section 212(2)(a) and (b), replace "Judge" with "judicial officer".

Part 11 Domestic Violence Act 1995

39 Principal Act

This **Part** amends the Domestic Violence Act 1995 (the **principal Act**).

40 Section 81 amended (Court may appoint lawyer) 5

(1) In section 81(2A)(a) and (3)(a), replace “the Registrar” with “a Registrar”.

(2) Replace section 81(4) with:

(4) An invoice for fees and expenses submitted for payment by a lawyer appointed under this section must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice. 10

Part 12 Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

41 Principal Act

This **Part** amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (the **principal Act**). 15

42 Section 164A amended (Dumping permits issued under Maritime Transport Act 1994)

In section 164A, insert as subsection (2):

(2) A reference in the permit to Maritime New Zealand, the Director of Maritime New Zealand, or the Director must be treated as if it were a reference to the Environmental Protection Authority. 20

Part 13 Family Proceedings Act 1980

43 Principal Act 25

This **Part** amends the Family Proceedings Act 1980 (the **principal Act**).

44 Section 162B amended (Fees and expenses of lawyer appointed under section 162 or 162A)

(1) In section 162B(1)(a), replace “the Registrar” with “a Registrar”.

(2) Replace section 162B(2) with: 30

(2) An invoice for fees and expenses submitted for payment by a lawyer appointed under section 162 or 162A must be given to a Registrar of the court, and the

Registrar processing the invoice may decide to adjust the amount of the invoice.

Part 14

Films, Videos, and Publications Classification Act 1993

- 45 Principal Act** 5
This **Part** amends the Films, Videos, and Publications Classification Act 1993 (the **principal Act**).
- 46 Section 109A amended (Search warrants from District Court Judges for offences against sections 126 and 131A)** 10
In section 109A(1), replace “An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may, on an application made in the manner provided in subpart 3 of Part 4 of that Act,” with “A District Court Judge may, on an application made in the manner provided in subpart 3 of Part 4 of the Search and Surveillance Act 2012,”.
- 47 Section 109B amended (Search warrants from Registrars, etc, for offences against section 126 or section 131A)** 15
In section 109B, replace “An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012)” with “A person who is authorised to act as an issuing officer under section 108 of the Search and Surveillance Act 2012”.

Part 15

Fisheries Act 1996

- 48 Principal Act**
This **Part** amends the Fisheries Act 1996 (the **principal Act**).
- 49 Section 255 amended (Interpretation—forfeiture provisions)** 25
After section 255(6), insert:
- (7) No quota owned by any licensed NBDT (within the meaning of section 4(1) of the Non-bank Deposit Takers Act 2013) is to be regarded as associated quota merely because the licensed NBDT has in the ordinary course of its business as a financier become the owner of that quota. 30

Part 16 Government Superannuation Fund Act 1956

50 Principal Act

This **Part** amends the Government Superannuation Fund Act 1956 (the **principal Act**).

5

51 Section 95 amended (Annual subsidies up to 1 July 1991 from Government and from funds or accounts out of which contributors' salaries are paid)

In the heading to section 95, delete “up to 1 July 1991”.

Part 17 Housing Corporation Act 1974

10

52 Principal Act

This **Part** amends the Housing Corporation Act 1974 (the **principal Act**).

53 Section 2 amended (Interpretation)

In section 2, repeal the definition of **State Services Commissioner**.

Part 18 International Finance Agreements Amendment Act 1966

15

54 Principal Act

This **Part** amends the International Finance Agreements Amendment Act 1966 (the **principal Act**).

55 Section 3 amended (Provisions for giving effect to Asian Development Bank Agreement)

20

(1) In section 3(2), replace “such account of the Public Account as the Minister may direct” with “public money”.

(2) In section 3(2), after “membership of the Asian Bank.”, insert “Expenses or capital expenditure may be incurred without further appropriation than this section for the purpose of these payments (*see* sections 4 and 11 of the Public Finance Act 1989).”

25

56 Section 4 amended (Provisions for giving effect to International Development Association Agreement)

(1) In section 4(3), replace “such account of the Crown Bank Account as the Minister may direct” with “public money”.

30

(2) In section 4(3), after “New Zealand’s membership.”, insert “Expenses or capital expenditure may be incurred without further appropriation than this section

for the purpose of these payments (*see* sections 4 and 11 of the Public Finance Act 1989).”

Part 19

Justices of the Peace Act 1957

- 57 Principal Act** 5
This **Part** amends the Justices of the Peace Act 1957 (the **principal Act**).
- 58 Section 3C amended (Use of designation “JP (retired)”)**
After section 3C(2), insert:
- (2A) Despite subsection (2)(a), the Secretary may, by notice in the *Gazette*, authorise a former Justice who retired or resigned before, on, or after the commencement of this subsection to use the designation “JP (retired)” if the Secretary thinks it appropriate in the circumstances. 10

Part 19A

Oranga Tamariki Act 1989

- 58A Principal Act** 15
This **Part** amends the Oranga Tamariki Act 1989 (the **principal Act**).
- 58B Section 162 amended (Payment of lawyer appointed under section 159 or 160)**
- (1) In section 162(1)(a), replace “the Registrar” with “a Registrar”.
- (2) Replace section 162(2) with: 20
- (2) An invoice for fees and expenses submitted for payment by a lawyer appointed under section 159 or 160 must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice.

Part 20

Parole Act 2002

- 59 Principal Act** 25
This **Part** amends the Parole Act 2002 (the **principal Act**).
- 60 Section 4 amended (Interpretation)**
- In section 4(1), insert in its appropriate alphabetical order: 30
- interim supervision order** means an order made under section 107FA

60A Section 73 amended (Arrest without warrant)

In section 73(2), after “extended supervision order”, insert “or interim supervision order”.

61 Section 107FA amended (Sentencing court may make interim supervision order)

5

In section 107FA(3), replace “order under subsection (2) (an **interim supervision order**)” with “interim supervision order”.

62 Section 107T amended (Offence to breach extended supervision order)

(1) In the heading to section 107T, after “**order**”, insert “**or interim supervision order**”.

10

(2) In section 107T, after “extended supervision order”, insert “or interim supervision order”.

63 Section 107V amended (Additional victim notification)

In section 107V, after “an extended supervision order”, insert “or interim supervision order”.

15

Part 21**Plumbers, Gasfitters, and Drainlayers Act 2006****64 Principal Act**

This **Part** amends the Plumbers, Gasfitters, and Drainlayers Act 2006 (the **principal Act**).

20

65 Section 142 amended (Board may prescribe fees)

After section 142(1)(e), insert:

(ea) the notification, by a person who holds a current practising licence that authorises that person to supervise work done under section 19, 21, or 25, of the supervision of a person doing that work (if notification is required as part of the terms and conditions, imposed by notice published under section 30(1)(c), that apply in respect of that licence):

25

Part 22**Policing Act 2008****66 Principal Act**

30

This **Part** amends the Policing Act 2008 (the **principal Act**).

- 67 Section 41 amended (Unclaimed property)**
- (1) In section 41(1), replace “3 months or more, must” with “6 weeks or more, may”.
- (2) Replace section 41(5) with:
- (5) The following types of property (whether perishable or not) may be destroyed or given away: 5
- (a) property that has no monetary value or only negligible monetary value:
- (b) property that it is not appropriate or practicable to sell.

Part 23

Protection of Personal and Property Rights Act 1988 10

- 68 Principal Act**
- This **Part** amends the Protection of Personal and Property Rights Act 1988 (the **principal Act**).
- 69 Section 65 amended (Appointment of lawyer to represent person in respect of whom application made) 15**
- Replace section 65(6) with:
- (6) An invoice for fees and expenses submitted for payment by a lawyer appointed under this section must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice.
- 70 Section 65B amended (Payment of lawyer appointed under section 65A) 20**
- (1) In section 65B(1)(a), replace “the Registrar” with “a Registrar”.
- (2) Replace section 65B(2) with:
- (2) An invoice for fees and expenses submitted for payment by a lawyer appointed under section 65A must be given to a Registrar of the court, and the Registrar processing the invoice may decide to adjust the amount of the invoice. 25

Part 24

Public Finance Act 1989

- 71 Principal Act**
- This **Part** amends the Public Finance Act 1989 (the **principal Act**).
- 72 Section 15C amended (End-of-year performance information requirements) 30**
- In section 15C(2)(c) and (3), replace “or a Crown entity” with “a Crown entity, a Schedule 4 organisation (but not including a Reserves Board (as described in Schedule 4)), or a Schedule 4A company”.

- 73 Section 19A amended (Provision of end-of-year performance information other than by Ministers)**
 In section 19A(1), replace “or Crown entity” with “Crown entity, Schedule 4 organisation, or Schedule 4A company”.
- 74 Section 26A amended (Transfer of resources between output expense appropriations)** 5
 After section 26A(3), insert:
- (4) In this section, **output expense appropriation** means—
- (a) an appropriation for 1 category of output expenses:
 - (b) a multi-category appropriation that includes only categories of output expenses. 10
- 75 Section 45AA amended (Contents of departmental agency annual report)**
 After section 45AA(1)(c), insert:
- (ca) a statement of responsibility that complies with section 45C; and
- 76 Section 45O amended (Special provisions relating to Reserves Boards)** 15
- (1) In the heading to section 45O, after “**Reserves Boards**” insert “: **annual financial statements and financial performance**”.
- (2) After section 45O(3), insert:
- (3A) However, if the financial statements are not required to be audited (~~see section 45OAAA~~), the copies must be sent not later than 4 months after the end of the financial year. 20
- 77 New sections 45OAAA and 45OAAAB inserted**
 After section 45O, insert:
- 45OAAA Special provisions relating to Reserves Boards: audit report**
- (1) This section applies, for a financial year, to every Reserves Board (as described in Schedule 4) whose total operating expenses or total operating revenues, in that financial year, are less than \$100,000. 25
 - (2) Despite section 45M(1), section 156 of the Crown Entities Act 2004 (which relates to audit reports) does not apply to the Reserves Board.
- 45OAAAB Power to amend amount in section 45OAAA(1)** 30
- (1) The Governor-General may, by Order in Council made on the joint recommendation of the Minister and the Minister of Conservation, amend the amount specified in **section 45OAAA(1)**.
 - (2) The Ministers must recommend only an amount that they consider will not unreasonably compromise accountability of Reserves Boards, having regard to the costs and benefits of having financial statements audited. 35

Part 25

Public Records Act 2005 and consequential amendments

78 Principal Act

This ~~Part~~ amends the Public Records Act 2005 (the ~~principal Act~~).

Amendments to Public Records Act 2005

5

79 Section 3 amended (Purposes of Act)

Replace section 3(a) with:

- (a) ~~to provide for the continuation of the repository of public archives that was established by section 5 of the Archives Act 1957; and~~

80 Section 4 amended (Interpretation)

10

- (1) In section 4, repeal the definition of **Archives New Zealand**.

- (2) In section 4, insert in its appropriate alphabetical order:

National Archives of New Zealand means the repository referred to in ~~section 9~~

81 Section 9 and cross-heading replaced

15

Replace section 9 and the cross-heading above section 9 with:

National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga

9 Continuation of National Archives of New Zealand

- (1) ~~The repository established by section 5 of the Archives Act 1957 and subsequently known as Archives New Zealand (Te Rua Mahara o te Kāwanatanga) is continued with the names National Archives of New Zealand and Te Rua Mahara o te Kāwanatanga.~~

20

- (2) ~~The repository may be referred to by either name alone or by both names together.~~

82 Section 60 amended (Protection of names)

25

After section 60(1)(d), insert:

(da) National Archives of New Zealand;

(db) National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga;

83 “Archives New Zealand” replaced with “National Archives of New Zealand”

30

Replace “Archives New Zealand” with “National Archives of New Zealand” in:

- (a) ~~section 21(1)(a) and (2)(b)(i):~~

- (b) section 22(3)(a):
- (c) section 26(2)(d):
- (d) section 38(4)(a):
- (e) section 42(1) and (4):
- (f) section 47: 5
- (g) section 58:
- (h) section 62(2):
- (i) section 63(a), (c), and (d), in each place:
- (j) section 64(2)(b):
- (k) section 65(2)(g) and (h): 10

Consequential amendments to Copyright Act 1994 and related regulations

84 Amendments to Copyright Act 1994

Sections 85 to 88 amend the Copyright Act 1994.

85 Section 2 amended (Interpretation)

- (1) In section 2(1), repeal the definition of **Archives New Zealand**. 15
- (2) In section 2(1), insert in its appropriate alphabetical order:
National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga means the repository referred to in **section 9** of the Public Records Act 2005

86 Section 50 amended (Interpretation)

In section 50(1), definition of **archive**, replace paragraph (a)(i) with: 20

- (i) National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga; or

87 Section 85 amended (Incidental recording for purposes of communication)

In section 85(3)(b), replace “Archives New Zealand (Te Rua Mahara o te Kāwanatanga)” with “National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga”. 25

88 Section 187 amended (Incidental recording for purposes of communication work)

In section 187(2)(b), replace “the national archives” with “National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga”. 30

89 Consequential amendment to Copyright (General Matters) Regulations 1995

- (1) This section amends the Copyright (General Matters) Regulations 1995.
- (2) Replace regulation 5A(1)(b) with:

(b) National Archives of New Zealand/Te Rua Mahara o te Kāwanatanga:

Part 26

Real Estate Agents Act 2008 and consequential amendments

90 Principal Act

This **Part** amends the Real Estate Agents Act 2008 (the **principal Act**). 5

Amendment to Real Estate Agents Act 2008

91 Section 49 amended (Branch manager's or salesperson's licence)

(1) In section 49(2), replace “without having to be licensed under the Auctioneers Act 1928” with “, and operates as an exemption from the requirement in the Auctioneers Act 2013 to be registered as an auctioneer”. 10

(2) After section 49(2), insert:

(3) However, every licensee who conducts an auction of land must comply with the rules about the conduct of auctions set out in sections 36Y to 36ZE (but not the rule in section 36ZF) of the Fair Trading Act 1986.

Consequential amendments to other Acts 15

92 Amendment to Auctioneers Act 2013

(1) This section amends the Auctioneers Act 2013.

(2) In section 5(2)(a), replace “section 48” with “sections 48 and 49”.

93 Amendment to Fair Trading Act 1986

(1) This section amends the Fair Trading Act 1986. 20

(2) In section 36ZF(4), replace “a licensed real estate agent, and the provisions of the Real Estate Agents Act 2008” with “an agent, a branch manager, or a salesperson, licensed under the Real Estate Agents Act 2008, and the provisions of that Act”.

Part 27 25

State-Owned Enterprises Act 1986

94 Principal Act

This **Part** amends the State-Owned Enterprises Act 1986 (the **principal Act**).

95 New section 16A inserted (Information to be published by boards)

After section 16, insert: 30

16A Information to be published by boards

- (1) The board of a State enterprise must publish the following documents on an Internet site maintained by or on behalf of the State enterprise:
- (a) the completed statement of corporate intent of the State enterprise:
 - (b) the annual report and audited financial statements of the State enterprise: 5
 - (c) the auditor's report on those financial statements:
 - (ca) the half-yearly report:
 - (d) the rules of the State enterprise:
 - (e) any change to those rules:
 - (f) any notice making a modification to the statement of corporate intent of the State enterprise, and a document that consolidates all modifications into the statement of corporate intent. 10
- (2) Each document referred to in **subsection (1)(a) to (e) (ca)** must be published as soon as practicable after the board delivers that document to the shareholding Ministers. 15
- (3) The rules of the State enterprise and any change to those rules must be published as soon as practicable after the date of those rules or that change or the date on which the State enterprise became a State enterprise, whichever is the later.
- (4) The documents referred to in **subsection (1)(f)** must be published as soon as practicable after the board delivers to the shareholding Ministers the notice making the modification. 20

96 Section 17 amended (Information to be laid before House of Representatives)

Repeal section 17(2A).

97 Schedule 1 amended

In Schedule 1, repeal the item relating to Learning Media Limited. 25

98 Schedule 2 amended

In Schedule 2, repeal the item relating to Learning Media Limited.

Part 28**Te Rarawa Claims Settlement Act 2015**

30

99 Principal Act

This **Part** amends the Te Rarawa Claims Settlement Act 2015 (the **principal Act**).

100 Section 143 amended (Appointment of Te Rarawa fisheries advisory committee)

Replace section 143(2) with:

- (2) The purpose of the Te Rarawa fisheries advisory committee is to advise the Minister on the utilisation of fish, aquatic life, and seaweed managed under the Fisheries Act 1996, while also ensuring the sustainability of those resources in the fisheries protocol area. 5

101 Section 144 amended (Appointment of joint fisheries advisory committee)

Replace section 144(3) with:

- (3) The purpose of the joint fisheries advisory committee is to advise the Minister on the utilisation of fish, aquatic life, and seaweed managed under the Fisheries Act 1996, while also ensuring the sustainability of those resources in— 10
- (a) the fisheries protocol area; and
 - (b) the fisheries protocol areas provided for by— 15
 - (i) section 128 of the Ngāti Kuri Claims Settlement Act 2015; and
 - (ii) section 130 of the Te Aupouri Claims Settlement Act 2015; and
 - (iii) section 125 of the Ngāi Takoto Claims Settlement Act 2015.

Part 29**~~Weights and Measures Act 1987~~****102 ~~Principal Act~~** 20

This ~~Part~~ amends the ~~Weights and Measures Act 1987~~ (the ~~principal Act~~).

103 ~~Section 40 amended (Disposal of articles seized)~~

In section 40(1), replace “Chief Inspector” with “Secretary”.

Legislative history

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