

**Reprint  
as at 1 July 2011**



**Imports and Exports (Restrictions)  
Amendment Act 2011**

Public Act    2011 No 17  
Date of assent    17 May 2011  
Commencement    see section 2

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**Note**

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

**This Act is administered by the Ministry of Economic Development.**

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

**1 Title**

This Act is the Imports and Exports (Restrictions) Amendment Act 2011.

**2 Commencement**

- (1) This Act comes 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.
- (2) Any provision that has not earlier been brought into force comes into force on 1 December 2012.

Section 2(1): this Act brought into force, on 1 July 2011, by the Imports and Exports (Restrictions) Amendment Act 2011 Commencement Order 2011 (SR 2011/195).

**3 Principal Act amended**

This Act amends the Imports and Exports (Restrictions) Act 1988.

**4 Interpretation**

- (1) This section amends section 2.
- (2) Subsection (1) is amended by inserting the following definitions in their appropriate alphabetical order:
  - “**decision-maker** means the person authorised by an Order in Council to grant a licence or permit, being—
  - “(a) the Minister; or
  - “(b) the Minister for the Environment; or
  - “(c) the Environmental Protection Authority; or

“(d) a prescribed person

“**Environmental Protection Authority** or **EPA** means the Environmental Protection Authority established by section 7 of the Environmental Protection Authority Act 2011

“**goods** means all kinds of movable property, including animals, organisms, chemicals, and waste

“**permit** means a permit to import or export goods provided for under section 3 or 3A

“**register** means the Imports and Exports (Restrictions) Register required by section 3BD”.

- (3) The definition of **Ministry** in subsection (1) is repealed.
- (4) The definition of **prescribed** in subsection (1) is amended by omitting “chief executive of the Ministry” and substituting “decision-maker”.
- (5) Subsection (2) is amended by omitting “**goods**”.

## **5 Prohibition of imports**

Section 3(3) is repealed and the following subsections are substituted:

- “(3) A conditional prohibition allows the importation of goods subject to—
  - “(a) the grant of a licence or permit by the decision-maker on terms and conditions specified in the licence or permit; or
  - “(b) prescribed conditions.
- “(4) A conditional prohibition may require payment of consideration to the decision-maker in respect of the application for, or the granting of, a licence or permit.
- “(5) A licence or permit authorising the importation of goods may be granted before or after the goods have been imported.”

## **6 Conditional prohibition of exportation**

- (1) Section 3B(1)(a) is amended by omitting “Minister or a prescribed person” and substituting “the decision-maker”.
- (2) Section 3B(3) is amended by omitting “Crown” and substituting “decision-maker”.

**7 New headings and sections 3BA to 3BF inserted**

The following headings and sections are inserted after section 3B:

*“Application to Environmental Protection  
Authority for permits*

**“3BA General requirements for permits**

- “(1) This section and sections 3BB and 3BC apply if an Order in Council made under section 3 or 3A allows the importation or exportation of goods under the authority of a permit granted by the Environmental Protection Authority.
- “(2) Any person may apply to the Environmental Protection Authority for a permit.
- “(3) An application for a permit must be in the prescribed form.
- “(4) The Environmental Protection Authority may revoke a permit if the Authority is satisfied that the holder of the permit has—
- “(a) failed to comply with a condition of the permit; or
  - “(b) made a false declaration or statement or provided incorrect information in the holder’s application for the permit; or
  - “(c) been convicted of an offence against this Act or an offence involving a convention chemical or waste.
- “(5) The Order in Council may specify the process and requirements for applying for a permit.
- “(6) In this section and section 3BC **convention chemical or waste** means a chemical or waste in relation to which an Order in Council has been made under section 3 or 3A to give effect to an international obligation.

**“3BB Conditions on permits**

- “(1) The Environmental Protection Authority may impose conditions that address the following matters on a permit allowing the importation of goods:
- “(a) the use to which the goods will be put in New Zealand;
  - “(b) the provision of information to the Authority concerning the movement and location of the goods;
  - “(c) insurance requirements relating to the importation of the goods and their presence in New Zealand;

- “(d) the labelling, packaging, handling, storage, transport, processing, or disposal of the goods:
  - “(e) liability for the goods if they cannot be used for the purpose for which they were imported.
- “(2) The Environmental Protection Authority may impose conditions that address the following matters on a permit allowing the export of goods:
- “(a) the provision of information to the Authority concerning the movement and location of the goods:
  - “(b) insurance requirements relating to the export of the goods:
  - “(c) the labelling, packaging, handling, storage, transport, processing, or disposal of the goods:
  - “(d) liability for the goods if they cannot be used for the purpose for which they were exported.

**“3BC Refusal of permits**

The Environmental Protection Authority may refuse to grant a permit if the Authority is satisfied that—

- “(a) the person who applied for the permit has been convicted of an offence against this Act or an offence involving a convention chemical or waste; or
- “(b) the information provided by the person to the Authority is incorrect.

*“Imports and Exports (Restrictions) Register*

**“3BD Register**

- “(1) The Environmental Protection Authority, on behalf of the Crown, must keep a register called the Imports and Exports (Restrictions) Register.
- “(2) The register may be kept in the form of information stored electronically.
- “(3) The Crown owns all information contained in the register.

**“3BE Information to be included in register**

- “(1) The register must record—

- “(a) the details of a permit granted by the Environmental Protection Authority under an Order in Council made under section 3 or 3A; and
  - “(b) any other information required to comply with New Zealand’s international obligations that is prescribed by regulations.
- “(2) In relation to a permit, the register must specify—
- “(a) the name and address of the person to whom the permit was granted; and
  - “(b) the goods to which the permit relates; and
  - “(c) the amount of the goods that the permit allows to be imported or exported; and
  - “(d) the terms and conditions on which the permit was granted; and
  - “(e) any other information required by regulations.
- “(3) The register may record any other information that the Environmental Protection Authority considers appropriate.

**“3BF Environmental Protection Authority to allow New Zealand Customs Service access to register**

The Environmental Protection Authority must provide the New Zealand Customs Service with access to the register.

*“Miscellaneous provisions”.*

**8 Forms**

- (1) Section 3C(1) is amended by omitting “chief executive of the Ministry” and substituting “decision-maker”.
- (2) Section 3C(2)(a) is amended by omitting “the chief executive of the Ministry” and substituting “or on behalf of the decision-maker”.
- (3) Section 3C(3) is repealed and the following subsection substituted:
  - “(3) A court must take judicial notice of the signature by or on behalf of the decision-maker of a prescribed form or an extract or copy of a prescribed form.”

**9 Order in Council not invalid**

- (1) Section 3D(a) is amended by omitting “Minister or another person” and substituting “decision-maker”.
- (2) Section 3D(b) is repealed and the following paragraph substituted:
  - “(b) it authorises the decision-maker to issue a licence or permit subject to conditions imposed by the decision-maker.”

**10 Section 5 repealed**

Section 5 is repealed.

**11 Transitional provision**

Despite this Act and section 54 of the Environmental Protection Authority Act 2011, an application for a permit made before the commencement of this section must be determined by the Minister responsible for the administration of the Imports and Exports (Restrictions) Act 1988 as if this Act and the Environmental Protection Authority Act 2011 had not been passed.

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**Notes****1 General**

This is a reprint of the Imports and Exports (Restrictions) Amendment Act 2011. The reprint incorporates all the amendments to the Act as at 1 July 2011, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

**2 Status of reprints**

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

**3 How reprints are prepared**

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and



provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

**4 *Changes made under section 17C of the Acts and Regulations Publication Act 1989***

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
  - indentation
  - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
  - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
  - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

## **5** *List of amendments incorporated in this reprint (most recent first)*

Imports and Exports (Restrictions) Amendment Act 2011 Commencement  
Order 2011 (SR 2011/195)

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