

Tribunals Powers and Procedures Legislation Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Tribunals Powers and Procedures Legislation Bill, and recommends that it be passed with the amendments shown.

Cognate bills

The Courts Matters Bill and the Tribunals Powers and Procedures Legislation Bill are deemed to be cognate bills due to their closely related nature. Under Standing Order 269, cognate bills may be treated as though they are a single bill throughout the parliamentary process.

The bills seek to contribute to a modern, efficient, and effective courts and tribunals system. They would amend courts and tribunals legislation to improve:

- timeframes for hearing and resolving matters
- users' experience of the courts and tribunals system
- efficiency, effectiveness, and timeliness by enabling greater use of modern technology
- productivity and efficiency by simplifying and standardising statutory powers and procedures
- consumer protection and redress and greater access to justice.

About the Tribunals Powers and Procedures Legislation Bill

The Tribunals Powers and Procedures Legislation Bill would amend the powers and procedures of tribunals established under 20 Acts. It aims to improve users' experience of tribunals by making processes easier for the public to understand and reducing the length of time it takes to hear and resolve matters.

This would be achieved by providing similar tribunals administered by the Ministry of Justice with a standard set of powers and procedures to improve productivity and administrative efficiency.

It would also enable some tribunals to provide better consumer protections and redress through a simpler, quicker, and cheaper alternative to a court case.

The bill would amend three further Acts to disestablish the defunct Birdlings Flat Land Titles Commissioner. The Commissioner has completed this work. It would also disestablish the rarely used Health Boards of Appeal and the Maritime Appeal Authority. The District Court will hear any future cases.

This commentary covers the main amendments that we recommend to the bill. It does not discuss minor, technical, or consequential amendments.

Amendments to the Real Estate Agents Act 2008

Compensation for unsatisfactory conduct of real estate agents

As introduced, the bill would authorise Complaints Assessment Committees (CACs) to refer cases of unsatisfactory conduct to the Real Estate Agents Disciplinary Tribunal (READT) to consider possible compensation in addition to the sanctions the CAC has made. The bill would authorise the tribunal to order compensation of up to \$100,000 for losses arising from a real estate agent's unsatisfactory conduct.

We believe consideration of sanctions and compensation could be more efficient. The proposed process involves two consideration stages. This is inconsistent with the need for complaints to be resolved as efficiently and expeditiously as possible.

We agree that the READT must be responsible for awarding compensation due to its expertise and the complexity of the legal issues involved. However, the process would be more efficient if conduct involving only a minor or technical breach did not need to be referred to the READT. We recommend that clauses 219 and 227 be amended to require that CACs only refer cases of unsatisfactory conduct to the READT, for consideration of compensation, which they assess as more than minor or technical breaches. We further recommend that clauses 219 and 227 be amended to require that the READT must accept, and cannot overturn, the CAC's assessment that the unsatisfactory conduct is more than minor or technical.

Because of the unconstrained nature of the compensation power provided to the READT, we recommend that clause 227 be amended to require that compensation orders for misconduct be the same as those a court could make.

Proposed changes to standard provisions

Standard strikeout powers amended

As introduced, the bill seeks to insert a power into 13 Acts that would allow a tribunal to reject applications, or parts of applications, without detailed consideration. One such ground to use this power would be if a party failed to attend a hearing to consid-

er an application. However, the bill does not make it clear whether this power could be used if a party was not required to attend the hearing.

We recommend amending clauses 15, 32, 35C, 51, 96, 100A, 117, 163, 226, 292, 303, and 315 to clarify that provisions enabling a strikeout power can only be applied if a party was not present or represented at a hearing in which they were required to be.

Standard appointment terms

Currently, members can be appointed to tribunals for terms of three, five, or seven years. Some Acts limit the number of terms for which a member can be appointed.

The bill as introduced aims to establish a standard appointment term of up to five years, and to authorise multiple terms for re-appointment. This standard provision would be inserted into 16 Acts.

Transitional provisions are necessary for some Acts. We note that the bill's intention is that a new term of up to five years would apply only to the members of tribunals that are appointed or re-appointed after this bill's enactment. The length of existing terms would remain unchanged.

We recommend inserting Schedules 1AA and 2B, adding transitional provisions into the Customs and Excise Act 2018 and the Taxation Review Authorities Act 1994. They would provide for the continuation of members of the Customs Appeal Authority and the Taxation Review Authority.

Amendments to the Human Rights Act 1993

Addressing the Human Rights Review Tribunal workload

The Human Rights Review Tribunal (HRRT) considers claims relating to breaches of the Human Rights Act 1993, the Privacy Act 1993, and the Health and Disability Commissioner Act 1994.

Currently, two chairpersons may be appointed to the tribunal, and they are responsible for dealing with almost all the tribunal's workload. To address concerns about the workload and a backlog of cases that has developed in the tribunal, we recommend inserting the following clauses:

- Clause 87D, which would replace section 99 with new sections 99 and 99A to enable the appointment of one or more deputy chairpersons instead of a second chairperson.
- Clause 87A, which would amend section 92D to authorise a chairperson or deputy chairperson of the HRRT to refer claims brought under the Human Rights Act back to the Human Rights Commission for mediation and to adjourn proceedings.
- Clause 93, which would insert new sections 103A and 103B. These provisions would enable the chairperson, a deputy chairperson, and two panel members to hear difficult or test cases and to sit together for training purposes. Cases would

usually be heard by a three member panel comprising the chairperson or a deputy chairperson and two panel members.

- Clause 94, which would amend section 104 to authorise the chairperson or deputy chairperson alone to consider appropriate matters on the papers.

Appointment of chairpersons and the length of a term

As introduced, clause 88 would insert a standard provision to enable an outgoing chairperson of the HRRT to remain in office for some purposes, including completing proceedings.

The original clause does not clearly convey the policy intent to enable outgoing chairpersons to complete cases that began before a new chairperson was appointed or before they received advice that no appointment would be made. This intent should also be applied to the proposed role of deputy chairperson.

We recommend amending clause 88 to replace section 100(4) to clarify that a chairperson or deputy chairperson will continue to hold office until they are reappointed, or their successor is appointed.

We further recommend amending proposed section 100(5) to apply to chairpersons and deputy chairpersons. Our amendment would also clarify that they are authorised to continue proceedings that commenced before they ceased to hold office under section 100(4).

Panel members that can be appointed to the tribunal

Section 101 requires the Minister of Justice to maintain a panel of suitable people to hear cases under the Act. Members on the panel must collectively have knowledge or experience outlined in section 101(2) of the Act.

Clause 89 of the bill proposes to replace the section with wording that would require the panel to be maintained for the purposes of carrying out the tribunal's functions. This neglects the panel's role in cases before the High Court.

To clarify the panel's intended role, we recommend inserting proposed sections 101(1)(a) and 101(1)(b) to clarify that the panel's purpose is both for the tribunal's functions and other functions under the Act or any other enactment.

Standard provision for a chairperson to delegate functions

Clause 90 provides that the chairperson could delegate functions, duties, and powers to a panel member. The chairperson would need to be satisfied that the panel member has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers.

However, the requirements for a panel member set out in section 101(2) are different from those for a chairperson outlined in section 99A. We are aware of concern that some panel members may not have the requisite experience or knowledge, but could be used as chairpersons to ease the tribunal's workload.

We recommend amending clause 90 to state explicitly that delegation may only be to a member of the panel who satisfies the criteria in section 99A for appointment as chairperson.

Orderly and efficient operation

Clause 93 would insert new section 103A setting out a standard provision that chairpersons are responsible for ensuring that both the tribunal and panel members operate in an orderly and efficient manner. This would be a mandate to improve performance, similar to the responsibility of the courts' Head of Bench.

To reflect the role of panel members on cases in the High Court, we recommend amending proposed section 103A to make it clear that it would apply only to the work of the HRRT.

Amendments to the Disputes Tribunal Act 1988

Rostering and training of referees

Clause 40 of the bill, replacing section 6 of the Disputes Tribunal Act, would make the Principal Disputes Referee responsible for rostering and training referees. Any decisions would be made in consultation with the Chief District Court Judge who is currently responsible under the Act. However, no provision in this clause as introduced specifies responsibility if the position of Principal Disputes Referee is vacant.

We recommend amending clause 40 to insert section 6(3). This would make it clear that the Chief District Court Judge would be wholly responsible if the Principal Disputes Referee position is vacant or they are unable to perform the function for any reason.

Dismissing and striking out a claim

Section 19(1)(g) of the Act authorises the Disputes Tribunal to dismiss a claim in favour of the defendant, after which no other action can be taken on the matter. Clause 51, amending section 19, would replace the dismissal provision with the standard strikeout provision introduced by this bill. Striking out involves a claim or part of a claim being rejected—that is, it will not be considered by the tribunal. However, the strikeout provision would not prevent refiling an amended claim. We consider that these two provisions serve different purposes and that the tribunal should be able to do both.

We recommend amending clause 51 to provide that dismissals could still be made under section 19(1)(g).

Reasons for referee decisions

Clause 54 would amend section 21 to require that a decision by the Disputes Tribunal could be given orally but must include the reasoning behind the decisions and be recorded in writing.

We heard that decisions often involve technical legal issues that are difficult to deliver in an oral decision. It is also plausible that an appeal could be made if the oral decision and written decision did not match word for word.

We recommend amending clause 54 so that the reasoning behind decisions would only be required in written records.

Lodging of claims

Clause 55, amending section 24, provides that a tribunal hearing may be held at a place near where the claimant lives or works. We recommend amending clause 55 to align with terminology used elsewhere in the Act. This would involve replacing “claimant” with “applicant” in proposed new section 24(1).

Possible parties to proceedings

We recommend amending clause 60, proposed section 38(3A), to allow an insurer to be represented at hearings by an agent in certain circumstances. The agent must have been engaged by the insurer solely or principally as an underwriter or to administer claims, and must be authorised by the insurer and have tribunal approval. We further recommend inserting new section 38(3B) to clarify that the duties of an agent organisation may be performed by employees, officers, or members of the agent organisation who are also personally approved by the tribunal.

The intent of this change is to ensure that insurers do not appoint a professional advocate after the event the dispute relates to.

Use of electronic facilities to hear matters

Clause 61, inserting new section 42A into the Act, provides that the Principal Disputes Referee or another Referee could determine when a case is heard using electronic facilities, including audio-visual link (AVL) technology.

We consider that, while the principal referee could provide guidance, the referee conducting a hearing should determine when the use of electronic facilities is appropriate.

We recommend amending clause 61 to specify that the referee hearing the case may decide whether to use electronic facilities.

Disputes Tribunal rehearings

Clause 67 would amend section 49 to provide that the tribunal may order a rehearing on any terms it considers fit. Only one rehearing would be allowed unless the tribunal considered multiple hearings necessary in the interests of justice. If the tribunal approved a rehearing it would be able to halt (“stay”) proceedings.

For clarity, we recommend changing the wording in proposed section 49(7)(b) by replacing “stay proceedings” with “stay the implementation of the decision that is the subject of the rehearing”.

Amendments to the Lawyers and Conveyancers Act 2006

Suppression orders

Section 206 provides that every review by a Legal Complaints Review Officer (LCRO) must be conducted in private. However, the LCRO can publish the decision if it is in the public interest to do so. Clause 119 would insert new section 211A, setting out standard provisions for suppression orders by the LCRO. This would enable the LCRO to withhold any evidence or the name of any witness from publishing.

We consider that proposed section 211A should be placed nearer to section 206. Therefore, we recommend amending clause 119 to replace proposed section 211A with section 206A.

Enforcement orders for costs or expenses

Section 215 provides that LCRO orders for costs or expenses can be enforced in court. However, the section does not make it clear whether compensation, fines, or fee refunds can be enforced. As introduced, clause 120 makes it clear that compensation orders can be sought and enforced in court. We recommend amending clause 120 to provide that fines and fee refunds can be enforced, in addition to costs, expenses, and compensation.

Section 215 further provides that orders for \$12,000 or less must be enforced in the District Court, with larger sums dealt with in the High Court. We consider it inappropriate for the High Court to be involved when, under ordinary civil thresholds, the District Court has a monetary limit of \$350,000. We recommend amending clause 120, replacing section 215(3) to provide that, if the recoverable amount does not exceed \$350,000 (or any greater limit that may be specified in section 71 of the District Court Act 2016), then enforcement must be in the District Court. Otherwise, the High Court must be used.

Temporary acting members on the Lawyers and Conveyancers Disciplinary Tribunal

Clause 123 would insert new section 233A, setting standard provisions for the appointment of a temporary acting member of the Lawyers and Conveyancers Disciplinary Tribunal (LCDT). Currently, the LCDT is unable to appoint temporary members in the absence of a permanent member.

Clause 123 would enable the Governor-General, on the recommendation of the Minister, to appoint an acting member. However, the clause omits consultation with the chairperson of the tribunal, the New Zealand Law Society, and the New Zealand Society of Conveyancers, which is a requirement for a permanent appointment. We consider it appropriate that the process should be the same for acting members as permanent members.

We recommend amending proposed section 233A to require that temporary appointments require the same consultation process as permanent appointments.

Online publication of decisions

Clause 126 would insert new sections 249B and 249C, setting the standard provisions for online publication of all final decisions made by the LCDT. Currently there is no requirement for LCDT decisions to be published. Online publication would not be required if there was good reason not to publish the decision. When publishing a person's name, the LCDT would be required to consider the public interest.

We propose relocating the placement of the proposed sections within the Act, so that they sit alongside section 240, which contains restrictions on publication. To do so, we recommend replacing clause 126 with new clause 124A, which would insert proposed sections 239A and 239B.

Duplicating provisions for breaching a suppression order

Clause 128 would insert new section 262A, making it an offence to breach an LCDT or LCRO suppression order under proposed new section 211A or section 240. A maximum fine of \$3,000 is provided for. However, section 240 already provides that a breach of an LCDT suppression order can be enforced with a fine of up to \$25,000. New section 262A would duplicate provisions for this offence in the Act.

We recommend removing the reference to section 240 in proposed new section 262A. This would clarify that clause 128 would only apply to an LCRO suppression order, and would not duplicate the offence in the Act.

Decisions to state reasons in writing

Clause 130 provides that decisions made by the LCDT must be in writing and must state the reasons. Currently the Act does not require decisions to be written, although this has become standard practice.

We consider it unnecessary for interim decisions on urgent matters to be made in writing, giving the reasons for the decision. We believe it is acceptable for written decisions, with reasons, to be made available subsequently. This would enable urgent decisions to be delivered more quickly.

We recommend amending clause 130 to allow for interim decisions on urgent matters to be made without stating reasons, provided a subsequent written decision outlined the reasoning.

Appendix

Committee process

The Tribunals Powers and Procedures Legislation Bill was referred to the Justice and Electoral Committee of the 51st Parliament on 15 August 2017. The bill was reinstated in the 52nd Parliament and referred to the Justice Committee on 8 November 2017.

The closing date for submissions was 16 February 2018. We received and considered 34 submissions from interested groups and individuals. We heard oral evidence from 11 submitters at hearings in Wellington.

We received advice from the Ministry of Justice.

Committee membership

Raymond Huo (Chairperson)

Ginny Andersen

Hon Maggie Barry

Chris Bishop

Hon Mark Mitchell

Greg O'Connor

Priyanca Radhakrishnan

Hon Dr Nick Smith

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Aupito William Sio

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Tribunals Powers and Procedures Legislation Act **2017**.

2 Commencement

- (1) **Sections 6, 7, 11, 20, 35, 38, 43, 44(1) and (2), 46 to 50, 51(2) to (4), 52, 53, 55 to 58, 63 to 65, 67, 68, 70, 72, 80, 87, 90, 98, 103(2) and (6), 106, 111(5) and (11), 116, 122, 126, 130(3), 135, 143, 163(3), (8), and (10) and (11), 170, 173(1), 174(1), 175, 179(2), 180, 182(1), 185(2), 187 to 189, 194(2), 196, 197(2), 198, 199(2), 208, 211, 214, 219(2), 227, 228, 232 to 234, 238(6), 242, 248, 254, 255, 258(1) and (4), 259, 261 to 265, 268, 269, 278, 290, 295, 307, 309, 310, 313, 316, 321(4), and 324** come into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates for different purposes. 5
- (2) Any provision specified in **subsection (1)** that has not earlier been brought into force comes into force on **1 July 2020**. 10
- (3) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent. 15

Part 1

Amendments to Acts 20

Subpart 1—Amendment to Accident Compensation Act 2001

3 Principal Act

This **subpart** amends the Accident Compensation Act 2001 (the **principal Act**).

- 4 Section 328 amended (Regulations relating to reviews and appeals)**
- After section 328(c), insert:
- (ca) prescribing a fee that must accompany a notice of appeal:
- Subpart 2—Amendments to Copyright Act 1994
- 5 Principal Act** 5
- This **subpart** amends the Copyright Act 1994 (the **principal Act**).
- 6 Section 122J amended (Application to Tribunal)**
- In section 122J(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal,”. 10
- 7 Section 122K amended (Notice of proceedings)**
- In section 122K(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”.
- 8 Section 206 amended (Membership of Tribunal)** 15
- (1) In section 206(1), delete “, but not more than 5,”.
- (2) After section 206(4), insert:
- (5) For the purposes of this Part, except for the reference in subsection (3), a reference to a **member** or **members** includes the chairperson.
- 9 Section 207 amended (Term of office of members of Tribunal)** 20
- Replace section 207(3) with:
- (3) A member of the Tribunal continues in office despite the expiry of his or her term of office until—
- (a) the member is reappointed; or
- (b) the member’s successor is appointed; or 25
- (c) the member is notified that a replacement member will not be appointed; or
- (d) the member vacates or is removed from office.
- (3A) A member who continues in office for any period under **subsection (3)**, unless he or she was removed from office, may act as a member during that period for the purpose of— 30
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.

- (3B) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

10 Section 209 replaced (Deputies of members)

Replace section 209 with:

5

209 Appointment of temporary acting chairperson or members

- (1) If the chairperson or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, made, in the case of an acting chairperson, after consultation with the Minister of Justice, may appoint a suitable person as the acting chairperson or an acting member for the period or purpose stated in the appointment. 10
- (2) No person may be appointed as the acting chairperson or an acting member unless he or she is eligible for appointment to the relevant position. 15
- (3) The acting chairperson or acting member is, while acting in the position, to be treated as the chairperson or a member of the Tribunal.
- (4) No appointment of an acting chairperson or acting member, no act done by an acting chairperson or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 20

11 New section 209A inserted (Delegation by chairperson of Tribunal)

After section 209, insert:

209A Delegation by chairperson of Tribunal

- (1) The chairperson of the Tribunal may delegate any of the chairperson's functions, duties, and powers to a member of the Tribunal who holds the qualifications set out in section 206(2)(b) and the chairperson is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 25
- (2) A delegation— 30
- (a) must be in writing; and
 - (b) must be to a named person; and
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the chairperson. 35
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.

- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 210 for work undertaken in that capacity.

5

12 New section 211A inserted (Orderly and efficient operation)

After section 211, insert:

211A Orderly and efficient operation

- (1) The chairperson of the Tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable the Tribunal to perform its functions.

10

15

13 Section 213 amended (Sittings of Tribunal)

- (1) Replace the heading to section 213 with “**Hearing**”.
- (2) After section 213(7), insert:
- (8) Despite anything in this Act to the contrary and except as provided in section 122L, the Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate.
- (9) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.
- (10) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the chairperson or the Tribunal considers it appropriate and the necessary facilities are available.

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14 Section 214 amended (Procedure of Tribunal)

- (1) After section 214(3), insert:
- (3A) If the members are equally divided in opinion, the decision of the chairperson is the decision of the Tribunal.
- (2) Replace section 214(5) with:
- (5) The Tribunal may regulate its procedures as it sees fit, subject to this Act ~~and~~, any regulations made under it, and any practice notes issued under **section 224A**.

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15 New section 214A inserted (Tribunal may strike out, determine, or adjourn proceeding)

After section 214, insert:

214A Tribunal may strike out, determine, or adjourn proceeding

- (1) The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it— 5
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process. 10
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Tribunal may,—
- (a) ~~if the party is required to be present~~, strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing. 15

16 Section 217 amended (Service of summons)

(1) Replace section 217(1) with:

- (1) A witness summons may be served by—
- (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or 20
 - (b) delivering the summons to the witness at his or her usual place of residence by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.

(2) Repeal section 217(3).

17 Section 219 amended (Privileges and immunities) 25

After section 219(2), insert:

- (3) The Tribunal, the chairperson, and the members are not personally liable for any act done or omitted to be done by the Tribunal, the chairperson, or any member in good faith in the performance or exercise, or intended performance or exercise, of their functions, duties, or powers under this Act. 30

18 Section 221 amended (Contempt of Tribunal)

- (1) In section 221(1)(a), replace “~~assaults, threatens, or intimidates, or intentionally insults~~, the Tribunal or any member of it or any special adviser to or officer of the Tribunal,” with “~~threatens, intimidates, or intentionally insults~~ the Tribunal or any member of it, a special adviser to the Tribunal, a witness before the Tribunal, or an officer of the Tribunal”. 35

- (2) In section 221(2), after “constable”, insert “or any officer of the Tribunal”.

19 New section 224A and cross-heading inserted

After section 224, insert:

Practice notes, procedural information, and publication of decisions

224A Practice notes

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- (1) The chairperson of the Tribunal may issue practice notes for any type of proceedings dealt with by the Tribunal as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of other members of the Tribunal, officers of the Tribunal, and parties before the Tribunal.

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20 New sections 224B and 224C inserted

After section 224A, insert:

224B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

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- (a) ~~information about the purpose of the Tribunal and the ways that a person may use it~~ how to commence a proceeding:
- (b) ~~any requirements that a person must meet to use the Tribunal~~ must be met for a proceeding:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

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224C Online publication of final written decisions

- (1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to section 213(5).
- (4) Good reason not to publish a decision, or part of it, includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any

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	part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.	
(5)	In this section, final written decision means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:	5
	(a) a written reserved decision following an oral hearing:	
	(b) a written decision in any case considered on the papers.	
21	Section 234 amended (Regulations)	
	After section 234(q), insert:	
	(qa) prescribing fees in relation to licensing scheme disputes before the Tribunal:	10
	Subpart 3—Amendments to Customs and Excise Act 1996	
22	Principal Act	
	This subpart amends the Customs and Excise Act 1996 (the principal Act).	
23	Section 216 amended (Offences in relation to Customs Appeal Authorities)	15
	After section 216(6), insert:	
(7)	A person who breaches an order made under section 257(7) is liable on conviction to a fine not exceeding \$3,000.	
24	Section 245 amended (Term of office of Authority)	
(1)	In section 245(1), replace “shall be appointed for such term, not exceeding 7 years” with “must be appointed for a term of up to 5 years”.	20
(2)	Replace section 245(4) with:	
(4)	An Authority continues in office despite the expiry of his or her term of office until—	
	(a) the Authority is reappointed; or	25
	(b) the Authority’s successor is appointed; or	
	(c) the Authority is notified that a replacement Authority will not be appointed; or	
	(d) the Authority vacates or is removed from office.	
(5)	An Authority who continues in office for any period under subsection (4) , unless he or she was removed from office, may act as an Authority during that period for the purpose of—	30
	(a) completing any appeal partly or wholly heard by the Authority before the expiry of his or her term of office:	
	(b) hearing any other appeal.	35

- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

25 Section 248 replaced (Sickness or incapacity)

Replace section 248 with:

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248 Appointment of temporary acting Authority

- (1) If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment.

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- (2) No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.

- (3) An acting Authority is, while acting in the position, to be treated as an Authority.

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- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

26 Section 249 repealed (Validity of appointment not to be questioned in proceedings)

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Repeal section 249.

27 New section 253A inserted (Orderly and efficient operation)

After section 253, insert:

253A Orderly and efficient operation

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- (1) An Authority is responsible for making ~~such~~ any arrangements ~~as that~~ are practicable to ensure that he or she performs his or her functions—

(a) in an orderly and efficient manner; and

(b) in a way that achieves the purposes of this Act.

- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable each Authority to perform its functions.

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28 Section 254 amended (Procedure)

- (1) Replace section 254(1) with:

- (1) An Authority may regulate his or her procedures as he or she sees fit, subject to—

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(a) this Act and any regulations made under it; and

	(b) any practice notes issued under section 274AA .	
(2)	In section 254(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the Authorities”.	
29	Section 257 amended (Hearing)	5
(1)	Repeal section 257(4).	
(2)	After section 257(6), insert:	
(6A)	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if an Authority considers it appropriate and the necessary facilities are available.	10
(3)	After section 257(7), insert:	
(8)	The penalty for a breach of subsection (7) is set out in section 216.	
30	Section 262 amended (Power to summon witnesses)	
	In section 262, insert as subsection (2):	
(2)	The power to issue a witness summons may be exercised by an Authority or by any officer of an Authority purporting to act by the direction or with the authority of that Authority.	15
31	Section 263 amended (Service of summons)	
(1)	Replace section 263(1) with:	
(1)	A witness summons may be served by—	20
(a)	delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or	
(b)	delivering the summons to the witness at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.	25
(1A)	In section 263(2)(a), replace “10 days” with “7 working days”.	
(2)	Repeal section 263(3).	
32	Section 269 replaced (Authority may dismiss frivolous or vexatious appeal)	
	Replace section 269 with:	
269	Authority may strike out, determine, or adjourn proceeding	30
(1)	An Authority may strike out, in whole or in part, a proceeding if satisfied that it—	
(a)	discloses no reasonable cause of action; or	
(b)	is likely to cause prejudice or delay; or	
(c)	is frivolous or vexatious; or	35

<p>(d) is otherwise an abuse of process.</p> <p>(2) If a party is neither present nor represented at the hearing of a proceeding, an Authority may,—</p> <p>(a) <u>if the party is required to be present</u>, strike out the proceeding; or</p> <p>(b) determine the proceeding in the absence of the party; or</p> <p>(c) adjourn the hearing.</p>	5
<p>33 Section 271 amended (Power to award costs)</p> <p>After section 271(2), insert:</p>	
<p>(3) If costs are awarded to a party or the Crown, but have not been paid in full, the Crown or party may file a copy of the order in the District Court where it may be enforced for so much of the amount that is still owing as if it were a judgment of the District Court.</p>	10
<p>33A Section 272 amended (Appeals to High Court)</p> <p><u>In section 272(7), replace “14 days” with “10 working days”.</u></p>	
<p>34 New section 274AA and cross-heading inserted</p> <p>After section 274, insert:</p>	
<p><i>Practice notes, procedural information, and publication of decisions</i></p>	
<p>274AA Practice notes</p>	
<p>(1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit.</p> <p>(2) The practice notes must not be inconsistent with this Act or any regulations made under it <u>and are for the guidance of an Authority, officers of an Authority, and parties before an Authority.</u></p>	20
<p>35 New section 274AB inserted (Online publication of information about procedures, time frames, and progress of decisions)</p> <p>After section 274AA, insert:</p>	
<p>274AB Online publication of information about procedures, time frames, and progress of decisions</p> <p>The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry of Justice:</u></p>	
<p>(a) information about the purpose of the Authorities and the ways that a person may use them <u>how to commence an appeal:</u></p> <p>(b) any requirements that a person must meet to use the Authorities <u>must be met for an appeal:</u></p>	30

- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

Subpart 3A—Amendments to Customs and Excise Act 2018

35A Principal Act

This **subpart** amends the Customs and Excise Act 2018 (the **principal Act**). 5

35B New Part 2 of Schedule 1 inserted

Insert the **Part 2 of Schedule 1** set out in **Schedule 1AA** of this Act.

35C Schedule 8 amended

- (1) In Schedule 8, clause 1(1), replace “, not exceeding 7 years,” with “of up to 5 years”. 10
- (2) In Schedule 8, replace clause 1(3), with:
- (4) An Authority continues in office despite the expiry of his or her term of office until—
- (a) the Authority is reappointed; or
- (b) the Authority’s successor is appointed; or 15
- (c) the Authority is notified that a replacement Authority will not be appointed; or
- (d) the Authority vacates or is removed from office.
- (5) An Authority who continues in office for any period under **subclause (4)**, unless he or she was removed from office, may act as an Authority during that period for the purpose of— 20
- (a) completing any appeal partly or wholly heard by the Authority before the expiry of his or her term of office;
- (b) hearing any other appeal.
- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard. 25
- (3) In Schedule 8, replace clause 5 with:

5 Appointment of temporary acting Authority

- (1) If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment. 30 35

- (2) No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.
- (3) An acting Authority is, while acting in the position, to be treated as an Authority.
- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5
- (4) In Schedule 8, repeal clause 6.
- (5) In Schedule 8, after clause 9, insert:
- 9A Orderly and efficient operation** 10
- (1) An Authority is responsible for making any arrangements that are practicable to ensure that he or she performs his or her functions—
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable each Authority to perform its functions. 15
- (6) In Schedule 8, replace clause 10 with:
- 10 Procedure**
- An Authority may regulate his or her procedures as he or she sees fit, subject to— 20
- (a) this Act and any regulations; and
- (b) any practice notes issued under **clause 30A**.
- (7) In Schedule 8, after clause 18(1), insert:
- (1A) The hearing of an appeal or any part of it may be conducted by telephone, audiovisual link, or other remote access facility if an Authority considers it appropriate and the necessary facilities are available. 25
- (7A) In Schedule 8, after clause 18(5), insert:
- (6) A person who breaches an order made under clause 18(5) is liable on conviction to a fine not exceeding \$3,000.
- (8) In Schedule 8, clause 23, insert as subclause (2): 30
- (2) The power to issue a witness summons may be exercised by an Authority or any officer of an Authority purporting to act by the direction or with the authority of that Authority.
- (9) In Schedule 8, replace clause 24(1) with:
- (1) A witness summons may be served by— 35
- (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or

(b)	<u>delivering the summons to the witness at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.</u>	
(10)	<u>In Schedule 8, after clause 27(2), insert:</u>	
(3)	<u>If costs are awarded to a party or the Crown but have not been paid in full, the party or the Crown may file a copy of the order in the District Court, where it may be enforced for the amount that is still owing as if it were a judgment of the District Court.</u>	5
(11)	<u>In Schedule 8, replace clause 28 with:</u>	
28	<u>Authority may strike out, determine, or adjourn proceeding</u>	10
(1)	<u>An Authority may strike out, in whole or in part, a proceeding if satisfied that it—</u>	
(a)	<u>discloses no reasonable cause of action; or</u>	
(b)	<u>is likely to cause prejudice or delay; or</u>	
(c)	<u>is frivolous or vexatious; or</u>	15
(d)	<u>is otherwise an abuse of process.</u>	
(2)	<u>If a party is neither present nor represented at the hearing of a proceeding, an Authority may—</u>	
(a)	<u>if the party is required to be present, strike out the proceeding; or</u>	
(b)	<u>determine the proceeding in the absence of the party; or</u>	20
(c)	<u>adjourn the hearing.</u>	
(12)	<u>In Schedule 8, after clause 30, insert:</u>	
30A	<u>Practice notes</u>	
(1)	<u>All Authorities acting together may issue practice notes, to apply to all of them, as they think fit.</u>	25
(2)	<u>The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of an Authority, officers of an Authority, and parties before an Authority.</u>	
30B	<u>Online publication of information about procedures, time frames, and progress of decisions</u>	30
	<u>The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:</u>	
(a)	<u>information about the purpose of the Authorities and how to commence an appeal:</u>	
(b)	<u>any requirements that must be met for an appeal:</u>	35
(c)	<u>guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.</u>	

Subpart 4—Amendments to Disputes Tribunal Act 1988

36 Principal Act

This **subpart** amends the Disputes Tribunal Act 1988 (the **principal Act**).

37 Section 2 amended (Interpretation)

- (1) In section 2, insert in their appropriate alphabetical order: 5
- authenticated**, in relation to an acknowledgement under section 28 or section 29, means—
- (a) that the acknowledgement is signed and dated; or
- (b) if the acknowledgement is in electronic form, that it, by the use of any electronic means, adequately identifies the person responsible for its content and the date of authentication 10
- chief executive** means the chief executive of the Ministry of Justice
- lodge**, except for the purposes of sections 50 and 51, in relation to a document, means to lodge or file the document in, or to send it by post or electronically to, any office of the Disputes Tribunal together with the filing fee (if any) that is payable, and **lodges**, **lodging**, and **lodged** have corresponding meanings 15
- writing**, except for the purposes of sections 6A, 6B, **6D**, 7, and 40, includes writing in an electronic form, and **written record** has a corresponding meaning
- (2) In section 2, definition of **claim**, paragraph (a), replace “13” with “11”.
- (3) In section 2, replace the definition of **Registrar** with: 20
- Registrar** means—
- (a) the person appointed under **section 4B(1)** as the Disputes Tribunal Registrar; or
- (b) a Registrar or Deputy Registrar of the District Court performing functions under this Act 25
- (4) In section 2, definition of **work order**, replace “as may be specified in the order.” with “as may be specified in the order”.

38 New section 3A inserted (Transitional, savings, and related provisions)

After section 3, insert:

- 3A Transitional, savings, and related provisions** 30
- The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

39 New section 4B inserted (Registry of Disputes Tribunal)

After section 4A, insert:

4B Registry of Disputes Tribunal

- (1) The chief executive may establish a Registry for the Disputes Tribunal and may appoint a person to be the Disputes Tribunal Registrar.
- (2) The office of Disputes Tribunal Registrar may be held in conjunction with any other office in the public service. 5
- (3) The functions of the Disputes Tribunal Registrar are—
 - (a) to ensure the orderly and efficient administration of the Registry; and
 - (b) to give directions or advice, as appropriate, to Registry staff to enhance the consistency of the Registry’s performance.
- (4) The Ministry of Justice must provide the resources and administrative support necessary to enable the Disputes Tribunal to perform its functions. 10

40 Section 6 replaced (Rostering and training of Referees)

Replace section 6 with:

6 Sittings of Tribunal and rostering and training of Referees

- (1) A Registrar must schedule the days, times, and places for the regular sittings of the Tribunal and, when doing so, must implement any directions given under **subsection (2)**. 15
- (2) The Principal Disputes Referee is responsible for the rostering and training of Referees and may give any directions he or she considers necessary for these purposes. Before giving any direction, the Principal Disputes Referee must consult the Chief District Court Judge. 20
- (3) If for any reason the office of Principal Disputes Referee is vacant, or if for any reasons the Principal Disputes Referee is unable to perform his or her functions under subsection (2), the Chief District Court Judge must—
 - (a) assess and fulfil the training needs of Referees; and 25
 - (b) roster Referees.

41 Section 6A amended (Appointment of Principal Disputes Referee)

- (1) In section 6A(4), replace “5 years” with “up to 5 years and, subject to subsection (2), may from time to time be reappointed”.
- (2) In section 6A(6)(b), replace “the chief executive of the Ministry of Justice” with “the chief executive”. 30

42 Section 6C amended (Functions and powers of Principal Disputes Referee)

- (1) Replace section 6C(1)(a) with:
 - (a) to undertake appropriate measures to ensure that the integrity of the office of Referee under this Act is maintained: 35

- (ab) to make ~~such~~ any arrangements ~~as that~~ are practicable to ensure that ~~he or she~~ the Principal Disputes Referee and each Referee ~~performs his or her~~ perform their functions—
- (i) in an orderly and efficient manner; and
 - (ii) in a way that achieves the purposes of this Act: 5
- (2) After section 6C(1)(h), insert:
- (ha) to issue practice notes as he or she thinks fit, but that are not inconsistent with this Act or any regulations made under it; for the guidance of other Disputes Tribunal Referees, officers of the Tribunal, and parties before the Tribunal: 10
- 43 New section 6D inserted (Delegation by Principal Disputes Referee)**
- After section 6C, insert:
- 6D Delegation by Principal Disputes Referee**
- (1) The Principal Disputes Referee may delegate any of his or her functions, duties, and powers to a Referee who holds the qualifications set out in section 6A(2) and who the Principal Disputes Referee is satisfied has the necessary capability, skills, experience, and personal attributes to perform or exercise those functions, duties, and powers. 15
 - (2) A delegation—
 - (a) must be in writing; and 20
 - (b) must be to a named person; and
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the Principal Disputes Referee.
 - (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 25
 - (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
 - (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with ~~section 9~~ section 8A for work undertaken in that capacity. 30
- 44 Section 7 amended (Appointment of Referees)**
- (1) Replace section 7(2) with:
 - (2) A person is qualified to be appointed as a Referee only if that person— 35
 - (a) holds a relevant qualification (for example, a qualification in law, mediation, or arbitration) or has had relevant training; and

- (b) has the personal attributes, knowledge, and experience so as to be capable of performing the functions of a Referee; and
- (c) has been recommended for appointment under section 8.
- (2) In section 7(6)(b), replace “the chief executive of the responsible department” with “the chief executive”. 5
- (3) After section 7(6), insert:
- (7) A Referee who continues in office for any period under subsection (6), unless he or she was removed from office, may act as a Referee during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Referee before the expiry of his or her term of office: 10
- (b) hearing any other proceedings.
- (8) A Referee who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 15
- 45 Section 8 amended (Selection of candidates for appointment or reappointment as Referees)**
- (1) In section 8, replace “the chief executive of the responsible department” with “the chief executive” in each place.
- (2) In section 8(2)(a), replace “a Registrar” with “the Disputes Tribunal Registrar or a Registrar of the District Court”. 20
- (3) Replace section 8(2)(b) with:
- (b) the Principal Disputes Referee or a Referee nominated by him or her; and
- 46 Section 10 amended (Jurisdiction of Tribunals)** 25
- (1) In section 10(1), replace “sections 11 and 12” with “section 11”.
- (2) Replace section 10(1A)(b) with:
- (b) the total amount sought in the proceedings does not exceed \$30,000.
- (3) In section 10(3),—
- (a) replace “Subject to section 13, for the purposes of subsection (1),” with “For the purposes of subsection (1),”; 30
- (b) replace “\$15,000” with “\$30,000”.
- 47 Section 12 repealed (Recovery of consequential loss)**
- Repeal section 12.

- 48 Section 13 repealed (Extension of jurisdiction by agreement between the parties)**
Repeal section 13.
- 49 Section 14 amended (Abandonment to bring claim within jurisdiction)**
In section 14, replace “\$15,000” with “\$30,000”. 5
- 50 Section 18 amended (Functions of Tribunal)**
In section 18(4), replace “the Tribunal shall not be bound by the monetary restrictions provided for by subsections (4) to (7) of section 19” with “the Tribunal is not bound by the monetary restrictions in section 19(4) to (6)”.
- 51 Section 19 amended (Orders of Tribunal)** 10
- (1) ~~Replace section 19(1)(g) with~~ After section 19(1)(g), insert:
- (gh) the Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—
- (i) discloses no reasonable cause of action; or
- (ii) is likely to cause prejudice or delay; or 15
- (iii) is frivolous or vexatious; or
- (iv) is otherwise an abuse of process:
- (hi) if a party is neither present nor represented at the hearing of a proceeding, the Tribunal may,—
- (i) if the party is required to be present, strike out the proceeding; or 20
- (ii) determine the proceeding in the absence of the party; or
- (iii) adjourn the hearing.
- (2) In section 19(5),—
- (a) replace “Subject to subsection (7), the monetary restrictions that apply” with “The monetary restrictions that apply”: 25
- (b) replace “\$15,000” with “\$30,000” in each place.
- (3) In section 19(6), delete “and subject to subsection (7),”.
- (4) In section 19(6), replace “\$15,000” with “\$30,000”.
- (5) Repeal section 19(7).
- 52 Section 20 amended (Power of Tribunal to award interest)** 30
- In section 20(4), replace “, section 13(2), and subsections (4) to (7) of section 19” with “and section 19(4) to (6)”.
- 53 New section 20A inserted (Suppression orders)**
After section 20, insert:

20A Suppression orders

- (1) The Tribunal may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be made subject to any conditions that the Tribunal considers appropriate.
- (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

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54 Section 21 replaced (Reasons for decisions)

Replace section 21 with:

21 Reasons for decisions

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- (1) A Referee must give reasons for his or her final decision in every proceeding.
- (2) If a final decision is given orally at the end of a hearing, that decision must be recorded in writing ~~and the reasons for that decision must be included in both~~ and the reasons for that decision must be included in the written decision.
 - (a) ~~the oral decision; and~~
 - (b) ~~the written record of the oral decision.~~
- (3) The Tribunal must provide a copy of a final decision, including the written record of an oral decision, to the parties.
- (4) In this section, **final decision** means a decision that determines, or substantially determines, the outcome of any proceeding.

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55 Section 24 amended (Lodging of claims)

Replace section 24(1) and (2) with:

- (1) Proceedings are commenced by the applicant lodging a claim in a form approved by the chief executive after consultation with the Principal Disputes Referee, together with the prescribed fee (if any), with any office of the Tribunal.
- (2) The Tribunal or a Registrar may, subject to subsections (3) and (4), order that the hearing be held at the place nearest, or at any place near, to where the claimant resides or carries on business.

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56 Section 25 amended (Notice of claim and of hearing)

- (1) In section 25(1)(a) and (b), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.
- (2) In section 25(2), replace “direct the Registrar” with “direct a Registrar”.

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- 57 Section 28 amended (Claims for relief where applicant insured)**
- In section 28(5)(c), after “an acknowledgement signed”, insert “or authenticated”.
- 58 Section 29 amended (Insurer may waive notice of proceedings)**
- Replace section 29(2) with: 5
- (2) Every acknowledgement lodged under subsection (1) must be in a form approved by the chief executive after consultation with the Principal Disputes Referee, and must be signed or authenticated by both the applicant and the applicant’s insurer.
- 59 Section 31 amended (Applicant to control conduct of case where insurer a party)** 10
- Replace the heading to section 31 with “**Applicant entitled to control conduct of case**”.
- 60 Section 38 amended (Right to appear at hearings)**
- (1) In section 38(2), replace “subsection (3)” with “subsections (3) and **(3A)**”. 15
- (2) In section 38(3)(b), replace “or holds a majority interest in it” with “or holds directly or indirectly, at least a 50% interest in it”.
- (3) After section 38(3), insert:
- (3A) If an insurer is a party, it may, subject to **subsection (3B)**, be represented by any agent who— 20
- (a) has been engaged by the insurer solely or principally as an underwriter or to administer insurance claims; and
- (b) is authorised for the purpose by the insurer; and
- (c) is approved by the Tribunal.
- (3B) For the purposes of **subsection (3A)**, if the agent approved by the Tribunal is not an individual (for example a body corporate), an employee, officer, or member of the agent may carry out the duties of the agent under that subsection, but only if the individual concerned is also approved by the Tribunal. 25
- (4) In section 38(7)(b), replace “subsection (2) or subsection (3)” with “subsections (2), (3), or **(3A)**”. 30
- (5) In section 38(7)(d), replace “subsection (3)” with “subsection (3) or **(3A)**”.
- (6) In section 38(7)(e), replace “subsection (3)” with “subsection (3) or **(3A)**”.
- (7) In section 38(8), replace “subsection (2) or subsection (3) or subsection (5) of this section” with “subsection (2), (3), **(3A)**, or (5)”.
- 60 Section 38 amended (Right to appear at hearings)** 35
- In section 38(3)(b), replace “or holds a majority interest in it” with “or holds, directly or indirectly, at least a 50% interest in it”.

- 61 New section 42A inserted (Use of electronic facilities to hear matters)**
After section 42, insert:
- 42A Use of electronic facilities to hear matters**
The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the ~~Principal Disputes Referee or another Referee conducting the hearing of the matter,~~ Principal Disputes Referee considers it appropriate and the necessary facilities are available. 5
- 62 Section 44 amended (Procedure where no provision made)**
In section 44, after “any rules made under this Act”, insert “and any practice notes issued under **section 6C(1)(ha)**”. 10
- 63 Section 45 amended (Enforcement of orders except work orders)**
In section 45(3), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.
- 64 Section 46 amended (Enforcement of work orders)**
In section 46(1), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 15
- 65 Section 47 amended (Enforcement of agreed settlements)**
In section 47(2), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.
- 66 Section 48 repealed (No filing fee payable)** 20
Repeal section 48.
- 67 Section 49 amended (Rehearings)**
- (1) Replace section 49(1) with:
- (1) The Tribunal may order the rehearing of a claim, following an application by a party, and may grant the application on any terms it thinks fit. 25
- (1A) In any case, the Tribunal may order only 1 rehearing unless the Tribunal considers that the interests of justice require more than 1 rehearing.
- (2) After section 49(6), insert:
- (7) The Tribunal—
- (a) may grant, on any conditions that it considers appropriate, an application for a rehearing; and 30
- (b) may, in the meantime, stay ~~proceedings~~ the implementation of the decision that is the subject of the rehearing.
- (8) To avoid doubt, an application for a rehearing under this section does not operate as a stay of proceedings. 35

- (3) In section 49, the compare note, replace “s 33” with “s 33; 1986 No 120 s 105(4), (5)”.
- 68 Section 50 amended (Appeals)**
 In section 50(3), replace “the prescribed form, in the District Court within 28 days” with “a form approved by the chief executive after consultation with the Principal Disputes Referee, in the District Court within 20 working days”. 5
- 69 Section 53 amended (Powers of District Court Judge on appeal)**
 After section 53(1)(b), insert:
 (ba) vary the order, the approval, or the variation, as the case may be; or
- 69A Section 56 amended (Contempt of Tribunal)** 10
 In section 56(1)(a) and (b), replace “assaults, insults,” with “insults”.
- 70 New section 56A inserted (Online publication of information about procedures, time frames, and progress of decisions)**
 After section 56, insert:
- 56A Online publication of information about procedures, time frames, and progress of decisions** 15
 The following information must be published on an Internet site maintained by or on behalf of the chief executive:
 (a) information about the purpose of the Tribunal and ~~the ways that a person may use it~~ how to commence a claim: 20
 (b) any requirements that ~~a person must meet to use the Tribunal~~ must be met for a claim:
 (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.
- 71 Section 57 amended (Publication of orders)** 25
 In section 57, insert as subsection (2):
 (2) Subsection (1) is subject to **section 20A**.
- 72 New Schedule 1AA inserted**
 Insert the **Schedule 1AA** set out in **Schedule 1** of this Act as the first schedule to appear after the last section of the principal Act. 30
- 73 Consequential amendments to principal Act**
 Amend the principal Act as set out in **Schedule 2**.

Subpart 5—Amendments to Education Act 1989

74 Principal Act

This **subpart** amends the Education Act 1989 (the **principal Act**).

75 Section 302 amended (Interpretation)

- (1) In section 302, definition of **Authority**, replace “the Student Allowance Appeal Authority established by section 304(1)” with “a Student Allowance Appeal Authority appointed under **section 304(1)**”. 5
- (2) In section 302, repeal the definition of **member**.

76 Section 304 replaced (Student Allowance Appeal Authority)

Replace section 304 with: 10

304 Student Allowance Appeal Authorities

- (1) The Minister may appoint 1 or more Student Allowance Appeal Authorities and may give the Authorities distinctive designations and from time to time change any designation.
- (2) The function of an Authority is to hear appeals in accordance with section 305. 15
- (3) An Authority comprises a person appointed by the Minister for a term of up to 5 years from the date of his or her appointment, and any person may be reappointed.
- (4) An Authority continues in office despite the expiry of his or her term of office until— 20
- (a) the Authority is reappointed; or
 - (b) the Authority’s successor is appointed; or
 - (c) the Authority is notified that a replacement Authority will not be appointed; or
 - (d) the Authority vacates or is removed from office. 25
- (5) An Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as an Authority during that period for the purpose of— 30
- (a) completing any appeal partly or wholly heard by the Authority before the expiry of the person’s term of office:
 - (b) hearing any other appeal.
- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

304A Other provisions relating to Student Allowance Appeal Authorities 35

- (1) Any person who is an Authority may, at any time,—

- (a) be removed from office by the Minister by notice in the *Gazette* for inability to adequately perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the Minister’s satisfaction; and
- (b) resign his or her office by written notice to the Minister.
- (2) An Authority is a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951. 5
- (3) A person is entitled to receive—
- (a) remuneration by way of fees, salary, or allowances, for his or her services as an Authority:
- (b) payment of travelling allowances or expenses in respect of time spent travelling, or in connection with the person’s function, as an Authority. 10
- (4) An Authority is not personally liable for any act done or omitted to be done by him or her in good faith in the performance or exercise, or intended performance or exercise, of his or her functions, duties, or powers under this Act.
- 304B Appointment of temporary acting Authority** 15
- (1) If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment. 20
- (2) No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.
- (3) An acting Authority is, while acting in the position, to be treated as an Authority.
- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 25
- 304C Orderly and efficient operation**
- An Authority is responsible for making ~~such~~ any arrangements ~~as~~ that are practicable to ensure that he or she performs his or her functions— 30
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- 77 Section 305 amended (Appeals)**
- (1) In section 305(3), replace “the Authority” with “an Authority”.
- (2) After section 305(3), insert: 35
- (3A) An Authority may strike out, in whole or in part, an appeal if satisfied that it—
- (a) discloses no reasonable cause of action; or

<ul style="list-style-type: none"> (b) is likely to cause prejudice or delay; or (c) is frivolous or vexatious; or (d) is otherwise an abuse of process. 	
<p>(3B) If a party is neither present nor represented at the hearing of an appeal, an Authority may—</p> <ul style="list-style-type: none"> (a) strike out the appeal; or (b) determine the appeal in the absence of the party; or (c) adjourn the hearing. 	5
<p>(3) In section 305(4), replace “the Authority” with “an Authority”.</p> <p>(4) In section 305(5), replace “the Authority may” with “an Authority may”.</p>	10
78 Section 306 amended (Procedures to be prescribed)	
<p>(1) In section 306(1)(a), replace “the Authority” with “an Authority”.</p> <p>(2) In section 306(1)(b), replace “the Authority” with “an Authority”.</p> <p>(3) Replace section 306(2) with:</p>	
<p>(2) An Authority may regulate his or her procedures as he or she thinks fit, subject to—</p> <ul style="list-style-type: none"> (a) this Act and any regulations made under it; and (b) any practice notes issued under section 306AA. 	15
<p>(3A) <u>In section 306(3), replace “it” with “the Authority”.</u></p> <p>(4) In section 306(3), replace “the Authority” with “an Authority”.</p>	20
79 New section 306AA inserted (Practice notes)	
After section 306, insert:	
306AA Practice notes	
<p>(1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit.</p> <p>(2) <u>The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of an Authority, officers of an Authority, and parties before an Authority.</u></p>	25
80 New sections 306AB and 306AC inserted	
After section 306AA, insert:	
306AB Online publication of information about procedures, time frames, and progress of decisions	
The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry of Justice</u> :	

- (a) information about the purpose of the Authorities and how to commence an appeal:
- (b) any requirements that must be met for an appeal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

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306AC Online publication of ~~final~~ written decisions

- (1) Every ~~final~~ written decision of an Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A ~~final~~ written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to section 405(6).
- (4) Good reason not to publish a decision, or part of it, includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, an Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.
- (5) In this section, **final-written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in an Authority.

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Subpart 6—Amendments to Health Act 1956

81 Principal Act

This **subpart** amends the Health Act 1956 (the **principal Act**).

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82 Section 54 amended (Restrictions on carrying on offensive trade)

In section 54(2), replace “the Board of Appeal” with “the District Court”.

83 Section 55 replaced (Appeal against decision of local authority or medical officer of health)

Replace section 55 with:

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55 Appeal against decision refusing consent for offensive trade or refusing registration of premises for offensive trade

- (1) This section applies if—
 - (a) consent to establish, or to erect or extend premises for, an offensive trade under section 54(1) is refused by a local authority or the medical officer of health; or

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- (b) a local authority refuses to register or renew the registration of premises for an offensive trade under section 54(5).
- (2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court.
- (3) If a local authority consents to the establishment of an offensive trade that will be located within 8 kilometres of the boundary of the district of any other local authority, that other local authority may appeal the decision to the District Court. 5
- (4) An appeal under this section must be brought within 3 months after the date on which the person or the other local authority is notified of the decision. 10
- 84 Section 59 replaced (Appeal against decision of local authority or medical officer of health)**
- Replace section 59 with:
- 59 Appeal against decision refusing consent for stock saleyard or refusing registration of premises for stock saleyard** 15
- (1) This section applies if—
- (a) consent to establish or extend a stock saleyard under section 58(1) is refused by a local authority or the medical officer of health; or
- (b) registration or renewal of registration of premises for a stock saleyard under section 58(3) is refused by a local authority. 20
- (2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court.
- (3) An appeal under this section must be brought within 3 months after the date on which the person is notified of the decision.
- 85 Section 124 repealed (Constitution and powers of boards of appeal)** 25
- Repeal section 124.
- Subpart 7—Amendments to Human Rights Act 1993
- 86 Principal Act**
- This **subpart** amends the Human Rights Act 1993 (the **principal Act**).
- 87 Section 92BA amended (Lodging of applications)** 30
- In section 92BA, replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the Chairperson of the Tribunal—~~(or, if 2 Chairpersons are appointed, with both of them)~~”.

87A Section 92D amended (Tribunal may refer complaint back to Commission, or adjourn proceedings to seek resolution by settlement)

(1) In the heading to section 92D, after “Tribunal”, insert “or Chairperson or Deputy Chairperson”.

(2) In section 92D(1), after “Tribunal”, insert “or the Chairperson or a Deputy Chairperson” in each place. 5

(3) In section 92D(2), after “Tribunal”, insert “or the Chairperson or a Deputy Chairperson” in each place.

(4) In section 92D(3), after “Tribunal”, insert “or the Chairperson or a Deputy Chairperson” in each place. 10

87B Section 95 amended (Power to make interim order)

In section 95(1), after “Chairperson”, insert “or a Deputy Chairperson”.

87C Section 98 amended (Membership of Tribunal)

Replace section 98(a) with:

(a) the Chairperson or a Deputy Chairperson or, (if **section 103B** applies), the Chairperson and a Deputy Chairperson; and 15

87D Section 99 replaced (Chairpersons of Tribunal)

Replace section 99 with:

99 Chairperson of Tribunal

The Chairperson of the Tribunal must be appointed by the Governor-General, on the recommendation of the Minister. 20

99AA Deputy Chairpersons of Tribunal

One or more Deputy Chairpersons of the Tribunal may be appointed by the Governor-General, on the recommendation of the Minister.

87E Section 99A amended (Criteria and requirement for appointment of Chairpersons) 25

(1) In section 99A(1), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.

(2) In section 99A(1)(b), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”. 30

(3) In section 99A(1)(c), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.

(4) In section 99A(2), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.

88 Section 100 amended (Appointment and term of office)

- (1) In section 100(2), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.
- (2) In section 100(2), replace “that Chairperson” with “the Chairperson or Deputy Chairperson”. 5
- (3) In section 100(3), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.
- (4) Replace section 100(4) with:
- (4) Where the term for which the Chairperson or a Deputy Chairperson expires, the Chairperson or that Deputy Chairperson, unless sooner vacating or removed from office under section 103, continues to hold office, by virtue of the appointment for the term that has expired until— 10
- (a) the Chairperson or that Deputy Chairperson is reappointed; or
- (b) a successor to the Chairperson or that Deputy Chairperson is appointed; or 15
- (c) in the case of a Deputy Chairperson, that Deputy Chairperson is informed in writing by the Minister that the Deputy Chairperson is not to be reappointed and that a successor to that Deputy Chairperson is not to be appointed.
- (5) After section 100(4), insert: 20
- (5) A Chairperson or Deputy Chairperson who continues in office for any period under subsection (4) may act as—~~a the Chairperson or a Deputy Chairperson~~ during and after that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before ~~the expiry of his or her term of office~~ the Chairperson or a Deputy Chairperson ceased to hold office under subsection (4): 25
- (b) hearing any other proceedings commenced before the Chairperson or Deputy Chairperson ceased to hold office under subsection (4).
- (6) A Chairperson or a Deputy Chairperson who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 30

89 Section 101 amended (Panel)

- (1) Replace section 101(1) with:
- (1) The Minister must maintain a panel of any number of persons that may be required to ensure the efficient and expeditious exercise of the jurisdiction of the Tribunal throughout New Zealand.— 35
- (a) to ensure the efficient and expeditious exercise of the jurisdiction of the Tribunal throughout New Zealand; and

(b)	<u>the performance of other functions under this Act or any other enactment requiring the participation of members of the panel.</u>	
(1A)	The Minister must specify a period of up to 5 years for which a person is approved as a member of the panel.	
(1B)	The Minister may approve the inclusion of a person on the panel for further periods of up to 5 years.	5
(1A)	<u>In section 101(3)(c), after “a period of”, insert “up to”.</u>	
(2)	Replace section 101(4) with:	
(4)	If subsection (3)(c) or (d) applies, or the period for which a person is approved as a member of the panel expires, the person may continue in office for the purpose of completing any proceedings that are partly or wholly heard.	10
90	<u>New sections 101A and 101B inserted</u> (Delegation by Chairperson of Tribunal)	
	After section 101, insert:	
101A	<u>Functions, duties, and powers of Deputy Chairpersons</u>	15
	<u>Subject to any directions issued by the Chairperson, a Deputy Chairperson of the Tribunal has all the functions, duties, and powers of the Chairperson.</u>	
101AB	<u>Delegation by Chairperson of Tribunal</u>	
(1)	A <u>The Chairperson of the Tribunal may delegate any of the Chairperson’s functions, duties, and powers to a member of the panel who</u> the Chairperson is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers.	20
(a)	<u>the Chairperson is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers; and</u>	
(b)	<u>satisfies the criteria set out in section 99A for appointment as the Chairperson.</u>	25
(2)	A delegation—	
(a)	must be in writing; and	
(b)	must be to a named person; and	
(c)	is revocable at any time, in writing; and	30
(d)	does not prevent the performance or exercise of a function, duty, or power by the Chairperson.	
(3)	A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.	35
(4)	A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.	

- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 119 for work undertaken in that capacity.

101C References to Chairpersons include deputies and delegates and temporary acting Chairperson

Unless the context otherwise requires, a reference in this Act or regulations made under this Act to the Chairperson includes—

- (a) a Deputy Chairperson appointed under **section 99A**; or
 (b) a person to whom the functions, powers, and duties of the Chairperson are delegated under **section 100B**; or
 (c) a temporary acting Chairperson appointed under **section 102**.

91 Section 102 replaced (Deputy Chairperson)

Replace section 102 with:

102 Appointment of temporary acting Chairperson

- (1) If ~~a~~ the Chairperson of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if ~~a~~ the Chairperson considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as ~~an~~ the acting Chairperson for the period or purpose stated in the appointment.
- (2) No person may be appointed as ~~an~~ the acting Chairperson unless he or she is eligible for appointment as ~~a~~ the Chairperson.
- (3) An acting Chairperson is, while acting in the position, to be treated as ~~a~~ the Chairperson of the Tribunal.
- (4) No appointment of ~~an~~ the acting Chairperson, no act done by ~~an~~ the acting Chairperson, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

~~92 Section 103 amended (Vacation of office by Chairperson and Deputy Chairperson)~~

- (1) ~~In the heading to section 103, replace “Deputy Chairperson” with “acting Chairperson”.~~
- (2) ~~In section 103(1) to (3), replace “Deputy Chairperson” with “acting Chairperson”.~~

92 Section 103 amended (Vacation of office by Chairperson and Deputy Chairperson)

- (1) In the heading to section 103, after “Chairperson”, insert “, temporary acting Chairperson,”.
- (2) In section 103(1), (2), and (3), replace “A Chairperson”, with “The Chairperson, a temporary acting Chairperson,”.

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93 New sections 103A and 103B inserted (~~Orderly and efficient operation~~)

After section 103, insert:

103A Orderly and efficient operation

~~A~~The Chairperson of the Tribunal is responsible for making such arrangements as are practicable to ensure that ~~he or she, in relation to the work of the Tribunal, the Chairperson, each Deputy Chairperson and each member of the panel performs his or her performs their~~ functions—

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- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act or any other enactment.

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- (2) ~~If more than 1 Chairperson is appointed, they must act together in making those arrangements.~~

103B Powers of Chairperson to direct constitution of Tribunal

- (1) The Chairperson of the Tribunal may direct, for the purposes of any particular proceedings, that the Tribunal be constituted by—

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- (a) the Chairperson; and
- (b) a Deputy Chairperson; and
- (c) two panel members.

- (2) The Chairperson of the Tribunal may give a direction under **subsection (1)** if he or she is satisfied that—

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- (a) the proceedings are unusually complex or difficult; or
- (b) it is desirable for training purposes that the Tribunal be constituted in this way.

94 Section 104 amended (Sittings of Tribunal)

- (1AA) In section 104(1), replace “or Chairperson” with “the Chairperson or a Deputy Chairperson”.

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- (1AB) In section 104(2), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson”.

- (1AC) In section 104(4), replace “A Chairperson” with “The Chairperson or a Deputy Chairperson”.

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- (1) After section 104(4), insert:

- (4A) Despite anything in this Act to the contrary, the Tribunal or the Chairperson or a Deputy Chairperson may determine a proceeding on the papers if the Tribunal or the Chairperson or a Deputy Chairperson considers it appropriate.
- (4B) Before doing so, the Tribunal or the Chairperson or a Deputy Chairperson must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner. 5
- (4C) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or the Chairperson or a Deputy Chairperson considers it appropriate and the necessary facilities are available. 10
- (2) Replace section 104(5) with:
- (5) The Tribunal may regulate its procedure as it thinks fit, subject to this Act and any regulations made under it, and any practice notes issued under **section 121A**.
- (6) Forms for use in the Tribunal may be approved by the chief executive of the Ministry of Justice after consultation with the Chairperson, ~~or if more than 1 Chairperson is appointed, all of them.~~ 15
- 94A Section 109 amended (Witness summons)**
- In section 109(3), replace “a Chairperson” with “the Chairperson or a Deputy Chairperson” in each place. 20
- 95 Section 110 amended (Service of summons)**
- (1) Replace section 110(1) with:
- (1) A witness summons may be served by—
- (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or 25
- (b) delivering the summons to the witness at his or her usual place of residence by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.
- (1A) In section 110(2)(b), replace “10 days” with “8 working days”.
- (2) Repeal section 110(3). 30
- 95A Section 114 amended (Power to commit for contempt)**
- (1) In section 114(1)(a), delete “assaults.”
- (2) In section 114(1), after “the Chairperson”, insert “or a Deputy Chairperson”.
- 96 Section 115 replaced (Tribunal may dismiss trivial, etc, proceedings)**
- Replace section 115 with: 35

115 Tribunal may strike out, determine, or adjourn proceedings

- (1) The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Tribunal may,—
- (a) if the party is required to be present, strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.

97 New section 121A inserted (Practice notes)

After section 121, insert:

121A Practice notes

- (1) ~~A~~The Chairperson of the Tribunal may issue practice notes as he or she ~~thinks fit~~ considers appropriate.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of the other members of the Tribunal, officers of the Tribunal, and parties before the Tribunal.
- (3) ~~If~~While more than 1 Chairperson is appointed, they must act together in issuing practice notes.

98 New sections 121B and 121C inserted

After section 121A, insert:

121B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Tribunal and ~~the ways that a person may use it~~ how to commence a proceeding;
- (b) any requirements that ~~a person must meet to use the Tribunal~~ must be met for a proceeding;
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

121C Online publication of final written decisions

- (1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 5
- (3) **Subsections (1) and (2)** are subject to section 107(3).
- (4) Good reason not to publish a decision, or part of it, includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
- (b) the decision falls into a category of decisions that are of limited public value: 10
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 15
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:
- (a) a written reserved decision following an oral hearing:
- (b) a written decision in any case considered on the papers. 20

98A Section 123 amended (Appeals to High Court)

In section 123(4), replace “30 days” with “22 working days”.

98B Section 124 amended (Appeal to Court of Appeal on a question of law)

- (1) In section 124(2), replace “21 days” with “15 working days”.
- (2) In section 124(3), replace “21 days” with “15 working days”. 25

98C Schedule 1AA amended

In Schedule 1AA, insert the **Part 2** set out in **Schedule 2A** of this Act.

Subpart 8—Amendments to Immigration Act 2009

99 Principal Act

This **subpart** amends the Immigration Act 2009 (the **principal Act**). 30

100 Section 219 amended (Membership of Tribunal)

In section 219(3), replace “members” with “other members”.

100A New section 219A inserted (Appointment of temporary acting chair or member of Tribunal)

After section 219, insert:

219A Appointment of temporary acting chair or member of Tribunal

- (1) If the chair or another member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if another member appointed under section 219(1)(b) considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General,— 5
- (a) on the recommendation of the Attorney-General, after consultation with the Minister of Justice and the Minister, may appoint a suitable person as the acting chair for the period or purpose stated in the appointment: 10
- (b) on the recommendation of the Minister of Justice, after consultation with the Minister, may appoint a suitable person as an acting member for the period or purpose stated in the appointment.
- (2) No person may be appointed as an acting chair or acting member unless he or she is eligible for appointment to the relevant position. 15
- (3) An acting chair or other member, while acting in that position, is to be treated as the chair or other member.
- (4) No appointment of an acting chair, no act done by an acting chair or other member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 20

100B Section 220 amended (Role of chair of Tribunal)

In section 220(2)(b), after “Tribunal”, insert “and for the guidance of other members of the Tribunal, officers of the Tribunal, and parties before the Tribunal”. 25

100C Section 224 replaced (Tribunal may dismiss frivolous or vexatious appeal)

Replace section 224 with:

224 Tribunal may dismiss frivolous or vexatious appeal

- (1) The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it— 30
- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process. 35
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Tribunal may,—

<ul style="list-style-type: none"> (a) <u>if the party is required to be present, strike out the proceeding; or</u> (b) <u>determine the proceeding in the absence of the party; or</u> (c) <u>adjourn the hearing.</u> 	
101 Section 353 amended (Offences in relation to Tribunal)	
Replace section 353(2)(c) with:	5
<ul style="list-style-type: none"> (c) without sufficient cause, contravenes or fails to comply with any order made by the Tribunal under clause 10(3) of Schedule 2 or any term or condition of the order; or (d) breaches an order made under clause 18(4) of Schedule 2. 	
102 Section 355 amended (Penalties: general)	10
After section 355(4), insert:	
(4A) A person convicted of an offence against section 353(2)(d) is liable to a fine not exceeding \$3,000.	
103 Schedule 2 amended	
(1) In Schedule 2, replace clause 1(5) with:	15
<ul style="list-style-type: none"> (5) A member of the Tribunal continues in office despite the expiry of his or her term of office until— <ul style="list-style-type: none"> (a) the member is reappointed; or (b) a successor to the member is appointed; or (c) the member is notified that a replacement member will not be appointed; or (d) the member vacates or is removed from office. (6) A member who continues in office for any period under subclause (5), unless he or she was removed from office, may act as a member during that period for the purpose of— <ul style="list-style-type: none"> (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office; (b) hearing any other proceedings. (7) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 	20
(2) In Schedule 2, clause 11(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chair of the Tribunal”.	25
(3) In Schedule 2, clause 11(2), after “exercised by the Tribunal,”, insert “by the chair or deputy chair of the Tribunal,”.	30
	35

(4) In Schedule 2, clause 11(2), after “authority of the Tribunal”, insert “or the chair or deputy chair of the Tribunal”.

(5) In Schedule 2, after clause 18, insert:

18A Use of electronic facilities to hear matters

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or the chair of the Tribunal considers it appropriate and the necessary facilities are available. 5

(6) In Schedule 2, after **clause 18A**, insert:

18B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive: 10

(a) information about the purpose of the Tribunal and ~~the ways that a person may use it~~ how to commence proceedings:

(b) any requirements that ~~a person must meet to use the Tribunal~~ must be met to bring proceedings: 15

(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

(7) In Schedule 2, clause 19(1), replace “Subject to subclauses (2) and (4)” with “Subject to subclauses (2) and (4) and clause 18(4)”. 20

Subpart 9—Amendments to Immigration Advisers Licensing Act 2007

104 Principal Act

This **subpart** amends the Immigration Advisers Licensing Act 2007 (the **principal Act**).

105 New section 41A inserted (Orderly and efficient operation) 25

After section 41, insert:

41A Orderly and efficient operation

The chair of the Tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions— 30

(a) in an orderly and efficient manner; and

(b) in a way that achieves the purposes of this Act.

106 New section 41B inserted (Delegation by chair of Tribunal)

After section 41A, insert:

41B	Delegation by chair of Tribunal	
(1)	The chair of the Tribunal may delegate any of the chair's functions, duties, and powers to a member of the Tribunal who he or she is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers.	5
(2)	A delegation—	
	(a) must be in writing; and	
	(b) must be to a named person; and	
	(c) is revocable at any time, in writing; and	
	(d) does not prevent the performance or exercise of a function, duty, or power by the chair.	10
(3)	A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.	
(4)	A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.	15
(5)	A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with clause 4 of the Schedule for work undertaken in that capacity.	
107	New section 50A inserted (Suppression orders)	20
	After section 50, insert:	
50A	Suppression orders	
(1)	The Tribunal may order that any part of any evidence given or the name of any witness not be published.	
(2)	An order may be made subject to any conditions that the Tribunal considers appropriate.	25
108	Section 53 amended (Suspension of licence pending outcome of complaint)	
	Replace section 53(1)(b) and (c) with:	
(b)	either—	
	(i) the complaint has been referred to the Tribunal by the Registrar under section 45(3) or 46(2); or	30
	(ii) the complaint is being prepared for submission to the Tribunal; and	
109	New sections 70A to 70C inserted	
	After section 70, insert:	35

70A Offence of breaching suppression order

A person who breaches an order made under **section 50A** is liable on conviction to a fine not exceeding \$3,000.

70B Offence to fail to comply with summons

- (1) A person commits an offence who, after being summoned to attend to give evidence before the Tribunal or to produce to it any books, papers, documents, records, or things, without sufficient cause,— 5
- (a) fails to attend in accordance with the summons; or
- (b) refuses to be sworn or to give evidence, or having been sworn refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer concerning the subject of the inquiry; or 10
- (c) fails to produce any such paper, document, record, or thing.
- (2) A person commits an offence ~~who~~ if the person—
- (a) wilfully obstructs or hinders the Tribunal or any member of it or any authorised person in any inspection or examination of papers, documents, records, or things; or 15
- (b) without sufficient cause, fails to comply with any requirement of the Tribunal or any authorised person made under clause 6(3) of the Schedule.
- (3) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$1,000. 20
- (4) No person summoned to attend the inquiry may be convicted of an offence against **subsection (1)** unless at the time of the service of the summons, or at some other reasonable time before the date on which that person was required to attend, there was made to that person a payment or tender of the amount fixed in accordance with clause 7 of the Schedule. 25

70C Contempt of Tribunal

- (1) A person commits an offence ~~who~~ if the person—
- (a) wilfully ~~assaults~~, insults; or obstructs the Tribunal or any member of it, a witness, or an officer of the Tribunal during a sitting of the Tribunal or while a member, a witness, or an officer is going to, or returning from, a sitting of the Tribunal; or 30
- (b) wilfully ~~assaults~~, insults; or obstructs any person in attendance at a sitting of the Tribunal; or
- (c) wilfully interrupts, or otherwise misbehaves, at a sitting of the Tribunal; or 35
- (d) wilfully and without lawful excuse disobeys any order or direction of the Tribunal in the course of the hearing of any proceedings.

- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) The Tribunal may order the exclusion from a sitting of the Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Tribunal or a constable may take any steps that are reasonably necessary to enforce the exclusion. 5

110 Section 93 amended (Service of notices)

In section 93(3), replace “7” with “9”.

111 Schedule amended 10

- (1) In the Schedule, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”.
- (2) In the Schedule, after clause 2(3), insert:
- (4) A member who continues in office for any period under subclause (3) may act as a member during that period for the purpose of— 15
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 20
- (3) In the Schedule, after clause 3, insert:

3A Appointment of temporary acting chair or member

- (1) If the chair or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chair or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice acting in consultation with the Minister, may appoint a suitable person as the acting chair or an acting member for the period or purpose stated in the appointment. 25 30
- (2) No person may be appointed as the acting chair or an acting member unless he or she is eligible for appointment to the relevant position.
- (3) The acting chair or acting member is, while acting in the position, to be treated as the chair or a member of the Tribunal.
- (4) No appointment of an acting chair or acting member, no act done by an acting chair or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 35

- (4) In the Schedule, replace clause 6(1) with:
- (1) For the purposes of any matter before the Tribunal, the Tribunal may, on its own initiative or at the request of a party, issue a summons to any person requiring that person to attend before the Tribunal and give evidence.
- (5) In the Schedule, clause 6(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chair of the Tribunal”. 5
- (6) In the Schedule, clause 6(3), after “exercised by the Tribunal”, insert “or the chair of the Tribunal”.
- (7) In the Schedule, clause 6(3), after “authority of the Tribunal”, insert “or the chair of the Tribunal”. 10
- (8) In the Schedule, replace clause 8 with:
- 8 Power to take evidence**
- (1) The Tribunal may take evidence on oath or affirmation and, for that purpose, the Tribunal or any other person acting under the express or implied direction of the Tribunal may administer the oath or affirmation. 15
- (2) The Tribunal may require that any documents or information be verified by oath, affirmation, statutory declaration, affidavit, or ~~otherwise~~ another means.
- (3) On any charge of perjury, it is sufficient to prove that the oath or affirmation was administered, or the documents or information were verified, in accordance with this clause. 20
- 8A Use of electronic facilities to hear matters**
- The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or the chair of the Tribunal considers it appropriate and the necessary facilities are available. 25
- 8B Decisions to be in writing and state reasons**
- Every decision of the Tribunal must be in writing and must state the reasons for the decision.
- (9) In the Schedule, clause 10(a), (b), and (c), replace “rules” with “regulations”.
- (10) In the Schedule, after clause 11, insert: 30
- 12 Practice notes**
- (1) The chair of the Tribunal may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of members of the Tribunal, officers of the Tribunal, and parties before the Tribunal. 35
- (11) In the Schedule, after **clause 12**, insert:

13	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry of Justice</u> :	
	(a) information about the purpose of the Tribunal and the ways that a person may use it <u>how to commence proceedings</u> :	5
	(b) any requirements that a person must meet to use the Tribunal <u>must be met to bring proceedings</u> :	
	(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	10
14	Online publication of final written decisions	
	(1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.	
	(2) A final written decision may be published in part if there is good reason for not publishing the full decision.	15
	(3) Subclauses (1) and (2) are subject to section 50A .	
	(4) Good reason not to publish a decision, or part of it, includes the following:	
	(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:	
	(b) the decision falls into a category of decisions that are of limited public value:	20
	(c) taking into account the presumption in subclause (1) in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.	25
	(5) In this clause, final written decision means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:	
	(a) a written reserved decision following an oral hearing:	
	(b) a written decision in any case considered on the papers.	30

Subpart 10—Amendments to Lawyers and Conveyancers Act 2006

112	Principal Act	
	This subpart amends the Lawyers and Conveyancers Act 2006 (the principal Act).	
113	Section 179 amended (Notification of practitioner or former practitioner, partner, employer, or director)	35
	(1) In section 179(1)(b), delete “on”.	

- (2) Replace section 179(3) with:
- (3) The notice may be served by—
- (a) delivering it personally to the practitioner, former practitioner, related person or entity, partner, employer, or director or, if he or she refuses to accept it, bringing it to his or her attention; or
 - (b) delivering it to any of those persons at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the person named in the notice.
- 114 Section 182 amended (Application of money in satisfaction of expenses)** 10
- Replace section 182(3) with:
- (3) The notice may be served on a practitioner or former practitioner or his or her representative by—
- (a) delivering it personally to the practitioner or former practitioner or, if he or she refuses to accept it, bringing it to his or her attention; or
 - (b) delivering it to any of those persons at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the person named in the notice.
- 115 New section 192A inserted (Orderly and efficient operation)** 20
- After section 192, insert:
- 192A Orderly and efficient operation**
- The Legal Complaints Review Officer is responsible for making such arrangements as are practicable to ensure that he or she and any Deputy Legal Complaints Review Officer performs his or her functions—
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act.
- 116 Section 198 amended (Applications for review)**
- In section 198(a), replace “the prescribed form” with “a form approved by the ~~Secretary for Justice~~ chief executive of the Ministry of Justice after consultation with the Legal Complaints Review Officer”. 30
- 117 Section 205 replaced (Power to decline to make further inquiry or investigation)**
- Replace section 205 with:

205 Legal Complaints Review Officer may strike out, determine, or adjourn application for review

- (1) The Legal Complaints Review Officer may strike out, in whole or in part, an application for review if satisfied that it—
- (a) discloses no reasonable cause of action; or 5
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of an application for review, the Legal Complaints Review Officer may— 10
- (a) if the party is required to be present, strike out the application; or
 - (b) determine the application in the absence of the party; or
 - (c) adjourn the hearing.

118 Section 206 amended (Proceedings of Legal Complaints Review Officer)

- (1) Replace section 206(2) with: 15
- (2) Despite anything in this Act to the contrary, if it appears to the Legal Complaints Review Officer that a review can be adequately determined on the papers, he or she may, without the consent of the parties, do so on the basis of the information available, including any information obtained under section 204(b). 20
- (2A) Before doing so, he or she must give the parties a reasonable opportunity to comment on whether the review should be dealt with in that manner.
- (2B) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Legal Complaints Review Officer considers it appropriate and the necessary facilities are available. 25
- (2) After section 206(3), insert:
- (3A) The Legal Complaints Review Officer’s powers to determine a review are not affected by the failure of any party to—
- (a) make a submission or comment within the time allowed; or
 - (b) give specified information within the time allowed; or 30
 - (c) attend, or participate in, a hearing called by the Legal Complaints Review Officer; or
 - (d) do any other thing the Legal Complaints Review Officer asks for or directs.
- (3B) If any failure of the kind referred to in **subsection (3A)** occurs in ~~adjudication~~ review proceedings, the Legal Complaints Review Officer may— 35
- (a) draw from the failure any reasonable inferences he or she thinks fit; and

- (b) determine the ~~claim~~ review concerned on the basis of the information available to him or her ~~or strike out the application for review under section 205;~~ and
- (c) give any weight he or she thinks fit to information ~~that—~~
- (i) that he or she asked for, or directed to be provided; but
 - (ii) that was provided later than requested or directed.
- (3) In section 206(4), replace “subject to subsection (3),” with “subject to subsection (3) and **section 211A**,”.
- 119 New section ~~211A~~ 206A inserted (Suppression orders)**
- After section ~~211~~ 206, insert:
- 211A206A Suppression orders**
- (1) The Legal Complaints Review Officer may order that any part of any evidence given or the name of any witness not be published.
 - (2) An order may be made subject to any conditions that the Legal Complaints Review Officer considers appropriate.
- 120 Section 215 amended (Enforcement of orders for costs or expenses)**
- (1) In the heading to section 215, replace “**costs or expenses**” with “**~~costs, expenses, or compensation~~ payment of money**”.
 - (1A) In section 215(1), replace “costs or expenses or both” with “money (whether compensation, the refund of a fee, a fine, or costs or expenses)” in each place.
 - (1B) In section 215(2), replace “costs or expenses or both” with “money (whether compensation, the refund of a fee, a fine, or costs or expenses)”.
 - (2) After section 215(3), insert:
 - (4) ~~A compensation order made by the Legal Complaints Review Officer is to be treated as an order of the District Court, and may be enforced accordingly.~~
 - (2) Replace section 215(3) with:
 - (3) The court so named must be—
 - (a) the District Court, if the amount recoverable does not exceed \$350,000 or any higher amount from time to time specified in section 71 of the District Court Act 2016 as the upper limit of the general civil jurisdiction of the District Court; or
 - (b) in every other case, the High Court.
- 121 New section 215A and cross-heading inserted**
- After section 215, insert:

*Practice notes, procedural information, and publication of decisions***215A Practice notes**

- (1) The Legal Complaints Review Officer may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of Deputy Legal Complaints Review Officers, persons making complaints, persons who are the subject of complaints, and parties before the Legal Complaints Review Officer.

5

122 New section 215B inserted (Online publication of information about procedures, time frames, and progress of decisions)

10

After section 215A, insert:

215B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

15

- (a) ~~information about the purpose of the Legal Complaints Review Officer and the ways that a person may make use of the Legal Complaints Review Officer~~ how to commence a review:
- (b) ~~any requirements that a person must meet to make use of the Legal Complaints Review Officer~~ must be met to request a review:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

20

123 New section 233A inserted (Appointment of temporary acting member)

After section 233, insert:

233A Appointment of temporary acting member

25

- (1) If a member of the Disciplinary Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as an acting member for the period or purpose stated in the appointment.

30

- (1A) The Minister must not make a recommendation under **subsection (1)** unless the Minister has consulted—

- (a) the chairperson of the Disciplinary Tribunal;
- (b) the New Zealand Law Society; and
- (c) the New Zealand Society of Conveyancers.

35

- (2) No person may be appointed as an acting member unless he or she is eligible for appointment as a member.
- (3) An acting member is, while acting in the position, to be treated as a member of the Tribunal.
- (4) No appointment of an acting member, no act done by an acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5

124 New section 238A inserted (Hearing on papers)

After section 238, insert:

238A Hearing on papers 10

- (1) Despite anything in this Act to the contrary, the Disciplinary Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate.
- (2) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

124A New sections 239A and 239B inserted 15

After section 239, insert:

239A Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice: 20

- (a) information about the purpose of the Disciplinary Tribunal and how to bring proceedings:
- (b) any requirements that must be met to bring proceedings:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 25

239B Online publication of final written decisions

- (1) Every final written decision of the Disciplinary Tribunal must be published on an Internet site as soon as practicable, unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 30
- (3) **Subsections (1) and (2)** are subject to section 240.
- (4) Good reason not to publish a decision, or part of it, includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 35

- (b) the decision falls into a category of decisions that are of limited public value;
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Disciplinary Tribunal nevertheless determines that the decision, or any part of it, should not be published because publication or the effect of publication would be contrary to the interests of justice. 5
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Disciplinary Tribunal and is any of the following:
- (a) a written reserved decision following an oral hearing; 10
- (b) a written decision in any case considered on the papers;
- (c) an oral decision transcribed by an official transcription service.

124B New section 240A inserted (Disciplinary Tribunal may strike out, determine, or adjourn proceeding)

After section 240, insert:

240A Disciplinary Tribunal may strike out, determine, or adjourn proceeding

- (1) The Disciplinary Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—
- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or 20
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Disciplinary Tribunal may,—
- (a) if the party is required to attend, strike out the proceeding; or 25
- (b) determine the proceeding in the absence of the party; or
- (c) adjourn the hearing.

125 New section 249A inserted (Practice notes)

After section 249, insert:

249A Practice notes

- (1) The chairperson of the Disciplinary Tribunal may issue practice notes as he or she thinks fit. 30
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of other members of the Disciplinary Tribunal, officers of the Disciplinary Tribunal, and parties before the Disciplinary Tribunal. 35

126 New sections 249B and 249C inserted

After section 249A, insert:

249B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Disciplinary Tribunal and the ways that a person may use it: 5
- (b) any requirements that a person must meet to use the Disciplinary Tribunal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 10

249C Online publication of final written decisions

- (1) Every final written decision of the Disciplinary Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 15
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to section 240.
- (4) Good reason not to publish a decision or part of it includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 20
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, the Disciplinary Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 25
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Disciplinary Tribunal and is any of the following: 30
 - (a) a written reserved decision following an oral hearing;
 - (b) a written decision in any case considered on the papers;
 - (c) an oral decision transcribed by an official transcription service.

126A Section 251 amended (Contempt of Disciplinary Tribunal)

In section 251(1)(a), delete “assaults”.

35

127 Section 258 amended (Enforcement of orders of Disciplinary Tribunal)

- (1) After section 258(2), insert:
- (2A) If the Disciplinary Tribunal, acting in accordance with this Act or any rules made under this Act, orders the New Zealand Law Society or the New Zealand Society of Conveyancers or any person to pay a fine, expenses, or other monetary amount to any other person, that amount is recoverable in any court of competent jurisdiction from that society or person by that other person as a debt due to that person. 5
- (2) In section 258(3), after “the High Court”, insert “or, in the case of an order to pay any amount referred to in subsection (2) or **(2A)**, in the office of any court of competent jurisdiction”. 10
- (3) In section 258(4), replace “High Court” with “court in which it was filed”.

128 New section 262A inserted (Offence of breaching suppression order)

After section 262, insert:

262A Offence of breaching suppression order 15

A person who breaches an order made under section ~~211A~~ or 240 is liable on conviction to a fine not exceeding \$3,000.

129 Schedule 3 amended

- (1) In Schedule 3, replace clause 1(1) with:
- (1) A person appointed as the Legal Complaints Review Officer must be appointed for a term of up to 5 years and may be reappointed. 20
- (2) In Schedule 3, after clause 1(2), insert:
- (3) A person who continues in office for any period under subclause (2) may act as the Legal Complaints Review Officer during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office: 25
- (b) hearing any other proceedings.
- (4) A person who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 30
- (3) In Schedule 3, replace clause 3(1) with:
- (1) Deputies to the person appointed as the Legal Complaints Review Officer may be appointed from time to time.

130 Schedule 4 amended

- (1) In Schedule 4, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”. 35
- (2) In Schedule 4, after clause 2(3), insert:

- (4) A member who continues in office for any period under subclause (3) may act as a member during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
 - (b) hearing any other proceedings. 5
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- (3) In Schedule 4, replace clause 6 with:
- 6 Power to summon witnesses** 10
- (1) For the purposes of its proceedings, the Disciplinary Tribunal may, on its own initiative or at the request of a party, issue in writing a summons requiring any person—
- (a) to attend at the time and place specified in the summons and to give evidence; and 15
 - (b) to produce any papers, documents, records, or things in that person's possession or under that person's control that are relevant to the proceedings.
- (2) The Tribunal may require a person producing any of the things listed in **subclause (1)(b)** to do so under oath or affirmation, by statutory declaration, or by other means. 20
- (3) The power to issue a witness summons may be exercised by the Tribunal, the chairperson, the deputy chairperson, the chairperson of a division, or any officer of the Tribunal purporting to act at the direction or with the authority of the Tribunal or any of those persons. 25
- (4) The Tribunal may—
- (a) require a copy of anything that is produced to be provided to any person appearing at the hearing; and
 - (b) impose any terms and conditions on the provision of copies and the use that can be made of them. 30
- (5) For the purposes of **subclause (1)**, **writing** includes—
- (a) the recording of words in a permanent and legible form; and
 - (b) the recording of words by electronic means that can be retrieved and read; and
 - (c) the display of words by any form of electronic or other means of communication that is subsequently recorded by electronic means and that can, by any means, be retrieved and read. 35
- (4) In Schedule 4, after clause 11, insert:

12 Decisions to be in writing and state reasons

- (1) Every decision of the Disciplinary Tribunal must be in writing and must state the reasons for the decision.
- (2) Despite **subclause (1)**, the Tribunal—
- (a) may give interim decisions on matters requiring urgent decisions, without stating the reasons for the decision; but 5
- (b) must subsequently set out the reasons for the decision in a written decision.

Subpart 11—Amendments to Legal Services Act 2011

131 Principal Act 10

This **subpart** amends the Legal Services Act 2011 (the **principal Act**).

132 Section 53 amended (Application for review)

In section 53(2), replace “3 months” with “60 working days”.

133 New sections 55A and 55B inserted

After section 55, insert:

55A Procedure 15

The Tribunal may regulate its procedures as it sees fit, subject to this Act, ~~and any regulations made under it, and any practice notes issued under **section 87D**.~~

55B Tribunal may strike out application for review 20

The Tribunal may strike out, in whole or in part, an application for review if satisfied that it—

- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or 25
- (d) is otherwise an abuse of process.

134 New section 57A inserted (Suppression orders)

After section 57, insert:

57A Suppression orders 30

- (1) The Tribunal may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be made subject to any conditions that the Tribunal considers appropriate.

135	New section 57B inserted (Online publication of information about procedures, time frames, and progress of decisions)	
	After section 57A, insert:	
57B	Online publication of information about procedures, time frames, and progress of decisions	5
	The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry</u> :	
	(a) information about the purpose of the Tribunal and the ways that a person may use it <u>how to bring proceedings</u> :	
	(b) any requirements that a person must meet to use the Tribunal <u>must be met to bring proceedings</u> :	10
	(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
136	Section 58 amended (Chairperson may direct publication of Tribunal decisions)	15
	In section 58, insert as subsection (2):	
(2)	Subsection (1) is subject to section 57A .	
136A	Section 65 amended (Chairperson of Tribunal)	
	<u>In section 65(2)(b), after “Tribunal”, insert “and are members of the Tribunal, officers of the Tribunal, and parties before the Tribunal”.</u>	20
137	New section 66A inserted (Appointment of temporary acting chairperson or member)	
	After section 66, insert:	
66A	Appointment of temporary acting chairperson or member	
(1)	If the chairperson or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as the acting chairperson or an acting member for the period or purpose stated in the appointment.	25
(2)	No person may be appointed as the acting chairperson or an acting member unless he or she is eligible for appointment to the relevant position.	30
(3)	The acting chairperson or an acting member is, while acting in the position, to be treated as the chairperson or a member of the Tribunal.	
(4)	No appointment of an acting chairperson or acting member, no act done by an acting chairperson or acting member, and no act done by the Tribunal may be	35

questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

138 New section 85A inserted (Review Authority may strike out review)

After section 85, insert:

85A Review Authority may strike out review

5

The Review Authority may strike out, in whole or in part, a review if satisfied that it—

- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.

10

139 New section 86A inserted (Suppression orders)

After section 86, insert:

86A Suppression orders

- (1) The Review Authority may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be made subject to any conditions that the Review Authority considers appropriate.

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140 Section 87A amended (Deputy Review Authority)

In section 87A(1), after “sections 85 to 87”, insert “and **87D to 87F**”.

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141 New section 87C inserted (Appointment of temporary acting Review Authority or Deputy Review Authority)

After section 87B, insert:

87C Appointment of temporary acting Review Authority or Deputy Review Authority

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- (1) If the Review Authority or a Deputy Review Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the Review Authority or a Deputy Review Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as the acting Review Authority or an acting Deputy Review Authority for the period or purpose stated in the appointment.
- (2) No person may be appointed as the acting Review Authority or an acting Deputy Review Authority unless he or she is eligible for appointment to the relevant position.

30

(3)	The acting Review Authority or an acting Deputy Review Authority is, while acting in the position, to be treated as the Review Authority or a Deputy Review Authority.	
(4)	No appointment of an acting Review Authority or acting Deputy Review Authority and no act done by an acting Review Authority or acting Deputy Review Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.	5
142	New section 87D and cross-heading inserted	
	After section 87C, insert:	
	<i>Practice notes, procedural information, and publication of decisions</i>	10
87D	Practice notes	
(1)	The Review Authority may issue practice notes as he or she thinks fit.	
(2)	The practice notes must not be inconsistent with this Act or any regulations made under it <u>and are for the guidance of a Deputy Review Authority, officers of the Authority, and parties before the Authority.</u>	15
143	New sections 87E and 87F inserted	
	After section 87D, insert:	
87E	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry:</u>	20
(a)	information about the purpose of the Review Authority and the ways that a person may use the Review Authority <u>how to bring proceedings:</u>	
(b)	any requirements that a person must meet to use the Review Authority <u>must be met to bring proceedings:</u>	25
(c)	guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
87F	Online publication of final written decisions	
(1)	Every final written decision of the Review Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.	30
(2)	A final written decision may be published in part if there is good reason for not publishing the full decision.	
(3)	Subsections (1) and (2) are subject to section 86A.	
(4)	Good reason not to publish a decision, or part of it, includes the following:	
(a)	non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:	35

- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Review Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 5
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Review Authority.
- 144 New section 112A inserted (Offence of breaching suppression order)** 10
After section 112, insert:
- 112A Offence of breaching suppression order**
A person who breaches an order made under **section 57A or 86A** is liable on conviction to a fine not exceeding \$3,000.
- 144A Section 115 amended (Service of notices, etc)** 15
- (1) After section 115(1)(c), insert:
- (d) by sending it to that person electronically.
- (2) After section 115(3), insert:
- (4) If a notice or any other communication is served in electronic form under subsection (1)(d), then, unless the contrary is shown,— 20
- (a) the notice or other communication is served at the time the electronic communication containing the notice or communication first enters an information system outside the control of its originator; and
- (b) in proving service, it is sufficient to prove that the electronic communication was properly addressed and sent. 25
- (5) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.
- 145 Schedule 3 amended**
- (1) In Schedule 3, clause 1(1), replace “3 years” with “5 years”. 30
- (2) In Schedule 3, ~~in~~ clause 3, insert as subclauses (2) and (3):
- (2) A member who continues in office for any period under subclause (1) may (unless he or she is removed from office) act as a member during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office: 35
- (b) hearing any other proceedings.

- (3) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- (3) In Schedule 3, clause 18(1), replace “3 years” with “5 years”.
- (4) In Schedule 3, after clause 18(2), insert: 5
- (3) The Review Authority continues in office despite the expiry of his or her term of office until—
- (a) the Review Authority is reappointed; or
- (b) the Review Authority’s successor is appointed; or
- (c) the Review Authority is notified that a replacement Review Authority will not be appointed; or 10
- (d) the Review Authority vacates or is removed from office.
- (4) A person who continues in office for any period under **subclause (3)**, unless he or she was removed from office, may act as the Review Authority during that period for the purpose of— 15
- (a) completing any proceedings partly or wholly heard by them before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (5) A person who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 20
- (5) In Schedule 3, replace clauses 25 and 26 with:
- 25 Procedure**
- The Review Authority may regulate his or her procedure as he or she thinks fit, subject to this Act ~~and, any regulations made under it, and any practice notes~~ issued under **section 87D**. 25
- 26 Orderly and efficient operation**
- (1) The Review Authority is responsible for making any arrangements that are practicable to ensure that he or she and any Deputy Authorities, perform their functions— 30
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable the Review Authority to perform his or her functions.

Subpart 12—Amendments to Maritime Transport Act 1994

146 Principal Act

This **subpart** amends the Maritime Transport Act 1994 (the **principal Act**).

147 Section 52 amended (Suspension from work)

(1) Replace section 52(2B) with: 5

(2B) If the Director proposes to suspend a person, the Director must give the person notice under section 51, which applies as if the proposed suspension were a proposed adverse decision under that section.

(2) Replace section 52(5) with:

(5) A person who is the subject of a decision under this section may appeal the decision to the District Court under section 424. 10

148 Section 82 and cross-heading repealed (~~Continuation of Maritime Appeal Authority~~)

Repeal section 82 and the cross-heading above section 82.

149 New section 82A inserted (Maritime Appeal Authority disestablished) 15

After section 82, insert:

82A Maritime Appeal Authority disestablished

(1) The Maritime Appeal Authority is disestablished.

(2) No compensation is payable to a person who ceases to hold office as a result of the Maritime Appeal Authority being disestablished. 20

150 Section 191 amended (Maritime levies)

In section 191(2)(b), delete “the Maritime Appeal Authority.”

151 Section 207 amended (Abolition of Marine Council and Marine Advisory Committee, etc)

Replace section 207(1)(d) with: 25

(d) every other body established by or under the Shipping and Seamen Act 1952, including the Maritime Appeal Authority (which is disestablished under **section 82A**).

152 Section 425 amended (Procedure)

After section 425(2), insert: 30

(2A) When deciding an appeal under section 52, the District Court must have regard to the potential effect on the risk to maritime safety of the suspended person being employed as a seafarer.

- 153 Section 426 amended (Decision of Director or harbourmaster to continue in force pending appeal)**
In section 426(1) and (2), delete “section 52 or”.
- 154 Section 445 amended (Regulations for fees and charges)**
In section 445(1)(b), delete “the Maritime Appeal Authority,”. 5
- 155 Schedule 2 repealed**
Repeal Schedule 2.

Subpart 13—Amendments to Motor Vehicle Sales Act 2003
- 156 Principal Act**
This **subpart** amends the Motor Vehicle Sales Act 2003 (the **principal Act**). 10
- 157 Section 84 amended (Term of office of adjudicators)**
- (1) Replace section 84(1)(b) with:
(b) may be reappointed.
- (2) After section 84(2), insert:
- (3) An adjudicator who continues in office for any period under subsection (2) may act as an adjudicator during that period for the purpose of— 15
(a) completing any proceedings partly or wholly heard by the Disputes Tribunal on which he or she sat before the expiry of his or her term of office:
(b) hearing any other proceedings. 20
- (4) An adjudicator who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- 158 New section 85A inserted (Appointment of temporary acting adjudicator)** 25
After section 85, insert:
- 85A Appointment of temporary acting adjudicator**
- (1) If an adjudicator of a Disputes Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an adjudicator considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as an acting adjudicator for the period or purpose stated in the appointment. 30
- (2) No person may be appointed as an acting adjudicator unless he or she is eligible for appointment as an adjudicator. 35

- (3) An acting adjudicator is, while acting in the position, to be treated as the adjudicator of the relevant Disputes Tribunal.
- (4) No appointment of an acting adjudicator, no act done by an acting adjudicator, and no act done by a Disputes Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5
- 159 Section 88 amended (Panel of persons who may be appointed as assessors)**
- (1) Replace section 88(1) with:
- (1) The Minister must maintain a panel of any number of persons that may be required to ensure the efficient and expeditious exercise of the jurisdiction of the Disputes Tribunals throughout New Zealand. 10
- (1A) The Minister must specify a period of up to 5 years for which a person is approved as a member of the panel.
- (1B) The Minister may approve the inclusion of a person on the panel for further periods of up to 5 years. 15
- (2) Repeal section 88(3).
- (3) Replace section 88(5) with:
- (5) If subsection (4)(c) or (d) applies, the person may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- 159A Section 89 amended (Jurisdiction of Disputes Tribunal)** 20
- In section 89(1)(b), replace “a Disputes Tribunal” with “the Disputes Tribunal”.
- 160 Section 94 amended (Decisions to be publicly available)**
- In section 94(1), replace “Every” with “Subject to **clause 13A** in Schedule 1, every”. 25
- 161 New sections 110A and 110B and cross-heading inserted**
- After section 110, insert:
- Offences relating to Disputes Tribunals*
- 110A Offence in relation to suppression orders**
- (1) A person commits an offence ~~who~~ if the person breaches an order made under **clause 13A** of Schedule 1. 30
- (2) The penalty for an offence under this section is set out in **section 116A**.
- 110B Contempt of Tribunal**
- (1) A person commits an offence ~~who~~ if the person—

- (a) wilfully ~~assaults~~, insults, or obstructs a Disputes Tribunal, an adjudicator, an assessor, a witness, or an officer of a Tribunal during a sitting of a Tribunal or while an adjudicator, an assessor, a witness, or an officer is going to, or returning from, a sitting of a Tribunal; or
- (b) wilfully ~~assaults~~, insults, or obstructs any person in attendance at a sitting of a Tribunal; or 5
- (c) wilfully interrupts, or otherwise misbehaves at, a sitting of a Tribunal; or
- (d) wilfully and without lawful excuse disobeys any order or direction of a Tribunal in the course of the hearing of any proceedings.
- (2) The penalty for an offence under this section is set out in **section 116A**. 10
- (3) A Tribunal may order the exclusion from a sitting of ~~that~~ the Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence, and any officer of the Tribunal or constable may take any steps that are reasonably necessary to enforce the exclusion. 15

162 New section 116A inserted (Penalties for offences relating to Disputes Tribunals)

After section 116, insert:

116A Penalties for offences relating to Disputes Tribunals

- (1) A person convicted of an offence against **section 110A** is liable to a fine not exceeding \$3,000. 20
- (2) A person convicted of an offence against **section 110B** or **clause 9H of Schedule 1** is liable to a fine not exceeding \$1,000.

163 Schedule 1 amended

- (1) In Schedule 1, clause 1, after “rules of natural justice”, insert “and any practice notes issued under **clause 17**”. 25
- (2) In Schedule 1, after clause 2, insert:

2A Orderly and efficient operation

An adjudicator is responsible for making ~~such any~~ any arrangements ~~as that~~ are practicable to ensure that the Disputes Tribunal on which he or she sits performs its functions— 30

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (3) In Schedule 1, clause 4, replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators”. 35

- (4) In Schedule 1, clause 8(1), replace “must be conducted in private” with “must, unless a Disputes Tribunal orders otherwise, be conducted in public”.
- (5) In Schedule 1, after clause 8(1), insert:
- (1A) A Disputes Tribunal may order that a hearing be conducted in private if the relevant adjudicator is of the opinion that it is proper to do so, having regard to the interests of any party and to the public interest. 5
- (6) In Schedule 1, replace clause 8(2) with:
- (2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the relevant adjudicator considers it appropriate and the necessary facilities are available. 10
- (7) In Schedule 1, after clause 9, insert:
- 9A Hearing on papers**
- (1) Despite anything in this Act to the contrary, a Disputes Tribunal may determine a proceeding on the papers if the relevant adjudicator considers it appropriate.
- (2) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner. 15
- 9B Disputes Tribunal may strike out, determine, or adjourn proceeding**
- (1) A Disputes Tribunal may strike out, in whole or in part, a proceeding if the relevant adjudicator is satisfied that it—
- (a) discloses no reasonable cause of action; or 20
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, a Disputes Tribunal may,— 25
- (a) if the party is required to be present, strike out the proceeding; or
- (b) determine the proceeding in the absence of the party; or
- (c) adjourn the hearing.
- 9C Evidence**
- (1) A Disputes Tribunal may take evidence on oath or affirmation and, for that purpose, the Tribunal or any other person acting under the express or implied direction of the Tribunal may administer the oath or affirmation. 30
- (2) A Disputes Tribunal may require that any documents or information be verified by oath or affirmation, statutory declaration, affidavit, or another means.
- (3) A Disputes Tribunal may, on its own initiative, seek and receive any other evidence and make ~~such~~ any other investigations and inquiries that it thinks fit. 35

- (4) All evidence and information received or ascertained must be disclosed to every party, and every party must be given a reasonable opportunity to comment on it.
- (5) A Disputes Tribunal may receive and take into account any relevant evidence or information, whether or not that evidence or information would normally be admissible in a court of law. 5
- (6) On any charge of perjury, it is sufficient to prove that the oath or affirmation was administered, or the documents or information were verified, in accordance with this clause.
- (8) In Schedule 1, after clause 9C, insert: 10
- 9D Summons to witness**
- (1) A Disputes Tribunal may, on its own initiative or at the request of a party, by a summons in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators, summon any person— 15
- (a) to attend before the Tribunal at the time and place specified in the summons; and
- (b) to give evidence in the proceedings; and
- (c) to produce to the Tribunal any documents in that person’s possession or control that are specified in the summons.
- (2) The power to issue a witness summons may be exercised by a Disputes Tribunal, an adjudicator, or any officer of a Tribunal purporting to act at the direction or with the authority of the Tribunal or an adjudicator. 20
- 9E Service of summons**
- (1) Every summons issued under **clause 9D** must be served on the person to whom it is directed, either by personally delivering it to that person or, if that person refuses to accept it, by bringing it to that person’s attention, within a reasonable time before the time specified in the summons for that person’s attendance. 25
- (2) There must be paid or tendered to the witness at the time of service of the summons, or at any other reasonable time before the time at which the witness’s attendance is required, the sum that the Registrar estimates to be payable to the witness under **clause 9G** for allowances and travelling expenses (but not for fees). 30
- (3) A witness is not obliged to comply with a summons issued under **clause 9D** unless the sum specified in **subclause (2)** is paid or tendered to the witness in accordance with that subclause. 35
- 9F Obligation on witness to attend extends to adjourned proceedings**
- (1) The obligation on a witness summoned under **clause 9D** to attend any proceedings extends to any time and place to which the proceedings are adjourned,

	but only if clause 9E(2) has first been complied with in respect of each subsequent attendance.	
(2)	A Disputes Tribunal or an adjudicator may excuse a witness from any further attendance.	
9G	Witnesses' expenses	5
(1)	Every person who attends before a Disputes Tribunal for the purpose of giving evidence in any proceedings; is entitled to receive any fees, allowances, and travelling expenses that the Tribunal directs, in accordance with the scale set out in the Schedule of the Witnesses and Interpreters Fees Regulations 1974.	
(2)	The fees, allowances, and travelling expenses are payable by the party on whose behalf the person attends, unless in any particular case a Disputes Tribunal orders them to be paid out of money appropriated by Parliament for those purposes.	10
9H	Failure to give evidence	
(1)	A person commits an offence who <u>if the person</u> —	15
	(a) has been served with a summons issued under clause 9D ; and	
	(b) has been paid or tendered witness expenses in accordance with clause 9G ; and	
	(c) fails without sufficient cause to comply with the directions of the summons or with the requirements of clause 9F in respect of the summons.	20
(2)	A person commits an offence who <u>if the person</u> —	
	(a) is present at any proceedings before a Disputes Tribunal (whether or not as a result of the service of any summons on that person); and	
	(b) is required to give evidence in the proceedings; and	
	(c) refuses—	25
	(i) to be sworn; or	
	(ii) to give evidence in the proceedings.	
(3)	The penalty for an offence against this clause is set out in section 116A .	
(4)	The payment of a fine does not release a person from any liability under any other action for failing to comply with the directions of a summons issued under clause 9D .	30
(9)	In Schedule 1, after clause 13, insert:	
13A	Suppression orders	
(1)	A Disputes Tribunal may order that any part of any evidence given or the name of any witness not be published.	35
(2)	An order may be made subject to any conditions that the adjudicator considers appropriate.	

- (10) In Schedule 1, after clause 16, insert:

Practice notes, procedural information, and publication of decisions

17 Practice notes

- (1) All adjudicators acting together may issue practice notes, to apply to all Disputes Tribunals, as they think fit. 5
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of the Tribunals, officers of the Tribunals, and parties before the Tribunals.

- (11) In Schedule 1, after clause 17, insert:

18 Online publication of information about procedures, time frames, and progress of decisions 10

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of Disputes Tribunals and ~~the ways that a person may use them~~ how to commence a claim: 15
- (b) any requirements that ~~a person must meet to use Disputes Tribunals~~ must be met to bring a claim:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

Subpart 14—Amendments to Prisoners’ and Victims’ Claims Act 2005 20

164 Principal Act

This **subpart** amends the Prisoners’ and Victims’ Claims Act 2005 (the **principal Act**).

165 Section 27 amended (Service of notices)

In section 27(4), replace “delivered to the person on the seventh day after the day on which it was posted” with “served 5 working days after it was posted”. 25

166 Section 43 amended (Contravention of orders or directions under section 41)

In section 43(2)(a), replace “\$1,000” with “\$3,000”.

167 Section 45 amended (Other aspects of procedure) 30

In section 45, after “and 60,”, insert “and any practice notes issued under **section 60A**,”.

168 New section 58A inserted (Orderly and efficient operation)

After section 58, insert:

58A Orderly and efficient operation

A Tribunal is responsible for making ~~such~~ any arrangements ~~as that~~ are practicable to ensure that he or she performs his or her functions—

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

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169 New section 60A inserted (Practice notes)

After section 60, insert:

60A Practice notes

- (1) The Chief District Court Judge may issue practice notes as he or she think fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of the Tribunals, officers of Tribunals, and parties before Tribunals.

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170 New section 60B inserted (Online publication of information about procedures, time frames, and progress of decisions)

After section 60A, insert:

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60B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Tribunals and ~~the ways that a person may use them~~ how to commence a claim:
- (b) any requirements that ~~a person must meet to use the Tribunals~~ must be met for a claim:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

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Subpart 15—Amendments to Private Security Personnel and Private
Investigators Act 2010

171 Principal Act

This **subpart** amends the Private Security Personnel and Private Investigators Act 2010 (the **principal Act**).

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172 Section 4 amended (Interpretation)

- (1) In section 4, replace the definition of **Licensing Authority** or **Authority** with:
Licensing Authority or **Authority** means a Private Security Personnel Licensing Authority appointed under section 87 and includes a Deputy Private Security Personnel Licensing Authority appointed under section 91, and the terms

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Licensing Authorities, Authorities, and Deputy Licensing Authorities have corresponding meanings

- (1A) In section 4, definition of **misconduct**, after “disgraceful”, insert “, wilful, or reckless”.
- (2) In section 4, definition of **offence of dishonesty**, paragraph (b), after “1981”, insert “; and”.
- (3) In section 4, definition of **offence of dishonesty**, after paragraph (b), insert:
(c) any offence described in section 127 of the Social Security Act 1964
- (4) In section 4, insert in its appropriate alphabetical order:
unsatisfactory conduct, in relation to a licensee or certificate holder and for the purposes of sections 73 and 74, means—
- (a) conduct that falls short of the standard that a reasonable member of the public is entitled to expect from a reasonably competent licensee or certificate holder; or
- (b) ~~conduct that contravenes this Act or any regulations made under it~~
- (b) conduct that is incompetent or negligent; or
- (c) conduct that would reasonably be regarded by private security personnel or private investigators of good standing as being unacceptable.
- 173 Section 24 amended (Application for licence: individual applicant)**
- (1) In section 24(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.
- (2) In section 24(1)(c), after “prescribed fee”, insert “(if any)”.
- 174 Section 25 amended (Application for licence: company applicant)**
- (1) In section 25(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.
- (2) In section 25(1)(c), after “prescribed fee”, insert “(if any)”.
- 175 Section 27 amended (Notice of application for licence)**
- (1) In section 27(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.
- (2) In section 27(3), replace “1 month” with “20 working days”.
- 176 Section 28 amended (Objections by Police to application for licence)**
- (1) In section 28(1), delete “with the Licensing Authority”.
- (2) In section 28(3), delete “with the Licensing Authority”.

176 Section 28 amended (Objections by Police to application for licence)

- (1) In section 28(1),—
- (a) replace “1 month” with “20 working days”:
 - (b) delete “with the Licensing Authority”.
- (2) In section 28(3), replace “7 days” with “5 working days”. 5

177 Section 29 amended (Objections by other persons)

~~In section 29(1), delete “with the Licensing Authority”.~~

- (1) In section 29(1),—
- (a) replace “1 month” with “20 working days”:
 - (b) delete “with the Licensing Authority”. 10
- (2) In section 29(5), replace “7 days” with “5 working days”.

178 Section 31 amended (Application determined by oral hearing)

Replace section 31(1) and (2) with:

- (1) If a Licensing Authority is to hold an oral hearing of an application for a licence, the Authority must fix a time and place for the hearing, and must give not less than 10 working days’ notice of the hearing to— 15
- (a) the applicant; and
 - (b) any person who has filed a notice of objection in accordance with section 28 or 29; and
 - (c) if it receives a report on the application from the Complaints, Investigation, and Prosecution Unit, the chief investigator of the unit. 20
- (2) If a Licensing Authority receives a report requested under section 26(1)(b) and suspects on the basis of that report that there may be grounds for refusing the application, the Authority must, not later than 10 working days before the date of the hearing, provide the applicant with a statement of the reasons for that suspicion. 25

179 Section 34 amended (Issue of licence)

- (1) In section 34(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) In section 34(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 30

- 180 Section 40 amended (Persons not to act as officers of licensed company without consent of Licensing Authority)**
 In section 40(3), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 5
- 181 Section 41 amended (Amendment of licence)**
- (1) In section 41(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) In section 41(3), replace “If the Licensing Authority” with “If a Licensing Authority”. 10
- 181A Section 43 amended (Annual return updating licence and certificate of improvement)**
In section 43(5), replace “7 days” with “5 working days”.
- 182 Section 46 amended (Application for certificate of approval)**
- (1) In section 46(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 15
- (2) In section 46(1)(c), after “prescribed fee”, insert “(if any)”.
- 182A Section 48 amended (Notice of application for certificate of approval)**
In section 48(2), replace “7 days” with “5 working days”. 20
- 183 Section 49 amended (Objections by Police to application for certificate of approval)**
- (1) ~~In section 49(1), delete “with the Licensing Authority”.~~
- (2) ~~In section 49(3), delete “with the Licensing Authority”.~~
- (1) In section 49(1),— 25
- (a) delete “with the Licensing Authority”:
- (b) replace “7 days” with “5 working days”.
- (2) In section 49(3),—
- (a) replace “7 days” with “5 working days”:
- (b) delete “with the Licensing Authority”. 30
- 184 Section 51 amended (Application determined by oral hearing)**
 In section 51(1), replace “If the Licensing Authority” with “If a Licensing Authority”.

185 Section 54 amended (Issue of certificate of approval)

- (1) In section 54(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) In section 54(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 5

186 Section 58 amended (Amendment of certificate of approval)

- (1) In section 58(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) In section 58(3), replace “If the Licensing Authority” with “If a Licensing Authority”. 10

187 Section 62 amended (Grounds of disqualification for individual applicant)

After section 62(f), insert:

- (fa) is adjudged bankrupt or makes any assignment for the benefit of his or her creditors, or makes any composition with his or her creditors; or 15

188 Section 73 amended (Complaint against licensee)

- (1) Replace section 73(2) with:
- (2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a licensee.
- (2) In section 73(4)(d), after “guilty of”, insert “unsatisfactory conduct or”. 20
- (3) In section 73(4)(d), delete “in the course of the business to which the licence relates”.
- (4) In section 73(6), replace “7 days” with “5 working days”.

189 Section 74 amended (Complaint against certificate holder)

- (1) Replace section 74(2) with: 25
- (2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a certificate holder.
- (2) In section 74(4)(d), after “guilty of”, insert “unsatisfactory conduct or”.
- (3) In section 74(4)(d), delete “in the course of being a responsible employee”. 30

190 Section 75 amended (Licensing Authority may refer matter to Police or to Complaints, Investigation, and Prosecution Unit)

Replace section 75(2) with:

- (2) In any other case where a Licensing Authority suspects on reasonable grounds that there may be any grounds for complaint against a licensee or certificate holder, the Authority may— 35

- (a) send a copy of the complaint to the Commissioner of Police and request the Commissioner to cause a report on the complaint to be prepared by the Police for the Authority; or
- (b) send a copy of the complaint to the person in charge of the Complaints, Investigation, and Prosecution Unit and request the chief investigator to cause a report on the complaint to be prepared for the Authority.

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191 Section 76 amended (Suspension of licence or certificate of approval pending determination of complaint)

Replace section 76(5) with:

- (5) As soon as practicable after the notification under subsection (4), a Licensing Authority must give the licensee or certificate holder an opportunity to make representations to the Authority for the revocation of the order.

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192 Section 77 amended (Hearing)

- (1) In section 77(4), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) After section 77(7), insert:
- (8) Despite anything in this Act to the contrary, a Licensing Authority may determine a complaint on the papers if he or she considers it appropriate.
- (9) Before doing so, he or she must give the parties a reasonable opportunity to comment on whether the complaint should be dealt with in that manner.

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193 New sections 77A to 77C inserted

After section 77, insert:

77A Procedure

- (1) A Licensing Authority may regulate his or her procedures as he or she sees fit, subject to—
 - (a) this Act and any regulations made under it; and
 - (b) any practice notes issued under **section 96A**.
- (2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if a Licensing Authority considers it appropriate and the necessary facilities are available.

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77B Suppression orders

- (1) A Licensing Authority may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be subject to any conditions that a Licensing Authority considers appropriate.
- (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

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77C Contempt of Licensing Authority

- (1) A person commits an offence ~~who~~ if the person—
- (a) wilfully ~~assaults~~, insults, or obstructs a Licensing Authority, a witness, or an officer of an Authority during a sitting of an Authority or while an Authority, a witness, or an officer is going to, or returning from, a sitting of an Authority; or 5
 - (b) wilfully ~~assaults~~, insults, or obstructs any person in attendance at a sitting of an Authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of an Authority; or 10
 - (d) wilfully and without lawful excuse disobeys any order or direction of an Authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) A Licensing Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion. 15

194 Section 78 amended (Disciplinary powers of Licensing Authority in respect of licensee) 20

- (1) In section 78(1), replace “the Licensing Authority is satisfied” with “a Licensing Authority is satisfied”.
- (2) After section 78(1), insert:
- (1A) If unsatisfactory conduct is proved, a Licensing Authority— 25
- (a) must not take action under subsection (1) in relation to that conduct; but
 - (b) may take action under **subsection (1B)**.
- (1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate: 30
- (a) order that the licensee undergo training;
 - (b) order that the licensee work under supervision for a period that the Authority specifies in the order;
 - (c) order that the licensee work subject to conditions and for a period that the Authority specifies in the order: 35
 - (d) reprimand the licensee;
 - (e) order that the licensee apologise to the complainant.

- 195 Section 79 amended (Mandatory grounds for cancellation of licence)**
- Replace section 79(1)(a) and (b) with:
- (a) a Licensing Authority is satisfied that 1 or more grounds for disqualification under section 62 or 63 apply to the licensee and the Authority is satisfied that, because of this, the licensee is not suitable to hold a licence; or
 - (b) a Licensing Authority is satisfied that the licence was issued by mistake or by reason of fraud on the part of the applicant for the licence.
- 196 Section 80 amended (Discretionary grounds for cancellation of licence)**
- After section 80(1)(a), insert:
- (aa) the Licensing Authority determines that a person specified in subsection (2) is no longer suitable to carry on the class of business to which the licence relates because of the person’s character, circumstances, or background:
- 197 Section 81 amended (Disciplinary powers of Licensing Authority in respect of holder of certificate of approval)**
- (1) In section 81(1), replace “the Licensing Authority is satisfied” with “a Licensing Authority is satisfied”.
 - (2) After section 81(1), insert:
 - (1A) If unsatisfactory conduct is proved, a Licensing Authority—
 - (a) must not take action under subsection (1) in relation to that conduct; but
 - (b) may take action under **subsection (1B)**.
 - (1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate:
 - (a) order that the certificate holder undergo training:
 - (b) order that the certificate holder work under supervision for a period that the Authority specifies in the order:
 - (c) order that the certificate holder work subject to conditions and for a period that the Authority specifies in the order:
 - (d) reprimand the certificate holder:
 - (e) order that the certificate holder apologise to the complainant.
- 198 Section 82 amended (Mandatory grounds for cancellation of certificate of approval)**
- Replace section 82(a) with:

(a)	a Licensing Authority is satisfied that 1 or more grounds of disqualification under section 62 apply to the certificate holder and the Authority is satisfied that, because of this, the certificate holder is not suitable to hold a certificate; or	
199	Section 83 amended (Discretionary grounds for cancellation of certificate)	5
(1)	In section 83, replace “licence” with “certificate of approval”.	
(2)	After section 83(1)(a), insert:	
(ab)	the Licensing Authority determines that the certificate holder is no longer suitable to carry on the class of business to which the certificate relates because of the person’s character, circumstances, or background:	10
199A	Section 85 amended (Cancelled and suspended licences and certificates of approval must be returned to Licensing Authority)	
	In section 85(1), replace “7 days” with “5 working days”.	
200	Section 87 amended (Private Security Personnel Licensing Authority)	
	In section 87(1), replace “a person to be the Private Security Personnel Licensing Authority” with “1 or more persons to be Private Security Personnel Licensing Authorities, and may give the Authorities distinctive designations and change any designation”.	15
201	New section 88A inserted (Orderly and efficient operation)	
	After section 88, insert:	20
88A	Orderly and efficient operation	
(1)	A Licensing Authority is responsible for making such <u>any</u> arrangements as that are practicable to ensure that he or she and any Deputy Licensing Authority performs his or her functions—	
(a)	in an orderly and efficient manner; and	25
(b)	in a way that achieves the purposes of this Act.	
(2)	If more than 1 Authority is appointed, they must act together in making those arrangements for any Deputy Licensing Authority.	
202	Section 89 amended (Qualifications of Licensing Authority)	
	In section 89(1), after “may hold office as”, insert “a”.	30
203	Section 90 amended (Term of office of Licensing Authority)	
(1)	In section 90(1)(a), replace “3 years” with “up to 5 years”.	
(2)	After section 90(3), insert:	
(4)	A Licensing Authority continues in office despite the expiry of his or her term of office until—	35

- (a) the Authority is reappointed; or
 - (b) the Authority's successor is appointed; or
 - (c) the Authority is notified that a replacement Licensing Authority will not be appointed; or
 - (d) the Authority vacates or is removed from office. 5
- (5) A Licensing Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as a Licensing Authority during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office: 10
 - (b) hearing any other proceedings.
- (6) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 15

204 Section 91 amended (Deputy Private Security Personnel Licensing Authority)

- (1) Replace section 91(1)(a) and (b) with:
- (a) 1 or more of the Licensing Authorities are unable, because of absence (for any reason) of 1 or more of them, to perform the functions of office; or 20
 - (b) the amount of work to be done by the Licensing Authorities is more than can be reasonably done by the existing Licensing Authorities at that time.
- (2) In section 91(2), after “holding office as”, insert “a”. 25
- (3) In section 91(3), after “Minister”, insert “and may be reappointed for further fixed terms”.
- (4) After section 91(3), insert:
- (3A) A Deputy Licensing Authority may at any time resign from office by notice in writing to the responsible Minister. 30
 - (3B) The Governor-General may, on the recommendation of the responsible Minister, at any time remove a Deputy Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed is not entitled to compensation.
 - (3C) A Deputy Licensing Authority continues in office despite the expiry of his or her term of office until— 35
 - (a) he or she is reappointed; or
 - (b) his or her successor is appointed; or

- (c) he or she is notified that a replacement Licensing Authority will not be appointed; or
- (d) he or she vacates or is removed from office.
- (3D) A Deputy Licensing Authority who continues in office for any period under **subsection (3C)**, unless he or she was removed from office, may act as a Deputy Licensing Authority during that period for the purpose of— 5
- (a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (3E) A Deputy Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 10
- (5) Repeal section 91(5).
- (6) In section 91(7), after “when acting as”, insert “a”. 15
- 205 Section 92 amended (Remuneration, and status under certain Acts)**
- In section 92(1), replace “the Licensing Authority” with “each Licensing Authority”.
- 206 Section 93 amended (Licensing Authority to be Commission of Inquiry for certain purposes)** 20
- Replace section 93(1) with:
- (1) Where under this Act a Licensing Authority has the function of hearing or determining any matter, that Authority has the same powers as are conferred on a Commission of Inquiry by sections 4, 4B, 4C, 4D, 10, and 11 of the Commissions of Inquiry Act 1908 in respect of an inquiry under that Act. 25
- 207 New section 96A inserted (Practice notes)**
- After section 96, insert:
- 96A Practice notes**
- (1) All Licensing Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 30
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of a Deputy Licensing Authority, officers of a Licensing Authority, and parties before a Licensing Authority.
- 208 New sections 96B and 96C inserted**
- After section 96A, insert: 35

- 96B Online publication of information about procedures, time frames, and progress of decisions**
- The following information must be published on an Internet site maintained by or on behalf of the chief executive:
- (a) information about the purpose of the Licensing Authorities and ~~the ways a person may use them~~ how to make an application or a complaint: 5
 - (b) any requirements that ~~a person must meet to use the Licensing Authorities~~ must be met for an application or a complaint:
 - (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 10
- 96C Online publication of final written decisions**
- (1) Every final written decision of a Licensing Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
 - (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 15
 - (3) **Subsections (1) and (2)** are subject to **section 77B**.
 - (4) Good reason not to publish a decision, or part of it, includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value: 20
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, a Licensing Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 25
 - (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in a Licensing Authority and is any of the following:
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers: 30
 - (c) an oral decision transcribed by an official transcription service.
- 209 Section 97 amended (Registers)**
- (1) In section 97(1), replace “The Licensing Authority” with “All Licensing Authorities acting together”.
 - (2) In section 97(4), replace “The Licensing Authority” with “All Licensing Authorities acting together”. 35

210 Section 98 amended (Inspection of registers)

In section 98(1), replace “The Licensing Authority” with “All Licensing Authorities acting together”.

210A Section 102 amended (Appeals to District Court)

In section 102(2), replace “28 days” with “20 working days”.

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211 Section 111 replaced (Lost licences and certificates of approval)

Replace section 111 with:

111 Lost licences and certificates of approval

If a Licensing Authority is satisfied that a holder of a licence or certificate of approval has lost his or her licence or certificate of approval, the Authority may issue to the holder a substitute licence or certificate of approval—

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- (a) on payment of the prescribed fee (if any); and
- (b) on receipt of a photograph of the holder that, in the opinion of the Authority, complies with the requirements (if any) of any regulations made under this Act.

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211A Section 112 amended (Voluntary surrender of licence or certificate of approval)

In section 112(3), replace “7 days” with “5 working days”.

212 Section 114 amended (Regulations)

Repeal section 114(1)(a).

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213 New section 114A inserted (Chief executive may approve forms)

After section 114, insert:

114A Chief executive may approve forms

(1) The chief executive may approve and issue forms that the chief executive considers necessary for the purposes of this Act, not being forms required to be prescribed by regulations or rules made under this Act.

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(2) Without limiting **subsection (1)**,—

- (a) more than 1 form may be approved and issued in relation to the same matter; and
- (b) a form may be described by any name that the chief executive considers appropriate, even if the form relates to a matter that is described by a different name under this Act, so long as the form refers to the appropriate provision of this Act.

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- (3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this Act is deemed to have been so approved and issued unless the chief executive otherwise certifies.
- 214 Section 117 replaced (Photographs)** 5
Replace section 117 with:
- 117 Photographs**
If under this Act any photograph is to be submitted to a Licensing Authority, the Authority may require that the photograph comply with the requirements of any regulations made under this Act.
- 215 Consequential amendments to principal Act** 10
Amend the principal Act as set out in **Schedule 3**.
Subpart 16—Amendments to Real Estate Agents Act 2008
- 216 Principal Act**
This **subpart** amends the Real Estate Agents Act 2008 (the **principal Act**).
- 217 Section 24 amended (Payment of fees, levies, and fines)** 15
In section 24(1), after “the Authority”, insert “, except fees paid under regulations made under section 156(1)(g), which must be paid to the Ministry of Justice”.
- 218 Section 74 amended (Complaints about licensees)**
Replace section 74(2) with: 20
- (2) When the Authority receives a complaint under this section, the Authority must—
- (a) refer the complaint to the Registrar of the register of licensees, who must consider whether to deal with the complaint under **subsection (3)**; and
- (b) if the Registrar decides not to deal with the complaint under that subsection, refer the complaint to a Committee for determination and notify the person complained about of the reference. 25
- (3) The Registrar may determine that—
- (a) the complaint discloses only an inconsequential matter, and for that reason need not be pursued: 30
- (b) the complaint is frivolous or vexatious and not made in good faith, and for that reason need not be pursued:
- (c) the complaint should be referred to another agency, and refer it accordingly.

- 219 Section 93 amended (Power of Committee to make orders)**
- (1) In section 93(1)(h), after “his or her”, insert “or its”.
- (2) After section 93(1)(h), insert:
- (ha) if the Committee is satisfied that the unsatisfactory conduct involves more than a minor or technical breach of this Act or of any regulations or rules made under this Act, make an order referring the matter to the Disciplinary Tribunal for the Tribunal to consider whether to make a compensation order under **section 110(5)**: 5
- 220 Section 100 amended (Real Estate Agents Disciplinary Tribunal established)** 10
- (1) In section 100(2)(a), replace “chair” with “chairperson”.
- (2) In section 100(2)(b), replace “up to 5” with “at least 3”.
- 221 Section 101 amended (Constitution of Tribunal for hearings)**
- Replace section 101(a) with:
- (a) the chairperson of the Tribunal, or, if he or she is absent from duty for any reason, the deputy chairperson of the Tribunal; and 15
- 221A Section 102 amended (Functions of Tribunal)**
- After 102(d), insert:
- (e) any other functions conferred by this Act.
- 222 Section 107 amended (Hearings to be in public)** 20
- (1) Replace the heading to section 107 with “**Hearings**”.
- (2) After section 107(4), insert:
- (5) The hearing of a matter, or any part of it, may be conducted by telephone, audiovisual link, or other remote access facility if the chairperson or the Tribunal considers it appropriate and the necessary facilities are available. 25
- 223 New section 107A inserted (Hearing on papers)**
- After section 107, insert:
- 107A Hearing on papers**
- (1) Despite anything in this Act to the contrary, the Disciplinary Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate. 30
- (2) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.
- 224 Section 108 amended (Restrictions on publication)**
- After section 108(3), insert:

- (4) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

225 Section 109 amended (Evidence)

In section 109(1), replace “matter” with “thing” in each place.

226 New section 109A inserted (Disciplinary Tribunal may strike out, determine, or adjourn proceeding) 5

After section 109, insert:

109A Disciplinary Tribunal may strike out, determine, or adjourn proceeding

- (1) The Disciplinary Tribunal may strike out, in whole or in part, a proceeding if satisfied that it— 10
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Disciplinary Tribunal may— 15
- (a) if the party is required to be present, strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.
- (3) This section does not apply to a case that the Authority has referred to the Disciplinary Tribunal. 20

227 Section 110 amended (Determination of charges and orders that may be made if charge proved)

- (1) In section 110(2)(a), after “section 93”, insert “(except under **section 93(1)(ha)**)”. 25
- (1A) In section 110(2)(g), after “misconduct”, insert “and the order is one that a court of competent jurisdiction could make in relation to a similar claim in accordance with principles of law”.
- (2) Replace section 110(4) with:
- (4) If the Disciplinary Tribunal, after hearing any charge against a licensee, is satisfied that, although not guilty of misconduct, he or she has engaged in unsatisfactory conduct, it may do either or both of the following: 30
- (a) make any of the orders that a Complaints Assessment Committee may make under section 93 (except under **section 93(1)(ha)**):
 - (b) if it appears to the Tribunal that any person has suffered loss by reason of the licensee’s unsatisfactory conduct, make an order that the licensee 35

- pay to that person a sum not exceeding \$100,000 by way of compensation, but only if—
- (i) the Complaints Assessment Committee has determined that unsatisfactory conduct is more than a minor or technical contravention of this Act or of any regulations or rules made under this Act; and 5
 - (ii) the order is one that a court of competent jurisdiction could make in relation to a similar claim in accordance with principles of law.
- (5) If a Complaints Assessment Committee refers a matter to the Tribunal under **section 93(1)(ha)**, the Tribunal may, if satisfied that the requirements of **subsection (4)(b)** are met, make a compensation order under that subsection. ~~The Tribunal must treat the referral as if it had satisfied itself that the licensee has engaged in unsatisfactory conduct.~~ 10
- (6) For the purposes of **subsections (4) and (5)**, the Disciplinary Tribunal—
- (a) must apply, and may not overturn, a Complaints Assessment Committee determination that there was unsatisfactory conduct involving more than a minor or technical contravention of this Act or of any regulations or rules made under this Act; and 15
 - (b) has no jurisdiction to inquire into that determination.

228 New section 110A inserted (Costs)

After section 110, insert: 20

110A Costs

- (1) In any proceedings under this Act, the Disciplinary Tribunal may make any award as to costs that it thinks fit, whether or not it grants any other remedy.
- (2) Without limiting the matters that the Disciplinary Tribunal may consider in determining whether to make an award of costs under this section, the Disciplinary Tribunal may take into account whether, and to what extent, any party to the proceedings— 25
 - (a) has participated in good faith in the proceedings:
 - (b) has facilitated or obstructed the process of information gathering by the Disciplinary Tribunal: 30
 - (c) has acted in a manner that facilitated the resolution of the issues that were the subject of the proceedings.
- (3) If a party fails to prosecute any proceedings at the time fixed for a hearing or to give adequate notice of the abandonment of any proceedings, the Disciplinary Tribunal, if it considers it proper to do so, may order the party in default to pay costs to the Crown in a sum that it considers reasonable. 35
- (4) A person to whom costs are awarded under this section, but who has not been paid in full, may file a copy of the order in the District Court, where it may be

enforced for so much of the amount that is still owing as if it were a judgment of the District Court.

229 Section 111 amended (Appeal to Tribunal against determination by Committee)

- (1) Replace section 111(1) with: 5
- (1) A person affected by a determination of a Committee may appeal to the Disciplinary Tribunal against the determination within 20 working days after the day on which notice of the relevant decision was given under section 81 or 94, except that no appeal may be made against a determination under section 89(2)(a) that a complaint or an allegation be considered by the Disciplinary Tribunal. 10
- (1A) The Disciplinary Tribunal may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if it is satisfied that exceptional circumstances prevented the appeal from being made in time.
- (2) After section 111(2)(a), insert: 15
- (ab) the prescribed fee, if any; and

230 Section 112 amended (Application to Tribunal to review determination by Registrar)

After section 112(2)(a), insert:

- (ab) the prescribed fee, if any; and

231 New section 115A inserted (Practice notes) 20

After section 115, insert:

115A Practice notes

- (1) The chairperson of the Disciplinary Tribunal may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of the members of the Disciplinary Tribunal, officers of the Disciplinary Tribunal, and parties before the Tribunal. 25

232 New section 115B inserted (Online publication of information about procedures, time frames, and progress of decisions)

After section 115A, insert: 30

115B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Disciplinary Tribunal and ~~the ways a person may use it~~ how to commence a proceeding: 35

<p>(b) any requirements that a person must meet to use the Disciplinary Tribunal must be met to bring a proceeding:</p> <p>(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.</p>	5
233 New section 116A inserted (Time for appeal to High Court)	5
After section 116, insert:	
116A Time for appeal to High Court	
<p>(1) An appeal to the High Court must, subject to subsection (2), be made in the prescribed manner to the court within 20 working days after the day on which notice of the relevant decision is given to the appellant.</p> <p>(2) The court may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if the court is satisfied that exceptional circumstances prevented the appeal from being made in time.</p>	10
234 New section 120A inserted (Time for appeal to Court of Appeal)	15
After section 120, insert:	
120A Time for appeal to Court of Appeal	
<p>(1) An appeal to the Court of Appeal must, subject to subsection (2), be made in the prescribed manner to the court within 20 working days after the day on which notice of the relevant decision is given to the appellant.</p> <p>(2) The court may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if the court is satisfied that exceptional circumstances prevented the appeal from being made in time.</p> <p>(3) In deciding whether to accept a late appeal, the court must have regard to whether the appellant made a late appeal against the original decision, and the appellant's reasons for that late appeal.</p>	20 25
235 New sections 153A and 153B and cross-heading inserted	30
After section 153, insert:	
<i>Offences relating to witness summonses and contempt of Tribunal</i>	
153A Offence to fail to comply with summons	
<p>(1) A person commits an offence who, after being summoned to attend to give evidence before the Tribunal or to produce to it any document, information, or thing, without sufficient cause—</p> <p>(a) fails to attend in accordance with the summons; or</p> <p>(b) refuses to be sworn or to give evidence, or having been sworn refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer; or</p>	30 35

- (c) fails to produce any such document, information, or thing.
- (2) A person commits an offence who—
- (a) wilfully obstructs or hinders the Tribunal or any member of it in any inspection or examination of any document, information, or thing; or
- (b) without sufficient cause, fails to comply with any requirement of the Tribunal. 5
- (3) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$1,000.
- (4) No person summoned to attend the hearing may be convicted of an offence against **subsection (1)** unless at the time of the service of the summons, or at some other reasonable time before the date on which that person was required to attend, there was made to that person a payment or tender of the amount fixed in accordance with clause 7 of Schedule 1. 10
- 153B Contempt of Tribunal**
- (1) A person commits an offence who— 15
- (a) wilfully ~~assaults~~, insults, or obstructs the Tribunal or any member of it, a witness, or an officer of the Tribunal during a sitting of the Tribunal or while a member, a witness, or an officer is going to, or returning from, a sitting of the Tribunal; or
- (b) wilfully ~~assaults~~, insults, or obstructs any person in attendance at a sitting of the Tribunal; or 20
- (c) wilfully interrupts, or otherwise misbehaves at, a sitting of the Tribunal; or
- (d) wilfully and without lawful excuse disobeys any order or direction of the Tribunal in the course of the hearing of any proceedings. 25
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) The Tribunal may order the exclusion from a sitting of the Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Tribunal or constable may take any steps that are reasonably necessary to enforce the exclusion. 30
- 236 Section 154 amended (Service of notice and documents)**
- (1) After section 154(1)(c), insert:
- (ca) it is transmitted to an ~~email~~ electronic address or a fax number provided by the person; or 35
- (2) In section 154(4), replace “given or served on the addressee at the time when the letter would have been delivered in the ordinary course of the post” with “served 5 working days after it was posted”.

(3) After section 154(4), insert:

(4A) If a notice or any other communication is served in electronic form under **subsection (1)(ca)**, then, unless the contrary is shown,—

(a) the notice or any other communication is served at the time the electronic communication containing the notice or communication first enters an information system outside the control of its originator; and

(b) in proving service, it is sufficient to prove that the electronic communication was properly addressed and sent.

(4B) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

237 Section 156 amended (Regulations)

In section 156(1)(g), after “Disciplinary Tribunal”, insert “, or prescribing any fees in relation to the functions of the Disciplinary Tribunal”.

238 Schedule 1 amended

(1) In Schedule 1, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”.

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

(4) A member of the Tribunal who continues in office for any period under subclause (3) may act as a member during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:

(b) hearing any other proceedings.

(5) A member of the Tribunal who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

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

3A Appointment of temporary acting chairperson, deputy chairperson, or member

(1) If the chairperson, the deputy chairperson, or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.

- (2) No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.
- (3) The acting chairperson, the acting deputy chairperson, or an acting member is, while acting in that position, to be treated as the chairperson, the deputy chairperson, or a member of the Tribunal. 5
- (4) No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 10
- (4) In Schedule 1, clause 4, replace “chair” with “chairperson” in each place.
- (5) In Schedule 1, clause 6(1), after “its own initiative”, insert “or at the request of a party”.
- (6) In Schedule 1, clause 6(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”. 15
- (7) In Schedule 1, clause 6(2), replace “books, papers, documents, records, or things” with “document, information, or thing”.
- (8) In Schedule 1, replace clause 6(3) with: 20
- (3) The power to issue a witness summons may be exercised by the Tribunal, the chairperson, or the deputy chairperson, or by any officer of the Tribunal purporting to act by the direction or with the authority of the Tribunal, the chairperson, or the deputy chairperson.
- (9) In Schedule 1, clause 9(c), replace “papers, documents, records, or things” with “any document, information, or thing”. 25

Subpart 17—Amendments to Residential Tenancies Act 1986

239 Principal Act

This **subpart** amends the Residential Tenancies Act 1986 (the **principal Act**).

240 New section 67A inserted (Appointment of temporary acting Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, or Tenancy Adjudicator) 30

After section 67, insert:

67A Appointment of temporary acting Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, or Tenancy Adjudicator 35

- (1) If the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the Principal Tenancy Adjudicator, the

- Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as the acting Principal Tenancy Adjudicator, the acting Deputy Principal Tenancy Adjudicator, or an acting Tenancy Adjudicator for the period or purpose stated in the appointment. 5
- (2) No person may be appointed as an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator unless he or she is eligible for appointment to the relevant position.
- (3) An acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator is, while acting in that position, to be treated as the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator. 10
- (4) No appointment of an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator, no act done by an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator, and no act done by the Tenancy Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 15
- 241 Section 68 amended (Term of office of Tenancy Adjudicators) 20**
- (1) In section 68(1), replace “shall be appointed for a term not exceeding 3 years” with “must be appointed for a term of up to 5 years”.
- (2) After section 68(1), insert:
- (1A) A person appointed under subsection (1) may be reappointed. 25
- (3) Replace section 68(6) with:
- (6) A Tenancy Adjudicator who continues in office for any period under subsection (5) may act as an Adjudicator during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings. 30
- (7) A Tenancy Adjudicator who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- (8) In this section, **Tenancy Adjudicator** includes the Principal Tenancy Adjudicator and the Deputy Principal Tenancy Adjudicator. 35
- 242 New section 71A inserted (Delegation by Principal Tenancy Adjudicator)**
- After section 71, insert:

71A Delegation by Principal Tenancy Adjudicator

- (1) The Principal Tenancy Adjudicator may delegate any of his or her functions, duties, and powers to another Tenancy Adjudicator (including the Deputy Principal Tenancy Adjudicator) who holds the qualification described in section 67(2)(a) and who the Principal Tenancy Adjudicator is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 5
- (2) A delegation—
- (a) must be in writing; and
 - (b) must be to a named person; and 10
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the Principal Tenancy Adjudicator.
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 15
- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 69(1) for work undertaken in that capacity. 20

243 Section 88 amended (Functions of Tenancy Mediators)

- (1) In section 88(5), after “Tenancy Adjudicator”, insert “or Registrar”.
- (2) In section 88(5A), after “Tenancy Adjudicator”, insert “or Registrar”.
- (3) In section 88(5A), after “subsection (6)”, insert “or **(6A)**”. 25
- (4) After section 88(6), insert:
- (6A) Where a Registrar to whom an order has been referred for sealing considers that the order is outside the powers of the Tenancy Mediator to make, the Registrar must, instead of sealing the copy of the order, decline to seal the order and refer the order to a Tenancy Adjudicator for consideration. 30
- (6B) If an order is referred to a Tenancy Adjudicator under **subsection (6A)**, he or she must treat the order as if it had been referred directly to him or her under subsection (5).

244 New section 92A inserted (Tribunal may strike out proceeding)

- After section 92, insert: 35

92A Tribunal may strike out proceeding

The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—

- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.

5

245 Section 96 amended (Further provisions relating to procedure generally)

(1) After section 96(3), insert:

(3A) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the ~~Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or another Tenancy Adjudicator conducting the hearing~~ considers it appropriate and the necessary facilities are available.

10

(2) In section 96(5), after “and to any directions of the Principal Tenancy Adjudicator”, insert “under section 115”.

15

246 Section 106 amended (Enforcement of possession orders)

(1) In section 106(1), replace “warrant for the recovery of the premises” with “warrant for the recovery of land”.

(2) In section 106(2), replace “section 139(1)” with “section 138(1)”.

20

247 New section 111A inserted (Offence of breaching suppression order)

After section 111, insert:

111A Offence of breaching suppression order

A person who breaches an order made under section 95(3) is liable on conviction to a fine not exceeding \$3,000.

25

247A Section 112 amended (Contempt)

(1) In section 112(1)(a), delete “assaults.”.

(2) In section 112(1)(b), delete “assaults.”.

248 New sections 115A and 115B inserted

After section 115, insert:

30

115A Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Tribunal and ~~the ways a person may use it~~ how to commence a proceeding;
- (b) any requirements that ~~a person must meet to use the Tribunal~~ must be met to bring a proceeding;
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 5

115B Online publication of final written decisions

- (1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 10
- (3) **Subsections (1) and (2)** are subject to section 95(3).
- (4) Good reason not to publish a decision, or part of it, includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 15
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 20
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:
 - (a) a written reserved decision following an oral hearing: 25
 - (b) a written decision in any case considered on the papers.

Subpart 18—Amendments to Sale and Supply of Alcohol Act 2012

249 Principal Act

This **subpart** amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**). 30

250 New sections 179A and 179B inserted

After section 179, insert:

179A Appointment of temporary acting chairperson, deputy chairperson, or member

- (1) If the chairperson, a deputy chairperson, or a member of the licensing authority becomes incapable of acting by reason of illness, absence, or other sufficient 35

	cause, or if the chairperson, a deputy chairperson, or a member of the licensing authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as the acting chairperson, an acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.	5
(2)	No person may be appointed as the acting chairperson, an acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.	
(3)	An acting chairperson, acting deputy chairperson, or acting member is, while acting in the position, to be treated as the chairperson, a deputy chairperson, or a member of the licensing authority.	10
(4)	No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the licensing authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.	15
179B	Orderly and efficient operation	
	The chairperson of the licensing authority is responsible for making such <u>any</u> arrangements as that <u>that</u> are practicable to ensure that he or she and each member performs his or her <u>perform their</u> functions—	20
	(a) in an orderly and efficient manner; and	
	(b) in a way that achieves the purposes of this Act.	
251	Section 181 amended (Term of office of members)	
(1)	In section 181(1), after “5 years”, insert “and may be reappointed for further terms of up to 5 years”.	25
(2)	Replace section 181(2) and (3) with:	
(2)	A member continues in office despite the expiry of his or her term of office until—	
	(a) the member is reappointed; or	30
	(b) the member’s successor is appointed; or	
	(c) the member is notified that a replacement member will not be appointed; or	
	(d) the member vacates or is removed from office.	
(3)	A member who continues in office for any period under subsection (2) , unless he or she was removed from office, may act as a member during that period for the purpose of—	35
	(a) completing any proceedings partly or wholly heard by the licensing authority before the expiry of his or her term of office:	

(b)	hearing any other proceedings.	
(4)	A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.	
252	Section 202 amended (Procedure)	5
	After section 202(4), insert:	
(5)	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the licensing authority or the chairperson considers it appropriate and the necessary facilities are available.	
253	New section 211A inserted (Contempt of licensing authority)	10
	After section 211, insert:	
211A	Contempt of licensing authority	
(1)	A person commits an offence who <u>if the person</u> —	
(a)	wilfully assaults, insults, or obstructs the licensing authority or any member of it, a witness, or an officer of the licensing authority during a sitting of the licensing authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the licensing authority; or	15
(b)	wilfully assaults, insults, or obstructs any person in attendance at a sitting of the licensing authority; or	
(c)	wilfully interrupts, or otherwise misbehaves at, a sitting of the licensing authority; or	20
(d)	wilfully and without lawful excuse disobeys any order or direction of the licensing authority in the course of the hearing of any proceedings.	
(2)	A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$1,000.	25
(3)	The licensing authority may order the exclusion from a sitting of the licensing authority of any person whose behaviour, in the opinion of the licensing authority, constitutes an offence against subsection (1) , whether or not the person is charged with the offence; and any officer of the licensing authority or constable may take any steps that are reasonably necessary to enforce the exclusion.	30
254	Section 280 amended (Variation, suspension, or cancellation of licences other than special licences)	
	Replace section 280(2)(a) with:	
(a)	be in a form approved by the chief executive after consultation with the chairperson of the licensing authority and be made in the prescribed manner; and	35

- 255 Section 285 amended (Suspension or cancellation of manager’s certificates)**
- Replace section 285(2)(a) with:
- (a) be in a form approved by the chief executive after consultation with the chairperson of the licensing authority and be made in the prescribed manner; and 5
- Subpart 19—Amendments to Secondhand Dealers and Pawnbrokers Act 2004
- 256 Principal Act**
- This **subpart** amends the Secondhand Dealers and Pawnbrokers Act 2004 (the **principal Act**). 10
- 257 Section 4 amended (Interpretation)**
- In section 4, replace the definition of **Licensing Authority** with:
- Licensing Authority** or **Authority** means a Licensing Authority of second-hand dealers and pawnbrokers appointed under section 70 and includes a Deputy Licensing Authority appointed under section 71, and the terms **Licensing Authorities**, **Authorities**, and **Deputy Licensing Authorities** have corresponding meanings 15
- 258 Section 8 amended (Application for licence)**
- (1) In section 8(2)(a), replace “Licensing Authority” with “chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 20
- (2) Repeal section 8(2)(b).
- (3) In section 8(2)(c), replace “the” with “any”.
- (4) In section 8(3), replace “2 photographs” with “a photograph”.
- 259 Section 10 amended (Issue of licence: company applicant)** 25
- After section 10(4), insert:
- (5) Despite subsection (3)(a), if the relevant conviction is for a minor offence, a Licensing Authority may waive the company’s disqualification and issue a licence to the company if the Authority is satisfied, on the basis of written material before him or her, that there are special reasons why the company should not be disqualified taking into account— 30
- (a) the character, circumstances, and background of every person concerned in the management of the company; and
- (b) the nature of the offence.
- (6) In this section, **minor offence** means an offence that is, or the consequences of which are, minor in nature. 35

260 Section 15 amended (Expiry and renewal of licences)

In section 15(6), replace “to the Licensing Authority” with “to a Licensing Authority”.

261 Section 16 amended (Cancellation of licences)

(1) In the heading to section 16, after “**Cancellation**”, insert “**or suspension**”. 5

(2) In section 16(1), after “must cancel”, insert “or suspend”.

(3) After section 16(3), insert:

- (3A) If a Licensing Authority suspends a certificate,—
- (a) the suspension must be for an initial fixed period of not more than 3 months; and 10
 - (b) at the end of that period, the Authority must, if, following the final determination of the complaint, he or she thinks it is appropriate,—
 - (i) extend the suspension for a further period specified by the Authority; or
 - (ii) lift the suspension; or 15
 - (iii) cancel the certificate.

(4) In section 16(4),—

(a) after “A cancellation”, insert “or suspension”:

(b) after “the cancellation”, insert “or suspension”.

262 Section 17 amended (Updating licence information) 20

After section 17(1), insert:

- (1A) The advice must be—
- (a) in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and
 - (b) accompanied by any prescribed fee. 25

263 Section 21 amended (Application for certificate)

(1) Replace section 21(1)(a) with:

- (a) be made to a Licensing Authority on a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and 30

(2) In section 21(1)(b), replace “2 photographs” with “a photograph”.

(3) Repeal section 21(1)(c).

(4) In section 21(1)(d), replace “the” with “any”.

(5) In section 21(2), replace “The form approved by the Licensing Authority” with “The approved form”. 35

264 Section 23 amended (Waiver of disqualification)

Replace section 23(1)(d) with:

- (d) the Licensing Authority is satisfied, on the basis of written material before him or her, that there are special reasons why the person should not be disqualified from holding a certificate taking into account—
- (i) the person’s character, circumstances, and background; and
 - (ii) the nature of any offence relevant to the person’s disqualification.

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265 Section 26 amended (What happens if Police object to applicant)

(1) In section 26(1)(a)(i), replace “the prescribed fee (if any)” with “any prescribed fee”.

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(2) In section 26(1)(b), replace “make written submissions to the Licensing Authority” with “make written submissions to a Licensing Authority”.

(2A) In section 26(2)(b), replace “14 days” with “10 working days”.

(3) Replace section 26(3) with:

(3) If an applicant sends written submissions to a Licensing Authority, or if a Licensing Authority has not heard from the applicant within ~~3 weeks~~ 15 working days of the date on which the notice of objection was sent, the Authority must, on the basis of the written material before him or her, determine whether to uphold or dismiss the Police objection.

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(4) After section 26(3), insert:

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(4) If the applicant is not disqualified from holding a certificate and does not request a hearing in person, a Licensing Authority may require the applicant to attend a hearing in person.

(5) If a Licensing Authority requires a hearing in person, it must—

- (a) arrange a time and place for the hearing under section 27; and
- (b) give the Commissioner of Police and the applicant at least ~~14 days~~ 10 working days’ written notice of the hearing.

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266 Section 30 amended (Expiry and renewal of certificates)

In section 30(6), replace “to the Licensing Authority” with “to a Licensing Authority”.

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267 Section 31 amended (Cancellation and suspension of certificates)

In section 31(3), replace “If the Licensing Authority” with “If a Licensing Authority”.

267A Section 34 amended (Appeals against decision of Licensing Authority)

In section 34(4), replace “20 days” with “16 working days”.

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267B Section 39 amended (Obligation to report and hold stolen goods)

- (1) In section 39(1)(b), replace “14 days” with “10 working days”.
 (2) In section 39(4), replace “14 days” with “10 working days”.

268 Section 42 amended (Dealers record)

- (1) After section 42(3), insert: 5
- (3A) The dealers record must show the following information with respect to any functioning motor vehicle acquired by a licensed secondhand dealer in the course of business as a secondhand dealer:
- (a) the identity of the person from whom the vehicle is acquired, which must include the matters set out in subsection (2)(a): 10
- (b) the name and signature of the person who conducted the transaction on behalf of the licensed secondhand dealer:
- (c) the date of the transaction:
- (d) the vehicle’s vehicle identification number (VIN) or chassis number:
- (e) the vehicle’s registration number, if available: 15
- (f) any other prescribed information.
- (2) After section 42(5), insert:
- (6) In this section, **functioning motor vehicle** includes—
- (a) a motor vehicle that will function if minor repairs are made to it, including the replacement or addition of a part: 20
- (b) a motor vehicle that does not comply with any legal requirement that must be met for it to operate on the road.

269 Section 44 amended (Storage of dealers record)

In section 44(2), replace “article or scrap metal” with “article, scrap metal, or functioning motor vehicle” in each place. 25

269A Section 47 amended (Articles to be kept for 14 days)

- (1) In the heading to section 47, replace “14 days” with “10 working days”.
 (2) In section 47(1), replace “14 days” with “10 working days”.
 (3) In section 47(2), replace “14 days” with “10 working days”.
 (4) In section 47(3), replace “14 days” with “10 working days”. 30

270 Section 70 amended (Appointment of Licensing Authority)

- (1) In section 70(1), replace “a Licensing Authority” with “1 or more persons to be Licensing Authorities, and may give the Authorities distinctive designations and from time to time change any designation”.

- (2) In section 70(2)(a), replace “a fixed term of 3 years or less” with “a term of up to 5 years”.
- (3) In section 70(2)(b), replace “any number of times” with “for further terms of up to 5 years”.
- (4) In section 70(2)(c), after “is appointed”, insert “or he or she is advised that a replacement Authority will not be appointed”.
- (5) After section 70(4), insert:
- (5) A Licensing Authority who continues in office for any period under subsection (2)(c) may act as an Authority during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (6) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

271 Section 71 amended (Deputy Licensing Authorities)

- (1) Replace section 71(1)(a) and (b) with:
- (a) 1 or more of the Licensing Authorities are unable, because of the absence (for any reason) of 1 or more of them, to perform the functions of office; or
- (b) the amount of work to be done by the Licensing Authorities is more than can be reasonably done by the existing Authorities at that time.
- (2) Repeal section 71(2).
- (3) After section 71(2), insert:
- (2A) A Deputy Licensing Authority—
- (a) must be appointed for a term of up to 5 years; and
- (b) may be reappointed for further terms of up to 5 years; and
- (c) remains in office, despite the expiry of his or her term of office, until a successor is appointed or he or she is advised that a replacement Deputy Licensing Authority will not be appointed.
- (2B) A Deputy Licensing Authority may resign from office by notice in writing to the Minister of Justice.
- (2C) The Minister of Justice may, at any time, remove a Deputy Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed from office is not entitled to compensation.

- (2D) A Deputy Licensing Authority who continues in office for any period under **subsection (2A)(c)** may act as an Authority during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office: 5
 - (b) hearing any other proceedings.
- (2E) A Deputy Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 10

272 Section 72 amended (Remuneration, and status under certain Acts)

Replace section 72(1) with:

- (1) All Licensing Authorities and any Deputy Licensing Authority must be paid fees and expenses in accordance with the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies, as if each Licensing Authority were the chairperson of a statutory body and any Deputy Licensing Authority were a member of that body. 15

273 New sections 74A and 74B inserted

After section 74, insert:

74A Orderly and efficient operation 20

- (1) A Licensing Authority is responsible for making such arrangements as are practicable to ensure that he or she and any Deputy Licensing Authority performs his or her functions—
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act. 25
- (2) If more than 1 Licensing Authority is appointed, they must act together in making those arrangements for any Deputy Licensing Authority.

74B Contempt of Licensing Authority

- (1) A person commits an offence ~~who~~ if the person—
- (a) wilfully ~~assaults~~, insults; or obstructs a Licensing Authority or any witness or officer of a Licensing Authority during a sitting of a Licensing Authority or while a Licensing Authority, a witness, or an officer is going to, or returning from, a sitting of a Licensing Authority; or 30
 - (b) wilfully ~~assaults~~, insults; or obstructs any person in attendance at a sitting of a Licensing Authority; or 35
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of a Licensing Authority; or

(d)	wilfully and without lawful excuse disobeys any order or direction of a Licensing Authority in the course of the hearing of any proceedings.	
(2)	A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$1,000.	
(3)	A Licensing Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Licensing Authority, constitutes an offence against subsection (1) , whether or not the person is charged with the offence, and any officer of a Licensing Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.	5
274	Section 75 replaced (Administrative support for Licensing Authority) Replace section 75 with:	10
75	Administrative support for Licensing Authorities The responsible Minister must ensure that the department that is authorised to provide administrative support to the Licensing Authorities provides that support in a manner that enables each Authority to exercise or perform his or her powers, duties, and functions efficiently and effectively.	15
275	New sections 76A to 76C inserted After section 76, insert:	
76A	Procedure	
(1)	A Licensing Authority may regulate his or her procedures as he or she sees fit, subject to this Act and any regulations made under it.	20
(2)	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if a Licensing Authority considers it appropriate and the necessary facilities are available.	
76B	Hearing on papers	25
(1)	Despite anything in this Act to the contrary, a Licensing Authority may determine a proceeding on the papers if he or she considers it appropriate.	
(2)	Before doing so, the Licensing Authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.	30
76C	Suppression orders	
(1)	A Licensing Authority may order that any part of any evidence given or the name of any witness not be published.	
(2)	An order may be subject to any conditions that the Licensing Authority considers appropriate.	35
(3)	A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.	

276 Section 77 replaced (Annual report)

Replace section 77 with:

77 Annual report

- (1) Within 3 months after the end of every financial year, all Licensing Authorities acting together must prepare and send to the Minister of Justice a report on the activities of the Authorities during the previous financial year that contains the prescribed matters. 5
- (2) The Minister of Justice must present a copy of the report to the House of Representatives within 20 sitting days after the date on which the Minister receives it. 10

277 New section 77A inserted (Practice notes)

After section 77, insert:

77A Practice notes

- (1) All Licensing Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 15
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of a Deputy Licensing Authority, officers of a Licensing Authority, and parties before a Licensing Authority.

278 New sections 77B and 77C inserted

After section 77A, insert:

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77B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Licensing Authorities and the ways a person may use them how to make an application or a complaint: 25
- (b) any requirements that a person must meet to use the Licensing Authorities must be met for an application or a complaint:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 30

77C Online publication of final written decisions

- (1) Every final written decision of a Licensing Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 35
- (3) **Subsections (1) and (2)** are subject to **section 76C**.

- (4) Good reason not to publish a decision, or part of it, includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value: 5
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, a Licensing Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in a Licensing Authority and is either of the following: 10
- (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers:
 - (c) an oral decision transcribed by an official transcription service. 15

279 Section 78 replaced (Public registers of licence holders and of certificate holders)

Replace section 78 with:

78 Public registers of licence holders and certificate holders

- (1) The Licensing Authorities acting together must establish, and must maintain with up-to-date information, the following 2 registers as public registers: 20
- (a) a licence holders register:
 - (b) a certificate holders register.
- (2) The Licensing Authorities acting together must determine the form of the registers, and may amend the form from time to time as they consider necessary, providing that the content of the registers is as set out in sections 79 and 80. 25

280 Section 81 amended (Public access to public registers)

In section 81, replace “The Licensing Authority” with “All Licensing Authorities acting together”. 30

281 Section 82 amended (Police access to other information held by Licensing Authority)

In section 82, replace “from the Licensing Authority, the Licensing Authority” with “from any Licensing Authority, the relevant Licensing Authority”.

282 Section 84 amended (Regulations) 35

Replace section 84(f) and (g) with:

- (f) prescribing the matters for which fees are payable under this Act and the amount of those fees:
- (fa) providing for the exemption from fees, in whole or in part:
- (g) prescribing the size or form of the photograph that is required to accompany an application, and prescribing the manner in which it is to be authenticated: 5

283 Consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 4**.

Subpart 20—Amendments to Social Security Act 1964

284 Principal Act 10

This **subpart** amends the Social Security Act 1964 (the **principal Act**).

285 Section 12A amended (Social Security Appeal Authority)

- (1) In section 12A(2), replace “3” with “at least 4”.
- (2) Replace section 12A(3) with:
- (3) One of the members must be appointed as chairperson of the Authority and another as deputy chairperson of the Authority. 15
- (4) The deputy chairperson, when acting as the chairperson, has the same responsibilities as the chairperson.
- (5) The chairperson may delegate a responsibility or function of the chairperson to the deputy chairperson. 20

286 Section 12B amended (Term of office of members)

- (1) In section 12B(1), replace “3 years” with “up to 5 years”.
- (2) Replace section 12B(2) with:
- (2) A member continues in office despite the expiry of his or her term of office until— 25
 - (a) the member is reappointed; or
 - (b) the member’s successor is appointed; or
 - (c) the member is notified that a replacement member will not be appointed; or
 - (d) the member vacates or is removed from office. 30
- (3) A member who continues in office for any period under **subsection (2)**, unless he or she was removed from office, may act as a member during that period for the purpose of—
 - (a) completing any appeal partly or wholly heard by the Appeal Authority before the expiry of his or her term of office: 35

<p>(b) hearing any other appeal:</p> <p>(c) in the case of the chairperson or deputy chairperson, settling and signing a case under section 12Q(7) relating to an appeal of which he or she has direct knowledge.</p> <p>(4) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.</p>	5
287 Section 12D amended (Special Appeal Authorities)	
In section 12D(3), replace “Chairman” with “chairperson”.	
288 Section 12E replaced (Deputies of members)	
Replace section 12E with:	
12E Appointment of temporary acting chairperson, deputy chairperson, or member	
<p>(1) If the chairperson, the deputy chairperson, or a member becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister after consultation with the Minister of Justice, may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.</p> <p>(2) No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.</p> <p>(3) The acting chairperson, acting deputy chairperson, or acting member is, while acting in that position, to be treated as the chairperson, deputy chairperson, or member of the Appeal Authority.</p> <p>(4) No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the Appeal Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.</p>	15 20 25 30
289 New sections 12IA and 12IB inserted	
After section 12I, insert:	
12IA Orderly and efficient operation	
The chairperson of the Appeal Authority is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—	

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

12IB Contempt of Appeal Authority

- (1) A person commits an offence ~~who~~ if the person—
 - (a) wilfully ~~assaults~~, insults, or obstructs the Appeal Authority or any member of it, a witness, or an officer of the Authority during a sitting of the Authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the Authority; or 5
 - (b) wilfully ~~assaults~~, insults, or obstructs any person in attendance at a sitting of the Authority; or 10
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of the Authority; or
 - (d) wilfully and without lawful excuse disobeys any order or direction of the Authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000. 15
- (3) The Appeal Authority may order the exclusion from a sitting of the Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion. 20

290 Section 12K amended (Procedure on appeal)

- (1) In section 12K(1A) and (1B), replace “3 months” with “60 working days” in each place.
- (2) In section 12K(7), replace “clear” with “working”. 25

291 New sections 12KA and 12KB inserted

After section 12K, insert:

12KA Hearing on papers

- (1) Despite anything in this Act to the contrary, the Appeal Authority may determine an appeal on the papers if the Authority considers it appropriate. 30
- (2) Before doing so, the Authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

12KB Use of electronic facilities to hear matters

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Appeal Authority or the chairperson or deputy chairperson considers it appropriate and the necessary facilities are available. 35

292 New section 12MA inserted (Appeal Authority may strike out, determine, or adjourn appeal)

After section 12M, insert:

12MA Appeal Authority may strike out, determine, or adjourn appeal

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|-----|---|----|
| (1) | The Appeal Authority may strike out, in whole or in part, an appeal if satisfied that it— | 5 |
| | (a) discloses no reasonable cause of action; or | |
| | (b) is likely to cause prejudice or delay; or | |
| | (c) is frivolous or vexatious; or | |
| | (d) is otherwise an abuse of process. | 10 |
| (2) | If a party is neither present nor represented at the hearing of an appeal, the Appeal Authority may,— | |
| | (a) <u>if the party is required to be present</u> , strike out the appeal; or | |
| | (b) determine the appeal in the absence of the party; or | |
| | (c) adjourn the hearing. | 15 |

293 Section 12N amended (Sittings of Appeal Authority)

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|-----|---|----|
| (1) | In section 12N(1), replace “chairman” with “chairperson or deputy chairperson”. | |
| (2) | In section 12N(2), replace “chairman” with “chairperson or deputy chairperson”. | 20 |
| (3) | In section 12N(5), replace “\$100” with “\$3,000”. | |

294 New section 12PA inserted (Practice notes)

After section 12P, insert:

12PA Practice notes

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|-----|---|----|
| (1) | The chairperson of the Appeal Authority may issue practice notes as he or she thinks fit. | 25 |
| (2) | The practice notes must not be inconsistent with this Act or any regulations made under it, <u>and are for the guidance of members of the Appeal Authority, officers of the Appeal Authority, and parties before the Authority.</u> | |

295 New section 12PB inserted (Online publication of information about procedures, time frames, and progress of decisions) 30

After section 12PA, insert:

12PB	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry of Justice</u> :	
	(a) information about the purpose of the Appeal Authority and how to commence an appeal:	5
	(b) any requirements that must be met for an appeal:	
	(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
296	Section 12Q amended (Appeals to High Court on questions of law only)	10
(1)	In section 12Q(3), (4), and (8), after “14”, insert “working”.	
(2)	In section 12Q(4) to (8), replace “Chairman” with “chairperson or deputy chairperson”.	
(3)	<u>In section 12Q(6), replace “he” with “he or she”.</u>	
(4)	<u>In section 12Q(9), replace “his” with “his or her”.</u>	15
	Subpart 21—Amendments to Taxation Review Authorities Act 1994	
297	Principal Act	
	This subpart amends the Taxation Review Authorities Act 1994 (the principal Act).	
297A	<u>New section 4A inserted (Transitional, savings, and related provisions)</u>	20
	<u>After section 4, insert:</u>	
4A	<u>Transitional, savings, and related provisions</u>	
	<u>The transitional, savings, and related provisions set out in the Schedule have effect according to their terms.</u>	
298	New section 5A inserted (Appointment of temporary acting Authority)	25
	After section 5, insert:	
5A	Appointment of temporary acting Authority	
(1)	If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice, may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment.	30
(2)	No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.	35

- (3) An acting Authority is, while acting in that position, to be treated as an Authority.
- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5

299 Section 6 amended (Term of office of an Authority)

- (1) In section 6(1), replace “shall be appointed for such term, not exceeding 7 years” with “must be appointed for a term of up to 5 years”.
- (2) Repeal section 6(2).
- (3) Replace section 6(4) with: 10
- (4) An Authority continues in office despite the expiry of his or her term of office until—
- (a) the Authority is reappointed; or
 - (b) the Authority’s successor is appointed; or
 - (c) the Authority is notified that a replacement Authority will not be appointed; or 15
 - (d) the Authority vacates or is removed from office.
- (5) An Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as an Authority during that period for the purpose of— 20
- (a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office:
 - (b) hearing any other proceedings:
 - (c) stating a case for the High Court from a decision given by the Authority.
- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 25

300 New section 13AB inserted (Orderly and efficient operation)

After section 13A, insert: 30

13AB Orderly and efficient operation

- (1) An Authority is responsible for making ~~such~~ any arrangements ~~as that~~ are practicable to ensure that he or she performs his or her functions—
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act. 35
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable the Authorities to perform their functions.

301	Section 16 amended (Hearing of proceedings)	
	In section 16(1), after “subject to those provisions”, insert “and any practice notes issued under section 25C ”.	
302	New sections 20A and 20B inserted	
	After section 20, insert:	5
20A	Hearing on papers	
(1)	Despite anything in this Act to the contrary, an Authority may determine a proceeding on the papers if he or she considers it appropriate.	
(2)	Before doing so, the Authority must give the parties an opportunity to comment on whether the proceeding should be dealt with in that manner.	10
20B	Use of electronic facilities to hear matters	
	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if an Authority considers it appropriate and the necessary facilities are available.	
303	Section 21 replaced (Authority may dismiss frivolous or vexatious proceedings)	15
	Replace section 21 with:	
21	Authority may strike out, determine, or adjourn proceeding	
(1)	An Authority may strike out, in whole or in part, a proceeding if satisfied that it—	20
(a)	discloses no reasonable cause of action; or	
(b)	is likely to cause prejudice or delay; or	
(c)	is frivolous or vexatious; or	
(d)	is otherwise an abuse of process.	
(2)	If a party is neither present nor represented at the hearing of a proceeding, an Authority may,—	25
(a)	if the party is required to be present, strike out the proceeding; or	
(b)	determine the proceeding in the absence of the party; or	
(c)	adjourn the hearing.	
304	Section 22 amended (Power to order costs in certain cases)	30
	Replace section 22(1)(b) with:	
(b)	an Authority strikes out a proceeding under section 21 ,—	

305 Section 25 amended (Decision of an Authority)

In section 25(1), replace “shall give its decision in writing” with “must give its decision in writing and state the reasons for the decision”.

306 New sections 25A to 25C inserted

After section 25, insert:

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25A Suppression orders

- (1) An Authority may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be subject to any conditions that the Authority sees fit.
- (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

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25B Contempt of Authority

- (1) A person commits an offence ~~who~~ if the person—
 - (a) wilfully ~~assaults~~, insults, or obstructs an Authority or any witness or officer of an Authority during a sitting of an Authority or while an Authority, a witness, or an officer is going to, or returning from, a sitting of an Authority; or
 - (b) wilfully ~~assaults~~, insults, or obstructs any person in attendance at a sitting of an Authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of an Authority; or
 - (d) wilfully and without lawful excuse disobeys any order or direction of an Authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) An Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence, and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

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25C Practice notes

- (1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it and are for the guidance of an Authority, officers of an Authority, and parties before an Authority.

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307 New sections 25D and 25E inserted

After section 25C, insert:

25D Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice: 5

- (a) information about the purpose of the Authorities and ~~the ways a person may use them~~ how to commence a proceeding:
- (b) any requirements that ~~a person must meet to use the Authorities~~ must be met to bring a proceeding: 10
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

25E Online publication of final written decisions

- (1) Every final written decision of an Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 15
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to **section 25A.**
- (4) Good reason not to publish a decision, or part of it, includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 20
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, an Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 25
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in an Authority and is either of the following: 30
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers.

307A New Schedule 2B inserted

After section 31, insert the **Schedule** set out in Schedule 2B of this Act.

Subpart 22—Amendments to Weathertight Homes Resolution Services
Act 2006

308 Principal Act

This **subpart** amends the Weathertight Homes Resolution Services Act 2006 (the **principal Act**). 5

309 Section 27 amended (How addition under section 26(1) or (2) effected)

In section 27(2)(a), after “the purpose by”, insert “the chief executive of the Ministry after consultation with”.

310 Section 62 amended (How to initiate adjudication)

In section 62(1), after “the purpose by”, insert “the chief executive of the Ministry after consultation with”. 10

311 New section 103A inserted (Appointment of temporary acting chair or member)

After section 103, insert:

103A Appointment of temporary acting chair or member 15

- (1) If the chair or a member of the tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chair or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice made after consultation with the Minister, may appoint a suitable person as an acting chair or acting member for the period or purpose stated in the appointment. 20
- (2) Before making a recommendation, the Minister of Justice must consult with the Minister.
- (3) No person may be appointed as an acting chair or acting member unless he or she is eligible for appointment to the relevant position. 25
- (4) An acting chair or acting member is, while acting in the position, to be treated as the chair or a member of the tribunal.
- (5) No appointment of an acting chair or acting member, no act done by an acting chair or acting member, and no act done by the tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 30

312 New section 106A inserted (Orderly and efficient operation)

After section 106, insert:

106A Orderly and efficient operation

The chair of the tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

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313 Section 107 amended (Chair may delegate duties)

In section 107(1)(a), (c), and (k), replace “approval of” with “consultation about”.

314 New section 109AA inserted (Procedure)

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Before section 109, insert:

109AA Procedure

The tribunal may regulate its procedures as it sees fit, subject to this Act and any regulations made under it.

315 New section 109A inserted (Tribunal may strike out, determine, or adjourn proceeding)

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After section 109, insert:

109A Tribunal may strike out, determine, or adjourn proceeding

(1) The tribunal may strike out, in whole or in part, a proceeding if satisfied that it—

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- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.

(2) If a party is neither present nor represented at the hearing of a proceeding, the tribunal may,—

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- (a) ~~if the party is required to be present~~, strike out the proceeding; or
- (b) determine the proceeding in the absence of the party; or
- (c) adjourn the hearing.

315A Section 114 amended (Practice directions)

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In section 114, replace “The chair” with “For the purpose of guiding the members and officers of the Tribunal, and parties before the Tribunal, the chair”.

316 New sections 114A and 114B inserted

After section 114, insert:

114A Online publication of information about procedures, time frames, and progress of decisions	
The following information must be published on an Internet site <u>maintained by or on behalf of the chief executive of the Ministry of Justice</u> :	
(a) information about the purpose of the tribunal and the ways that a person may use it <u>how to commence a proceeding</u> :	5
(b) any requirements that a person must meet to use the tribunal <u>must be met to bring a proceeding</u> :	
(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	10
114B Online publication of final written decisions	
(1) Every final written decision of the tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.	
(2) A final written decision may be published in part if there is good reason for not publishing the full decision.	15
(3) Subsections (1) and (2) are subject to section 69(3) and clause 14 of Schedule 3.	
(4) Good reason not to publish a decision, or part of it, includes the following:	
(a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:	20
(b) the decision falls into a category of decisions that are of limited public value:	
(c) taking into account the presumption in subsection (1) in favour of publication, the tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.	25
(5) In this section, final written decision means a written decision that determines, or substantially determines, the outcome of proceedings in the tribunal and is either of the following:	
(a) a written reserved decision following an oral hearing:	30
(b) a written decision in any case considered on the papers.	
317 Section 115 amended (Offences)	
In section 115(a), replace “or any officer” with “or any witness or officer”.	
317 <u>Section 115 amended (Offences)</u>	
(1) <u>In section 115(a), delete “assaults.”.</u>	35
(2) <u>In section 115(a), replace “or any officer” with “or any witness or officer”.</u>	

318 New section 115A inserted (Offence of breaching suppression order)

After section 115, insert:

115A Offence of breaching suppression order

A person who breaches an order made under section 69(3) or clause 14 of Schedule 3 is liable on conviction to a fine not exceeding \$3,000.

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319 Section 116 amended (Person in contempt of tribunal may be excluded from proceedings)

In section 116(1), after “police”, insert “or an officer of the tribunal”.

320 Section 117 amended (Service of notices)

(1) After section 117(c), insert:

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(ca) the notice or document is sent electronically;

(2) In section 117, insert as ~~subsection (2)~~ subsections (2) to (4):

(2) The notice or other document is treated as having been served, under subsection (1)(c), 5 working days after it was posted if it is proved that it was addressed to the recipient at the recipient’s address for service and dispatched by post.

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(3) If a notice or any other document is served in electronic form under **subsection (1)(ca)**, then, unless the contrary is shown,—

(a) the notice or other document is served at the time the electronic communication containing the notice or document first enters an information system outside the control of its originator; and

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(b) in proving service, it is sufficient to prove that the electronic communication was properly addressed and sent.

(4) In this section, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications.

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321 Schedule 3 amended

(1) In Schedule 3, clause 2(1)(a), replace “not exceeding 3 years” with “of up to 5 years”.

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

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(3) A member continues in office despite the expiry of his or her term of office until—

(a) the member is reappointed; or

(b) the member’s successor is appointed; or

(c) the member is notified that a replacement member will not be appointed; or

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- (d) the member vacates or is removed from office.
- (4) A member who continues in office for any period under **subclause (3)**, unless he or she was removed from office, may act as a member during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the tribunal before the expiry of his or her term of office: 5
- (b) hearing any other proceedings.
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 10
- (3) In Schedule 3, replace clause 9(1) with:
- (1) For the purposes of any matter before the tribunal, the tribunal may, on its own initiative or at the request of a party, issue a summons to any person requiring that person to attend before the tribunal and give evidence.
- (1A) The power to issue a witness summons may be exercised by the tribunal or the chair, or by any officer of the tribunal purporting to act by the direction or with the authority of the tribunal or the chair. 15
- (4) In Schedule 3, clause 9(3), after “the purpose by”, insert “the chief executive of the Ministry of Justice after consultation with”.
- (5) In Schedule 3, replace clause 11 with: 20
- 11 Power to take evidence on oath or by other means**
- (1) The tribunal may take evidence on oath or affirmation and, for that purpose, the tribunal or any other person acting under the express or implied direction of the tribunal may administer the oath.
- (2) The tribunal may require that any documents or information be verified by oath or affirmation, statutory declaration, affidavit, or ~~otherwise~~ another means. 25
- (3) On any charge of perjury, it is sufficient to prove that the oath or affirmation was administered, or the documents or information were verified, in accordance with this clause.

Part 2

30

Repeal, revocation, and amendment of enactments

322 Repeal of Birdlings Flat Land Titles Act 1993

The Birdlings Flat Land Titles Act 1993 (1993 No 1 (P)) is repealed.

323 Amendment to Residential Tenancies Rules 2010

In rule 7(2)(d) and (5) of the Residential Tenancies Rules 2010 (SR 2010/256), after “Tenancy Adjudicator”, insert “or Registrar”. 35

324 Revocation and amendment of enactments

- (1) The legislative instrument specified in **Part 1 of Schedule 5** is consequentially revoked.
- (2) Amend the Acts specified in **Part 2 of Schedule 5** as set out in that schedule.
- (3) Amend the legislative instruments specified in **Part 3 of Schedule 5** as set out in that schedule. 5

Schedule 1AA**New Part 2 of Schedule 1 of Customs and Excise Act 2018****s 35B****Part 2****Provisions relating to Tribunals Powers and Procedures Legislation Act 2017**

5

38 Authorities appointed for more than 5 years continue in office

- (1) A person who holds the position of Customs Appeal Authority immediately before the commencement date and has been appointed for a term of more than 5 years continues in office for the balance of his or her term despite **section 24** of the Tribunals Powers and Procedures Legislation Act **2017** and may be re-appointed, if he or she qualifies for reappointment under the principal Act.
- (2) In this clause **commencement date** means the date on which **section 24** of the Tribunals Powers and Procedures Legislation Act **2017** comes into force.

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Schedule 1
New Schedule 1AA inserted into Disputes Tribunal Act 1988

s 72

Schedule 1AA
Transitional, savings, and related provisions

5

s 3A

Part 1
Provisions relating to Tribunals Powers and Procedures Legislation Act 2017

- 1 Reappointment of some existing Referees** 10
- (1) For the purpose of this clause, **commencement date** means the date on which **section 44** of the Tribunals Powers and Procedures Legislation Act **2017** comes into force.
- (2) A person who holds the position of Referee immediately before the commencement date and who does not meet the qualification requirement in **section 7(2)(a)** may be reappointed as a Referee under section 7 if he or she meets the requirements of **section 7(2)(b) and (c)**. 15

Schedule 2

Consequential amendments to Disputes Tribunal Act 1988

s 73

Part 1

Replacing references to “The Registrar” with “A Registrar” 5

In section 22(3), replace “The Registrar” with “A Registrar”.

In section 50(5), replace “The Registrar” with “A Registrar”.

In section 51(4), replace “The Registrar” with “A Registrar”.

In section 57, replace “The Registrar” with “A Registrar”.

Part 2 10

Replacing references to “the Registrar” with “a Registrar”

In section 11(1)(a), replace “the Registrar” with “a Registrar”.

In section 11(1)(b)(i), replace “the Registrar” with “a Registrar”.

In section 24(4), replace “the Registrar” with “a Registrar”.

In section 25(1), replace “the Registrar” with “a Registrar” 15

In section 28(2), replace “the Registrar” with “a Registrar”.

In section 29(3)(a), replace “the Registrar” with “a Registrar”.

In section 35(4), replace “the Registrar” with “a Registrar”.

In section 35(5), replace “the Registrar” with “a Registrar”.

In section 41(2)(a), replace “the Registrar” with “a Registrar” 20

In section 41(3), replace “the Registrar” with “a Registrar”.

In section 45(2), replace “the Registrar” with “a Registrar”.

In section 45(5), replace “the Registrar” with “a Registrar”.

In section 49(4)(a), replace “the Registrar” with “a Registrar”.

In section 50(4), replace “the Registrar” with “a Registrar” 25

In section 50(6), replace “the Registrar” with “a Registrar”.

In section 51(1), replace “the Registrar” with “a Registrar”.

In section 51(3), replace “the Registrar” with “a Registrar”.

Schedule 2A
New Part 2 of Schedule 1AA of Human Rights Act 1993

s 98C

<u>Part 2</u>	
<u>Provisions relating to Tribunals Powers and Procedures Legislation Act 2017</u>	5
<u>2 Chairpersons of Human Rights Review Tribunal</u>	
(1) <u>Each person who holds the office of Chairperson of the Tribunal continues in office for the balance of his or her term, despite section 87C of the Tribunals Powers and Procedures Legislation Act 2017.</u>	10
(2) <u>If a term of office of a person referred to in subclause (1) expires in 2018 the person may be reappointed as a Chairperson for a period expiring not later than 31 December 2019,—</u>	
(a) <u>despite subpart 7 of Part 1 of the Tribunals Powers and Procedures Legislation Act 2017; and</u>	15
(b) <u>even though the consequence of that reappointment is that the Tribunal continues to have 2 chairpersons for a period expiring not later than 31 December 2019.</u>	
(3) <u>Each Chairperson of the Tribunal may, in consultation with the other Chairperson, exercise the powers of the Chairperson of the Tribunal under the Human Rights Act 1993, as amended by subpart 7 of Part 1 of the Tribunals Powers and Procedures Legislation Act 2017.</u>	20

Schedule 2B**Schedule inserted into Taxation Review Authorities Act 1994****s 307A****Schedule****Transitional, savings, and related provisions**

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s 3A**Part 1****Provisions relating to Tribunals Powers and Procedures Legislation Act 2017**

- 1** **Authorities appointed for more than 5 years continue in office** 10
- (1) A person who holds the position of Taxation Review Authority immediately before the commencement date and has been appointed for a term of more than 5 years continues in office for the balance of his or her term, despite **section 299 of the Tribunals Powers and Procedures Legislation Act 2017**, and may be reappointed if he or she qualifies for reappointment, under the principal Act. 15
- (2) In this clause, **commencement date** means the date on which **section 299 of the Tribunals Powers and Procedures Legislation Act 2017** comes into force.

Schedule 3
**Consequential amendments to Private Security Personnel and
Private Investigators Act 2010**

s 215

Part 1

5

**Replacing references to “The Licensing Authority” with “A
Licensing Authority”**

In section 27(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 28(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 29(5), replace “The Licensing Authority” with “A Licensing Authority”.	10
In section 30(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 30(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 31(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(3), replace “The Licensing Authority” with “A Licensing Authority”.	15
In section 33(5), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(8), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 37, replace “The Licensing Authority” with “A Licensing Authority”.	
In section 39(3), replace “The Licensing Authority” with “A Licensing Authority”.	20
In section 40(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 48(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 49(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 50(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 50(3), replace “The Licensing Authority” with “A Licensing Authority”.	25
In section 53(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(5), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(8), replace “The Licensing Authority” with “A Licensing Authority”.	30
In section 57, replace “The Licensing Authority” with “A Licensing Authority”.	
In section 60(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 60(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 64(4), replace “The Licensing Authority” with “A Licensing Authority”.	

In section 76(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(9), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(1), replace “The Licensing Authority” with “A Licensing Authority”.	5
In section 77(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 78(6), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 79(3), replace “The Licensing Authority” with “A Licensing Authority”.	10
In section 81(6), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 90(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 90(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 92(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 96(1), replace “The Licensing Authority” with “A Licensing Authority”.	15

Part 2

Replacing references to “the Licensing Authority” with “a Licensing Authority”

In section 24(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 25(1), replace “the Licensing Authority” with “a Licensing Authority”.	20
In section 26(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.	
In section 30(2), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.	
In section 31(3), replace “the Licensing Authority” with “a Licensing Authority”.	25
In section 32, replace “the Licensing Authority” with “a Licensing Authority”.	
In section 33(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 33(4), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 39(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 39(2), replace “the Licensing Authority” with “a Licensing Authority”.	30
In section 40(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 40(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 43(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 43(3), replace “the Licensing Authority” with “a Licensing Authority”.	

- In section 43(5), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 46(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 47(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 50(2), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears. 5
- In section 52, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 53(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 53(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 61(1)(b)(v), replace “the Licensing Authority” with “a Licensing Authority”. 10
- In section 61(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 61(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 64(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 65(1)(a), replace “the Licensing Authority” with “a Licensing Authority”. 15
- In section 66(1)(a), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 71(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 74(1), replace “the Licensing Authority” with “a Licensing Authority”. 20
- In section 74(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 75(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 76(6)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 78(2), replace “the Licensing Authority” with “a Licensing Authority”. 25
- In section 78(5), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 78(7), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 79(2)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 81(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 81(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 82(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 85(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 89(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 90(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 91(4), replace “the Licensing Authority” with “a Licensing Authority” in each place. 35

In section 91(6), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 93(3), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 94, replace “the Licensing Authority” with “a Licensing Authority”.	
In section 96(5), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 99, replace “the Licensing Authority” with “a Licensing Authority”.	5
In section 102(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 102(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 102(5), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 105(a), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 112(1), replace “the Licensing Authority” with “a Licensing Authority”.	10
In section 112(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 112(3), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 113(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 114(1)(d), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 114(1)(i), replace “the Licensing Authority” with “a Licensing Authority”.	15

Part 3

Replacing references to “the Authority” with “an Authority”

In section 35(1), replace “the Authority” with “an Authority”.	
In section 55(1), replace “the Authority” with “an Authority”.	
In section 55(2), replace “the Authority” with “an Authority”.	20
In section 67(1), replace “the Authority” with “an Authority”.	
In section 67(2), replace “the Authority” with “an Authority”.	
In section 80(1), replace “the Authority” with “an Authority”.	
In section 83, replace “the Authority” with “an Authority”.	
In section 101(c), replace “the Authority” with “an Authority”.	25
In section 102(1)(b), replace “the Authority” with “an Authority”.	

Part 4

Replacing references to “Authority” with “Authorities”

In section 4, definition of responsible Minister , replace “Authority” with “Authorities”.	30
In the cross-heading above section 78, replace “ <i>Authority</i> ” with “ <i>Authorities</i> ”.	
In the cross-heading above section 81, replace “ <i>Authority</i> ” with “ <i>Authorities</i> ”.	
In the Part 5 heading, replace “ Authority ” with “ Authorities ”.	

In the cross-heading above section 87, replace “*Authority*” with “*Authorities*”.

In the heading to section 88, replace “**Authority**” with “**Authorities**”.

In section 88, replace “Authority” with “Authorities”.

In the heading to section 89, replace “**Authority**” with “**Authorities**”.

In the heading to section 90, replace “**Authority**” with “**Authorities**”.

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In the heading to section 91, replace “**Authority**” with “**Authorities**”.

In the heading to section 94, replace “**Authority**” with **Authorities**.

In section 95, replace “Authority” with “Authorities”.

In the heading to section 99, replace “**Authority**” with “**Authorities**”.

Schedule 4
**Consequential amendments to Secondhand Dealers and
 Pawnbrokers Act 2004**

s 283

Part 1

5

**Replacing references to “The Licensing Authority” with “A
 Licensing Authority”**

- In section 9(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 10(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 16(1), replace “The Licensing Authority” with “A Licensing Authority”. 10
- In section 16(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 16(3), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 18(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 23(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 23(4), replace “The Licensing Authority” with “A Licensing Authority”. 15
- In section 28(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 29(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 31(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 70(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 70(3), replace “The Licensing Authority” with “A Licensing Authority”. 20
- In section 76(1), replace “The Licensing Authority” with “A Licensing Authority”.

Part 2

**Replacing references to “the Licensing Authority” with “a Licensing
 Authority”**

- In section 4, definition of **certified copy**, replace “the Licensing Authority” with “a 25
 Licensing Authority”.
- In section 10(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 11, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 12(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 16(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 17(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 17(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 17(3), replace “the Licensing Authority” with “a Licensing Authority”.

- In section 21(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 25(3), replace “the Licensing Authority” with “a Licensing Authority”. 5
- In section 26(1)(a), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 26(2)(a), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 26(2)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 27(1), replace “the Licensing Authority” with “a Licensing Authority”. 10
- In section 27(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 27(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 28(1)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 28(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 29(1), replace “the Licensing Authority” with “a Licensing Authority”. 15
- In section 31(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 34(1), replace “the Licensing Authority” with “a Licensing Authority”. 20
- In section 34(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 34(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 35(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 35(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 70(4), replace “the Licensing Authority” with “a Licensing Authority”. 25
- In section 71(3), ~~in each place~~, replace “the Licensing Authority” with “a Licensing Authority” in each place.
- In section 71(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 76(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 76(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 79(h), replace “the Licensing Authority” with “a Licensing Authority”.

Part 3

Replacing references to “Authority” with “Authorities”

In section 4, definition of **responsible Minister**, replace “Authority” with “Authorities”.

In the Part 4 heading, replace “**Authority**” with “**Authorities**”. 5

In the cross-heading above section 70, replace “*Authority*” with “*Authorities*” in each place.

In the heading to section 70, replace “**Authority**” with “**Authorities**”.

In the heading to section 74, replace “**Authority**” with “**Authorities**”.

In section 74, replace “Authority” with “Authorities”. 10

In section 74(a), replace “Authority” with “Authorities”.

In the heading to section 82, replace “**Authority**” with “**Authorities**”.

In section 84(p), replace “Authority” with “Authorities”.

Schedule 5

Revocation and amendment of enactments

s 324

Part 1

Consequential revocation of legislative instrument 5

Private Security Personnel and Private Investigators (Forms) Regulations 2011 (SR 2011/73)

Part 2

Consequential amendments to Acts

Consumer Guarantees Act 1993 (1993 No 91) 10

In section 47(4) and (5), replace “Subject to subsection (6), the” with “The”.

In section 47(4) and (5), replace “\$15,000” with “\$30,000” in each place.

Repeal section 47(6).

Contract and Commercial Law Act 2017 (2017 No 5)

In section 114(1) and (2), replace “\$15,000” with “\$30,000” in each place. 15

Repeal section 114(4).

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

In section 87(1) to (3), replace “\$15,000” with “\$30,000” in each place.

Repeal section 87(5).

Fair Trading Act 1986 (1986 No 121) 20

In section 36B(2), replace “\$15,000” with “\$30,000”.

In section 43B(2) replace “\$15,000” with “\$30,000”.

Repeal section 43B(2)(c).

Fencing Act 1978 (1978 No 50)

In section 24A(2), replace “\$15,000” with “\$30,000” in each place. 25

Repeal section 24A(3).

Retirement Villages Act 2003 (2003 No 112)

In section 83(2), replace “\$15,000” with “\$30,000” in each place.

Repeal section 83(3).

Part 3

Consequential and other amendments to legislative instruments

Copyright (Infringing File Sharing) Regulations 2011 (SR 2011/252)

Revoke regulation 9.

Replace regulation 9 with:

5

9 Application forms

(1) An application by a rights owner under section 122O of the Act must be made in a form approved by the chief executive of the Ministry of Justice.

(2) The chief executive of the Ministry of Justice must consult the chairperson of the tribunal before approving a form under subclause (1).

10

In the Schedule, revoke form 2.

Customs and Excise Regulations 1996 (SR 1996/232)

In regulation 81(1)(a), replace “form 14” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Customs Appeal Authorities”.

15

~~In regulation 81A(3), after “Ministry of Justice”, insert “after consultation with all Customs Appeal Authorities”.~~

In Schedule 2, revoke form 14.

Disputes Tribunals Rules 1989 (SR 1989/34)

~~Revoke regulations rules 2(2), 4, 4A, 6, 8, 28 and the Schedule.~~

20

In rule 10(3), replace “the Registrar” with “a Registrar”.

~~In regulation rule 14(1), replace “form 5” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.~~

In rule 14(2), replace “the Registrar” with “a Registrar”.

In rule 15(2), replace “the Registrar” with “a Registrar”.

25

~~In regulation rule 18(1), replace “\$500” with “\$1,000”.~~

~~In regulation rule 18(2), replace “\$500” with “\$1,000”.~~

~~In regulation rule 20, replace “form 6” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.~~

~~In regulation rule 21, replace “the Registrar in form 7” with “a Registrar in a form approved by the chief executive after consultation with the Principal Disputes Referee”.~~

30

~~In regulation rule 22, replace “the Registrar in form 8” with “a Registrar in a form approved by the chief executive after consultation with the Principal Disputes Referee”.~~

35

Disputes Tribunals Rules 1989 (SR 1989/34)—continued

In ~~regulation rule~~ 23(a), replace “form 9 or in an online form to the same effect” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.

In ~~regulation rule~~ 24(1), replace “form 10” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 5

In rule 25(b), replace “the Registrar” with “a Registrar”.

In rule 26(3), replace “the Registrar” with “a Registrar” in each place.

In rule 30(2), replace “the Registrar” with “a Registrar”.

In rule 33(1), replace “The Registrar” with “A Registrar”.

In rule 33(2), replace “the Registrar” with “a Registrar”. 10

In rule 34(1), replace “The Registrar” with “A Registrar”.

In rule 35(1)(c), replace “the Registrar” with “a Registrar”.

In ~~regulation rule~~ 36(4), replace “shall be in form 11, and shall” with “must”.

Human Rights Regulations 1993 (SR 1993/394)

After regulation 3(2)(b), insert: 15

(ba) electronically:

After regulation 3(3), insert:

(4) If a notice or any other communication is served in electronic form under sub-clause (2)(ba), then, unless the contrary is shown,—

(a) the notice or any other communication is served at the time the electronic communication containing the notice or communication first enters an information system outside the control of its originator; and 20

(b) in proving service, it is sufficient to prove that the electronic communication was properly addressed and sent.

(5) In this regulation and regulation 4A, **information system** means a system for producing, sending, receiving, storing, displaying, or otherwise processing electronic communications. 25

Human Rights Review Tribunal Regulations 2002 (SR 2002/19)

In regulation 3(1), revoke the definition of **Chairperson**.

Replace regulation 5(1) and (2) with: 30

(1) Proceedings are commenced by filing a form approved by the chief executive of the Ministry of Justice after consultation with the Chairperson of the Tribunal, or if 2 Chairpersons are appointed, with both of them.

(2) The form must be filed with the Ministry of Justice.

Replace regulation 12 with: 35

Human Rights Review Tribunal Regulations 2002 (SR 2002/19)—*continued***12 Notice of proceedings**

As soon as practicable after proceedings have been commenced,—

(a) the Secretary must refer the proceedings to the Chairperson of the Tribunal for determination:

(b) the applicant must—

(i) ensure that a notice of the kind described in regulation 13 is served on the defendant; and

(ii) if the proceedings are of a kind referred to in the first column of the table in regulation 14, ensure that a notice of the proceedings is served on the persons or bodies referred to in the second column of that table in the same row as the reference to the kind of proceedings.

5

10

In regulation 13(2)(c), after “Chairperson”, insert “or a Deputy Chairperson”.

In regulation 15(1), replace paragraph (a) with:

(a) must within 22 working days after the day on which the notice of proceeding is served on the defendant, file with the Ministry of Justice a statement of reply to the plaintiff’s claim:

15

In regulation 15(2), after “Chairperson”, insert “or a Deputy Chairperson”.

In regulation 16(1), after “the Chairperson”, insert “or a Deputy Chairperson”.

In regulation 16(2), after “the Chairperson”, insert “or a Deputy Chairperson”.

20

In regulation 17(1), after “the Chairperson”, insert “or a Deputy Chairperson”.

In regulation 17(3), after “the Chairperson”, insert “or a Deputy Chairperson”.

In regulation 18(1), after “the Chairperson”, insert “or a Deputy Chairperson”.

Immigration and Protection Tribunal Regulations 2010 (SR 2010/355)

In regulation 3(1), replace the definition of **approved form** with:

25

approved form means a form approved by the chief executive of the Ministry of Justice after consulting with the chair of the Tribunal

Revoke regulation 13 and the Schedule.

Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008 (SR 2008/184)

30

In regulation 3(1), insert in its appropriate alphabetical order:

Ministry means the Ministry of Justice

In regulation 3(1), definition of **Disciplinary Tribunal or Tribunal**, replace “Tribunals Unit” with “Ministry of Justice”.

In regulation 3(1), revoke the definition of **Tribunals Unit**.

35

Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008 (SR 2008/184)—continued

After regulation 3(1), insert:

(1A) In these regulations, a requirement to serve or notify a document or other thing in writing is satisfied by an electronic communication to an electronic address that has been provided to the sender.

(1B) If a notice or any other thing is served in electronic form, then, unless the authority is shown,— 5

(a) the notice or other communication is served at the time the electronic communication containing the notice or communication first enters an information system outside the control of the originator; and

(b) in proving service, it is sufficient to prove that, the electronic communication was properly addressed and sent. 10

Revoke regulation 4 and the Schedule.

In regulation 5(1), replace “form A” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 15

In regulation 6(1), replace “form B” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 7(1)(a), replace “form C” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 20

In regulation 8(c), replace “form D” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 9(a), replace “form E” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 25

In regulation 15(1)(a), replace “form F” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 30

In regulation 18(2), replace “form G” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 29(1)(b)(ii), replace “registered post” with “any form of prepaid delivery service that requires an acknowledgement of receipt of delivery”. 35

Revoke regulation 29(4).

Replace regulation 33 with:

Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008 (SR 2008/184)—continued

33 Sittings of Disciplinary Tribunal using telephone conference or video link

The hearing of a matter, or any part of a matter, may be conducted by telephone, audiovisual link, or any other remote access facility if the chairperson of the Tribunal considers it appropriate and the necessary facilities are available.

5

In regulation 35, replace “Tribunals Unit” with “Ministry”.

In regulation 36(1), replace “Tribunals Unit” with “Ministry”.

Lawyers and Conveyancers Act (Legal Complaints Review Officer) Form and Fee Regulations 2008 (SR 2008/185)

Replace regulation 3(1) and (2) with:

10

An application to the Legal Complaints Review Officer for a review of a decision by a standards committee must be in a form approved by the chief executive of the Ministry of Justice after consultation with the Legal Complaints Review Officer.

Revoke the Schedule.

15

Motor Vehicle Sales Regulations 2003 (SR 2003/327)

Replace regulation 16 with:

16 Forms

~~Forms for use in the Motor Vehicle Disputes Tribunals must be in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators.~~

20

In regulation 16, insert as subclause (2):

(2) Despite subclause (1) and Schedule 3, forms for use in the Motor Vehicle Disputes Tribunal must be in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators.

25

In Schedule 3, revoke form 4.

Real Estate Agents (Complaints and Discipline) Regulations 2009 (SR 2009/280)

In regulation 6(1)(c), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

In regulation 7(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

30

In regulation 9(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

After regulation 9(1)(b), insert:

(ba) accompanied by a fee of \$30; and

35

Real Estate Agents (Complaints and Discipline) Regulations 2009 (SR 2009/280)
—*continued*

In regulation 10(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

After regulation 10(1)(b), insert:

- (ba) accompanied by a fee of \$30; and

In regulation 14, replace “set out in the Schedule of these regulations” with “approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”.

Revoke regulation 15.

Revoke the Schedule.

Sale and Supply of Alcohol Regulations 2013 (SR 2013/459) 10

In the Schedule, revoke form 21.

In the Schedule, revoke form 23.

Secondhand Dealers and Pawnbrokers Regulations 2005 (SR 2005/24)

Replace regulation 5(1)(c)(i) with:

- (i) by a person concerned in the management of a company that is applying concurrently for a licence under section 8 of the Act, no fee is payable: 15

After regulation 5(1), insert:

- (1A) If a licence has been issued to a company under section 10 of the Act and a Licensing Authority is subsequently required to amend the licence under section 17 of the Act to account for a new director of the company,— 20
- (a) the new director is to be treated as an additional director who is part of an application to which subclause (1)(b) applies; and
- (b) the fee payable for the new director is \$180. 25

Replace regulation 6 with:

6 Photograph accompanying applications for licences and certificates

(1) The photograph required under section 8(3) of the Act (to accompany a licence application by an individual) and section 21(1)(b) of the Act (to accompany a certificate application) must be a standard passport size photograph, that is,—

- (a) a recent photograph of the applicant; and 30
- (b) a full-front view of the applicant’s face, head, and shoulders only; and
- (c) taken without hats, head coverings or head bands; and
- (d) 40 mm wide and 50 mm high.

(2) The photograph must be authenticated in accordance with regulation 7.

Secondhand Dealers and Pawnbrokers Regulations 2005 (SR 2005/24)—*continued*

In regulation 7(1), replace “photographs” with “photograph”.

Replace regulation 7(3) with:

- (3) The person authenticating the photograph referred to in regulation 6 must—
- (a) write on the application form “This photograph is a true likeness of [full name of applicant]” (or words to that effect), and sign and date that statement; and
 - (b) write on the back of the photograph “Certified true likeness of [full name of applicant]” (or words to that effect), and sign and date that certificate.

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In regulation 7(4), replace “photographs” with “photograph”.

Taxation Review Authorities Regulations 1998 (SR 1998/460)

10

In regulation 2, revoke the definition of **notice of claim**.

In regulation 7(1), replace “form 1 of the Schedule” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Authorities”.

In regulation 9(a), replace “at the offices of the Tribunals Unit, AMP Building, 86 Customhouse Quay, Wellington” with “at the Ministry of Justice”.

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In regulation 9(b), replace “, Tribunals Unit, Private Bag 32001, Wellington 6146” with “at the Ministry of Justice”.

In regulation 22(2)(a) and (e), replace “prescribed form” with “approved form”.

In regulation 22(2)(a) and (c), delete “in the prescribed form”.

After regulation 22(2), insert:

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- (2A) ~~For the purpose of subclause (2), **approved form** means a form approved by the chief executive of the Ministry of Justice after consultation with all Authorities.~~

In regulation 30(1), after “telephone conference linkup”, insert “, or by audio-visual link (AVL)”.

25

In regulation 35(1) and (2), replace “the Commissioner” with “the Authorities”.

In the Schedule, revoke form 1.

Legislative history

1 August 2017
15 August 2017
8 November 2017

Introduction (Bill 286–1)
First reading and referral to Justice and Electoral Committee
Reinstated before Justice Committee