

## EXTERNAL RELATIONS AMENDMENT BILL

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### EXPLANATORY NOTE

This Bill amends the External Relations Act 1988 to change the name of the Ministry of External Relations and Trade to the Ministry of Foreign Affairs and Trade.

*Clause 2* repeals the definitions of the terms “Ministry” and “Secretary”, and substitutes new definitions of those terms. This clause also amends the definition of the term “head of mission” to provide that a High Commissioner for New Zealand in the Cook Islands or in Niue is a head of mission. Presently, such a person does not come within the definition of the term “head of mission” because paragraph (a) of that definition includes only High Commissioners for New Zealand in any Commonwealth country. The amendment concerning Niue will come into force on a date to be appointed by the Governor-General by Order in Council.

*Clause 3* repeals section 3 of the principal Act, and substitutes a new section. The new section provides that the chief executive of the Ministry shall be known as the Secretary of Foreign Affairs and Trade.

*Clause 4* makes consequential amendments to other Acts. These amendments are set out in the *First Schedule* to the Bill.

*Clause 5* makes consequential amendments to the Schedule to the principal Act.

*Clause 6* makes consequential amendments to regulations. These amendments are set out in the *Second Schedule* to the Bill.

*Clause 7* is a transitional provision.

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*Rt. Hon. Don McKinnon*

## EXTERNAL RELATIONS AMENDMENT

### ANALYSIS

Title	5. Consequential amendments to principal Act
1. Short Title and commencement	6. Consequential amendments to regulations
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### A BILL INTITULED

#### **An Act to amend the External Relations Act 1988**

BE IT ENACTED by the Parliament of New Zealand as follows:

5     **1. Short Title and commencement**—(1) This Act may be cited as the External Relations Amendment Act 1993, and shall be read together with and deemed part of the External Relations Act 1988\* (hereinafter referred to as the principal Act).

10    (2) Except as provided in **subsection (3)** of this section, this Act shall come into force on the 1st day of July 1993.

(3) **Section 2 (2)** of this Act shall come into force on a date to be appointed by the Governor-General by Order in Council.

15     **2. Interpretation**—(1) Section 2 of the principal Act is hereby amended by repealing paragraph (a) of the definition of the term “head of mission”, and substituting the following paragraph:

“**(a)** High Commissioner for New Zealand in any Commonwealth country, or in the Cook Islands; or”.

20    (2) Section 2 of the principal Act is hereby further amended by inserting in the definition of the term “head of mission”, after paragraph (a) (as substituted by **subsection (1)** of this section), the following paragraph:

\*1988, No. 159

“(aa) High Commissioner for New Zealand in Niue; or”.

(3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Ministry”, and substituting the following definition:

“‘Ministry’ means the Ministry of Foreign Affairs and Trade.” 5

(4) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Secretary”, and substituting the following definition:

“‘Secretary’ means the Secretary of Foreign Affairs and Trade.” 10

**3. Secretary of Foreign Affairs and Trade**—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. The chief executive of the Ministry shall be known as the Secretary of Foreign Affairs and Trade.” 15

**4. Consequential amendments to other Acts**—The Acts specified in the **First Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

**5. Consequential amendments to principal Act**—The principal Act is hereby consequentially amended by repealing so much of the Schedule as relates to the Tokelau Amendment Act 1967, the Tokelau Amendment Act 1974, the Ombudsmen Act 1975, the Commonwealth Countries Act 1977, the Crimes (Internationally Protected Persons and Hostages) Act 1980, and the Films Act 1983. 20 25

**6. Consequential amendments to regulations**—(1) The regulations specified in the **Second Schedule** to this Act are hereby amended in the manner indicated in that Schedule.

(2) The amendment by this section of the regulations specified in the **Second Schedule** to this Act shall be without prejudice to any power of amending or revoking those regulations. 30

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke the **Second Schedule** to this Act or any part of that Schedule. 35

**7. Transitional provisions**—(1) After the commencement of this Act, all proceedings that were pending by or against the Ministry of Foreign Affairs or the Ministry of External Relations and Trade immediately before the commencement of this Act 40

may be carried on, completed, or enforced by or against the Ministry of Foreign Affairs and Trade.

5 (2) Every reference in any enactment or document in force at the commencement of this Act (other than an Act specified in the **First Schedule** to this Act or any regulations specified in the **Second Schedule** to this Act) to the Department of External Affairs or to the Ministry of External Affairs or to the Ministry of Foreign Affairs or to the Ministry of External Relations and Trade shall, after the commencement of this Act, unless the  
10 context otherwise requires, be read as a reference to the Ministry of Foreign Affairs and Trade.

(3) Every reference in any enactment or document in force at the commencement of this Act (other than an Act specified in the **First Schedule** to this Act or any regulations specified in the  
15 **Second Schedule** to this Act) to the Secretary of External Affairs or to the Secretary of Foreign Affairs or to the Secretary of External Relations and Trade shall, after the commencement of this Act, unless the context otherwise requires, be read as a reference to the Secretary of Foreign Affairs and Trade.

20 (4) Subsections (3), (4), and (6) of section 15 of the principal Act are hereby consequentially repealed.

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## SCHEDULES

## Section 4

## FIRST SCHEDULE

## ACTS AMENDED

Title of Act	Amendment
1961, No. 43—The Crimes Act 1961 (R.S. Vol. 1, p. 635)	By omitting from section 8A (1) (c) (ii) (as substituted by section 14 (1) of the principal Act) the words “Ministry of External Relations and Trade”, and substituting the words “Ministry of Foreign Affairs and Trade”.
1964, No. 50—The Export Guarantee Act 1964 (R.S. Vol. 16, p. 129)	By omitting from the proviso to section 8 (1) the words “Minister of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Minister of Foreign Affairs and Trade”.
1967, No. 38—The Tokelau Amendment Act 1967 (Reprinted 1976, Vol. 5, p. 4498)	By repealing paragraph (c) of the definition of the term “Tokelau Public Service” in section 3 (as substituted by section 14 (1) of the principal Act), and substituting the following paragraph: “(c) Secretary of Foreign Affairs and Trade:”.
1974, No. 124—The Tokelau Amendment Act 1974 (Reprinted 1976, Vol. 5, p. 4520)	By omitting from section 2 (3) (b) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”. By omitting from section 2 (3) (c) the words “Ministry of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Ministry of Foreign Affairs and Trade”.
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from Part I of the First Schedule the item relating to the Ministry of External Relations and Trade, and substituting the following item: “The Ministry of Foreign Affairs and Trade”.
1977, No. 31—The Commonwealth Countries Act 1977	By omitting from section 2 (1) (a) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”. By omitting from section 2 (4) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1)

FIRST SCHEDULE—*continued*

ACTS AMENDED—*continued*

Title of Act	Amendment
1977, No. 31—The Commonwealth Countries Act 1977— <i>continued</i>	of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”.
1980, No. 44—The Crimes (Internationally Protected Persons and Hostages) Act 1980	By omitting from section 15 the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”.
1983, No. 130—The Films Act 1983	By omitting from Part I of the Schedule the item relating to the Ministry of External Relations and Trade, and substituting the following item: “The Ministry of Foreign Affairs and Trade.”
1988, No. 20—The State Sector Act 1988	By omitting from the First Schedule (as substituted by section 28 (1) of the State Sector Amendment Act (No. 2) 1989) the words “Ministry of External Relations and Trade”, and substituting the words “Ministry of Foreign Affairs and Trade”.
1988, No. 160—The New Zealand Trade Development Board Act 1988	By omitting from section 2 the definition of the term “Minister”, and substituting the following definition: “Minister” means the Minister of Foreign Affairs and Trade.”
1991, No. 19—The Guardianship Amendment Act 1991	By repealing section 6, and substituting the following section: “6. <b>Certificate of Secretary of Foreign Affairs and Trade</b> —A certificate signed by the Secretary of Foreign Affairs and Trade and stating— “(a) That a specified country is or is not a country in respect of which the Convention is in force as between that country and New Zealand; and “(b) Where applicable, that there is in effect in respect of any specified provision of the Convention a reservation made by any Contracting State pursuant to Article 42 of the Convention—

FIRST SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1991, No. 19—The Guardianship Amendment Act 1991— <i>continued</i>	shall, unless the contrary is proved by the production of another certificate issued under this section (being a certificate that was issued after the first-mentioned certificate was issued), for all purposes be conclusive evidence of the matters stated in the certificate.

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SECOND SCHEDULE  
REGULATIONS AMENDED

Section 6 (1)

Title of Act	Amendment
The United Nations Sanctions (Iraq) Regulations 1991 (S.R. 1991/92)	By omitting from regulations 3 (1), 6, 11 (1), 12, 13 (1), 14, 15, 18 (4), 20 (1), 20 (3), 20 (4), and 20 (5) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Yugoslavia) Regulations 1991 (S.R. 1991/237)	By omitting from regulations 3, 8, and 9 (3) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Somalia) Regulations 1992 (S.R. 1992/42)	By omitting from regulations 3, 8, and 9 (3) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Libya) Regulations 1992 (S.R. 1992/75)	By omitting from regulations 3, 8 (1), 9 (1), 10 (3), 12 (1), and 12 (2) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992 (S.R. 1992/160)	By omitting from regulations 3 (1), 6, 11 (1), 12, 13, 14, 17 (4), 19, 20 (1), 20 (2), and 21 the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
	By omitting from regulations 16A (2) and 20c (as inserted by regulations 4 and 7 of the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment (No. 2) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
	By omitting from regulations 17A (2), 17A (3), and 17B (as substituted by regulation 5 of the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment (No. 2)



SECOND SCHEDULE—*continued*REGULATIONS AMENDED—*continued*

Title of Act	Amendment
The United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992 (S.R. 1992/160)— <i>continued</i>	the words “Minister of External Relations and Trade” wherever they appear, and substituting in each case the words “Minister of Foreign Affairs and Trade”.
The United Nations Sanctions (Liberia) Regulations 1992 (S.R. 1992/371)	By omitting from regulations 3, 8, and 9 (3) the words “Minister of External Relations and Trade” wherever they appear, and substituting in each case the words “Minister of Foreign Affairs and Trade”.