

Statutes Amendment Bill (No 2)

Government Bill

As reported from the Government Administration
Committee

Commentary

Recommendation

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

Introduction

A Statutes Amendment bill is defined in Standing Order 258(1)(e) of the House of Representatives as an omnibus bill because it consists entirely of amendments to Acts. It provides for unrelated and non-controversial amendments to a number of Acts that are already in force. These amendments should be unrelated to the implementation of a particular policy objective.

Following our consideration, the Statutes Amendment Bill (No 2) (the bill) makes miscellaneous amendments to 28 different Acts. It will be split into separate amending bills during the committee of the whole House stage.

Parts that require no amendment

A large number of Parts in the bill did not require amendment. In most cases no submissions on these Parts were received or all submissions supported the proposed amendments. We are satisfied that no amendments are required to Parts 1, 2, 3, 4, 5, 9, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 23, 24, 25, 27, 28 and Schedules 1, 3 and 5.

Amendments to Acts not amended by the bill as introduced

The Associate Minister of Commerce sought our approval to include an amendment to the Patents Act 1953, and the Minister of Internal Affairs for a further amendment to the Oaths and Declarations Act 1957, which are not amended by the bill as introduced. These amendments could have been made in the committee of the whole House by way of Supplementary Order Paper. However, there are recent precedents for a select committee considering minor amendments of this nature to a Statutes Amendment bill. This course of action has two advantages. It saves the House time and energy and allows a select committee to scrutinise a proposed amendment and include its consideration of the amendment in its report to the House.

We are satisfied that these amendments are appropriate for a Statutes Amendment bill and merit inclusion in the bill. Before proposing the amendments, the Responsible Ministers gained the consent of the leaders of non-government parties in the House to the inclusion of the amendments in the bill. This satisfies the requirement in Standing Order 302(1) that no substantive amendment to an Act not amended by an omnibus bill, as originally introduced may be moved without the leave of the committee. While that rule applies to the committee of the whole House, Standing Order 205 provides that, subject to any express provision of the Standing Orders or contrary House practice, the same rules of conduct should apply to select committees. A summary of the proposed amendments follows.

Patents Act 1953—New Part 17A

The amendment to the Patents Act 1953 sought by the Associate Minister of Commerce is to insert a new section 68AB to provide that, where a patent protects an invention, the production, use, or sale of the invention, without the consent of the patent owner would not infringe the patent. This would be solely for the purposes of gaining marketing approval to market the invention in New Zealand or any other country. We support the purpose of this amendment and recommend that new section 68AB be inserted into the Patents Act 1953.

If enacted, this amendment would facilitate the entry to the New Zealand market of generic products, such as generic pharmaceuticals. This could mean that cheaper pharmaceuticals might become available in New Zealand sooner than at present. It would also assist New Zealand manufacturers of generic products to gain access to the

New Zealand market and export markets on comparable terms to competitors from other countries which, we are told, have already implemented a similar policy.

Oaths and Declarations Act 1957—further amendment to clause 85 in Part 17

We recommend section 9 of the Oaths and Declarations Act 1957 be amended to clarify that only those employees of the authority that are authorised by the Minister of Justice by notice in the *Gazette* can take declarations. Section 9 of the Oaths and Declarations Act 1957 prescribes who may take declarations made in New Zealand. This provision was amended by the Oaths and Declarations Amendment Act 2001 to add Fellows of the New Zealand Institute of Legal Executives to the list of persons authorised to take statutory declarations. This amendment repealed the former section 9 and a new and rearranged section was substituted to improve the layout and readability of the section. However, this amendment removed the requirement for employees of the Land Transport Safety Authority of New Zealand (the authority) to be authorised by the Minister of Justice by notice in the *Gazette* in order to take declarations. Instead, all employees of the authority can now take declarations and no individual authorisations are required. The Ministry of Justice (the ministry) advised us that this was not the intention of the original amendment to section 9.

In addition, a further amendment to section 9 of the Oaths and Declarations Act 1957 made via Schedule 2 of the Public Trust Act 2001 has had an unintended result. This amendment was intended to add employees of the Public Trust to the list of persons who may be authorised by the Minister of Justice by notice in the *Gazette* to take declarations. However, the need for this amendment was superseded by the amendment to section 9 in the Oaths and Declarations Amendment Act 2001. While, there is no practical problem with the amendment, as its legal effect is made clear by application of the Interpretation Act 1999, we consider that section 9 should be amended to ensure that the effect of the amendment with respect to Public Trust employees is clear.

Bail Act 2000—Part 4

The New Zealand Law Society (NZLS) opposes clause 14 of the bill, which relates to evidence given on the strength of the prosecution case. This is a factor in considering whether or not to grant a

person bail. The NZLS considers this amendment is a significant and contentious change to the law as it would change the standard of evidence used to determine whether a person is granted bail or not. It considers this is unacceptable and unsafe and may be in breach of the New Zealand Bill of Rights Act 1990. The NZLS also considers that, as the amendment is contentious, its inclusion in the bill is contrary to the convention that only non-contentious proposals be included in a Statutes Amendment bill.

Clause 14 seeks to clarify the meaning of the words 'receive' and 'would' found in section 20(2) of the Bail Act 2000. These words were meant to convey that the information given at a bail hearing must be of a type that would be admissible if the appropriate procedural steps were taken, and not that all those steps have been taken. It is therefore the substance of the evidence that must be admissible in the certain circumstances of opposing bail because of the strength of the case and the likelihood of conviction, and not the manner in which the evidence is given.

We are therefore not persuaded by the NZLS's argument that this amendment represents an unacceptable and unsafe approach when determining a person's liberty. The ministry advised us that information on any other factor relevant to bail is determined on the basis that evidence on that matter need not be admissible. There is a mechanism within the law to ensure that information at bail hearings is not fabricated at the prosecutor's whim. The bail applicant has a right to challenge the accuracy of any information, or the interpretation placed upon any information which is put to the Court at a bail hearing. This includes information that is not in admissible form, though of admissible substance, that goes to the strength of the case against him or her. Such an approach is taken to ensure that information can be provided to the Court in an efficient manner at a bail hearing. If there are any problems with that information, the relevant piece of information is not taken into account or the Court will adjourn the hearing in order that the information may be put in an admissible fashion.

We also do not support the NZLS's argument that clause 14 is too contentious to be in a Statutes Amendment bill. The ministry advised us that the practice whereby information given at a bail hearing is of a type that would be admissible if the appropriate procedural steps were taken, and not that all those steps have been already been taken, has been the practice since 'time immemorial'. We do not consider it is contentious to attempt to clarify the law in

line with the intent of Parliament. As to the NZLS's argument that clause 14 may be in breach of the New Zealand Bill of Rights Act 1990, we are satisfied that this amendment does not give rise to a breach.

Births, Deaths, and Marriages Registration Act 1995— Part 6

Clauses 23(1) and 23(2) of the bill are now redundant. We recommend they be removed from the bill. Clause 23 sought to consequentially amend the Privacy Act 1993 by inserting new items relating to the Department of Internal Affairs (the department), the Land Transport Safety Authority, and the Ministry of Education into the definition of a 'specified agency' in section 97 of the Privacy Act 1993. The department advises that these consequential amendments have been made, partly in the Electoral Amendment Act 2002, and in the Education Standards Act 2001.

Building Act 1991—Part 7

We note the comments of the NZLS and the Building Industry Authority that the effect of amendment to the Building Act 1991 proposed in clause 25 of the bill would be to exempt multiunit dwellings from the requirements of a compliance schedule where smoke alarms are installed. This would remove the requirement for buildings containing multiunit dwellings such as apartments to have compliance schedules and not to have regular inspections of features such as lifts and air conditioning. The department advised us that the amendment, as drafted, would result in an unintended general exemption of multiunit buildings from the requirement for a compliance schedule. As this is not the intention of the proposed amendment to the Building Act 1991, we recommend clause 25 of the bill be amended to ensure that multiunit dwellings are required to have a compliance schedule where smoke alarms are installed.

The intention of clause 25 of the bill is to enable smoke alarms to become mandatory in new houses without imposing the costs of a compliance schedule on house owners. If the Building Code is amended to make smoke alarms mandatory without the appropriate amendment to the Building Act 1991, some new houses, for example, where there is a shared wall, but in all other respects each house is separate, would require a compliance schedule. The schedule would require the house owner to hire an independent qualified person to check that the alarm is working, publicly display a warrant

of fitness that the alarm is working, and file a copy of the warrant with the territorial authority. We agree this is unnecessary and are pleased that smoke alarms appear to have reached a state of reliability where checks required under a compliance schedule are not necessary for domestic installation.

Chatham Islands Council Act 1995—Part 8

Clause 27 of the bill seeks to insert a new subsection (3A) into section 16 of the Chatham Islands Council Act 1985. New subsection (3A) would provide that a person required by notice to collect council dues do so in trust for the Chatham Islands Council and must pay money so collected into a separate bank account. The NZLS considers that the new subsection (3A) requires amendment to make it clear that the provisions only apply to dues, which are collected. We note the department supports the NZLS's view. We also agree with the NZLS and recommend that clause 27 be amended accordingly.

Citizenship Act 1977—Part 9

Clause 29(2) of the bill would amend Schedule 4 of the Citizenship Act 1977 to provide for citizenship information to be disclosed to the Ministry of Education to verify and update student information on the National Student Index. The NZLS considers that the proposed addition to Schedule 4 departs from the wording of the existing items in the Schedule. The NZLS considers that the new addition may be read as contemplating a wholesale matching of citizenship records with the National Student Index that is not based on the need to verify the entitlements of a particular person. It suggests that clause 29(2) be reworded so that information disclosed to the Ministry of Education is to *verify* a student's information on the National Student Index.

We consider that clause 29(2) as drafted clearly expresses the purpose of the information match sought. We do not recommend any change. The ministry advised us that the information-matching programme proposed in clause 29(2) would be subject to the rules and guidelines contained in Part X of the Privacy Act 1993. An Information Matching Privacy Impact Assessment (IMPIA) would also be completed before the programme is enacted. The type of match will be determined during the IMPIA process and not by the wording of clause 29(2) which lists the agency requesting the information and the reason for the request. The Office of the Privacy Commissioner

confirms that the wording of the programmes already listed in Schedule 4 does not exclude the possibility of bulk matching in those cases.

District Courts Act 1947—Part 10

Clause 33 of the bill seeks to repeal Part V of the District Courts Act 1947 with a new ‘Part V Appeals’ which comprises new sections 71 to 79. The existing Part V contains most of the relevant provisions that relate to civil appeals from District Courts to the High Court. We note the comment in the explanatory note of the bill that Part V has given rise to a number of difficulties in practice, and has attracted judicial criticism. The amendments to Part V proposed in clause 33 would have the effect that civil appeals from District Courts will be subject to the procedural provisions that apply to other civil appeals to the High Court.

New section 72

New section 72 would confer a general right of appeal to the High Court. We note the NZLS considers the words ‘pursuant to this Act’ are technically incorrect, as proceedings are commenced pursuant to the District Court Rules. It considers that the provision should be redrafted to specify that the general right of appeal does not apply where appeals are provided for by some other Act. We agree with the NZLS and recommend that new section 72 is redrafted to delete the words ‘pursuant to this Act’ and to specify that the general right of appeal does not apply where appeals are provided for (or excluded) by some other Act.

The NZLS also asks that new provisions be added to new section 77 to:

- (a) specify a right to appeal to the Court of Appeal with leave;
and
- (b) state that there is no further right of appeal.

We do not agree with the NZLS that further provision relating to appeals from the High Court to the Court of Appeal should be included in this section as these rights are governed by the Judicature Act 1908. We consider it would be inappropriate to also include further provisions in the District Courts Act 1947.

New section 76

New section 76 states the general powers of the High Court on an appeal under section 72 of the District Courts Act 1947. The NZLS asks for a residual powers subsection to be included in this section, providing that specific powers do not limit any other power of the High Court. We do not consider this amendment is necessary as the High Court always has inherent jurisdiction. In that regard, it differs from the Court of Appeal. Quite aside from its inherent jurisdiction, subsection (1)(c) permits the High Court to make any other orders as it sees fit. We consider this power wide enough to cover any order that might be appropriate on an appeal.

New section 77

New section 77 would give the High Court additional powers in certain circumstances to order that some or all of an amount of judgment sum or costs be repaid, and to order interest to be paid on any sum ordered to be repaid. The NZLS raises three areas of concern in relation to this new section. First, it notes that the reference to 'section 87(3)' in new section 77(2)(b) is a reference to the Judicature Act 1908, rather than the District Courts Act 1947. The NZLS considers that, as currently drafted, the section does not make this clear. Second, the NZLS suggests that it may be more appropriate, rather than refer to section 87(3) of the Judicature Act, to refer to the equivalent section in the District Courts Act 1947, namely section 62B(4). Third, the NZLS notes that, as currently drafted, the Court can only order interest at the prescribed rate or not at all. It asks that new section 77(2)(b) be amended to give the Court a discretion to award less interest than the prescribed rate.

We agree with the NZLS's suggestions and recommend that new section 77(2)(b) should be amended to make clear that the reference to section 87(3) is to the Judicature Act 1908. We also recommend that new section 77(2)(b) be amended to allow the Court a discretion to order interest at a lower rate than the prescribed rate. However, we do not support the NZLS's suggestion that the reference to section 87(3) of the Judicature Act 1908 be replaced with a reference to section 62B(4) of the District Courts Act 1947. We consider the reference to the Judicature Act 1908 is more appropriate as the section refers to High Court powers, and not District Court powers.

Statistics Act 1975—Part 21

Clauses 99 to 101 of the bill are now redundant. We recommend they be removed from the bill. This amendment to the Statistics Act 1975 was to address a wording in the Act that has prevented Statistics New Zealand from providing access to unidentifiable statistical records to researchers in appropriate conditions. The alternative form of providing such research was expensive and has hindered researchers and community based users of small area data with limited funding. The proposed amendment to the Statistics Act 1975 would have improved research access by enabling one form of release of unidentifiable information in suitable circumstances. As part of the work initiated by government on improving the knowledge base for social policy, the Cabinet sought a review of the barriers to access to unit-record and small area data by non-government and community researchers. An outcome of this review is that the interpretation that prompted the seeking of the technical change to the Statistics Act 1975 has been re-examined by Statistics New Zealand with the conclusion that the amendments proposed in clauses 99 to 101 of the bill are no longer required.

Disputes Tribunal Act 1988—Part 26

Clause 123(1A) of the bill gives the Disputes Tribunal a general jurisdiction to exercise any power conferred by any enactment listed in Part 1 of Schedule 1 of the Disputes Tribunal Act 1988. This general jurisdiction replaces specific jurisdiction provisions in other contract statutes. The NZLS considers that, while this approach can simplify the provisions by inserting them in the one Act, the wording of clause 123(1A) does not make it clear that it is the powers conferred on a Court under those Acts that can be exercised by the Tribunal. The NZLS asks that the words 'upon a Court' are inserted immediately after the word 'conferred' to clarify this matter. We agree with the NZLS and recommend that clause 123(1A) be amended to remove any doubt as to the meaning of the clause.

Appendix

Committee process

The Statutes Amendment Bill (No 2) was referred to the previous Government Administration Committee on 19 February 2002. It was carried over from the 46th Parliament. Public submissions were called for with a closing date of 22 March 2002. Two submissions

were received and considered from interested groups. Consideration took two hours and two minutes.

We principally received advice from the Ministry of Justice. The Ministry of Economic Development and the Department of Internal Affairs also provided advice on certain aspects of the bill.

Committee membership

Dianne Yates (Chairperson)

Pansy Wong (Deputy Chairperson)

Steve Chadwick

Russell Fairbrother

Sandra Goudie

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

(Subject to this Act,)

Words struck out unanimously

Subject to this Act,

Words inserted unanimously

Hon Rick Barker

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Statutes Amendment Act (**No 2**) 2001.

2 Commencement

- (1) **Part 4 (and Schedule 1), Part 10 and Schedule 1, and Part 13**, come into force as provided by **sections 13, 32, and 69** respectively. 5
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Agricultural Compounds and Veterinary Medicines Act 1997 10

3 Agricultural Compounds and Veterinary Medicines Act 1997 called principal Act in this Part

In this Part, the Agricultural Compounds and Veterinary Medicines Act 1997¹ is called “the principal Act”. 15

¹ 1997 No 87

- 4 Continuation of licences**
- Section 94 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) If, before the commencement of this Act, the importation or manufacture of an animal remedy was licensed under section 21 of the Animal Remedies Act 1967, the holder of the licence may import, or manufacture, and sell the animal remedy in accordance with the terms and conditions of the licence until the close of the earliest of—
- “(a) the date that the licence expires in accordance with the terms and conditions of the licence; or
 - “(b) the last day of a period of 3 years from the commencement of this Act; or
 - “(c) the day before the date that the animal remedy is registered in accordance with regulations made under section 88.”

Part 2 Animal Welfare Act 1999

- 5 Animal Welfare Act 1999 called principal Act in this Part**
- In this Part, the Animal Welfare Act 1999² is called “the principal Act”.
- ² 1999 No 142
- 6 Strict liability**
- Section 13 of the principal Act is amended by inserting, after subsection (1), the following subsection:
- “(1A) In a prosecution for an offence against section 12 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision to which the offence relates.”
- 7 Defence**
- (1) The heading before section 24 of the principal Act is amended by adding the words “*and rebuttable evidence*”.

- (2) The heading to section 24 of the principal Act is amended by adding the words “**and rebuttable evidence**”.
- (3) Section 24 of the principal Act is amended by inserting, as subsection (1), the following subsection:
- “(1) In a prosecution for an offence against section 21(1)(b) or section 22(2) or section 23 committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence failed to comply with, or contravened, the provision to which the offence relates.”
- 8 Strict liability**
- Section 30 of the principal Act is amended by inserting, after subsection (1), the following subsection:
- “(1A) In a prosecution for an offence against section 29(a) committed after the commencement of this subsection, evidence that a relevant code of welfare was in existence at the time of the alleged offence and that a relevant minimum standard established by that code was not complied with is rebuttable evidence that the person charged with the offence contravened section 29(a).”
- 9 Power to disqualify person from having custody of animals**
- Section 169 of the principal Act is amended—
- (a) by inserting in subsection (2), after the expression “subsection (1)”, the words “or under section 16(1) of the Animals Protection Act 1960”; and
- (b) by inserting in subsection (5)(a), after the expression “subsection (1)”, the words “or under section 16(1) of the Animals Protection Act 1960”; and
- (c) by inserting in subsection 5(b), after the expression “subsection (3)”, the words “or an order made under section 16(1) of the Animals Protection Act 1960 and varied under subsection (2) of that section or subsection (3) of this section or both”.

Part 3

Antarctic Marine Living Resources Act 1981

- 10 Antarctic Marine Living Resources Act 1981 called principal Act in this Part** 5
 In this Part, the Antarctic Marine Living Resources Act 1981³ is called “the principal Act”.
- ³ 1981 No 53
- 11 Interpretation**
 Section 2(1) of the principal Act is amended by revoking paragraph (b) of the definition of **New Zealand national**, and substituting the following paragraph:
- “(b) an individual who is ordinarily resident in New Zealand, as defined in section 2(2) and (2A) of the Overseas Investment Act 1973; or” 10

Part 4

Bail Act 2000

- 12 Bail Act 2000 called principal Act in this Part** 15
 In this Part, the Bail Act 2000⁴ is called “the principal Act”.
- ⁴ 2000 No 38
- 13 Commencement**
 Except as provided in **section 18(2)**, this Part comes into force on the day after the date on which this Act receives the Royal assent. 20
- 14 Evidence in bail hearing**
 Section 20 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:
- “(2) Despite subsection (1), when considering the matter described in section 8(2)(b),— 25
- “(a) the court may only consider a statement, document, information, or matter that would be admissible in a court of law if made by the appropriate person or given or produced in proper form; but
- “(b) for the purpose of the bail hearing, it does not matter whether the evidence— 30
- “(i) is given or produced by the appropriate person or given or produced in sworn or unsworn form; or

“(ii) is otherwise given or produced in a form in which it would be admissible in a court of law.”

- 15 Defendant admitted to bail by member of police**
Section 21 of the principal Act is amended by inserting, after subsection (2), the following subsection: 5
“(2A) Despite section 7, no defendant is entitled to be granted bail under this section as of right.”
- 16 Appeal from decision of District Court relating to bail**
Section 41 of the principal Act is amended by repealing subsection (5). 10
- 17 Schedule 1 amended**
Schedule 1 of the principal Act is amended by omitting from the item relating to section 45 the expression “subsection (4)”, and substituting the expression “subsection (3)”. 15
- 18 Schedule 2 amended** 15
(1) Schedule 2 of the principal Act is amended by omitting from the item relating to the Extradition Act 1999 the item relating to section 44(3) of that Act that appears immediately above the item relating to section 46(1)(a) of that Act.
(2) The amendment in **subsection (1)** is deemed to have come into force on 1 January 2001. 20

Part 5

Bills of Exchange Act 1908

- 19 Bills of Exchange Act 1908 called principal Act in this Part** 25
In this Part, the Bills of Exchange Act 1908⁵ is called “the principal Act”.
⁵ 1908 No 15
- 20 Inland and foreign bills**
Section 4 of the principal Act is amended by repealing subsection (1), and substituting the following subsections: 30
“(1) An **inland bill** is a bill that is, or on the face of it purports to be,—
“(a) both drawn and payable in New Zealand; or

“(b) drawn in New Zealand on a person who resides or has a place of business in New Zealand.

“(1A) Any other bill is a **foreign bill**.”

Part 6

Births, Deaths, and Marriages Registration Act 1995 5

21 Births, Deaths, and Marriages Registration Act 1995 called principal Act in this Part

In this Part, the Births, Deaths, and Marriages Registration Act 1995⁶ is called “the principal Act”. 10

⁶ 1995 No 16

22 Schedule 1A amended

(1) Schedule 1A of the principal Act is amended by inserting, after the item relating to the Department of Courts, the following item:

Department for Courts (Māori Land Court Unit)	Death information	To identify deceased Māori landowners	15
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(2) Schedule 1A of the principal Act is amended by repealing the item relating to the Department of Work and Income, and substituting the following item:

Department of Work and Income	Birth information, marriage information, and death information	To— (a) verify a person’s eligibility or continuing eligibility for benefits, war pensions, grants, loans, or allowances: (b) verify a person’s eligibility or continuing eligibility for a community services card: (c) identify debtors, including any person no longer in receipt of a benefit, war pension, grant, loan, or allowance	20 25 30
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(3) Schedule 1A of the principal Act is amended by adding the following item: 35

Ministry of Education	Birth information and death information	To verify and update student information on the National Student Index	
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23 Consequential amendments to Privacy Act 1993**Struck out (unanimous)**

- (1) Section 97 of the Privacy Act 1993 (1993 No 28) is amended by inserting, after paragraph (d) of the definition of **specified agency**, the following paragraph:

“(da) the Department of Internal Affairs:”.

5

- (2) Section 97 of the Privacy Act 1993 is amended by inserting, after paragraph ~~((g))~~ (gc) of the definition of **specified agency**, the following ~~(paragraphs)~~ paragraph:

Struck out (unanimous)

“(ga) the Land Transport Safety Authority:

“(gb) the Ministry of Education:”.

10

New (unanimous)

“(gd) the Ministry of Education:”.

- (3) The Third Schedule of the Privacy Act 1993 is amended by inserting, after the item relating to the Tax Administration Act 1994, the following item:

Births, Deaths, and Marriages Registration Act 1995

Section 78A

15

**Part 7
Building Act 1991**

24 Building Act 1991 called principal Act in this Part

In this Part, the Building Act 1991⁷ is called “the principal Act”.

20

⁷ 1991 No 150

Struck out (unanimous)**25 Compliance schedules**

Section 44(1) of the principal Act is amended by inserting, after the words “single residential dwelling”, the words “or as an individual unit within a multi-unit dwelling”.

New (unanimous)**25 Compliance schedules**

Section 44(1)(c) of the principal Act is amended by adding, after the word “dangers”, the words “(other than a warning system for fire that is entirely within a household unit and serves only that unit)”.

5

Part 8

10

Chatham Islands Council Act 1995**26 Chatham Islands Council Act 1995 called principal Act in this Part**

In this Part, the Chatham Islands Council Act 1995⁸ is called “the principal Act”.

15

⁸ 1995 No 41

27 Persons liable to pay council dues

- (1) Section 16 of the principal Act is amended by inserting, after subsection (3), the following subsection:

“(3A) A person required by notice under subsection (3) to collect council dues on behalf of the Chatham Islands Council—

20

“(a) holds the dues collected in trust for the Chatham Islands Council; and

“(b) must pay *(the)* those dues into a separate account at a bank.”

- (2) Section 16 of the principal Act is amended by inserting, after subsection (5), the following subsections:

25

Struck out (unanimous)

“(5A) If the person notified under subsection (3) to collect council dues has not, by the end of 28 days after the end of the month in which they are collected, paid the dues to the Chatham Islands Council in accordance with subsection (5), the Chatham Islands Council may—

5

“(a) add to the amount owing a penalty of 10% of the amount owing; and

“(b) remit all or part of a penalty added under **paragraph (a)**.

New (unanimous)

“(5A) If a person required by notice under subsection (3) to collect council dues does not pay them to the Chatham Islands Council in accordance with subsection (5), the Chatham Islands Council may—

10

“(a) add to the amount owing a penalty of 10% of the amount owing; but

“(b) remit all or part of a penalty added under **paragraph (a)**.

15

“(5B) **Subsection (5A)** applies only to council dues that are payable 3 months or more after the commencement of **Part 8** of the Statutes Amendment Act (No 2) **2001**.”

Part 9**Citizenship Act 1977**

20

28 Citizenship Act 1977 called principal Act in this Part

In this Part, the Citizenship Act 1977⁹ is called “the principal Act”.

⁹ 1977 No 61

29 Schedule 4 amended

(1) Schedule 4 of the principal Act is amended by repealing the item relating to the Department of Work and Income, and substituting the following item:

25

Department of Work and Income

To—

(a) verify a person’s eligibility or continuing eligibility for benefits, war pensions, grants, loans, or allowances:

30

- (b) verify a person's eligibility or continuing eligibility for a community services card

- (2) Schedule 4 of the principal Act is amended by adding the following item: 5

Ministry of Education To verify and update student information on the National Student Index

- 30 Consequential amendment to Privacy Act 1993**
The Third Schedule of the Privacy Act 1993 (1993 No 28) is amended by inserting, after the item relating to the Social Security Act 1964, the following item: 10

Citizenship Act 1977 Section 26A

Part 10 District Courts Act 1947

- 31 District Courts Act 1947 called principal Act in this Part** 15
In this Part and **Schedule 1**, the District Courts Act 1947¹⁰ is called "the principal Act".

¹⁰ 1947 No 16

- 32 Commencement**
This Part and **Schedule 1** come into force on a date to be appointed by the Governor-General by Order in Council. 20

- 33 New Part (5) V substituted**
The principal Act is amended by repealing Part V, and substituting the following Part:

“Part (5)V
“Appeals 25

- “71 Interpretation**
In this Part,—
“**decision** includes a judgment and an interim or final order (other than an order under section 112)
“**make** includes give. 30

Struck out (unanimous)**“72 General right of appeal**

A party to proceedings in a District Court commenced pursuant to this Act may appeal to the High Court against the whole or any part of any decision made by the District Court in or in relation to the proceedings.

5

New (unanimous)**“72 General right of appeal**

“(1) This subsection applies to every decision made by a District Court other than a decision of a kind in respect of which an enactment other than this Act—

“(a) expressly confers a right of appeal; or

10

“(b) provides expressly that there is no right of appeal.

“(2) A party to proceedings in a District Court may appeal to the High Court against the whole or any part of any decision to which **subsection (1)** applies made by the District Court in or in relation to the proceedings.

15

“73 Agreements that decision would be binding

“(1) An appeal may not be brought under (*this section*) **section 72** if, before the decision was made, all parties to the proceedings agreed in writing that it would be binding on them.

“(2) **Subsection (1)** overrides **section 72**.

20

“74 Security for appeal

“(1) Unless granted legal aid under the Legal Services Act 2000, an appellant under **section 72** may be required by (*or under*) the High Court Rules to give the Registrar of the High Court security for costs.

25

“(2) If any security required is not given within the time required by (*or under*) the High Court Rules, the appellant’s appeal must be treated as having been abandoned.

“75 Appeals to be by way of rehearing

All appeals under **section 72** must be by way of rehearing.

30

- “76 Powers of High Court on appeal**
- “(1) Having heard an appeal under **section 72**, the High Court may—
- “(a) make any decision or decisions it thinks should have been made: 5
- “(b) direct the District Court in which the decision appealed against was made—
- “(i) to rehear the proceedings concerned; or
- “(ii) to consider or determine (whether for the first time or again) any matters the High Court directs; 10
or
- “(iii) to enter judgment for any party to the proceedings concerned the High Court directs:
- “(c) make any further or other orders it thinks fit (including any orders as to costs). 15
- “(2) The High Court must state its reasons for giving a direction under **subsection (1)(b)**.
- “(3) The High Court may give the District Court any direction it thinks fit relating to—
- “(a) rehearing any proceedings directed to be reheard; or 20
- “(b) considering or determining any matter directed to be considered or determined.
- “(4) The High Court may act under **subsection (1)** in respect of a whole decision, even if the appeal is against only part of it.
- “(5) Even if an interlocutory decision made in the proceedings concerned has not been appealed against, the High Court— 25
- “(a) may act under **subsection (1)**; and
- “(b) may set the interlocutory decision aside; and
- “(c) if it sets the interlocutory decision aside, may make in its place any interlocutory decision or decisions the 30
District Court could have made.
- “(6) The powers given by this section may be exercised in favour of any respondent or party to the proceedings concerned, even if the respondent or party did not appeal against the decision concerned. 35
- “77 Repayment of judgment sum and interest**
- “(1) This subsection applies if—
- “(a) a party to proceedings in a District Court (**party A**) has, in accordance with any judgment or order of the Court,

- paid an amount to another party to the proceedings (party B); and
- “(b) on appeal under **section 72**, the effect of the High Court’s determination is that some or all of the amount did not need to be paid. 5
- “(2) If **subsection (1)** applies, the High Court—
- “(a) may order party B to repay to party A some or all of the amount paid by party A; and
- “(b) may also order party B to pay to party A interest at a rate not greater than the prescribed rate (within the meaning of section 87(3) of the Judicature Act 1908) on the sum ordered to be repaid. 10
- “78 **Enforcement proceedings**
- For the purposes of enforcement proceedings, a judgment or order of the High Court under **paragraph (a) or paragraph (c) of section 76(1), or section 77(2)**, must be treated as if it were a judgment or order of the District Court in which the decision appealed against was made. 15
- “79 **Right of appeal in respect of contempt of Court**
- “(1) This subsection applies to any order under section 112 other than an order to the effect only that a person be taken into custody and detained until the rising of the Court. 20
- “(2) A person against whom an order to which **subsection (1)** applies has been made may appeal to the High Court against it.
- “(3) Sections 116 to 144 of the Summary Proceedings Act 1957 apply to the appeal (as far as they are applicable, and with all necessary modifications) as if the person were a defendant who had been convicted on an information and sentenced.” 25
- 34 **Consequential amendments**
- The enactments specified in **Schedule 1** are amended in the manner indicated in that schedule. 30
- 35 **Transitional**
- An appeal, under any enactment, commenced before the commencement of **section 33** must be determined as if **sections 33 and 34** had not been enacted. 35

Part 11 Extradition Act 1999

- 36 Extradition Act 1999 called principal Act in this Part**
 In this Part, the Extradition Act 1999¹¹ is called “the principal Act”. 5
¹¹ 1999 No 55
- 37 Meaning of extradition offence**
- (1) Section 4(1)(a) of the principal Act is amended by—
- (a) omitting the words “An offence punishable under the law of an”, and substituting the words “In relation to an extradition country, an offence punishable under the law of the”; and 10
- (b) omitting the words “; and”, and substituting the expression “:”.
- (2) Section 4(1)(b) of the principal Act is amended by inserting, after the word “to”, the words “a request by”. 15
- 38 Request for surrender**
- (1) Section 18(1) of the principal Act is amended by omitting the words “made to the Minister of Foreign Affairs and Trade for transmission”, and substituting the word “transmitted”.
- (2) Section 18(4)(a) of the principal Act is amended by repealing subparagraph (i), and substituting the following subparagraph: 20
- “(i) a warrant for the arrest of the person for the offence issued in the extradition country by a court or a Judge or other person having authority under the law of the extradition country to issue it; or”. 25
- 39 Provisional arrest warrant may be issued**
- Section 20(1) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph: 30
- “(a) a warrant for the arrest of a person has been issued in an extradition country by a court or a Judge or other person having authority under the law of the extradition country to issue it; and”.

40 Powers of court

Section 22 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) Despite section 46(1) and (2) of the Summary Proceedings Act 1957 (as applied by section 153 of that Act) and section 28(2) of the Bail Act 2000, a decision under this Part to remand a person in custody or on bail may be made only by a Judge.” 5

41 Determination of eligibility for surrender

Section 24(3)(b) of the principal Act is amended by inserting, before the word “that”, the words “except in relation to a matter referred to in **section 30(2)(ab)**,”. 10

42 Record of case may be submitted by exempted country at hearing

- (1) Section 25(3) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph: 15

“(b) a certificate by a person described in **subsection (3A)** stating that, in his or her opinion, the record of the case discloses the existence of evidence that is sufficient under the law of the exempted country to justify a prosecution in that country.” 20

- (2) Section 25 of the principal Act is amended by inserting, after subsection (3), the following subsection:

“(3A) A person referred to in **subsection (3)(b)** is— 25
 “(a) the Attorney-General or principal law officer of the exempted country, or his or her deputy or delegate; or
 “(b) any other person who has, under the law of the exempted country, control over the decision to prosecute.”

- (3) Section 25 of the principal Act is amended by repealing subsection (5), and substituting the following subsection: 30

“(5) A court to which a certificate under **subsection (3)(b)** is produced must take judicial notice of the signature on it of a person described in **subsection (3A)**.”

- 43 Minister must determine whether person to be surrendered**
 Section 30(2) of the principal Act is amended by inserting, after paragraph (a), the following paragraph:
 “(ab) if the Minister is satisfied that a mandatory restriction on the surrender of the person applies under the provisions of the treaty (if any) between New Zealand and the extradition country; or”.
- 44 Discharge of person if not surrendered within 2 months**
 Section 36 of the principal Act is amended by adding the following subsections:
 “(4) Despite subsection (1), no order may be made under this section for the discharge of a person if—
 “(a) it appears to the court that another request has been made under this Act for the surrender of the person, that request having been received—
 “(i) on or before the date on which the warrant referred to in subsection (1)(a) was issued; or
 “(ii) if an appeal or application referred to in subsection (1)(b) was made, on or before the date that the proceedings were finally determined; and
 “(b) a final decision on the surrender of the person in relation to that request has not been made.
 “(5) For the purposes of **subsection (4)**, **request** includes a warrant produced for endorsement under Part 4.”
- 45 Endorsement of warrant issued in extradition country**
 Section 41(1) of the principal Act is amended by omitting the words “a judicial officer of a court having lawful authority”, and substituting the words “other person having lawful authority under the law of the extradition country”.
- 46 Issue in New Zealand of provisional arrest warrant**
 Section 42(1)(a) of the principal Act is amended by omitting the words “a judicial officer of a court having lawful authority”, and substituting the words “other person having lawful authority under the law of the extradition country”.

47 Powers of court

Section 43 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- “(3) Despite section 46(1) and (2) of the Summary Proceedings Act 1957 and section 28(2) of the Bail Act 2000, a decision under this Part to remand a person in custody or on bail may be made only by a Judge.” 5

48 Referral of case to Minister in certain circumstances

- (1) Section 48(1)(c) of the principal Act is amended by omitting the expression “,—”, and substituting the expression “; or”. 10

- (2) Section 48(1) of the principal Act is amended by inserting, after paragraph (c), the following paragraph:

“(d) it appears to the court that another request has been made under this Act for the surrender of the person, and a final decision on the surrender of the person in relation to that request has not been made,—”. 15

- (3) Section 48 of the principal Act is amended by inserting, after subsection (1), the following subsection:

- “(1A) For the purposes of **subsection (1)(d), request** includes a warrant produced for endorsement under this Part.” 20

49 Discharge of person if not surrendered within 2 months

Section 57 of the principal Act is amended by adding the following subsections:

- “(4) Despite subsection (1), no order may be made under this section for the discharge of a person if the case has been referred to the Minister under section 48 and— 25

“(a) it appears to the court that another request has been made under this Act for the surrender of the person, that request having been received—

“(i) on or before the date on which the warrant referred to in subsection (1)(a) was issued; or 30

“(ii) if an appeal or application referred to in subsection (1)(b) was made, on or before the date that the proceedings were finally determined; and

“(b) a final decision on the surrender of the person in relation to that request has not been made. 35

- “(5) For the purposes of **subsection (4), request** includes a warrant produced for endorsement under this Part.”

- 50 Extension of Act for individual requests**
 Section 60 of the principal Act is amended by repealing subsection (7), and substituting the following subsection:
- “(7) Without limiting subsection (6), a provisional arrest warrant in relation to a person who is, or is suspected of being, in New Zealand or on his or her way to New Zealand may be issued in accordance with Part 3 even if a request to which this section applies has not yet been made.” 5
- 51 Application to appeal of certain provisions of Summary Proceedings Act 1957** 10
- (1) The heading to section 69 of the principal Act is amended by adding the words “**and Bail Act 2000**”.
- (2) Section 69 of the principal Act is amended by repealing paragraph (h) and paragraph (q).
- (3) Section 69 of the principal Act is amended by adding, as subsection (2), the following subsection: 15
- “(2) Section 47 of the Bail Act 2000 (which relates to the surrender of an appellant released on bail) applies with any necessary modifications to an appeal under this Part as if it were an appeal under Part IV of the Summary Proceedings Act 1957 against the determination by a District Court of an information or complaint.” 20
- Part 12**
Fire Service Act 1975
- 52 Fire Service Act 1975 called principal Act in this Part** 25
 In this Part, the Fire Service Act 1975¹² is called “the principal Act”.
- ¹² 1975 No 42
- 53 Evacuation schemes for public safety**
- Section 21A of the principal Act is amended by adding the following subsections: 30
- “(13) For the purpose of carrying out his or her functions under this section, the National Commander, or any person authorised in writing by the National Commander, may have free access on reasonable conditions to all land and buildings (except household units). 35

- “(14) Reasonable notice must be given in relation to any proposed entry, and identification must be shown on entry and at any subsequent time if requested.
- “(15) This section does not apply to any Crown land or buildings, or any class or classes of Crown land or buildings, that— 5
 “(a) are specified by the Minister by notice in the *Gazette*; or
 “(b) are premises of the mission as defined in Schedule 1 of the Diplomatic Privileges and Immunities Act 1968.”
- 54 Command and operation of Fire Service** 10
 Section 23(2) of the principal Act is amended by inserting, after the words “for the purposes of”, the words “any of the matters set out in section 29 or”.
- 55 Control of Fire Region**
 (1) Section 24A(1) of the principal Act is amended by omitting the words “in charge”, and substituting the words “in the charge”. 15
 (2) Section 24A(2)(d) of the principal Act is amended by inserting, after the words “for the purposes of”, the words “any of the matters set out in section 29 or”.
- 56 Control of Fire Area** 20
 Section 25A(2)(d) of the principal Act is amended by inserting, after the words “for the purposes of”, the words “any of the matters set out in section 29 or”.
- 57 Commission may undertake to give special protection to Harbour Board or to owner of property outside a Fire District** 25
 (1) The heading to section 39 of the principal Act is amended by omitting the words “to Harbour Board or”.
 (2) Section 39 of the principal Act is amended— 30
 (a) by omitting the words “with a Harbour Board or”; and
 (b) by omitting the words “Harbour Board or of that”.
- 58 Expenditure of Commission**
 (1) Section 44(1)(b) of the principal Act is amended by omitting the words “the members of the Appeal Board and any”, and

- substituting the words “any person appointed by the Minister in relation to an”.
- (2) Section 44(1)(h) of the principal Act is amended by omitting the word “Commissioner”, and substituting the word “Commission”. 5
- 59 Commission to submit financial forecasts and estimates to Minister**
Section 45(3) of the principal Act is amended by omitting the words “and any expenditure from the Restructuring Fund established under section 62B(1) of this Act”. 10
- 60 Levy**
Section 48(6)(a) of the principal Act is amended by omitting the word “property”, and substituting the word “building”.
- 61 Liability for levy where agents of owners of property negotiate contracts of fire insurance with insurance company not carrying on business in New Zealand** 15
Section 49(2) of the principal Act is amended by inserting, after the words “a return”, the words “in the prescribed form”.
- 62 Liability for levy where owners of property negotiate contracts of fire insurance with insurance company not carrying on business in New Zealand** 20
Section 49A(2) of the principal Act is amended by inserting, after the words “a return”, the words “in the prescribed form”. 25
- 63 Liability for levy by owner of property where cover for risk including fire is provided by any company, corporation, partnership, or person associated with owner of property**
Section 49B(2) of the principal Act is amended by inserting, after the words “a return”, the words “in the prescribed form”. 30

- 64 Payment of levy**
Section 50(2) of the principal Act is amended by inserting, after the words “a certificate”, the words “in the prescribed form”.
- 65 Companies, corporations, partnerships, and local and public authorities to supply evidence of insurance arrangements** 5
Section 51A(1) of the principal Act is amended by inserting, after the words “a statutory declaration”, the words “in the prescribed form”. 10
- 66 New section 87 substituted**
The principal Act is amended by repealing section 87, and substituting the following section:
- “87 Service of notices**
- “(1) If a notice or other document must be served on a person for the purposes of this Act, it may be served— 15
- “(a) by delivering it personally to the person; or
- “(b) by delivering it at the usual or last known place of residence or business of the person, including by fac-simile; or 20
- “(c) by sending it by prepaid post addressed to the person at the usual or last known place of residence or business of the person.
- “(2) If a notice or other document is to be served on a body (whether incorporated or not), service on an officer of the body in accordance with **subsection (1)** is service on the body. 25
- “(3) If a notice or other document is to be served on a partnership, service on any 1 of the partners in accordance with **subsection (1) or subsection (2)** is service on the partnership.
- “(4) If a notice or other document is sent by post to a person in accordance with **subsection (1)(c)**, it must be treated as having been received by the person at the time at which the letter would have been delivered in the ordinary course of post.” 30
- 67 Repeals**
- (1) Sections 62B to 62F of the principal Act are repealed. 35
- (2) The Fire Service Amendment Act 1994 (1994 No 71) is consequentially repealed.

Part 13
International Crimes and International Criminal
Court Act 2000

- 68 International Crimes and International Criminal Court Act 2000 called principal Act in this Part** 5
 In this Part, the International Crimes and International Criminal Court Act 2000¹³ is called “the principal Act”.
¹³ 2000 No 26
- 69 Commencement**
 This Part comes into force on the date that the sections of the principal Act that it amends come into force. 10
- 70 Procedure following arrest**
 Section 39 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:
 “(3) If the District Court remands the person on bail, the District Court may impose any conditions of bail that the District Court thinks fit in addition to any conditions that the District Court may impose under section 31(1) to (3) of the Bail Act 2000 (as applied by section 49 of that Act).” 15
- 71 Powers of District Court**
- (1) Section 41(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph: 20
 “(b) the following provisions apply to the proceedings, so far as applicable and with the necessary modifications:
 “(i) Part II and sections 203, 204, and 206 of the Summary Proceedings Act 1957: 25
 “(ii) Parts 1 (except sections 9 to 12), 2, and 3 of the Bail Act 2000:
 “(iii) section 121 of the Criminal Justice Act 1985.”
- (2) Section 41(3) of the principal Act is amended by omitting the expression “(1) to (3)”, and substituting the expression “(1) and (2)”. 30
- (3) Section 41 of the principal Act is amended by repealing subsection (4). 35
- (4) Section 41 of the principal Act is amended by repealing subsection (5), and substituting the following subsections:

- “(5) Section 171 of the Summary Proceedings Act 1957 and sections 52 and 54 of the Bail Act 2000 apply, so far as applicable and with the necessary modifications, to a person who is detained under section 46 or section 49.
- “(6) To avoid doubt, if an application is made for the variation of conditions of bail of a person who is detained under section 46 or section 49, the procedure in section 40(1) and (2) applies.” 5
- 72 Procedure following determination on eligibility or consent to surrender**
- Section 46(2)(a) of the principal Act is amended by omitting the expression “171(3)”, and substituting the expression “171(2)”. 10
- 73 Application to appeal of certain provisions of Summary Proceedings Act 1957**
- (1) The heading to section 68 of the principal Act is amended by adding the words “**and Bail Act 2000**”. 15
- (2) Section 68 of the principal Act is amended by repealing paragraph (h).
- (3) Section 68 of the principal Act is amended by adding, as subsection (2), the following subsection: 20
- “(2) Section 47 of the Bail Act 2000 (which relates to the surrender of an appellant released on bail) applies with any necessary modifications to an appeal under this Part as if it were an appeal under Part IV of the Summary Proceedings Act 1957 against the determination by a District Court of an information or complaint.” 25

Part 14 Judicature Act 1908

- 74 Judicature Act 1908 called principal Act in this Part**
- In this Part, the Judicature Act 1908¹⁴ is called “the principal Act”. 30
- ¹⁴ 1908 No 89
- 75 Review of, or appeals against, decisions of Masters**
- Section 26P of the principal Act is amended by repealing subsection (1A), and substituting the following subsections:

- “(1AA) The determination of the High Court on a review under subsection (1) is final, unless the High Court gives leave (or the High Court refuses leave, but the Court of Appeal gives special leave) to appeal from it to the Court of Appeal.
- “(1A) Rules under section 51C may— 5
- “(a) specify the nature and extent of reviews or classes of review under subsection (1);
- “(b) regulate the procedure for hearing applications or classes of application under subsection (1);
- “(c) regulate the procedure for hearing applications or classes of application for leave under **subsection (1AA)**.” 10

Part 15

Law Commission Act 1985

- 76 Law Commission Act 1985 called principal Act in this Part** 15
- In this Part and **Schedule 2**, the Law Commission Act 1985¹⁵ is called “the principal Act”.
- ¹⁵ 1985 No 151
- 77 New section 3A inserted**
- The principal Act is amended by inserting, after section 3, the following section: 20
- “**3A Interpretation**
- In this Act, unless the context otherwise requires, **responsible Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act.” 25
- 78 Consequential amendments to principal Act**
- The principal Act is amended in the manner specified in **Schedule 2**.

Part 16
New Zealand Horticulture Export Authority
Act 1987

- 79 New Zealand Horticulture Export Authority Act 1987** 5
called principal Act in this Part
 In this Part and **Schedule 3**, the New Zealand Horticulture Export Authority Act 1987¹⁶ is called “the principal Act”.
¹⁶ 1987 No 93
- 80 Interpretation**
- (1) Section 2 of the principal Act is amended by repealing the definition of the term **Ministers**, and substituting the following definition: 10
 “**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act”. 15
- (2) The definition of the term **product** in section 2 of the principal Act is amended by inserting, after paragraph (b), the following paragraph:
 “(ba) any moss, algae, fungi, or related organisms”.
- 81 Authority to implement general policy of Government** 20
- (1) Section 9(1) of the principal Act is amended by omitting the word “Ministers”, and substituting the word “Minister”.
- (2) Section 9 of the principal Act is amended by inserting, after subsection (1), the following subsection:
 “(1A) However, the Authority must give effect to the policy of Government in relation to international trade matters as communicated to it by notice in writing by the Minister of the Crown who (under the authority of any warrant or with the authority of the Prime Minister) is in charge of international trade.” 25
- 82 Consequential amendments** 30
 The principal Act is amended in the manner indicated in **Schedule 3**.

Part 17

Oaths and Declarations Act 1957

- 83 Oaths and Declarations Act 1957 called principal Act in this Part**
 In this Part, the Oaths and Declarations Act 1957¹⁷ is called “the principal Act”. 5
¹⁷ 1957 No 88
- 84 New section 4A inserted**
 The principal Act is amended by inserting, after section 4, the following section:
- “4A Oaths and affirmations in Māori** 10
- “(1) If a te reo Māori equivalent of any of the oaths or affirmations set out in this Act is prescribed by regulations made under **section 30A**, using that te reo Māori equivalent has the same effect as using the oath or affirmation set out in this Act.
- “(2) This section applies despite anything in section 4 or in any of sections 16 to 21.” 15
- 85 Declarations made in New Zealand**
- New (unanimous)**
- | | | |
|-----|--|----|
| (1) | Section 9 of the principal Act is amended by repealing paragraph (i), and substituting the following paragraphs: | |
| | “(i) an employee of the Land Transport Safety Authority of New Zealand, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the <i>Gazette</i> ; or | 20 |
| | “(ia) an employee of Public Trust constituted under the Public Trust Act 2001, authorised for that purpose (by name, or as the holder for the time being of a specified office or title) by the Minister of Justice by notice in the <i>Gazette</i> ; or”. | 25 |
- (2) Section 9 of the principal Act is amended by adding, as subsection (2), the following subsection: 30
- “(2) Despite subsection (1), if a te reo Māori equivalent of the declaration prescribed in the First Schedule is prescribed by

regulations made under **section 30A**, using that te reo Māori equivalent has the same effect as using the declaration prescribed in the First Schedule.”

New (unanimous)

(3)	So much of Schedule 2 of the Public Trust Act 2001 as relates to the principal Act is repealed.	5
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86 Witnesses under 12 may make declarations

Section 13 of the principal Act is amended by adding, as subsection (2), the following subsection:

“(2)	Despite subsection (1), if a te reo Māori equivalent of the declaration set out in subsection (1) is prescribed by regulations made under section 30A , using that te reo Māori equivalent has the same effect as using the declaration set out in subsection (1).”	10
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87 New section 30A inserted

	The principal Act is amended by inserting, after section 30, the following section:	15
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“30A Regulations

	The Governor-General may, by Order in Council, make regulations prescribing te reo Māori equivalents for any or all of the following:	20
--	---	----

	“(a) the affirmation set out in section 4(2):	
--	---	--

	“(b) the affirmation set out in section 4(3):	
--	---	--

	“(c) the declaration set out in section 13(1):	
--	--	--

	“(d) the oath set out in section 16:	
--	--------------------------------------	--

	“(e) the oath set out in section 17:	25
--	--------------------------------------	----

	“(f) the oath set out in section 18:	
--	--------------------------------------	--

	“(g) the oath set out in section 19:	
--	--------------------------------------	--

	“(h) the oath set out in section 20:	
--	--------------------------------------	--

	“(i) the oath set out in section 21:	
--	--------------------------------------	--

	“(j) the declaration prescribed in the First Schedule.”	30
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New (unanimous)

Part 17A
Patents Act 1953

- 87A Patents Act 1953 called principal Act in this Part** 5
 In this Part, the Patents Act 1953¹⁸ is called “the principal Act”.
- ¹⁸ 1953 No 64
- 87B New section 68B inserted**
 The principal Act is amended by inserting, after section 68A, the following section:
- “68B Regulatory review exception** 10
 It is not an infringement of a patent for a person to make, use, exercise, or vend the invention concerned solely for uses reasonably related to the development and submission of information required under New Zealand law or the law of any other country that regulates the manufacture, construction, use, or sale of any product.” 15

Part 18
Privacy Act 1993

- 88 Privacy Act 1993 called principal Act in this Part** 20
 In this Part, the Privacy Act 1993¹⁹ is called “the principal Act”.
- ¹⁹ 1993 No 28
- 89 Damages** 25
- (1) Section 88(2) of the principal Act is amended by omitting the words “is not of full mental capacity”, and substituting the words “lacks the capacity to manage his or her own financial affairs”.
- (2) Section 88(3) of the principal Act is amended by omitting the words “is not of full mental capacity”, and substituting the words “lacks the capacity to manage his or her own financial affairs”.

90 Fifth Schedule amended

The Fifth Schedule of the principal Act is amended by inserting, as the last 2 items under the heading “Police Records”, the following items:

Protection orders	Details of protection orders made under the Domestic Violence Act 1995	Department of Corrections (access is limited to obtaining information about any offender who is subject to a protection order while also subject to—	5
		(a) a full-time custodial sentence (including while released on parole); or	10
		(b) a sentence of periodic detention, supervision, community service, or community programme; or	15
		(c) a non-association order. Access is for the purpose of managing the offender’s sentence in a manner consistent with any protection order.)	20
Restraining orders	Details of restraining orders made under the Harassment Act 1997	Department of Corrections (access is limited to obtaining information about any offender who is subject to a restraining order while also subject to—	25
		(a) a full-time custodial sentence (including while released on parole); or	30
		(b) a sentence of periodic detention, supervision, community service, or community programme; or	35
		(c) a non-association order. Access is for the purpose of managing the offender’s sentence in a manner consistent with any restraining order.)	40

Part 19**Radiocommunications Act 1989****91 Radiocommunications Act 1989 called principal Act in this Part** 45

In this Part, the Radiocommunications Act 1989²⁰ is called “the principal Act”.

²⁰ 1989 No 148

- 92 New section 11B inserted**
The principal Act is amended by inserting, after section 11A, the following section:
- “11B Variation of conditions in record of management rights**
- “(1) The conditions that apply to licences created in relation to a record of management rights may be varied, added to, or removed at any time by mutual agreement between the manager and the Secretary. 5
- “(2) The Registrar must be notified of any agreement referred to in **subsection (1)** in the prescribed form. 10
- “(3) Nothing in this section affects the operation of sections 57, 57A, 57B, and 57C.
- “(4) No variation, addition, or removal of a condition made under **subsection (1)** applies to a licence that was registered before the date of that variation, addition, or removal.” 15
- 93 Content of record of management rights**
Section 34 of the principal Act is amended by inserting, after paragraph (e), the following paragraph:
- “(ea) any variation, addition, or removal of a condition that applies to the licences created in relation to the record of management rights; and”. 20
- 94 Modification of spectrum licence where 2 or more managers**
Section 57C of the principal Act is amended by omitting the expression “45(3)”, and substituting the expression “45(2)”. 25
- 95 Part to apply to frequencies unless or until record of management rights registered and rights commence**
- (1) The heading to section 110 of the principal Act amended by omitting the words “**where no record of management rights registered**”, and substituting the words “**unless or until record of management rights registered and rights commence**”. 30
- (2) Section 110 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) This Part applies to every radio frequency unless or until a record of management rights is registered and the rights have commenced under Part II in respect of that radio frequency.” 35

- (3) Section 110(2) is amended by inserting, after the word “registered”, the words “and commenced”.

96 Regulations prescribing fees

Section 135(1) of the principal Act is amended by inserting, after the words “and providing for the waiver”, the words “or refund”. 5

**Part 20
Sale of Liquor Act 1989**

97 Sale of Liquor Act 1989 called principal Act in this Part

In this Part, the Sale of Liquor Act 1989²¹ is called “the principal Act”. 10

²¹ 1989 No 63

98 Variation, suspension, or cancellation of licences other than special licences

- (1) Section 132(1)(a) of the principal Act is amended by inserting, after the word “Authority”, the words “or a District Licensing Agency”. 15

- (2) Section 132(6)(a) of the principal Act is amended by inserting, after the word “Authority”, the words “or a District Licensing Agency”.

Struck out (unanimous)

**Part 21
Statistics Act 1975**

20

99 Statistics Act 1975 called principal Act in this Part

In this Part, the Statistics Act 1975²² is called “the principal Act”. 25

²² 1975 No 1

100 Security of information

Section 37 of the principal Act is amended by repealing subsections (2) and (3), and substituting the following subsection:

- “(2) No information obtained under this Act may be disclosed, by any means, in a manner that enables the information to be related to an identifiable person or undertaking unless— 30

Struck out (unanimous)

- “(a) the disclosure is to an employee of the Department who has made the statutory declaration required by section 21 of this Act; or
- “(b) the disclosure is for the purposes of a prosecution or proposed prosecution under this Act.” 5

101 Consequential amendments

- (1) Section 21(3) of the principal Act is amended by omitting paragraph (b), and substituting the following paragraph:
“(b) section 37(2).”
- (2) Section 21(3A) of the principal Act is amended by omitting the words “subsections (2) and (3) of section 37 of this Act”, and substituting the expression “section 37(2)”. 10
- (3) Section 21(3C) of the principal Act is amended by omitting paragraph (b), and substituting the following paragraph:
“(b) section 37(2).” 15

Part 22**Taratahi Agricultural Training Centre (Wairarapa) Act 1969****102 Taratahi Agricultural Training Centre (Wairarapa) Act 1969 called principal Act in this Part** 20

In this Part, the Taratahi Agricultural Training Centre (Wairarapa) Act 1969²³ is called “the principal Act”.

²³ 1969 No 138

103 Powers of Trust Board

Section 9(2)(a) of the principal Act is amended by omitting the expression “\$25,000”, and substituting the words “\$100,000 plus any goods and services tax payable”. 25

Part 23

Contracts (Privity) Act 1982

- 104 Contracts (Privity) Act 1982 called principal Act in this Part**
 In this Part, the Contracts (Privity) Act 1982²⁴ is called “the principal Act”. 5
²⁴ 1982 No 132
- 105 Interpretation**
 Section 2 of the principal Act is amended by repealing the definition of **Court**, and substituting the following definition:
 “**Court** means, in relation to any matter, the court, tribunal, or 10
 arbitral tribunal by or before which the matter falls to be determined”.
- 106 Limitation on variation or discharge of promise**
 Section 5 of the principal Act is amended by omitting the word “arbitrator” in each place where it occurs, and substituting 15
 in each case the words “arbitral tribunal”.
- 107 Availability of defences**
 Section 9(1) of the principal Act is amended by omitting the words “or an arbitration”.
- 108 Sections 10 and 11 repealed** 20
 The principal Act is amended by repealing sections 10 and 11.
- 109 New section 13A inserted**
 The principal Act is amended by inserting, after section 13, the following section:
- “13A **Act does not apply to promises, contracts, or deeds governed by foreign law** 25
 This Act does not apply to any promise, contract, or deed, or any part of any promise, contract, or deed, that is governed by a law other than New Zealand law.”

Part 24
Contractual Mistakes Act 1977

- 110 Contractual Mistakes Act 1977 called principal Act in this Part**
In this Part, the Contractual Mistakes Act 1977²⁵ is called “the principal Act”. 5
²⁵ 1977 No 54
- 111 Interpretation**
Section 2(1) of the principal Act is amended by repealing the definition of **Court**, and substituting the following definition:
“**Court** means, in relation to any matter, the court, tribunal, or 10
arbitral tribunal by or before which the matter falls to be determined”.
- 112 Purpose of Act**
Section 4(1) of the principal Act is amended by omitting the words “and arbitrators”. 15
- 113 Act to be a Code**
Section 5(3) of the principal Act is amended—
(a) by omitting the words “or an arbitrator”; and
(b) by omitting the words “or his”.
- 114 Sections 9 and 10 repealed** 20
The principal Act is amended by repealing sections 9 and 10.
- 115 New section 11A inserted**
The principal Act is amended by inserting, before section 12, the following section:
- “11A **Act does not apply to contracts governed by foreign law** 25
This Act does not apply to any contract, or any part of any contract, that is governed by a law other than New Zealand law.”

Part 25

Contractual Remedies Act 1979

- 116 Contractual Remedies Act 1979 called principal Act in this Part**
 In this Part, the Contractual Remedies Act 1979²⁶ is called “the principal Act”. 5
²⁶ 1979 No 11
- 117 Interpretation**
 Section 2 of the principal Act is amended by repealing the definition of **Court**, and substituting the following definition: 10
 “**Court** means, in relation to any matter, the court, tribunal, or arbitral tribunal by or before which the matter falls to be determined.”
- 118 Cancellation of contract**
 Section 7 of the principal Act is amended by omitting from subsections (3)(b) and (c) and (4)(a) the word “stipulation” 15
 wherever it occurs, and substituting in each case the word “term”.
- 119 Rules applying to cancellation**
 Section 8(1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph: 20
 “(b) before the time at which the party cancelling the contract evinces, by some overt means reasonable in the circumstances, an intention to cancel the contract, if—
 “(i) it is not reasonably practicable for the cancelling party to communicate with the other party; or 25
 “(ii) the other party cannot reasonably expect to receive notice of the cancellation because of that party’s conduct in relation to the contract.”
- 120 Sections 12 and 13 repealed**
 The principal Act is amended by repealing sections 12 and 13. 30
- 121 New section 14A inserted**
 The principal Act is amended by inserting, after section 14, the following section:

- “14A **Act does not apply to contracts governed by foreign law**
This Act does not apply to any contract, or any part of any contract, that is governed by a law other than New Zealand law.”

Part 26

5

Disputes Tribunals Act 1988

122 **Disputes Tribunals Act 1988 called principal Act in this Part**

In this Part and **Schedule 4**, the Disputes Tribunals Act 1988²⁷ is called “the principal Act”.

10

²⁷ 1988 No 110

123 **Jurisdiction of Tribunals**

- (1) Section 10 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“(1A) A Tribunal has jurisdiction to exercise any power conferred on a Court by any enactment listed in **Part 1** of Schedule 1 if—

15

“(a) the occasion for the exercise of the power arises in the course of proceedings properly before the Tribunal; and

“(b) subject to section 13, the total amount in respect of which an order of the Tribunal is sought does not exceed \$7,500.”

20

- (2) Section 10(2) of the principal Act is amended by omitting the words “the First Schedule to this Act”, and substituting the words “**Part 2** of Schedule 1”.

124 **Further limitations on jurisdiction**

- (1) Section 11(5) of the principal Act is amended by omitting the words “section 10(2) of this Act”, and substituting the words “**section 10(1A)** or (2)”.

25

- (2) Section 11(7) of the principal Act is amended by omitting the words “subsection (2) of section 10 of this Act”, and substituting the words “**section 10(1A)** or (2)”.

30

125 **Extension of jurisdiction by agreement between the parties**

Section 13(1) of the principal Act is amended by omitting the words “subsection (1) or subsection (2) of section 10 of this Act”, and substituting the words “section 10(1), **(1A)**, or (2)”.

35

- 126 Power of Tribunal to award interest**
Section 20(4) of the principal Act is amended by omitting the words “section 10(3)”, and substituting the words “**section 10(1A)** and (3)”.
- 127 Consequential amendments** 5
The principal Act is amended by repealing sections 62 to 66, 68, 77, and 78.
- 128 New Schedule 1 substituted**
The principal Act is amended by repealing the First Schedule, and substituting the schedule set out in **Schedule 4**. 10

Part 27

Frustrated Contracts Act 1944

- 129 Frustrated Contracts Act 1944 called principal Act in this Part**
In this Part, the Frustrated Contracts Act 1944²⁸ is called “the principal Act”. 15
²⁸ 1944 No 20
- 130 New section 2 substituted**
The principal Act is amended by repealing section 2, and substituting the following section:
- “2 **Interpretation** 20
In this Act, **Court** means, in relation to any matter, the court, tribunal, or arbitral tribunal by or before which the matter falls to be determined.”

Part 28

Illegal Contracts Act 1970

- 131 Illegal Contracts Act 1970 called principal Act in this Part**
In this Part, the Illegal Contracts Act 1970²⁹ is called “the principal Act”. 25
²⁹ 1970 No 129
- 132 Interpretation**
Section 2 of the principal Act is amended by repealing the definition of **Court**, and substituting the following definition: 30

“**Court** means, in relation to any matter, the court, tribunal, or arbitral tribunal by or before which the matter falls to be determined”.

133 Illegal contract defined

Section 3 of the principal Act is amended by inserting, after the words “means any contract”, the words “governed by New Zealand law”. 5

134 Court may grant relief

Section 7(3) of the principal Act is amended by inserting, after the words “under subsection (1) of this section”, the words “, and the nature and extent of any relief to be granted,”. 10

135 Sections 9 and 9A repealed

The principal Act is amended by repealing sections 9 and 9A.

Schedule 1 Consequential amendments

Accident Insurance Act 1998 (1998 No 114)

Repeal section 165 and substitute:

- “165 **Appeal to High Court on question of law** 5
- “(1) A party to an appeal may appeal to the High Court against the decision of the District Court as being wrong in law.
- “(2) The High Court Rules and **sections 73 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.” 10

Admiralty Act 1973 (1973 No 119)

Repeal section 13(1) and substitute:

- “(1) A party to proceedings in a District Court in its admiralty jurisdiction may appeal to the High Court against any decision of the District Court. 15
- “(1A) The High Court Rules and **sections 73 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.” 20

Animal Products Act 1999 (1999 No 93)

Repeal subsections (1) and (2) of section 154 and substitute:

- “(1AA) This subsection applies to a decision of a District Court, on an application under section 147, to— 25
- “(a) make or refuse to make a compliance order; or
- “(b) dismiss the proceedings; or
- “(c) otherwise finally determine the proceedings.
- “(1) A party to proceedings in which there is made a decision to which **subsection (1AA)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision. 30
- “(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.” 35

Animal Welfare Act 1999 (1999 No 142)

Repeal subsections (1) and (2) of section 153 and substitute:

Animal Welfare Act 1999 (1999 No 142)—continued

- “(1AA) This subsection applies to a decision of a District Court, on an application under section 143, to—
- “(a) make or refuse to make an enforcement order; or
 - “(b) dismiss the proceedings; or
 - “(c) otherwise finally determine the proceedings. 5
- “(1) A party to proceedings in which there is made a decision to which **subsection (1AA)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision.
- “(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.” 10

Child Support Act 1991 (1991 No 142)

- Repeal subsections (1) to (3) of section 120 and substitute: 15
- “(1) A party to the proceeding may appeal to the High Court against an order or declaration of a Family Court made under this Act.
- “(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.” 20
- “(2) On the ex parte application of the appellant, the Family Court may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 25
- “(2A) **Subsection (2)** overrides **subsection (1A)**.
- “(3) The Commissioner may appeal to the High Court, on a question of law, against an order or declaration of a Family Court made under this Act in relation to any of the matters specified in sections 100 to 103 of this Act. 30
- “(3A) The High Court Rules and **sections 75 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (3)** as if it were an appeal under **section 72** of that Act.” 35

Children, Young Persons, and Their Families Act 1989

(1989 No 24)

Repeal sections 341 and 342 and substitute:

Children, Young Persons, and Their Families Act 1989

(1989 No 24)—continued

“341 Rights of appeal against decisions of Family Courts

“(1) This subsection applies to a decision of a Family Court, in proceedings under this Act, to—

“(a) make or refuse to make an order (other than an interlocutory or interim order); or 5

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(2) A party to proceedings in which there is made a decision to which **subsection (1)** applies, a child or young person to whom the proceedings relate, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision. 10

“(3) A party to proceedings under this Act in a Family Court in which an interlocutory or interim order is made, a child or young person to whom the proceedings relate, or any other person prejudicially affected by the order, may, with the leave of the Family Court, appeal to the High Court against the order. 15

“(4) An appeal under this section may be from the whole or part of the decision or order concerned.” 20

Omit from section 343 the expression “section 341” and substitute the expression “**section 341(2)**”.

Omit from section 345(1) the expression “section 341” and substitute the expression “**section 341(2)**”. 25

Repeal section 346 and substitute:

“346 Procedure on appeal

“(1) The High Court Rules and **sections 74 to 77** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under section 341 as if it were an appeal under **section 72** of that Act. 30

“(2) On the ex parte application of the appellant, the Family Court may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 35

“(3) Sections 156, 157, and 166 to 169, with all necessary modifications, apply to the hearing in the High Court of an appeal under section 341.

Children, Young Persons, and Their Families Act 1989

(1989 No 24)—continued

“(4) **Subsections (2) and (3)** and sections 207O and 207U override **subsection (1).**”

Repeal sections 348(1) and 349.

Civil Aviation Act 1990 (1990 No 98)

5

Repeal section 69(2) and substitute:

“(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.”

10

Domestic Violence Act 1995 (1995 No 86)

Repeal subsections (1) to (3) of section 91 and substitute:

“(1AA) This subsection applies to a decision of a Court, in proceedings under this Act, to—

“(a) make or refuse to make an order; or

15

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(1) A party to proceedings in which there is made a decision to which **subsection (1AA)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision.

20

“(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.

25

“(3) On the ex parte application of the appellant, the Court appealed from may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs.

“(3A) **Subsection (3)** overrides **subsection (2).**”

30

Electricity Act 1992 (1992 No 122)

Repeal subsections (1) and (2) of section 14 and substitute:

“(1) A party to proceedings in a District Court on an application under section 13(3) may appeal to the High Court against any decision of the District Court.

35

Electricity Act 1992 (1992 No 122)—continued

“(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.

“(2) On the ex parte application of the appellant, the District Court may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 5

“(2A) **Subsection (2)** overrides **subsection (1A)**.”

Family Courts Act 1980 (1980 No 161) 10

Add to section 16:

“(4) Nothing in **sections 73 to 79** of the District Courts Act 1947 applies to Family Courts, Family Court Judges, or the business of Family Courts, except to the extent that some enactment other than that Act provides.” 15

Family Proceedings Act 1980 (1980 No 94)

Repeal subsections (1) and (2) of section 174 and substitute:

“(1AA) This subsection applies to a decision of a Family Court or District Court, in proceedings under this Act (other than criminal proceedings or proceedings under section 130), to— 20

“(a) make or refuse to make an order; or

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(1) A party to proceedings in which there is made a decision to which **subsection (1A)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision. 25

“(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act. 30

“(2) On the ex parte application of the appellant, the District Court may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 35

Family Proceedings Act 1980 (1980 No 94)—continued

“(2A) **Subsection (2)** overrides **subsection (1A)**.”

Insert in section 174, after subsection (3):

“(3A) Subsection (3) overrides **subsection (1)**.”

Insert in section 174, after subsection (4):

“(4A) Subsection (4) overrides **subsection (1A)**.”

5

Family Protection Act 1955 (1955 No 88)

Repeal subsections (1) and (2) of section 15 and substitute:

“(1AA) This subsection applies to a decision of a Family Court or District Court, in proceedings under this Act, to—

“(a) make or refuse to make an order; or

10

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(1) A party to proceedings in which there is made a decision to which **subsection (1A)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision.

15

“(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.

20

“(2) On the ex parte application of the appellant, the Family Court or District Court (as the case requires) may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs.

25

“(2A) **Subsection (2)** overrides **subsection (1A)**.”

Gas Act 1992 (1992 No 124)

Repeal subsections (1) and (2) of section 15 and substitute:

“(1) A party to proceedings under this Act on an application under section 14(3) may appeal to the High Court against any decision of the District Court.

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“(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.

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“(2) On the ex parte application of the appellant, the District Court may order that the appellant must not be required under **section**

Gas Act 1992 (1992 No 124)—continued

74(1) of the District Courts Act 1947 to give the Registrar of the High Court security for costs.

“(2A) **Subsection (2)** overrides **subsection (1A)**.”

Guardianship Act 1968 (1968 No 63)

Repeal sections 31 and 31A and substitute:

31 Appeals to High Court

“(1) This subsection applies to a decision of a Family Court or District Court, in proceedings under this Act (other than criminal proceedings or proceedings under section 13 or section 14), to—

“(a) make or refuse to make an order (other than a interlocutory or interim order); or

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(2) A party to proceedings in which there is made a decision to which **subsection (1)** applies may appeal to the High Court against the decision.

“(3) A party to proceedings under this Act in a Family Court or District Court (other than criminal proceedings or proceedings under section 13 or section 14) in which an interlocutory or interim order is made may, with the leave of the Family Court or District Court (as the case requires), appeal to the High Court against the order.

“(4) Every application to a District Court under this section for leave to appeal under **subsection (3)** must be filed, in the manner prescribed under the District Courts Act 1947, within 21 days after the date on which the order appealed against is sealed.

“(5) On granting leave under this section, the District Court may give any directions it thinks fit as to the time by which any document relating to the appeal must be filed or served.

“(6) The High Court Rules and **sections 73 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under this section as if it were an appeal under **section 72** of that Act.

“(7) On the ex parte application of the appellant, the Family Court or District Court (as the case may be) may order that the

Guardianship Act 1968 (1968 No 63)—continued

appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs.

“(8) **Subsection (7)** overrides **subsection (6)**.”

“31A **Effect of High Court’s order or decision** 5

Except as provided in section 31B(1)(b), an order or decision of the High Court on an appeal under **section 31** is final.”

Harassment Act 1997 (1997 No 92)

Repeal subsections (1) to (3) of section 34 and substitute:

“(1AA) This subsection applies to a decision of a Family Court or 10

District Court, in proceedings under this Act (including, without limitation, proceedings under section 40), to—

“(a) make or refuse to make an order; or

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings. 15

“(1) A party to proceedings in which there is made a decision to which **subsection (1AA)** applies may appeal to the High Court against the decision.

“(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act. 20

“(3) On the ex parte application of the appellant, the Family Court or District Court (as the case requires) may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 25

“(3A) **Subsection (3)** overrides **subsection (2)**.”

Housing Restructuring Act 1992 (1992 No 76)

Omit from section 63(1)(a)(iii) the words “rules made under it”, and substitute the words “the High Court Rules”. 30

Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)

Repeal section 162 and substitute:

“162 **Appeal to High Court on question of law** 35

“(1) A party to an appeal may appeal to the High Court against the decision of a District Court as being wrong in law.

Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49)—continued

“(2) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.”

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Insolvency Act 1967 (1967 No 54)

Repeal section 89(8) and substitute:

“(8) If a proof is for a sum of not more than \$200,000, an application under any of subsections (4) to (6) may be made to a District Court; and in that case—

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“(a) the High Court Rules and **sections 71 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if the application were an action commenced pursuant to that Act and the amount of the proof in dispute were the amount of a claim:

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“(b) the provisions of the District Courts Act 1947 as to transfers of proceedings to the High Court apply as if the application were an action commenced pursuant to that Act and the amount of the proof in dispute were the amount of a claim:

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“(c) with the leave of the High Court, any party may appeal to the Court of Appeal from a decision of the High Court under this subsection.”

Law Reform (Testamentary Promises) Act 1949 (1949 No 33)

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Repeal subsections (1) to (3) of section 5A and substitute:

“(1AA) This subsection applies to a decision of a Family Court or District Court, in proceedings under this Act, to—

“(a) make or refuse to make an order; or

“(b) dismiss the proceedings; or

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“(c) otherwise finally determine the proceedings.

“(1) A party to proceedings in which there is made a decision to which **subsection (1AA)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision.

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“(1A) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (1)** as if it were an appeal under **section 72** of that Act.

Law Reform (Testamentary Promises) Act 1949

(1949 No 33)—continued

“(1B) On the ex parte application of the appellant, the Family Court or District Court (as the case requires) may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 5

“(1C) **Subsection (1B)** overrides **subsection (1A)**.”

Maritime Transport Act 1994 (1994 No 104)

Repeal section 116(2) and substitute:

“(2) If the sum in dispute exceeds \$5,000, any party to the dispute may appeal to the High Court against the District Court’s decision. 10

“(3) The High Court Rules and **sections 73 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (2)** as if it were an appeal under **section 72** of that Act.” 15

Matrimonial Property Act 1976 (1976 No 166)

Repeal sections 39 and 39A and substitute:

39 Right of appeal to High Court

“(1) This subsection applies to a decision of a Family Court or District Court, in proceedings under this Act, to— 20

“(a) make or refuse to make an order; or

“(b) dismiss the proceedings; or

“(c) otherwise finally determine the proceedings.

“(2) A party to proceedings in which there is made a decision to which **subsection (1)** applies, or any other person prejudicially affected by the decision, may appeal to the High Court against the decision. 25

“(3) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (2)** as if it were an appeal under **section 72** of that Act. 30

“(4) On the ex parte application of the appellant, the Family Court or District Court (as the case requires) may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 35

Matrimonial Property Act 1976 (1976 No 166)—continued

- “(5) **Subsection (4)** overrides **subsection (3)**.
- “(6) If the appeal relates to proceedings commenced after the death of 1 of the spouses or de facto partners, this section is modified by section 93.”
- Omit from section 93 the expression “39(1)” and substitute the expression “**39(2)**”. 5

Protection of Personal and Property Rights Act 1988
(1988 No 4)

Repeal sections 83 and 83A and substitute:

- 39 Right of appeal to High Court** 10
- “(1) This subsection applies to a decision of a Family Court, in proceedings pursuant to an application for the exercise of its jurisdiction under this Act, to—
- “(a) make or refuse to make an order; or
- “(b) dismiss the proceedings; or 15
- “(c) otherwise finally determine the proceedings.
- “(2) A party to proceedings in which there is made a decision to which **subsection (1)** applies may appeal to the High Court against the decision.
- “(3) A party to proceedings in a Family Court pursuant to an application for the exercise of its jurisdiction under this Act in which an interlocutory or interim order is made may, with the leave of the Family Court, appeal to the High Court against the *(decision) order*. 20
- “(4) The High Court Rules and **sections 74 to 78** of the District Courts Act 1947, with all necessary modifications, apply to an appeal under **subsection (2) or subsection (3)** as if it were an appeal under **section 72** of that Act. 25
- “(5) On the ex parte application of the appellant, the Family Court may order that the appellant must not be required under **section 74(1)** of the District Courts Act 1947 to give the Registrar of the High Court security for costs. 30
- “(6) **Subsection (5)** overrides **subsection (4)**.
- “83A **High Court’s decision final**
- Except as provided in section 84, the decision of the High Court on an appeal under **section 83** is final.” 35

Schedule 2

s 78

Consequential amendments to principal Act**Section 5(1)(d)**

Insert, after the words “Minister of Justice”, the words “and the responsible Minister”.

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Section 7

Omit the words “Minister of Justice” wherever they occur and substitute in each case the words “responsible Minister”.

Section 9(1)

Omit the words “Minister of Justice” and substitute the words “responsible Minister”.

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Section 11

Omit the words “Minister of Justice” in both places where they occur and substitute in each case the words “responsible Minister”.

Section 12(3)

Omit the words “Minister of Justice” and substitute the words “responsible Minister”.

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Section 16(1)

Omit the words “Minister of Justice” in both places where they occur and substitute in each case the words “responsible Minister, and any relevant portfolio Minister.”.

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Section 16(2)

Omit the words “Minister of Justice” in both places where they occur, and substitute in each case the words “responsible Minister”.

Section 17

Omit the words “Minister of Justice” in both places where they occur and substitute in each case the words “responsible Minister”.

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First Schedule

Omit from clause 2 the words “Minister of Justice” in both places where they occur and substitute in each case the words “responsible Minister”.

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Omit from clause 5(2) the words “Minister of Justice” and substitute the words “responsible Minister”.

Schedule 3**Consequential amendments to principal Act****Section 6(2)(e)**

Omit the word “Ministers” and substitute the word “Minister”.

Section 10

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Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

Section 11(3)(c)

Omit the word “Ministers” and substitute the word “Minister”.

Section 12

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Omit the word “Ministers” in each place where it occurs and substitute in each case the word “Minister”.

Section 13

Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

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Section 14(1)

Omit the word “Ministers” and substitute the word “Minister”.

Section 23A(5)

Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

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Section 23A(6)

Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

Section 23A(6)(a)

Omit the word “have” and substitute the word “has”.

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Section 23A(6)(b)

Omit the words “are satisfied that they” and substitute the words “is satisfied that he or she”.

Section 23A(7)

Omit the word “Ministers” and substitute the word “Minister”.

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Section 23A(8)

Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

Section 23A(10)

Omit the word “Ministers” and substitute the word “Minister”.

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Section 23A(12)(a)	
Omit the word “Ministers” in each place where it occurs and substitute in each case the word “Minister”.	
Section 25(1)	
Omit the word “Ministers” and substitute the word “Minister”.	5
Section 25(1)(a)	
Omit the word “Ministers” and substitute the word “Minister”.	
Section 25(1)(b)	
Omit the words “Ministers are” and substitute the words “Minister is”.	10
Section 25(1)(c)	
Omit the words “Ministers are” and substitute the words “Minister is”.	
Section 25(1)(c)(ii)	
Omit the word “Ministers” and substitute the word “Minister”.	15
Section 25(1)(d)	
Omit the words “Ministers are” and substitute the words “Minister is”.	
Section 25(2)	
Omit the word “Ministers” and substitute the word “Minister”.	20
Section 25(3)	
Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.	
Section 30(1)(b)	
Omit the word “Ministers” and substitute the word “Minister”.	25
Section 31(1)	
Omit the word “Ministers” and substitute the word “Minister”.	
Heading to section 32	
Omit the word “ Ministers ” and substitute the word “ Minister ”.	
Section 32(1)	
Omit the word “Ministers” and substitute the word “Minister”.	30
Section 32(2)	
Omit the word “Ministers” and substitute the word “Minister”.	
Section 32(2)(b)	
Omit the words “Ministers, after consultation with the Authority, the recognised product group, and such other persons as the Ministers thinks fit, are” and substitute the words “Minister, after	35

Section 32(2)(b)—continued

consultation with the Authority, the recognised product group, and any other persons that the Minister thinks fit, is”.

Section 32(3)

Omit the word “Ministers” and substitute the word “Minister”.

Section 32(3)(b)

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Omit the words “Ministers, having regard to the matters specified in section 25(3) of this Act, consider” and substitute the words “Minister, having regard to the matters specified in section 25(3), considers”.

Section 32(4)

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Omit the word “Ministers” and substitute the word “Minister”.

Heading to section 33

Omit the word “Ministers” and substitute the word “Minister”.

Section 33

Omit the word “Ministers” and substitute the word “Minister”.

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Section 33(b)

Omit the words “Ministers are” and substitute the words “Minister is”.

Section 33(c)

Omit the words “Ministers, after consultation with the Authority, the recognised product group, and such other persons as the Ministers think fit, are” and substitute the words “Minister, after consultation with the Authority, the recognised product group, and any other persons that the Minister thinks fit, is”.

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Section 43(4)

Omit the word “Ministers” and substitute the word “Minister”.

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Section 54(1)

Omit the words “that Minister, after consultation with the Ministers”, and substitute the words “the Minister of Finance, after consultation with the Minister”.

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Section 57(1)

Omit the word “Ministers” and substitute the word “Minister”.

Section 58

Omit the word “Ministers” in both places where it occurs and substitute in each case the word “Minister”.

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Schedule 4
New Schedule 1 of principal Act

s 128

Schedule 1
Powers and jurisdiction of Disputes Tribunals

s 10(1A) and (2)

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Part 1

Enactments under which Disputes Tribunals may exercise powers

Contracts (Privity) Act 1982	
Contractual Mistakes Act 1977	10
Contractual Remedies Act 1979	
Frustrated Contracts Act 1944	
Illegal Contracts Act 1970	

Part 2

Enactments that confer jurisdiction on Disputes Tribunals

Consumer Guarantees Act 1993	
Credit Contracts Act 1981	
Credit (Repossession) Act 1997	
Fair Trading Act 1986	
Fencing Act 1978	20
Friendly Societies and Credit Unions Act 1982	
Hire Purchase Act 1971	
Minors' Contracts Act 1969	
Motor Vehicle Securities Act 1989	

Legislative history

12 December 2001	Introduction (Bill 198-1)
19 December 2001	First reading and referral to Government Administration Committee
