

Statutes Amendment Bill

Government Bill

As reported from the Government Administration
Committee

Commentary

Recommendation

The Government Administration Committee has examined the Statutes Amendment Bill and recommends that it be passed with the amendments shown.

Introduction

This is an omnibus bill. It is designed to provide a legislative vehicle for minor, technical, and non-controversial amendments to existing legislation. As introduced, this bill seeks to amend some fifty statutes.

We recommend two amendments to the bill as drafted and outline them below.

Companies Act 1993

We recommend that the amendments to clauses 32 and 33 be omitted from the bill.

Sections 221(4) and 222(3) of the Act require notice to be given to secured creditors of amalgamation proposals. As drafted, clauses 32 and 33 propose that these sections be amended to also require notice to a person entitled to a security interest in respect of which a financing statement is registered on the Personal Property Securities Register.

These amendments are unnecessary as those parties who would be notified are not affected by the amalgamation.

Local Government Act 2002

We recommend that Part 31 of the bill be amended by inserting clauses 108A, 109A and 109B. The main effect of these amendments is to confer on Watercare Services Limited the same protection currently afforded to local authorities under section 225(1)(d) of the Act. The amendments include consequential amendments to section 226 of the Act, which deals with liability for damage costs under section 225, and the Interpretation section of the Act.

Public Audit Act 2001

Concern was raised that Part 36 which amends the Public Audit Act 2001 does not fit in the conventions relating to Statutes Amendment bills in that it is not minor or non-controversial in its effect. Therefore members will be objecting to this Part in the committee of the whole House stage.

Appendix

Committee process

The Statutes Amendment Bill was referred to the committee on 1 March 2007. The closing date for submissions was 4 May 2007. We received and considered one submission.

We received advice from the Ministry of Justice, Ministry of Economic Development, Department of Internal Affairs and the Treasury.

Committee membership

Shane Ardern (Chairperson)

Darien Fenton (Deputy Chairperson)

Brian Connell

Sandra Goudie

Hon George Hawkins

Hon Dover Samuels

Key to symbols used in reprinted bill

As reported from a select committee

Struck out (unanimous)

Subject to this Act,

Text struck out unanimously

New (unanimous)

Subject to this Act,

Text inserted unanimously

Hon Clayton Cosgrove

Statutes Amendment Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Statutes Amendment Act **2007**.

2 Commencement

- (1) This Act, except for **Part 24 and sections 101 and 102**, comes into force on the day after the date on which it receives the Royal assent.
- (2) **Part 24** is deemed to have come into force on 25 January 2005. 5
- (3) **Section 101** comes into force on the commencement of section 19 of the Land Transport Amendment Act 2005.
- (4) **Section 102** comes into force on the commencement of section 39 of the Land Transport Amendment Act 2005. 10

Part 1**Animal Products Act 1999****3 Principal Act amended**

This Part amends the Animal Products Act 1999.

4 Notices 15

Section 167(1)(ja) is amended by omitting “section 59A” and substituting “section 60”.

Part 2**Armed Forces Discipline Act 1971****5 Principal Act amended** 20

This Part amends the Armed Forces Discipline Act 1971.

6 Amendments to principal Act in Schedule 1

The principal Act is amended in the manner set out in **Schedule 1**.

Part 3 25**Biosecurity Act 1993****7 Principal Act amended**

This Part amends the Biosecurity Act 1993.

8 Processing unaccompanied goods

Section 30A(2) is amended by inserting “or unauthorised goods” after “or contain, risk goods”. 30

- 9 Power to seize and dispose of unauthorised goods**
Section 116(1) is amended by inserting “30A,” after “19(2),”.

Part 4 Broadcasting Act 1989

- 5
- 10 Principal Act amended**
This Part amends the Broadcasting Act 1989.
- 11 Interpretation**
- (1) The definition of **total operating revenue** in section 2(1) is repealed. 10
- (2) Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:
“**total revenue** means all income classified as revenue by the applicable financial reporting standard approved under section 24 of the Financial Reporting Act 1993”. 15
- 12 Return on total operating revenue**
- (1) The heading to section 30A is amended by omitting “operating”. 20
- (2) Section 30A(1) is amended by omitting “operating”.
- (3) Section 30A(2)(b) is amended by omitting “operating”.
- (4) Section 30A(3) is amended by omitting “operating”.
- (5) Section 30A(4) is amended by omitting “operating” in each place where it appears.
- 13 Payment of annual levy**
Section 30B(1) is amended by omitting “operating”. 25
- 14 Annual levy**
Section 30C is amended by omitting “operating”.

Part 5 Building Societies Act 1965

- 15 Principal Act amended** 30
This Part amends the Building Societies Act 1965.

16 New section 4 substituted

Section 4 is repealed and the following section substituted:

“4 Deputy Registrars of Building Societies

“(1) There may also be 1 or more Deputy Registrars of Building Societies appointed under the State Sector Act 1988. 5

“(2) A Deputy Registrar has and may exercise the powers, duties, and functions of the Registrar under this Act (subject to the control of the Registrar).

“(3) The fact that a Deputy Registrar exercises those powers, duties, or functions is conclusive evidence of the authority to do so.” 10

17 Section 5 repealed

Section 5 is repealed.

18 New Part 8A inserted

The following Part is inserted after Part 8: 15

“Part 8A**“Register of building societies****“121A Register of building societies**

“(1) The Registrar must ensure that a register of building societies is kept in New Zealand. 20

“(2) The register may be—

“(a) an electronic register; or

“(b) kept in any other manner that the Registrar thinks fit.

“(3) The Registrar must take all reasonable steps to ensure that the information contained in the register is available to members of the public at all reasonable times. 25

“121B Registration of documents

“(1) On receipt of a document for registration under this Act, the Registrar must (unless **section 121C** applies or he or she is not satisfied that any registration condition is met)— 30

“(a) register the document in the register; and

“(b) give written advice of the registration to the person from whom the document was received (except in the case of an annual return or the financial statements and reports referred to in section 97A(1)). 35

- “(2) Neither registration nor refusal of registration of a document by the Registrar affects, or creates a presumption as to, the validity or invalidity of the document or the correctness or otherwise of the information contained in it.
- “(3) In this section, a **registration condition** for a document is a matter of which the Registrar must be satisfied under this Act before registering that document. 5
- “121C Registrar may require document to be registrable or otherwise comply before registration**
- “(1) The Registrar may refuse to register a document received by the Registrar for registration under this Act if that document— 10
- “(a) is not in the prescribed form, if any; or
- “(b) does not comply with this Act or regulations made under this Act; or
- “(c) is not printed or typewritten; or 15
- “(d) if the register is an electronic register, is not in a form that enables particulars to be entered directly by electronic or other means in the register; or
- “(e) has not been properly completed; or
- “(f) contains material that is not clearly legible. 20
- “(2) If the Registrar refuses to register a document in reliance on this section, the Registrar must request either—
- “(a) that the document be appropriately amended or completed and submitted for registration again; or
- “(b) that a fresh document be submitted in its place. 25
- “121D When documents are registered**
- A document is **registered** when—
- “(a) the document itself is constituted as part of the register; or
- “(b) particulars of the document are entered in an electronic register. 30
- “121E Alterations to register**
- The Registrar may make an amendment to the register if satisfied that it is necessary—
- “(a) to reflect any changes in the information that is contained in the register; or 35
- “(b) to correct an obvious error in or omission from the register.

“121F Inspection of register

A person may, on payment of the prescribed fee (if any), inspect—

- “(a) any registered document; or
- “(b) particulars of a registered document entered into an electronic register. 5

“121G Obtaining certified copy or extract from register

“(1) A person may, on payment of the prescribed fee (if any), require the Registrar to give or certify—

- “(a) a certificate of incorporation of a building society; or 10
- “(b) a copy of or extract from a registered document; or
- “(c) any particulars of a registered document entered into an electronic register.

“(2) A process to compel the production of—

- “(a) a registered document; or 15
- “(b) evidence of the entry of particulars of a registered document in an electronic register—

must not issue from the Court without the leave of the Court and, if it does, it must have a statement attached to it that it is issued with the leave of the Court. 20

“121H Certified copy or extract is evidence

“(1) A copy of or extract from a registered document that purports to be certified by the Registrar as a true copy or extract is admissible in evidence in legal proceedings to the same extent as the original document. 25

“(2) A certificate purporting to be signed by the Registrar as to the particulars of a registered document in an electronic register or any other matters in the register is conclusive evidence, in the absence of proof to the contrary, of the entry of those particulars or those other matters.” 30

19 Related amendments to principal Act

The principal Act is further amended in the manner set out in **Schedule 2**.

20 Amendment to Privacy Act 1993

(1) This section amends the Privacy Act 1993. 35

- (2) Part 1 of Schedule 2 is amended by inserting the following item in its appropriate alphabetical order:
 Building Societies Act 1965 **Section 121A**
- 21 Transitional provision for register** 5
 All documents registered under the principal Act and sent to the appropriate District Registrar of Companies before the amendments in this Act come into force form part of the register under **section 121A** of the principal Act as inserted by this Act.
- Part 6** 10
Care of Children Act 2004
- 22 Principal Act amended**
This Part amends the Care of Children Act 2004.
- 23 Authority to use faxed copy of warrant** 15
 (1) Section 76(1) is repealed and the following subsection is substituted:
 “(1) An authority (as defined in section 77(1)) may authorise the use, for the purpose of executing the warrant, of a faxed copy of a warrant issued under section 72 or 73 or 77.”
- (2) Section 76(3) is repealed and the following subsection is substituted: 20
 “(3) An authority may exercise the power conferred by **subsection (1)** either on or after issuing the warrant, and either on its own initiative or on an application for the purpose made to it by—
 “(a) a party to the proceedings for the issue of the warrant; 25
 or
 “(b) a person who is authorised to execute the warrant.”
- 24 Grounds for refusal of order for return of child**
 (1) Section 106(1) is amended by omitting “104(2)” and substituting “105(2)”. 30
 (2) Section 106(1)(d) is amended by inserting “, in addition to taking them into account in accordance with section 6(2)(b), also” after “it is appropriate”.

Part 7 Charitable Trusts Act 1957

25 Principal Act amended

This Part amends the Charitable Trusts Act 1957.

26 Applications for incorporation

5

Section 10(1) is repealed and the following subsection substituted:

- “(1) Each subscriber to an application for incorporation must add the subscriber’s name and address to the subscriber’s signature.”

10

Part 8 Children, Young Persons, and Their Families Act 1989

27 Principal Act amended

This Part amends the Children, Young Persons, and Their Families Act 1989.

15

28 Authority to use facsimile copy of warrant

Section 445B(2) is repealed and the following subsections are substituted:

- “(2) Any District Court Judge, Justice, Community Magistrate, or Registrar (not being a member of the police) may authorise the use of a facsimile copy of a warrant issued under section 39, 40, 122, 157(2), 205(2)(b), or 386 in the execution of that warrant.
- “(2A) The use of a facsimile copy of a warrant may be authorised when the warrant is issued, or later.
- “(2B) **Subsection (2)** is subject to subsection (3).”

20

25

Part 9 Civil Union Act 2004

29 Principal Act amended

This Part amends the Civil Union Act 2004.

30

30 Registrar may issue certificate of no impediment

The heading to section 25 is amended by omitting “Registrar” and substituting “Registrar-General”.

Part 10 Companies Act 1993

31 Principal Act amended

This Part amends the Companies Act 1993.

Struck out (unanimous)

32 Approval of amalgamation proposal

5

Section 221(4)(a) is amended by inserting “and any person who is entitled to a security interest in respect of which a financing statement has been registered under the Personal Property Securities Act 1999” after “the company”.

33 Short form amalgamation

10

Section 222(3) is amended by adding “and any person who is entitled to a security interest in respect of which a financing statement has been registered under the Personal Property Securities Act 1999”.

34 Liquidation of company removed from New Zealand register

15

Section 327 is repealed.

Part 11 Cook Islands Act 1915

35 Principal Act amended

20

This Part amends the Cook Islands Act 1915.

36 Interpretation

- (1) Section 2(1) is amended by omitting the definition of **aerodrome** and **aircraft** and substituting the following definition:

“**aircraft** has the same meaning as in the Civil Aviation Act 1964”. 25

- (2) Section 2(1) is amended by repealing the definitions of **alienation**, **Asiatic**, **bylaw**, **Commission**, **Crown land**, **European land**, **Minister**, **Native custom**, **Native freehold land**, **order**, **Ordinance**, **public place**, **Registrar**, **Rules of Court**, and **will**. 30

37 Amendments to principal Act
The provisions of the principal Act set out in **Schedule 3** are repealed.

38 Amendments to other enactments
The provisions of other enactments set out in **Schedule 4** are repealed. 5

39 Repeals and revocations
(1) The enactments set out in Part 1 of **Schedule 5** are repealed.
(2) The regulations set out in Part 2 of **Schedule 5** are revoked.

Part 12 10 **Corporations (Investigation and Management) Act 1989**

40 Principal Act amended
This Part amends the Corporations (Investigation and Management) Act 1989. 15

41 Application of certain provisions of Companies Act 1993
(1) Section 55(1) is amended by inserting “275,” before “292”.
(2) Section 55 is amended by adding the following subsection:
“(3) To avoid doubt, the reference in section 275(4) of the Companies Act 1993 to clause 1(a) of Schedule 7 of the Companies Act 1993 must be read as a reference to section 65(1) of this Act.” 20

Part 13 **Defence Act 1990**

42 Principal Act amended 25
This Part amends the Defence Act 1990.

43 Amendments to principal Act in Schedule 6
The principal Act is amended in the manner set out in **Schedule 6**.

Part 14 Education Act 1989

- 44 Principal Act amended**
This Part amends the Education Act 1989.
- 45 Bonds for trainee teachers** 5
Section 139E(4) is repealed.
- 46 Cancellation of registration**
- (1) Section 237(2) is amended by inserting “under subsection (1)” after “registration” in the first place where it appears.
- (2) Section 237 is amended by inserting the following subsection after subsection (2): 10
- “(2A) The Authority may also cancel the registration of a registered establishment if—
- “(a) the Authority receives a written request to do so from the governing body of the registered establishment; and 15
- “(b) that request is not withdrawn by the governing body of the registered establishment after being advised by the Authority of its intention to cancel the registration of the establishment.”
- (3) Section 237 is amended by adding the following subsections: 20
- “(5) Cancellation under this section takes effect on the date specified by the Authority in the notice given under subsection (3) (**the date of cancellation**).
- “(6) If the registration of an establishment is cancelled under this section, then from the date of cancellation— 25
- “(a) all approvals to provide courses of study or training granted to the establishment under section 258 are withdrawn, and no notice to the governing body of the establishment is required to be given under subsection (8) or (9A) of that section; and 30
- “(b) all accreditations to provide approved courses of study or training granted to the establishment under section 259 are withdrawn, and no notice to the governing body of the establishment is required to be given under subsection (5) or (7) of that section.” 35

- 47 New section 307AB substituted**
 Section 307AB is repealed and the following section substituted:
- “307AB Allowances identified by *Gazette* notice**
- “(1) The Minister may, by notice in the *Gazette*, identify either or both of the following as an allowance to which this section applies: 5
- “(a) any allowance paid to students otherwise than under an enactment:
- “(b) any money paid under any agreement entered into under section 139E. 10
- “(2) **Subsection (1)** applies whether the allowance or money referred to in that subsection first became payable before or after 17 May 2006.”
- 48 Bonded scholarships** 15
- (1) Section 307AC is amended by repealing subsection (1) and substituting the following subsection:
- “(1) The Minister may, by notice in the *Gazette*, declare that any allowance to which **section 307AB** applies is a bonded scholarship.” 20
- (2) Section 307AC(2) is amended by omitting “or agreement”.
- Part 15**
Electricity Act 1992
- 49 Principal Act amended**
This Part amends the Electricity Act 1992. 25
- 50 Regulations**
- (1) Section 169(1) is amended by repealing paragraph (8)(b).
- (2) Section 169(1) is amended by inserting the following heading and paragraph after paragraph (23): 30
- “*Statistics*
- “(23A) authorising the Secretary to obtain such information concerning the generation, conversion, transformation, conveyance, sale, consumption, and use of electricity as may be required for statistical purposes:”.

- 51 Electricity governance regulations**
Section 172D(1)(10) is amended by omitting “electricity generators” and substituting “generators”.
- 52 Purpose**
Section 172L(b) is amended by omitting “electricity governance organisations” and substituting “the Electricity Commission”. 5
- Part 16**
Energy (Fuels, Levies, and References) Act 1989
- 53 Principal Act amended** 10
This Part amends the Act that was previously called the Ministry of Energy (Abolition) Act 1989.
- 54 Title repealed**
The Title is repealed.
- 55 Name of principal Act changed** 15
(1) From the commencement of this section,—
(a) the Ministry of Energy (Abolition) Act 1989 is called the Energy (Fuels, Levies, and References) Act 1989; and
(b) every reference in an enactment or document to the Ministry of Energy (Abolition) Act 1989 must, unless the context otherwise requires, be read as a reference to the Energy (Fuels, Levies, and References) Act 1989. 20
- (2) The heading to section 1 is amended by omitting “Short”.
(3) Section 1(1) is amended by omitting “may be cited as the Ministry of Energy (Abolition)” and substituting “is the Energy (Fuels, Levies, and References)”. 25
- 56 New section 1A inserted**
The following section is inserted after section 1:
“1A Act binds the Crown 30
This Act binds the Crown.”
- 57 Interpretation**
(1) The definition of **energy** in section 12 is amended by inserting “(including engine fuel)” after “fuel”.

- (2) Section 12 is amended by inserting the following definitions in their appropriate alphabetical order:
- “**biofuel** means any gaseous or liquid fuel produced from biomass that can be used as a fuel for engines
- “**engine fuel** means any gaseous or liquid fuel that can be used as a fuel for engines and includes biofuel, diesel, petrol, synthetic fuel, and blends of any of these”.
- 58 Regulations**
- Section 35(1)(b), (c), and (d) are amended by inserting “engine fuel or” before “refined petroleum products” in each place where it appears.
- 59 Power of Minister to require information to be supplied as to importation, distribution, or refining of petroleum, or distribution of refined petroleum products**
- (1) The heading to section 36 is amended by omitting “to be supplied as to importation, distribution, or refining of petroleum, or distribution of refined petroleum products”.
- (2) Section 36(1) is amended by—
- (a) inserting “production, blending,” after “importation, distribution,”; and
- (b) omitting “or the distribution of” and substituting “engine fuel, or”; and
- (c) inserting “engine fuel or” after “price of petroleum or”; and
- (d) inserting “or production or blending of engine fuel or” after “importation or distribution”.

Part 17

Engineering Associates Act 1961

- 60 Principal Act amended**
- This Part** amends the Engineering Associates Act 1961.
- 61 Meetings of Board**
- Section 4(2) is amended by omitting “7” and substituting “6”.
- 62 Registration**
- (1) Section 11(1)(c) is amended by—

- (a) omitting “Having attained the age of 40 years,”; and
- (b) omitting “: Provided that a person who, immediately before the commencement of this paragraph, had not attained the age of 40 years but had been authorised by the Board to present such a written statement, may be eligible for registration under this Act as if he had attained the age of 40 years”. 5
- (2) Section 11(2) is amended by repealing paragraph (a).
- (3) Section 11(5) is amended by omitting “ordinary” and substituting “reasonable”. 10

Part 18 **Family Courts Act 1980**

- 63 Principal Act amended**
This Part amends the Family Courts Act 1980.
- 64 Jurisdiction of Family Courts** 15
Section 11(1) is amended by inserting the following paragraph after paragraph (gc):
“(gd) the Civil Union Act 2004:”.

Part 19 **Fencing of Swimming Pools Act 1987**

- 65 Principal Act amended** 20
This Part amends the Fencing of Swimming Pools Act 1987.
- 66 New section 13C substituted**
Section 13C is repealed and the following section substituted:
- “13C Amendment and replacement of Schedule** 25
The Governor-General may, by Order in Council,—
“(a) amend the Schedule; or
“(b) repeal the Schedule and substitute a new schedule.”

Part 20 **Films, Videos, and Publications Classification Act** 30 **1993**

- 67 Principal Act amended**
This Part amends the Films, Videos, and Publications Classification Act 1993.

68 Conduct of reviews

Section 52(4) is amended by omitting “section 3 of this Act” and substituting “sections 3 to 3D”.

Part 21**Friendly Societies and Credit Unions Act 1982**

5

69 Principal Act amended

This Part amends the Friendly Societies and Credit Unions Act 1982.

70 Applications for registration of societies

Section 12(2) is amended by omitting “at least 2 copies” and substituting “a copy”.

10

71 Branches to be registered concurrently with society

Section 14(1)(d) is amended by omitting “two copies” and substituting “a copy”.

72 Revising Barrister may examine rules

Section 16(1) is amended by omitting “copies” and substituting “copy”.

15

73 Acknowledgement of registration

(1) Section 17(1)(b) is repealed.

(2) Section 17(3) is amended by omitting “and publish, by notice in the *Gazette*, details of the amendment”.

20

74 Amendment of rules

Section 23(1) is amended by omitting “2 copies” and substituting “a copy”.

75 Conversion of society into branch

Section 88(4)(b) is amended by—

- (a) omitting “two copies” and substituting “a copy”; and
- (b) omitting “a copy of”.

25

76 Application for registration of Association

Section 145(2) is amended by omitting “at least 2 copies” and substituting “a copy”.

30

Part 22 Gas Act 1992

- 77 Principal Act amended**
This Part amends the Gas Act 1992.
- 78 Other gas governance regulations** 5
Section 43G(2) is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) providing for arrangements to enable consumers to switch gas retailers:”.

Part 23 10 Hazardous Substances and New Organisms Act 1996

- 79 Principal Act amended**
This Part amends the Hazardous Substances and New Organisms Act 1996.
- 80 Powers, functions, and duties of Authority** 15
(1) Section 11(1) is amended by renumbering paragraph (fb) (as inserted by section 7(1) of the Hazardous Substances and New Organisms Amendment Act 2003) as paragraph (fc).
(2) Section 11 is amended by renumbering subsection (2) (as inserted by section 200 of the Crown Entities Act 2004) as subsection (3). 20
- 81 Requirements for containers, identification, disposal, emergencies, tracking, and fireworks**
Section 76 is amended by repealing subsection (4) and substituting the following subsection: 25
“(4) Despite section 18(1) of the Building Act 2004, regulations may be made prescribing requirements for stationary containers that require a person to achieve performance criteria that are additional to or more restrictive in relation to any building work than the performance criteria specified in the building code as defined in section 7 of the Building Act 2004.” 30
- 82 Pecuniary penalty order**
Section 124B(2)(b) is amended by omitting “manufactured,”.

83 Civil liability
Section 124G(1)(b) is amended by omitting “manufactured,”.

84 Regulations
Section 140(1)(k) is amended by inserting “38A,” after “34,”.

5

Part 24

Health and Disability Commissioner Act 1994

85 Principal Act amended
This Part amends the Health and Disability Commissioner Act 1994.

10

86 New section 9 substituted
Section 9 is repealed and the following section substituted:

“9 Deputy Commissioners

“(1) One or more Deputy Health and Disability Commissioners may be appointed in the same way as the Commissioner is appointed, except that the Minister must consult the Commissioner before recommending a person for appointment as a Deputy Commissioner.

15

“(2) A Deputy Commissioner has any powers, duties, and functions that—

20

“(a) the Commissioner delegates to the Deputy Commissioner under section 68(3A); and

“(b) the Deputy Commissioner may exercise and perform under **subsection (3)**.

“(3) During the absence of the Commissioner from duty (for any reason) or a vacancy in the office of the Commissioner (for any reason), the powers, duties, and functions of the Commissioner may be exercised and performed by—

25

“(a) the Deputy Commissioner who was nominated for the purpose by the Commissioner before the absence or vacancy by a written notice that is in force at the time of the absence or vacancy; or

30

“(b) if there is no such notice, the Deputy Commissioner who has been Deputy Commissioner for the longest time.”

35

- 87 Delegation of functions and powers**
Section 68(2) is amended by inserting “to any person other than a Deputy Commissioner” after “may not delegate”.
- 88 Further provisions relating to delegations** 5
Section 69 is amended by omitting “section 9 or” from sub-sections (1), (3), (4), and (6).
- 89 Revocation of delegations**
Section 71(1) is amended by omitting “section 9 or”.
- Part 25**
- Human Assisted Reproductive Technology Act 2004** 10
- 90 Principal Act amended**
This Part amends the Human Assisted Reproductive Technology Act 2004.
- 91 Status of surrogacy arrangements and prohibition of commercial surrogacy arrangements** 15
Section 14(2) is amended by omitting “Status of Children Amendment Act 1987” and substituting “Part 2 of the Status of Children Act 1969”.
- 92 Voluntary register to be maintained by Registrar-General** 20
Section 63(2) is amended by inserting the following paragraph after paragraph (j):
“(ja) the donor’s reasons for donating:”.
- Part 26**
- Human Rights Act 1993** 25
- 93 Principal Act amended**
This Part amends the Human Rights Act 1993.
- 94 Condition in restraint of marriage**
(1) The heading to section 136 is amended by adding “, **civil union, or de facto relationship**”. 30

- (2) Section 136 is amended by omitting “marriage” and substituting “a person from marrying or entering into a civil union or de facto relationship”.
- (3) Section 136 is amended by inserting “or enter into a civil union or de facto relationship with” after “marry”.

5

Part 27

Industrial and Provident Societies Act 1908

95 Principal Act amended

This Part amends the Industrial and Provident Societies Act 1908.

10

96 Registry of societies

Section 5(b) is amended by omitting “3 written or printed copies” and substituting “a written or printed copy”.

97 Rules and amendments

Section 7(b) is amended by omitting “3 copies” and substituting “a copy”.

15

Part 28

Land Transport Act 1998

98 Principal Act amended

This Part amends the Land Transport Act 1998.

20

99 Persons convicted of specified serious offences prohibited from holding passenger endorsement

Section 29A(3)(b) is amended by omitting “29B(2)(a)” and substituting “29B(2)(b)”.

100 Driver licences are property of Director and are to be surrendered in certain circumstances

25

- (1) Section 30 is amended by inserting the following subsection after subsection (3):

“(3A) If an enforcement officer has suspended a person’s driver licence in accordance with section 90(2), the person must immediately surrender his or her licence to the officer.”

30

- (2) Section 30(4) is amended by inserting “, (3A), or (4A)(b) or (c)” after “subsection (3)”.

- 101 Duties regarding logbooks**
Section 30ZH(2)(a) is amended by omitting “30Z” and substituting “30ZE”.
- 102 Failure to comply with prescribed work time restrictions or rest time requirements** 5
Section 79O(a) is amended by inserting “in a cumulative work day or less than 120 minutes in a cumulative work period” after “60 minutes”.
- Part 29**
Lawyers and Conveyancers Act 2006 10
- 103 Principal Act amended**
This Part amends the Lawyers and Conveyancers Act 2006.
- 104 Power of Standards Committee to determine complaint or matter**
Section 152(1)(b) is amended by omitting “section 130(1)(c)” and substituting “section 130(c)”. 15
- Part 30**
Legal Services Act 2000
- 105 Principal Act amended**
This Part amends the Legal Services Act 2000. 20
- 106 Proceedings for which legal aid may be granted: civil matters**
Section 7(4)(f) as amended by the Legal Services Amendment Act 2006 is amended by omitting “Residence Appeal Board” and substituting “Residence Review Board”. 25
- 107 Other situations where legal aid refused or limited: civil matters**
Section 10(1)(b) is amended by omitting “limited purposes permit” and substituting “limited purpose permit”.

Part 31 Local Government Act 2002

108 Principal Act amended

This Part amends the Local Government Act 2002.

New (unanimous)

108A Interpretation

5

Section 5(1) is amended by inserting the following definition in its appropriate alphabetical order:

“network assets of Watercare Services Limited—

“(a) means the network assets of Watercare Services Limited used in its provision of water supply; and

10

“(b) includes—

“(i) rivers, streams, lakes, waters, and underground waters, and rights relating to these; and

“(ii) land, watershed, catchment, and water collection areas; and

15

“(iii) any of the following that are vested in, or are acquired, constructed, or operated by, or are under the control of, Watercare Services Limited:

“(A) reservoirs, dams, bores, tanks, and pipes; and

20

“(B) buildings, machinery, and appliances”.

109 Special requirements for bylaws relating to trade wastes

Section 148(7) is repealed and the following subsection substituted:

“(7) The requirements in this section are in addition to the requirements in section 156, but a territorial authority may comply with both sections by using a single process.”

25

New (unanimous)

109A Offences relating to waterworks

(1) The heading to section 225 is amended by adding **“and network assets of Watercare Services Limited”**.

30

(2) Section 225(1) is amended by adding “; or” and also by adding the following paragraph:

New (unanimous)

- “(e) carries out work on, or in relation to, the network assets of Watercare Services Limited without first—
- “(i) notifying Watercare Services Limited of the intention to carry out the work; and
- “(ii) obtaining written authorisation from Watercare Services Limited, with terms or conditions that Watercare Services Limited thinks fit.” 5
- (3) Section 225(2) and (3) are amended by inserting “or (e)” after “(1)(d)”. 5
- 109B Liability for cost of damage** 10
- Section 226 is amended by—
- (a) inserting “or Watercare Services Limited” after “council”; and
- (b) inserting “or the network assets of Watercare Services Limited” after “waterworks”. 15
- 110 Penalties for offences**
- (1) Section 242(1) is amended by omitting “232(2)” and substituting “232(3)”. 20
- (2) Section 242(3) is amended by omitting “232(1)” and substituting “232(2)”. 20

Part 32**New Zealand Superannuation and Retirement Income Act 2001**

- 111 Principal Act amended** 25
- This Part** amends the New Zealand Superannuation and Retirement Income Act 2001.
- 112 Hospital rates of New Zealand superannuation**
- (1) Section 19(5) is amended by omitting “Subsection (3)” and substituting “Subsection (4)”. 30
- (2) Section 19(6)(a) is amended by omitting “subsection (3)” and substituting “subsection (4)”. 30
- (3) Section 19(7) is amended by omitting “subsection (5)” and substituting “subsection (6)(b)”. 30

Part 33 Niue Act 1966

- 113 Principal Act amended**
This Part amends the Niue Act 1966.
- 114 Interpretation** 5
Section 2 of the principal Act is amended by repealing the definitions of **Act, aerodrome and aircraft, Attorney-General, Defence, European, Niue Assembly or Assembly, Niuean custom, Ordinance, prescribed, public place, Rules of Court, Secretary, valuable security, and will.** 10
- 115 Amendments to principal Act**
The provisions of the principal Act set out in **Schedule 7** are repealed.
- 116 Amendments to other enactments** 15
The provisions of other enactments set out in **Schedule 8** are repealed.
- 117 Repeals and revocations**
(1) The enactments set out in Part 1 of **Schedule 9** are repealed.
(2) The regulations set out in Part 2 of **Schedule 9** are revoked.

Part 34 20 Personal Property Securities Act 1999

- 118 Principal Act amended**
This Part amends the Personal Property Securities Act 1999.
- 119 Contents of register** 25
(1) Section 140 is amended by repealing paragraph (a) and substituting the following paragraph: 25
“(a) if the debtor is an individual, the debtor’s name, address, and date of birth or, if the debtor is an organisation,—
 “(i) the name and address of the organisation; and 30
 “(ii) the name or job title, and contact details, of the person acting on its behalf:”.

- (2) Section 140 is amended by repealing paragraph (c) and substituting the following paragraph:
- “(c) if the secured party is an individual, the secured party’s name and address or, if the secured party is an organisation,— 5
- “(i) the name and address of the organisation; and
- “(ii) the name or job title, and contact details, of the person acting on its behalf:”.
- 120 Data required to register financing statement**
- (1) Section 142(1) is amended by repealing paragraphs (a) and (b) 10 and substituting the following paragraph:
- “(a) if the debtor is an individual, the debtor’s name, address, and date of birth or, if the debtor is an organisation,—
- “(i) the name and address of the organisation; and 15
- “(ii) the name or job title, and contact details, of the person acting on its behalf:”.
- (2) Section 142(1) is amended by repealing paragraph (d) and substituting the following paragraph:
- “(d) if the secured party is an individual, the secured party’s 20 name and address or, if the secured party is an organisation,—
- “(i) the name and address of the organisation; and
- “(ii) the name or job title, and contact details, of the 25 person acting on its behalf:”.
- 121 Search criteria**
- Section 172 is amended by repealing paragraph (b) and substituting the following paragraph:
- “(b) the name and address of the debtor or, if the debtor is an organisation, the name and address of the organisation 30 and the name or job title, and contact details, of the person acting on its behalf:”.
- 122 Search purposes, etc**
- (1) Section 173 is amended by inserting the following paragraph after paragraph (k): 35

- “(ka) the Registrar for a purpose that relates to any of the functions, duties, and powers exercisable by the Registrar in relation to this Act:”.
- (2) Section 173(1) is amended by omitting “(k)” and substituting “(ka)”.

5

Part 35 Privacy Act 1993

123 Principal Act amended

This Part amends the Privacy Act 1993.

124 Schedule 5 amended

10

- (1) The item relating to suspended sentences under the heading *Ministry of Justice records* in Schedule 5 is omitted.
- (2) The items under the heading *Police records* in Schedule 5 are amended—
- (a) by omitting from the third column of the item relating to vehicles of interest the item relating to the Ministry of Economic Development; and
- (b) by omitting from paragraph (b) in the third column of the item relating to wanted persons “section 17(1) of the Land Transport Act 1993” and substituting “section 69(1) of the Land Transport Management Act 2003”; and
- (c) by omitting from paragraph (b) in the third column of the items relating to protection orders and restraining orders “periodic detention, supervision, community service, community programme,” and substituting in each case “supervision”.
- (3) The items under the heading *Ministry of Transport records* in Schedule 5 are amended by repealing paragraph (a) in the third column of the items relating to the motor vehicles register and road user charges and substituting in each case the following paragraph:
- “(a) section 69(1) of the Land Transport Management Act 2003:”.
- (4) The item relating to records of prisoners under the heading *Department of Corrections records* in Schedule 5 is omitted and the following item substituted:

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35

Records of prison- Particulars of prisoners in a Police (access is limited to the
ers prison, including the date of location and the date of release
release from the prison of the prisoner)
Ministry of Justice

Part 36
Public Audit Act 2001

5

125 Principal Act amended

This Part amends the Public Audit Act 2001.

126 New heading and section 19A inserted

The following heading and section are inserted after section 19: 10

“Services in relation to register of pecuniary interests of members of Parliament

“19A Auditor-General may perform services in relation to register of pecuniary interests of members of Parliament 15

“(1) The Auditor-General may perform any review, inquiry, or reporting services in relation to the register of pecuniary interests that are provided for under the Standing Orders.

“(2) The following provisions of Part 4 apply, with any necessary modifications, to the exercise and performance of the Auditor-General’s functions, duties, and powers under this section: 20

“(a) section 25(1) and (2) (power of Auditor-General to obtain information), as if subsection (2) applies if any information is required from a person who is not a relevant person: 25

“(b) section 26(1) to (5) (power to examine on oath):

“(c) section 28 (protection for persons supplying information):

“(d) section 29 (access to premises), except paragraph (a)(i), as if paragraph (a)(ii) applies to any premises and specifies, as the grounds for issuing the required warrant, that there is reasonable cause to suspect that documents, information, or other evidence relating to the activities of a relevant person are or may be held at those premises: 30
35

“(e) section 30 (disclosure by Auditor-General):

“(f) section 31 (self-incrimination).

- “(3) In this section,—
- “**register of pecuniary interests** means any register of pecuniary interests of members of Parliament that is established or kept under the Standing Orders
- “**relevant person** means— 5
- “(a) a member of Parliament; or
- “(b) any other person who has obligations under the Standing Orders in relation to the register of pecuniary interests
- “**Standing Orders** means the Standing Orders of the House of Representatives.” 10
- 127 New section 33 substituted**
- Section 33 is repealed and the following section substituted:
- “**33 Appointment of auditors for performance audit, inquiries, or services** 15
- “(1) The Auditor-General may appoint to carry out 1 or more performance audits under section 16, inquiries under section 18, or services under **section 19A** any person who, in the Auditor-General’s opinion, is suitably qualified for the purpose.
- “(2) An appointment may be made— 20
- “(a) for 1 or more public entities and for any period of time, in the case of any performance audit under section 16 or inquiry under section 18:
- “(b) for any period of time, in the case of any service under **section 19A.** 25
- “(3) An appointment must be in writing and may be made subject to any restrictions and conditions that the Auditor-General thinks fit.”
- 128 Powers of appointed auditor**
- Section 34 is amended by inserting “or service” after “in relation to the public entity”. 30
- 129 Audit fees**
- Section 42(1) is amended by omitting “and 17” and substituting “17, and **19A**”.

Part 37

Racing Act 2003

130 Principal Act amended

This Part amends the Racing Act 2003.

131 Nomination advisory panel

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Section 12 is amended by inserting the following subsection after subsection (5):

“(5A) If a panel member is unable to participate in a meeting of the panel, the panel member may designate a suitably qualified person to act as a substitute member, who is entitled, in the absence of the panel member,—

10

“(a) to participate in the meeting in the panel member’s place; and

“(b) to be treated as a member of the nomination advisory panel for the purposes of the meeting.”

15

Part 38

Radiocommunications Act 1989

132 Principal Act amended

This Part amends the Radiocommunications Act 1989.

133 Interpretation

20

The definition of **Registrar** in section 2(1) is amended by omitting “the Deputy” and substituting “a Deputy”.

134 Appointment of Registrar and Deputy Registrar

Section 4 is repealed and the following section substituted:

“4 Appointment of Registrar and Deputy Registrars

25

“(1) There must be—

“(a) a Registrar of Radio Frequencies; and

“(b) 1 or more Deputy Registrars of Radio Frequencies.

“(2) Each Registrar and Deputy Registrar must be appointed under the State Sector Act 1988 by the Secretary.

30

“(3) Subject to the control of the Registrar, a Deputy Registrar has and may exercise or perform all the powers, duties, and functions of the Registrar.

- “(4) The fact that a Deputy Registrar exercises or performs any of the powers, duties, or functions of the Registrar is conclusive evidence of the Deputy Registrar’s authority to do so.”

Part 39

Real Estate Agents Act 1976

5

135 Principal Act amended

This Part amends the Real Estate Agents Act 1976.

136 Custody of certificates of approval

- (1) Section 50(1) is amended by inserting “or engages” after “employs”. 10
- (2) Section 50(2) is amended by—
- (a) inserting “, or an engagement with,” after “employ of”;
and
- (b) inserting “or engagement” after “employment”.
- (3) Section 50(3) is amended by inserting “or engagement” after “employment”. 15

137 Purchase or lease by agent voidable

- (1) Section 63(2) is amended by omitting “employee” and substituting “salesperson”. 20
- (2) Section 63(2)(a) is amended by inserting “or engaged” after “employed”.

138 Real estate agent to provide valuation

Section 64(1) is amended by omitting “employee” in each place where it appears and substituting in each case “salesperson”. 25

139 Rules of Institute

Section 70(1)(m) is amended by inserting “or engaged” after “employed”.

Part 40

Reserve Bank of New Zealand Act 1989

30

140 Principal Act amended

This Part amends the Reserve Bank of New Zealand Act 1989.

- 141 Application of certain provisions of Companies Act 1993**
- (1) Section 139(1) is amended by inserting “275,” before “292”.
- (2) Section 139 is amended by adding the following subsection:
- “(3) To avoid doubt, the reference in section 275(4) of the Companies Act 1993 to clause 1(a) of Schedule 7 of the Companies Act 1993 must be read as a reference to section 148(1) of this Act.” 5

Part 41

Resource Management Act 1991

- 142 Principal Act amended** 10
This Part amends the Resource Management Act 1991.
- 143 Eligibility for appointment as Environment Commissioner or Deputy Environment Commissioner**
 Section 253 is amended by omitting “Minister of Justice” and substituting “Attorney-General”. 15

Part 42

Retirement Villages Act 2003

- 144 Principal Act amended**
This Part amends the Retirement Villages Act 2003.
- 145 Schedule 5 amended** 20
 Schedule 5 is amended by omitting from the first line “included” and substituting “given effect to”.

Part 43

Securities Act 1978

- 146 Principal Act amended** 25
This Part amends the Securities Act 1978.
- 147 Interpretation**
 Paragraph (a) of the definition of **Registrar** in section 2(1) is amended by omitting “sections 7 and 67” and substituting “sections 67A to 68B, 68G, 68I, and 68K”. 30

148 Civil liability for breach of contributory mortgage regulations

Section 57A(2)(c) is amended by omitting “District Registrar of Companies at Wellington” and substituting “Registrar”.

Part 44

5

Securities Transfer Act 1991**149 Principal Act amended**

This Part amends the Securities Transfer Act 1991.

150 Effect of this Act on other Acts, etc

- (1) Section 9(1) is amended by omitting “memorandum or articles of association” and substituting “constitution”. 10
- (2) Section 9(2) is repealed.
- (3) Section 9(5) is repealed and the following subsection substituted:
- “(5) The following enactments shall be read subject to the provisions of this Act: 15
- “(a) Sections 35, 39(1), and 84 of the Companies Act 1993:
- “(b) Section 17 of the Unit Trusts Act 1960:
- “(c) Section 45I of the Reserve Bank of New Zealand Act 1964 (as continued in force by section 84 of the Public Finance Act 1989).” 20

Part 45**Social Welfare (Transitional Provisions) Act 1990****151 Principal Act amended**

This Part amends the Social Welfare (Transitional Provisions) Act 1990. 25

152 Membership of Board

Section 46(1)(b) is amended by omitting “on the nomination of the New Zealand War Amputees Association Incorporated” and substituting “to represent the interests of war amputees”. 30

Part 46
State Sector Act 1988

- 153 Principal Act amended**
This Part amends the State Sector Act 1988.
- 154 Duty to act independently** 5
Section 33 is amended by omitting “but subject to sections 51 and 52 of this Act.”.

Part 47
Status of Children Act 1969

- 155 Principal Act amended** 10
This Part amends the Status of Children Act 1969.
- 156 Interpretation**
The definition of **AHR procedure** in section 14(1) is amended by omitting “section 14A” and substituting “section 15”. 15

Part 48
Tokelau Act 1948

- 157 Principal Act amended**
This Part amends the Tokelau Act 1948.
- 158 General Fono may make rules** 20
Section 3A(2)(c) is repealed.
- 159 Restoration of Acts or regulations**
Section 3G(1)(a) is repealed.
- 160 Existing laws to continue in force** 25
Section 4A(2) is repealed.
- 161 Amendment to Tokelau Administration Regulations 1993**
- (1) This section amends the Tokelau Administration Regulations 1993.
- (2) Regulation 5(2)(ii) is revoked. 30

- 162 Amendments to Tokelau Islands Crimes Regulations 1975**
- (1) This section amends the Tokelau Islands Crimes Regulations 1975.
- (2) Regulation 2 is amended by omitting the heading and substituting the following heading: “**Sections 243 to 245 of Niue Act 1966 to apply to Tokelau**”. 5
- (3) Regulation 2(1) is amended by—
- (a) omitting “Parts 5, 6, and 7” and substituting “sections 243 to 245”; and 10
- (b) omitting “the Tokelau Islands” and substituting “Tokelau”.
- (4) Regulation 2(2) is amended by omitting “the Tokelau Islands of the provisions of Parts 5, 6, and 7” and substituting “Tokelau of sections 243 to 245”. 15
- (5) Regulation 2(2) is amended by revoking paragraph (b) and substituting the following paragraph:
- “(b) section 243 of the Niue Act 1966 has effect as if the words ‘of the Cabinet and the Seal of Niue’ were omitted and ‘under the hand of the Administrator of Tokelau’ were substituted.” 20
- (6) Regulation 3 is revoked.
- (7) The items relating to Niue Government Account, Niuean custom, and Niue Public Service in Schedule 1 are revoked.
- (8) Schedule 2 is revoked. 25
- 163 Repeals and revocations**
- (1) The enactments set out in Part 1 of **Schedule 10** are repealed.
- (2) The regulations set out in Part 2 of **Schedule 10** are revoked.
- Part 49**
- Trade in Endangered Species Act 1989** 30
- 164 Principal Act amended**
- This Part** amends the Trade in Endangered Species Act 1989.

-
- 165 Seizure of endangered species traded in contravention of Act**
- (1) Section 39(1) is amended by omitting “port or aerodrome,” and substituting “port, aerodrome, transitional facility, or Customs controlled area,”. 5
- (2) Section 39 is amended by adding the following subsection:
- “(6) For the purposes of subsection (1),—
- “**Customs controlled area** has the meaning given to it in section 2(1) of the Customs and Excise Act 1996
- “**transitional facility** has the meaning given to it in section 10
2(1) of the Biosecurity Act 1993.”

Part 50

Volunteers Employment Protection Act 1973

- 166 Principal Act amended**
- This Part** amends the Volunteers Employment Protection Act 1973. 15
- 167 Evidence**
- Section 14(3) is amended by omitting “Chief of Staff” and substituting “Chief of Service”.
-

s 6

Schedule 1

Amendments to principal Act

Section 117

Subsection (1)(c): omit “Chief of Staff of any service” and substitute “Chief of any Service”. 5

Subsection (1)(c): omit “Chief of Staff” and substitute “Chief of Service”.

Subsection (2)(c): omit “Chief of Staff of any service” and substitute “Chief of any Service”.

Section 119

Subsection (1A): omit “Chief of Staff of any service” and substitute “Chief of any Service”. 10

Section 151

Subsection (1)(c): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”. 15

Section 166

Subsection (1)(b): omit “Chief of Staff of any service” and substitute “Chief of any Service”.

Subsection (1)(b): omit “Chief of Staff” and substitute “Chief of Service”. 20

Subsection (3): omit “Chief of Staff” and substitute “Chief of Service”.

Schedule 2
Related amendments to principal Act

s 19

Section 2(1)	
Definition of appropriate District Registrar of Companies: repeal.	5
Section 6	
Repeal.	
Section 8	
Repeal.	
Section 9D(a)(iii)	10
Repeal.	
Section 13(b)	
Omit “4 printed copies of” and substitute “for registration a copy of”.	
Section 14	15
Repeal and substitute:	
“14 Registration of rules of society	
“(1) The Registrar may refer the rules sent to the Registrar under section 13 to the Solicitor-General to ensure they comply with the requirements of this Act relating to rules of building societies.	20
“(2) If the Solicitor-General considers that the rules do not comply with those requirements, he or she may notify the society of the ways in which they do not comply.	
“(3) If the Registrar is satisfied that the rules comply with those requirements, the Registrar must—	25
“(a) register the rules; and	
“(b) send a certificate of incorporation to the building society.”	
Section 19	30
Subsections (2) to (5): repeal and substitute:	
“(2) The society must send notice of the alteration, signed by a director and the secretary of the society, to the Registrar for registration within 14 days after the passing of the special resolution.	35
“(3) The Registrar may refer the alteration to the Solicitor-General to ensure it complies with this Act.	

Section 19—*continued*

“(3A) If the Solicitor-General considers that the alteration does not comply with this Act, he or she may notify the society of the ways in which it does not comply.

“(4) If the Registrar is satisfied that the alteration complies with this Act, the Registrar must register the alteration.

“(5) The alteration takes effect on registration.” 5

Section 23

Subsection (3): insert “for registration” after “the Registrar”.

Subsection (4): omit “and send to the society a certificate of such registration”.

Subsection (5): repeal. 10

Section 29

Subsection (1): omit “copies of” and substitute “a copy of”.

Subsection (3): omit “shall also be sent by him to the appropriate District Registrar of Companies” and substitute “the Registrar must register the cancellation”.

15

Section 32(2)

Add “for registration”.

Section 33(3)

Add “for registration”.

Section 34(3)

Repeal and substitute:

20

“(3) If the Registrar receives a notice of a union or transfer under section 32 or 33 and is satisfied that those sections and this section have been complied with, the Registrar must register the notice.”

25

Section 73

Subsection (1): repeal and substitute:

“(1) A society must send notice of a change to its registered office to the Registrar for registration within 14 days after the date of the change.”

30

Subsection (2): repeal.

Section 88

Subsection (1): repeal and substitute:

“(1) If a person becomes, or ceases to be, a director or the manager or secretary of a society, the society must give notice of the change to the Registrar for registration within 1 month after the change.

35

Section 88—*continued*

“(1A) The notice must state the full name and address of the person and details of the office that he or she has taken or relinquished.”

Subsection (2): repeal.

Section 97A(2)

Repeal and substitute:

5

“(2) The society (unless it is an issuer within the meaning of section 4 of the Financial Reporting Act 1993) must send to the Registrar for registration at the same time a copy of those financial statements and reports, certified by a director and the manager or secretary of the society as being a true copy.”

10

Section 103

Subsection (1): omit “make to the Registrar, in duplicate,” and substitute “send to the Registrar for registration”.

Subsection (2): omit “each copy sent to the Registrar shall” and substitute “must”.

15

Subsection (3): repeal.

Section 113C(4)

Omit “under his or her hand or seal”.

Section 116

Subsection (3): omit “, in duplicate,” and substitute “for registration”.

20

Subsection (4): repeal.

Section 120

Subsection (1): omit “, in duplicate, to the Registrar, and one copy shall be registered” and substitute “to the Registrar for registration”.

25

Subsection (2): repeal.

Section 122A(4)(b)

Omit “the” and substitute “a”.

Section 124(6)

Omit “, and shall also notify the appropriate District Registrar of Companies” and substitute “and must register the cancellation, suspension, or extension of a suspension”.

30

Section 129

Heading to section 129: omit “**documents**” and substitute “**rules**”.

Subsections (1) and (2): repeal.

35

Section 137

Paragraph (a): add “(and those regulations may require the inclusion in, or attachment to, forms of specified information or documents and forms to be signed by specified persons), and prescribing requirements, not inconsistent with this Act, with which those documents must comply”.

Paragraph (c): insert “search or inspection of the register,” after “the issue of certificates and other documents,”.

Add as subsections (2) and (3):

“(2) The Registrar may refuse to perform a function or exercise a power until the prescribed fee is paid. 10

“(3) Any fee payable to the Registrar is recoverable by the Registrar in any court of competent jurisdiction as a debt due to the Crown.”

Section 139(6)

Omit “the Deputy Registrar of Building Societies under this Act” and substitute “a Deputy Registrar of Building Societies under this Act”.

15

Schedule 3

s 37

Provisions of Cook Islands Act 1915 repealed

Section 141	
Sections 143 to 147	
Section 262	5
Section 274	
Section 277	
Parts 9 to 18	
Sections 524 to 526	
Sections 528 and 529	10
Sections 531 to 539	
Parts 20 and 20A	
Sections 574 to 581	
Sections 588 and 589	
Sections 590 to 592	15
Part 23	
Sections 615 and 616	
Sections 618 to 620	
Section 622	
Sections 624 to 626	20
Sections 628 to 631	
Section 634	
Sections 637 to 640A	
Sections 645 to 652	
Section 654	25
Sections 656 and 657	
Sections 658 to 660	
Schedule 3	

s 38

Schedule 4

Provisions of other enactments repealed

Cook Islands Amendment Act 1957 (1957 No 103)

Part 1

Section 83

5

Schedules 2 and 3

Statutes Amendment Act 1945 (1945 No 40)

Heading above section 13

Section 13

Schedule 5 Repeals and revocations

s 39

Part 1 Enactments repealed

Cook Islands Amendment Act 1921 (1921 No 14)	5
Cook Islands Amendment Act 1923 (1923 No 9)	
Cook Islands Amendment Act 1946 (1946 No 30)	
Cook Islands Amendment Act (No 2) 1948 (1948 No 25)	
Cook Islands Amendment Act 1952 (1952 No 32)	
Cook Islands Amendment Act 1954 (1954 No 30)	10
Cook Islands Amendment Act 1956 (1956 No 27)	
Cook Islands Amendment Act 1958 (1958 No 47)	
Cook Islands Amendment Act 1960 (1960 No 32)	
Cook Islands Amendment Act 1961 (1961 No 15)	
Cook Islands Amendment Act 1962 (1962 No 40)	15
Cook Islands Amendment Act 1963 (1963 No 132)	
Cook Islands Amendment Act 1964 (1964 No 70)	
Cook Islands Amendment Act 1965 (1965 No 1)	
Cook Islands Amendment Act 1966 (1966 No 39)	
Cook Islands Amendment Act 1967 (1967 No 23)	20
Cook Islands Amendment Act 1970 (1970 No 56)	
Cook Islands Amendment Act 1974 (1974 No 80)	
Cook Islands Amendment Act 1982 (1982 No 65)	

Part 2 Regulations revoked 25

Cook Islands (Aitutaki) Wharf Regulations 1925 (<i>Gazette</i> 1925, p 736)	
Cook Islands Amendment Act Commencement Order 1959 (SR 1959/62)	

Part 2—*continued*

Cook Islands Amendment Act Commencement Order (No 2) 1959 (SR 1959/148)	
Cook Islands Amendment Act Commencement Order 1964 (SR 1964/24)	
Cook Islands Amendment Act Commencement Order (No 2) 1964 (SR 1964/26)	5
Cook Islands Amendment Act Commencement Order (No 4) 1964 (SR 1964/202)	
Cook Islands Applied Regulations Order 1947 (SR 1947/189)	
Cook Islands Births and Deaths Registration Regulations 1962 (SR 1962/67)	10
Cook Islands Cemeteries Regulations 1917 (<i>Gazette</i> 1917, p 2971)	
Cook Islands Commercial Fishing Regulations 1951 (SR 1951/2)	15
Cook Islands Co-operative Societies Regulations 1953 (SR 1953/106)	
Cook Islands Customs Aerodrome (Aitutaki Sea-landing) Area Notice 1952 (<i>Gazette</i> 1952, p 1335)	
Cook Islands Customs Aerodromes (Aitutaki) Regulations 1949 (<i>Gazette</i> 1949, p 2479)	20
Cook Islands Customs Aerodromes (Rarotonga) Regulations 1949 (<i>Gazette</i> 1949, p 2479)	
Cook Islands Customs (Aircraft) Regulations 1949 (SR 1949/126)	25
Cook Islands Fishing Regulations 1931 (<i>Gazette</i> 1931, p 3136)	
Cook Islands Fruit Regulations 1954 (SR 1954/146)	
Cook Islands Holding of Inquests Regulations 1923 (<i>Gazette</i> 1923, p 519)	
Cook Islands Import Prohibition Regulations 1924 (<i>Gazette</i> 1924, p 2218)	30

Part 2—*continued*

Cook Islands Industrial Unions Regulations 1947 (SR 1947/78)	
Cook Islands Land Appellate Court Rules 1947 (SR 1947/163)	
Cook Islands Land Court Rules 1916 (<i>Gazette</i> 1916, p 3707)	
Cook Islands Leprosy and Other Diseases Regulations 1917 (<i>Gazette</i> 1917, p 2449)	5
Cook Islands Maintenance Enforcement Regulations 1948 (SR 1948/134)	
Cook Islands Maintenance Enforcement Regulations 1948, Amendment No 1 (SR 1967/24)	
Cook Islands Marriage Regulations 1916 (<i>Gazette</i> 1916, p 2206)	10
Cook Islands (Mynah) Notice 1958 (<i>Gazette</i> 1958, p 359)	
Cook Islands Noxious Weeds Regulations 1916 (<i>Gazette</i> 1916, p 2304)	
Cook Islands Patriotic Purposes Regulations 1940 (SR 1940/157)	15
Cook Islands Pearl-Shell Export Duty Regulations 1950 (SR 1950/51)	
Cook Islands Pearl-Shell Fisheries Regulations 1950 (SR 1950/50)	20
Cook Islands Plant Quarantine Regulations 1955 (SR 1955/69)	
Cook Islands Police Regulations 1947 (SR 1947/132)	
Cook Islands Protection of Birds Regulations 1916 (<i>Gazette</i> 1916, p 2200)	
Cook Islands Public Service Regulations 1964 (SR 1964/33)	25
Cook Islands Quarantine (Aircraft) Regulations 1946 (SR 1946/38)	
Cook Islands Remission of Stamp Duty and Registration Fees Notice 1955 (<i>Gazette</i> 1955, p 1346)	
Cook Islands Sea Carriage of Goods Order 1946 (SR 1946/194)	30

Part 2—*continued*

Cook Islands Stamp Demonetization Regulations 1949 (SR 1949/131)	
Cook Islands Stamp Duties Regulations 1931 (<i>Gazette</i> 1932, p 341)	
Cook Islands Trade Dispute Intimidation Regulations 1948 (SR 1948/23)	5
Cook Islands Trades and Industries Regulations 1923 (<i>Gazette</i> 1923, p 2398)	
Cook Islands Trading Licences Regulations 1916 (<i>Gazette</i> 1916, p 2209)	10
Cook Islands Weights and Measures Regulations 1954 (SR 1954/248)	
Niue Arms Regulations 1955 (SR 1955/70)	
Niue Island Housing Loan Order 1962 (SR 1962/8)	
Niue Port and Service Tax Regulations 1952 (SR 1952/177)	15
Rarotonga Harbours Improvement and Maintenance Fund Regulations 1956 (SR 1956/220)	
Rules of the High Court of the Cook Islands 1916 (SR 1962/204)	

Schedule 6 Amendments to principal Act

s 43

Title

Paragraph (e): omit “**Chiefs of Staff**” and substitute “**Chiefs of Service**”. 5

Section 8

Subsection (3)(b): omit “Chief of Staff of any Service” and substitute “Chief of any Service”.

Section 12

Subsection (1)(b): omit “Chief of Staff of any Service” and substitute “Chief of any Service”. 10

Subsection (2)(a): omit “Chief of Staff of the Service” and substitute “Chief of the Service”.

Subsection (2)(a): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”. 15

Section 20

Paragraph (a): omit “Chief of Staff of the Service” in each place where it appears and substitute in each case “Chief of the Service”.

Heading to Part 3

Omit “**Chiefs of Staff**” and substitute “**Chiefs of Service**”. 20

Section 28

Heading to section 28: omit and substitute “**Chiefs of Service**”.

Subsection (4): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”.

Subsection (5): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”. 25

Subsection (6): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”.

Section 29

Heading to section 29: omit and substitute “**Chiefs of Service Committee**”. 30

Subsection (1): omit “Chiefs of Staff Committee” and substitute “Chiefs of Service Committee”.

Subsection (6): omit “Chiefs of Staff Committee” and substitute “Chiefs of Service Committee”. 35

Subsection (6): omit “Chief of Staff” and substitute “Chief of Service”.

Section 30

Subsection (3): omit “Chief of Staff” in each place where it appears and substitute in each case “Chief of Service”.

Section 56

Omit “Chief of Staff” and substitute “Chief of Service”. 5

Section 58

Subsection (3): omit “that Chief of Staff” in each place where it appears and substitute in each case “the Chief of Navy”.

Subsection (4): omit “that Chief of Staff” in each place where it appears and substitute in each case “the Chief of Army”. 10

Subsection (5): omit “that Chief of Staff” in each place where it appears and substitute in each case “the Chief of Air Force”.

Schedule 7
Provisions of Niue Act 1966 repealed

s 115

Parts 1 and 2	
Sections 62 to 65	
Sections 67 to 74	5
Sections 76 to 94	
Sections 96 to 105	
Sections 106 to 110	
Sections 113 to 115	
Sections 117 to 123	10
Sections 125 and 126	
Sections 129 to 242	
Section 246	
Parts 6 and 7	
Part 9	15
Part 16	
Parts 19 to 23	
Sections 600 to 607	
Sections 612 to 618	
Section 620	20
Part 27	
Parts 29 and 30	
Sections 660 to 662	
Sections 665 to 668	
Sections 672 to 683	25
Sections 684 to 685	
Sections 687 and 688	
Section 689A	
Sections 691 to 693	
Sections 696 and 697	30
Sections 700 to 701A	
Sections 703 to 705	
Sections 707 to 719	
Sections 722 to 728	
Part 33	35
Schedule 3	

s 116

Schedule 8
Provisions of other enactments repealed**Niue Amendment Act 1968 (1968 No 15)**

Section 4

Niue Amendment Act (No 2) 1968 (1968 No 132)

5

Section 2

Parts 1 to 7

Sections 91 to 98

Section 101

Part 9

10

Schedule

Schedule 9
Repeals and revocations

s 117

Part 1
Enactments repealed

Niue Amendment Act 1970 (1970 No 15)	5
Niue Amendment Act 1971 (1971 No 143)	
Niue Amendment Act 1974 (1974 No 43)	

Part 2
Regulations revoked

Niue Act Commencement Order 1969 (SR 1969/232)	10
Niue Airport Charges Regulations 1971 (SR 1971/203)	
Niue Amendment Act Commencement Order 1972 (SR 1972/20)	
Niue Amendment Act Commencement Order 1973 (SR 1973/215)	15
Niue Civil List Regulations 1972 (SR 1972/218)	
Niue Customs Tariff Order 1969 (SR 1969/233)	
Niue Dental Regulations 1970 (SR 1970/104)	
Niue Education Regulations 1968 (SR 1968/24)	
Niue Island Fumigation Regulations 1933 (<i>Gazette</i> 1933, p 2424)	20
Niue Land Courts Rules 1969 (SR 1969/126)	
Niue Land Registration Regulations 1969 (SR 1969/169)	
Niue Marriage Regulations 1970 (SR 1970/249)	
Niue Public Service Regulations 1979 (SR 1979/95)	25
Niue Radio Regulations 1972 (SR 1972/128)	
Niue Telephone Regulations 1968 (SR 1968/25)	

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Schedule 10 Repeals and revocations

Part 1 Enactments repealed

Tokelau Amendment Act 1967 (1967 No 38)	5
Tokelau Amendment Act 1969 (1969 No 3)	

Part 2 Regulations revoked

Tokelau Affidavits and Declarations Regulations 1986 (SR 1986/322)	10
Tokelau Amendment Act Commencement Order 1968 (SR 1968/229)	
Tokelau Animals Regulations 1991 (SR 1991/5)	
Tokelau Business Restriction Regulations 1989 (SR 1989/267)	
Tokelau Customs Regulations 1991 (SR 1991/4)	15
Tokelau Divorce Regulations 1987 (SR 1987/28)	
Tokelau (Employer for Tokelau Public Service) Order 2001 (SR 2001/98)	
Tokelau Islands Adoption Regulations 1966 (SR 1966/160)	
Tokelau Islands Amendment Act Commencement Order 1975 (SR 1975/261)	20
Tokelau Islands Births and Deaths Registration Regulations 1969 (SR 1969/131)	
Tokelau Islands Census Regulations 1961 (SR 1961/88)	
Tokelau Islands Copra Regulations 1952 (SR 1952/43)	25
Tokelau Islands Finance Regulations 1967 (SR 1967/40)	
Tokelau Islands Labour Order 1953 (SR 1953/148)	
Tokelau Islands (New Zealand Laws) Regulations 1969 (SR 1969/109)	
Tokelau Islands (New Zealand Laws) Regulations 1975 (SR 1975/263)	30

Part 2—*continued*

**Tokelau Islands Rhinoceros Beetle Regulations 1964
(SR 1964/57)**

Tokelau Marine Pollution Regulations 1990 (SR 1990/91)

Tokelau Marriage Regulations 1986 (SR 1986/320)

5

Tokelau Plant Regulations 1989 (SR 1989/269)

Tokelau Post Office Regulations 1991 (SR 1991/3)

**Union Islands Labour Ordinance 1935 (*Western Samoa Gazette*,
6 November 1935)**

Legislative history

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