

## STATUTES AMENDMENT BILL (NO. 5)

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### EXPLANATORY NOTE

This Bill makes various amendments to a number of different Acts. It is intended that each Part of the Bill will be divided into a separate Bill at the committee of the whole stage in the House.

#### PART 1

##### AGRICULTURAL COMPOUNDS AND VETERINARY MEDICINES ACT 1997

*Clause 3* corrects an incorrect cross-reference in section 24 (6) of the principal Act.

#### PART 2

##### ANIMAL IDENTIFICATION ACT 1993

*Clause 5* corrects an incorrect cross-reference (concerning the Biosecurity Act 1993) in section 9 (7) of the principal Act.

#### PART 3

##### ARMED FORCES DISCIPLINE ACT 1971

*Clause 7* amends the definition of the term “commanding officer” in section 2 (1) of the principal Act by omitting references to specific types of regiments and battalions that an officer may be in command of, and substituting a general reference to a battalion or regiment.

The purpose of this amendment is to—

- (a) Remove an unnecessary reference to a regiment of signals; and
- (b) Accommodate the recent creation of logistics battalions; and
- (c) Avoid the need for further amendment arising from changes to the structure of the New Zealand Army.

*Clause 8* amends section 86 (1) of the principal Act (which empowers a court-martial to order an offender to pay compensation).

The present provision provides that a court-martial may order an offender to pay compensation for any loss of or damage to property, or for any expense, suffered by a person as a result of an offence.

The effect of the amendment is to also allow a court-martial to order compensation in respect of any emotional harm suffered by a person as a result of the offence.

PART 4  
BIOSECURITY ACT 1993

*Clause 10* corrects an incorrect cross-reference in section 11 (2) of the principal Act.

*Clause 11* amends a section reference in section 157 (7) of the principal Act.

*Clause 12* repeals sections 160 and 160A of the principal Act. Section 160A currently provides an accelerated minor offence procedure for certain declaration offences. New sections 159A and 160 are substituted.

The new section 159A provides that certain declaration offences may be proceeded with by way of an accelerated infringement notice procedure. The section is based on the infringement offence provisions of the Summary Proceedings Act 1957, but dispenses with the need for a separate reminder notice and cuts the normal period of 28 days for payment of an infringement fee down to 14 days.

The new section 160 deals with the payment of infringement fees to the Crown Bank Account.

*Clause 13* corrects incorrect cross-references in sections 121 (1) and 122 of the Biosecurity Amendment Act 1997.

*Clause 14* makes a consequential amendment with respect to the definition of the term “infringement notice” in the Summary Proceedings Act 1957.

PART 5  
CONSERVATION ACT 1987

*Clause 16* amends section 6D of the principal Act to require a notice seeking appointments to the New Zealand Conservation Authority to be published in such other communications media as the Minister of Conservation may direct. At present the notice must be published in such other newspapers and publications as the Minister of Conservation may direct.

*Clause 17* amends section 6F of the principal Act to require the Minister of Conservation to appoint a person to fill a casual vacancy in the publicly nominated membership of the New Zealand Conservation Authority from the nominations received in response to the most recent call for nominations for membership.

*Clause 18* amends section 6P of the principal Act to make similar amendments in relation to Conservation Boards as made by *clause 16* in relation to the New Zealand Conservation Authority.

*Clause 19* amends section 6R of the principal Act to make similar amendments in relation to Conservation Boards as made by *clause 17* in relation to the New Zealand Conservation Authority.

PART 6  
CROWN MINERALS ACT 1991

*Clause 21* amends section 90 of the principal Act.

Section 90 requires permit holders to keep detailed records and reports in respect of all prospecting, exploration, and mining activities as specified in regulations made under the Act. It also provides, in subsection (4), that permit holders must provide to the Secretary of Commerce copies or duplicates of these records and reports in accordance with regulations and that the Secretary must send them to a person designated by the Minister. Section 90 (7) authorises public access to all information provided to the Secretary after 5 years, or in some

instances a lesser period. The underlying policy of section 90 is to make technical geoscience records and reports available after a period so as to broaden knowledge about New Zealand's petroleum and mineral resources and exploration potential. The current scope of the section is so wide as to apply to commercially sensitive financial records and reports, the release of which would be likely to prejudice unreasonably the commercial position of the person who supplied them. The amendment clarifies that subsections (4) and (7) do not apply to require the Secretary to send or make available records, reports, information, and returns relating to the calculations and payment of royalties by permit holders.

## PART 7

### DEFENCE ACT 1990

*Clause 23* repeals section 95 of the principal Act (which empowers the Chief of Defence Force to appoint qualified members of the Defence Force to enter into indentures of apprenticeship with other members of the Defence Force for the purpose of trade training).

Section 95 of the principal Act is no longer required in the case of members of the Armed Forces or the Civil Staff.

Trade training is now undertaken as part of the Armed Forces' normal conditions of service, which may be prescribed by the Chief of Defence Force.

In the case of Civil Staff, trade training forms part of an employee's employment contract, which may be negotiated by the Chief of Defence Force.

## PART 8

### FINANCIAL TRANSACTIONS REPORTING ACT 1996

*Clause 25* amends section 12 of the principal Act, which relates to procedures for verifying identity. The principal Act requires a financial institution to verify the identity of any person who asks the institution to establish a "facility" (an account or arrangement through which the person may conduct 2 or more transactions). If transactions may be conducted through the proposed facility by means of an existing facility provided by another financial institution, section 12 (3) provides that the institution is deemed to have complied with the verification requirement if it takes all steps reasonably necessary to confirm the existence of the facility provided by the other institution.

An example of the operation of section 12 (3) is the case where a person asks a bank (bank 2) to open an account in his or her name and to deposit in the account his or her cheque from another bank (bank 1). Under section 12 (3), bank 2 is deemed to have complied with the requirement to verify the person's identity if bank 2 takes all reasonable steps to confirm the existence of the person's cheque account at bank 1.

But an institution cannot repeat the section 12 (3) confirmation to verify the identity of a person who, having established a facility with the institution, then wants to "switch" his or her funds to another facility provided by the institution. To verify identity in such cases the institution must instead obtain documentary or other evidence. To ensure the same verification procedures apply whether a facility provided by a financial institution is a first facility or a later facility, and to reduce costs of compliance, *clause 25* inserts in section 12 a new *subsection (3A)*.

*Clause 26* effects a consequential amendment to section 30 (3) of the principal Act, which relates to verification records financial institutions must keep.

## PART 9

## GOVERNMENT SUPERANNUATION FUND ACT 1956

*Clause 28* amends section 2 (1) of the principal Act by repealing the definition of the term “Superintendent”, and substituting a new definition that allows any officer or employee of the Department of State that is responsible for the administration of the Act (currently the Ministry of Commerce) to be appointed as Superintendent. At present the functions of Superintendent are carried out by the chief executive of the Ministry of Commerce. However, rather than carrying out the functions of the Superintendent personally, the Secretary of Commerce delegates those functions to another official within the Ministry of Commerce. The separation of the role of Superintendent from that of chief executive is intended to remove any perceived conflict between the 2 roles.

## PART 10

## HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996

*Clause 31* inserts 2 amended definitions into the principal Act. The amended definition of “new organism” is consequential upon the insertion of new *section 2A*, into the principal Act. New *section 2A* contains a definition of new organism. The amended definition of “test certificate” removes any implication that test certificates may only be required by regulations.

*Clause 32* inserts a new *section 2A* into the principal Act containing a redrafted definition of “new organism”. The redrafted definition makes it clear which organisms are new organisms and when an organism ceases to be a new organism.

*Clause 33* inserts a new *section 27A* into the principal Act. To avoid doubt, the new section explicitly provides that where a hazardous substance has an approval no further approval of the same type is required.

*Clause 34* amends section 40 (2) (a) (iv) of the principal Act to provide that an application for a genetically modified organism is to contain information about the expression of all nucleic acid material including, but not limited to, DNA.

*Clause 35* removes a reference to a time limit from section 53 (3) (b) of the principal Act. The relevant time limits are set out in section 59 of the principal Act.

*Clause 36* changes a reference to “publicly notified hearing” in section 61 (7) of the principal Act to refer to the “hearing of a publicly notified application”.

*Clause 37* amends section 78 (5) of the principal Act to ensure that a code of practice under this Act that is also a code of practice under another Act or a document issued by another organisation, cannot be changed for the purposes of this Act by an amendment to that other code or document.

*Clause 38* amends section 97 (e) of the principal Act by removing a reference to ship and substituting a reference to aerodrome.

*Clause 39* amends section 109 (1) (b) of the principal Act by making it an offence to field test an organism in breach of the Act.

*Clause 40* amends a minor drafting error in section 117 of the principal Act.

*Clause 41* inserts two new sections into the principal Act to replace sections 121 and 122. New *section 121* makes it clear that any hazardous substance imported in breach of the Act is a prohibited good under the Customs and Excise Act 1996, whether that substance is imported without approval from the Authority or in

breach of the transitional provisions. New *section 122* gives powers to a customs officer in relation to any hazardous substance imported in breach of the Act, whether that substance is imported without approval from the Authority or in breach of the transitional provisions.

*Clause 42* amends section 125 of the principal Act to provide a right of appeal against a customs officer's direction under section 122. Section 125 (1) (h) provides for a right of appeal where the Authority refuses entry to a hazardous substance but the power will not be exercised by the Authority.

*Clause 43* corrects cross-references.

*Clause 44* amends section 257 of the principal Act to avoid any doubt. The amendment deems an organism approved under section 45 of the principal Act to be a new organism.

*Clause 45* corrects cross-references.

## PART 11

### JUDICATURE ACT 1908

*Clause 47* amends section 261 (2) of the principal Act, which sets out the powers of the High Court that may be exercised by Masters. The amendment would confer on Masters jurisdiction in respect of applications to set aside voidable transactions and charges as part of liquidation proceedings under the Companies Act 1993 (and the Companies Act 1955, where still relevant).

Under sections 292 to 296 of the Companies Act 1993, a liquidator may seek to set aside pre-liquidation transactions or charges by filing a notice in Court. Persons affected may apply to the High Court for an order that the transaction or charge not be set aside if they consider the transaction or charge is not voidable. The Court also has additional powers where the transaction or charge is set aside to make orders requiring, among other things, payment for benefit received, vesting of property that represents the proceeds of the transaction, and restoration of property transferred as a result of the transaction or charge. Similar provisions apply in relation to winding up proceedings under the Companies Act 1955 (where still relevant).

## PART 12

### LAW PRACTITIONERS ACT 1982

*Clause 49* amends the principal Act by extending the rule-making powers of the Council of the New Zealand Law Society. It inserts 2 new paragraphs into section 17 (2).

New *paragraph (ea)* allows the Council to make rules requiring solicitors who intend to set up on their own account, or who manage or administer trust accounts, to undertake training in trust account management and in the obligations of solicitors in relation to trust accounts.

New *paragraph (fa)* allows the Council to make rules requiring holders of practising certificates, or any class of holders of practising certificates, to undertake ongoing legal education relating to the law or the practice of law.

## PART 13

### MARRIAGE ACT 1955

*Clause 51* amends section 24 of the principal Act to allow a marriage licence to be issued by a Registrar other than the Registrar to whom the application for it was made.

*Clause 52* amends section 31 of the principal Act to abolish the requirement that marriages by marriage celebrants must be solemnised between 6 a.m. and 10 p.m.

Marriage celebrants are under no legal obligation to solemnise marriages, so the amendment has the effect that they may solemnise a marriage at any time and on any day they and the parties agree.

*Clause 53* amends section 33 of the principal Act to abolish the requirement that marriages before Registrars must be solemnised between 6 a.m. and 10 p.m.

As a Registrar is required by law to solemnise a marriage if asked, section 33 continues to be subject to section 28 (which provides that a Registrar does not have to solemnise a marriage outside office hours).

*Clause 54* repeals an enactment that (because it did no more than omit words from the principal Act) is now spent.

#### PART 14

##### MEAT ACT 1981

The amendments to the principal Act allow meat producers to take full advantage of the opportunities provided by the Trans-Tasman Mutual Recognition arrangement.

*Clause 56 (1)* makes minor modifications to section 11 (1) of the principal Act.

*Subclause (2)* inserts new *subsection (1A)* which deals with conditions in respect of the export of meat to Australia. The new subsection ensures that meat that can lawfully be sold in New Zealand can also be sold in Australia.

*Clause 57* substitutes a new *section 16* for the existing section, which requires all export slaughterhouses to be licensed. The new *section 16* provides for an exception in relation to licensed abattoirs if the only products exported from the abattoir are exported solely to Australia, and those products could lawfully be sold in New Zealand.

*Clause 58* amends section 19 of the principal Act, which specifies which packing houses must be licensed.

The new *subsection (1A)* provides that meat packing houses that are used to process or pack meat for export need not be licensed if any meat processed or packed for export is for export solely to Australia, and that meat could lawfully be sold in New Zealand.

The new *subsection (1B)* similarly provides that premises that are used to process or pack casings for export need not be licensed if any casings processed or packed for export are for export solely to Australia, and those casings could lawfully be sold in New Zealand.

*Clause 59* amends section 21 of the principal Act, which requires export stores to be licensed. The new *subsection (2)* specifies that a license is not required for those premises where the product in those premises that are intended for export are intended for export solely to Australia, and those products could lawfully be sold in New Zealand.

#### PART 15

##### MINISTRY OF ENERGY (ABOLITION) ACT 1989

*Clause 61* amends section 35 of the principal Act by adding 4 new subsections. These new subsections authorise the incorporation by reference into regulations made under the Act of the standards, procedures, or test methods of international organisations.

## PART 16

## MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT 1992

*Clause 62* contains the commencement provision. This Part comes into force on a date to be appointed by the Governor-General by Order in Council. The commencement is deferred because it depends on the coming into force of the Mutual Assistance in Criminal Matters Amendment Act 1998. The amendments in this Part amend new sections substituted by the 1998 Amendment Act.

*Clause 63* amends section 24. This amendment is consequential on the insertion of new section 24B.

*Clause 64* amends section 24A of the principal Act to allow for a wider range of conventions under which convention countries may request assistance from New Zealand. As proposed, convention countries may request assistance under the following additional conventions and protocols:

- The Single Convention on Narcotic Drugs
- The Protocol to the Single Convention on Narcotic Drugs
- The Convention on Psychotropic Substances
- The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment
- The Convention for the Suppression of Unlawful Seizure of Aircraft
- The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation.

As with subsections (1) and (2) of section 24A, new substituted subsections (3) to (5) also specify the New Zealand offences to which requests for assistance under the additional conventions and protocols must correspond. For example, if a convention country requests assistance under the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, then the request must relate to criminal matters arising from the commission or suspected commission of an offence that corresponds to an offence against section 3 of the Crimes of Torture Act 1989.

Two small changes are also made to subsections (1) and (2) of section 24A. These changes are for consistency reasons, so that all subsections in section 24A refer to the jurisdiction of New Zealand.

*Clause 65* inserts new section 24B into the principal Act and sets out further limitations on convention countries that make requests for assistance. New section 24B contains provisions that are at present subsections (3) to (5) of section 24A.

*Clause 66* amends Schedule 1 of the principal Act to incorporate the references to the additional conventions and protocols.

*Clause 67* amends Schedule 2 of the principal Act to incorporate additional references to corresponding offence provisions in New Zealand.

## PART 17

## NEW ZEALAND FILM COMMISSION ACT 1978

*Clause 69* repeals section 21 of the principal Act, which relates to the administrative costs of the Commission.

Section 21 requires the Commission, before 1 March in each financial year, to prepare and submit to the Minister of Cultural Affairs, for that Minister's approval, an estimate of the Commission's administrative costs for the next financial year. The Commission must obtain the Minister's approval for expenditure on administrative costs in any financial year that is in excess of the

estimate approved by the Minister for that year. However, the Commission may vary its expenditure on administrative costs in any financial year in any manner so long as its total expenditure on administrative costs in that year does not exceed the estimate approved by the Minister for that year.

As a Crown entity under the Public Finance Act 1989, the Commission is fully responsible and accountable to Parliament for all aspects of its financial performance. To recognise that accountability, and remove what has proved to be an unnecessary constraint on the Commission's management of its operations, *clause 69* repeals section 21.

## PART 18

### OATHS AND DECLARATIONS ACT 1957

*Clause 71* rectifies an anomaly in the principal Act relating to the Courts Martial Appeal Court. That Court comprises all current High Court Judges, and a number of appointed Judges (who are either retired High Court Judges, or barristers of the High Court with at least 7 years experience). The current and retired High Court Judges will all have taken the Oath of Allegiance and Judicial Oath; but at present the Act does not require the appointed Judges who are not retired High Court Judges to take those oaths.

The clause adds those appointed Judges to the schedule of persons required by the Act to take those oaths.

## PART 19

### OMBUDSMEN ACT 1975

*Clause 73* amends the First Schedule of the principal Act by omitting the term "Government Superannuation Fund Department". This amendment reflects the fact that the Government Superannuation Fund Department was abolished on 1 April 1998 and its functions were transferred to the Ministry of Commerce.

## PART 20

### PUBLIC FINANCE ACT 1989

*Clause 75* inserts a new definition in section 2 (1) of the principal Act. The term "purchased", with respect to a class of outputs to be purchased by the Crown, is defined to include purchased under an agreement that is not legally enforceable.

The main purpose of the amendment is to clarify that a legally enforceable contract is not required for the purchase of non-departmental output classes by the Crown.

## PART 21

### STATE SECTOR ACT 1988

*Clause 77* amends the First Schedule of the principal Act by omitting the items "Government Superannuation Fund Department" and "Office of Youth Affairs" and substituting for the latter "Ministry of Youth Affairs". The amendments reflect—

- (a) The abolition of the Government Superannuation Fund Department on 1 April 1998 when its functions were transferred to the Ministry of Commerce; and
- (b) A change in the name of the Office of Youth Affairs to the Ministry of Youth Affairs.

## PART 22

### SUMMARY OFFENCES ACT 1981

*Clause 79* amends section 8 (1) of the principal Act so as to substitute the term "restricted weapon" for the outdated term "unlawful weapon".



The now repealed Arms Act 1958 contained a definition of “unlawful weapon” (which stated that an unlawful weapon was an automatic pistol, or some other weapon declared by Order in Council to be an unlawful weapon for the purposes of that Act); and that definition was used in the Summary Offences Act 1981 when it was enacted.

But the Arms Act 1983 instead uses “restricted weapon” (which it defines as a weapon declared by Order in Council to be a restricted weapon for the purposes of that Act); and machine pistols were declared to be restricted weapons by the Arms (Restricted Weapons and Specially Dangerous Airguns) Order 1984.

#### PART 23

##### TRADE IN ENDANGERED SPECIES ACT 1989

*Clause 81* amends section 7 of the principal Act which provides for the appointment and membership of the Scientific Authorities Committee. The amendment takes account of the restructuring of the Ministry of Agriculture and Fisheries and the Ministry of Forestry into the Ministry of Agriculture and Forestry and the Ministry of Fisheries. The amendment also specifies the National Institute of Water and Atmospheric Research as a body, representatives from which the Minister of Conservation may appoint to the Scientific Authorities Committee.

#### PART 24

##### WEIGHTS AND MEASURES ACT 1987

*Clause 83* amends section 2 (1) of the principal Act by repealing the definition of the term “infringement offence” and substituting a new definition that extends the offences that constitute an infringement offence.

*Clause 84* amends section 41 of the Act by inserting new paragraph (ya). This allows for a breach of a regulation made under the Act to be prescribed by regulation as an infringement offence.

*Clause 85* repeals section 33A of the Act and substitutes a new *section 33A* which introduces a 2-tier infringement offence fee. Section 33A currently provides that the infringement fee for an infringement offence is \$500. However, some of the new infringement offences are relatively minor offences and do not warrant an infringement fee of \$500. The 2-tier infringement offence fee allows for the imposition of an infringement fee of \$200 for the more minor infringement offences. This ensures the imposition of fees that are proportionate to the offences.

*Clause 86* amends the First Schedule of the Act by omitting the item “Cord..3.6m<sup>3</sup>”. The use of the word cord has caused confusion to consumers. The favoured measure for selling firewood is 3 cubic metres rather than a cord, which originally measured 8 feet by 4 feet by 4 feet, or 3.6 cubic metres.

#### PART 25

##### WILD ANIMAL CONTROL ACT 1977

*Clauses 88 to 91* amend sections 2, 9, 12A, and 12B of the principal Act to omit references to section 11 of the Animal Identification Act 1993, which is a transitional provision, and substitute references to section 50 of the Biosecurity Act 1993. The effect of the amendments is that, for the purposes of sections 2, 9, 12A, and 12B of the principal Act, the identification of animals is either by means of an identification system registered under section 3 of the Animal Identification Act 1993 (as at present) or by means of an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General of Conservation for the purposes of the principal Act.

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**STATUTES AMENDMENT (NO. 5)**

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## PART 13

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- 50. Part to be part of Marriage Act 1955
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- 70. Part to be part of Oaths and Declarations Act 1957
- 71. Persons required to take Oath of Allegiance and Judicial Oath

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## OMBUDSMEN ACT 1975

- 72. Part to be part of Ombudsmen Act 1975
- 73. First Schedule amended

## PART 20

## PUBLIC FINANCE ACT 1989

- 74. Part to be part of Public Finance Act 1989
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## PART 21

## STATE SECTOR ACT 1988

- 76. Part to be part of State Sector Act 1988
- 77. First Schedule amended

## PART 22

## SUMMARY OFFENCES ACT 1981

- 78. Part to be part of Summary Offences Act 1981
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## PART 23

## TRADE IN ENDANGERED SPECIES ACT 1989

- 80. Part to be part of Trade in Endangered Species Act 1989
- 81. Scientific authorities

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## WEIGHTS AND MEASURES ACT 1987

- 82. Part to be part of Weights and Measures Act 1987
- 83. Interpretation
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## PART 25

## WILD ANIMAL CONTROL ACT 1977

- 87. Part to be part of Wild Animal Control Act 1977
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SCHEDULES  
Schedule 1  
New Parts Added to Schedule 1 of  
Principal Act

Schedule 2  
New Part Added to Schedule 2 of  
Principal Act

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A BILL INTITULED

**An Act to amend certain enactments of Parliament**

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

5 **1. Short Title**—This Act may be cited as the Statutes Amendment Act (No. 5) 1998.

PART 1

AGRICULTURAL COMPOUNDS AND VETERINARY MEDICINES ACT  
1997

10 **2. Part to be part of Agricultural Compounds and Veterinary Medicines Act 1997**—This Part is part of the Agricultural Compounds and Veterinary Medicines Act 1997\* (in this Part referred to as the principal Act).

\*1997, No. 87  
Amendment: 1998, No. 25

15 **3. Register of agricultural compounds**—Section 24 (6) of the principal Act is amended by omitting the expression “subsections (1) (b) and (j)”, and substituting the expression “subsections (2) (b) and (j)”.

PART 2

ANIMAL IDENTIFICATION ACT 1993

20 **4. Part to be part of Animal Identification Act 1993**—This Part is part of the Animal Identification Act 1993\* (in this Part referred to as the principal Act).

\*1993, No. 96

**5. Recovery of stray stock**—Section 9 (7) of the principal Act is amended by omitting the expression “section 57 (1)”, and substituting the expression “section 57 (1) (c)”.

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PART 3

ARMED FORCES DISCIPLINE ACT 1971

**6. Part to be part of Armed Forces Discipline Act 1971**—This Part is part of the Armed Forces Discipline Act 1971\* (in this Part referred to as the principal Act).

\*R.S. Vol. 23, p. 33  
Amendments: 1997, No. 34; 1998, No. 27

**7. Interpretation**—Section 2 (1) of the principal Act is amended by repealing paragraphs (d) to (h) of the definition of the term “commanding officer”, and substituting the following paragraph:

“(d) A battalion or regiment:” 5

**8. Compensation for loss of or damage to property**—Section 86 (1) of the principal Act is amended by inserting, after the words “for any” in the second place where they appear, the words “emotional harm, or for any”.

#### PART 4

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#### BIOSECURITY ACT 1993

**9. Part to be part of Biosecurity Act 1993**—This Part is part of the Biosecurity Act 1993\* (in this Part referred to as the principal Act).

\*1993, No. 95

Amendments: 1993, No. 129; 1994, No. 24; 1996, Nos. 23, 78; 1997, No. 89

**10. Other powers of Ministers**—Section 11 (2) of the principal Act is amended by omitting the expression “subsection (1) (b), (d), (e), and (g)”, and substituting the expression “subsection (1) (b), (d), (e), and (f)”. 15

**11. Penalties**—Section 157 (7) of the principal Act is amended by omitting the expression “160A”, and substituting the expression “159A”. 20

**12. New sections substituted**—The principal Act is amended by repealing sections 160 and 160A, and substituting the following sections:

“159A. **Certain declaration offences may be proceeded with by way of accelerated infringement notice procedure**—(1) If an inspector has reason to believe that a person (in this section referred to as the defendant) has committed an offence against section 154 (s),— 25

“(a) The defendant may be proceeded against for the alleged offence under the Summary Proceedings Act 1957; or 30

“(b) The inspector may issue an infringement notice in respect of the alleged offence.

“(2) Any inspector (not necessarily the inspector who issued the notice)— 35

“(a) May deliver an infringement notice (or a copy of it) to the defendant personally; or

“(b) May send it (or a copy of it) to the defendant by post addressed to the defendant’s last known place of residence or business.

5 “(3) For the purposes of **subsection (6)**, an infringement notice sent to a person by post is deemed to have been served on the defendant when it was posted.

“(4) An infringement notice under this section must be in the prescribed form, and must specify—

10 “(a) Sufficient details to inform the defendant fairly of the time, place, and nature of the offence alleged; and

“(b) That the infringement fee is \$200; and

“(c) Where the fee may be paid; and

“(d) The time within which the fee may be paid; and

15 “(e) How and where payment may be made under **subsection (5)**; and

“(f) A summary of the provisions of section 21 (10) of the Summary Proceedings Act 1957; and

“(g) That the defendant has a right to request a hearing; and

20 “(h) A statement of the consequences if the defendant neither pays the fee nor requests a hearing; and

“(i) Such other particulars as are prescribed by regulations made under this Act.

25 “(5) If the infringement notice is served by delivering it to a person at a port approved under section 37, that person may choose to pay immediately the infringement fee in the manner specified in the notice.

“(6) The Ministry may file in a District Court a copy of the infringement notice after a period of 14 days from the date of service of the infringement notice, if—

30 “(a) The infringement fee for the offence has not by then been paid to the Ministry at the address specified in the notice (or immediately under **subsection (5)**); and

“(b) The Ministry has not by then received at that address a notice requesting a hearing in respect of that offence.

35 “(7) The copy of the infringement notice filed under **subsection (6)** must have recorded on it the date and method of service on the defendant.

40 “(8) If an infringement notice has been issued under this section, section 21 of the Summary Proceedings Act 1957 applies as if that notice were a reminder notice served under subsection (2) of that section, and the provisions of that section apply, with all necessary modifications, to the alleged offence as if—

45 “(a) Subsections (1) to (3) were omitted; and

“(b) The reference in subsection (5) to a copy of a reminder notice filed under subsection (3) were a reference to a copy of an infringement notice filed under subsection (6) of this section; and

“(c) The reference in subsection (6)(b) and in subsection (10)(a) to the period of 28 days after the service of the reminder notice were a reference to the period of 14 days after the issue of the infringement notice. 5

“(9) Despite section 203 (1) of the Summary Proceedings Act 1957, an infringement notice under this section may be served on a Sunday. 10

“160. **Payment of infringement fees**—All infringement fees received under section 159 or section 159A must be paid into the Crown Bank Account.”

**13. Amendments to Biosecurity Amendment Act 1997**—(1) Section 121 (1) of the Biosecurity Amendment Act 1997 is amended by omitting the expression “section 120”, and substituting the expression “section 119”. 15

(2) Section 122 of the Biosecurity Amendment Act 1997 is amended by omitting the expression “section 59”, and substituting the expression “section 65”. 20

**14. Consequential amendment to Summary Proceedings Act 1957**—Section 2 of the Summary Proceedings Act 1957 is amended by repealing paragraph (e) of the definition of the term “infringement notice”, and substituting the following paragraph: 25

“(e) Section 159 or section 159A of the Biosecurity Act 1993; or”.

## PART 5

### CONSERVATION ACT 1987 30

**15. Part to be part of Conservation Act 1987**—This Part is part of the Conservation Act 1987\* (in this Part referred to as the principal Act).

\* R.S. Vol. 36, p. 1

**16. Membership**—Section 6D (2) of the principal Act is amended by repealing paragraph (d), and substituting the following paragraph: 35

“(d) Be published—

(i) At least twice in a daily newspaper circulating in each of the cities of Auckland, Hamilton, Wellington, Christchurch, and Dunedin; and 40

(ii) In such other communications media and on such occasions as the Minister may direct.”

5       **17. Term of office of members of Authority**—Section 6F of the principal Act is amended by repealing subsection (4), and substituting the following subsections:

“4) If any member of the Authority dies, resigns, or is removed from office, the vacancy so created must be filled,—

10       “(a) In the case of a member appointed under any of paragraphs (a) to (f) of section 6D (1), in the manner in which the appointment to the vacant office was originally made:

“ (b) In the case of a member appointed under paragraph (g) of section 6D (1), by the Minister—

15       “(i) Selecting a person from the nominations received in response to the most recent call for nominations under section 6D (2); and

“ (ii) Appointing, in accordance with section 6d (3), the person selected.

20       “(4A) A person appointed to be a member of the Authority under subsection (4) holds office for the residue of the term for which the vacating member was appointed.”

**18. Membership of Conservation Boards**—Section 6P (4) of the principal Act is amended by repealing paragraph (d), and substituting the following paragraph:

25       “(d) Be published—

(i) At least twice in a daily newspaper circulating in the area in which the Board will have jurisdiction; and

(ii) In such other communications media and on such occasions as the Minister may direct.”

30       **19. Term of office of members of Boards**—Section 6R of the principal Act is amended by repealing subsection (4), and substituting the following subsections:

“4) If any member of a Board dies, resigns, or is removed from office, the vacancy so created must be filled,—

35       “(a) In the case of a member appointed under section 6P (2), by the Minister—

“ (i) Selecting a person from the nominations received in response to the most recent call for nominations under section 6P (4); and

40       “ (ii) Appointing, in accordance with section 6P (8), the person selected:



“(b) In the case of a member not appointed under section 6P (2), in the manner in which the appointment to the vacant office was originally made.

“(4A) A person appointed to be a member of a Board under subsection (4) holds office for the residue of the term for which the vacating member was appointed.” 5

## PART 6

### CROWN MINERALS ACT 1991

**20. Part to be part of Crown Minerals Act 1991**—(1) This Part is part of the Crown Minerals Act 1991\* (in this Part referred to as the principal Act). 10

\*1991, No. 70

Amendments: 1991, No. 102; 1993, No. 139; 1996, No. 77; 1997, Nos. 82, 91

**21. Reports to Secretary of Commerce**—Section 90 of the principal Act is amended by inserting, after subsection (7), the following subsection:

“(7A) Nothing in subsection (4) or subsection (7) requires the Secretary to send or make available any records, reports, information, and returns relating to the calculation and payment of royalties by permit holders.” 15

## PART 7

### DEFENCE ACT 1990

**22. Part to be part of Defence Act 1990**—This Part is part of the Defence Act 1990\* (in this Part referred to as the principal Act). 20

\*1990, No. 28

Amendments: 1992, No. 62; 1997, No. 41; 1998, No. 39

**23. Repeal of section 95**—Section 95 of the principal Act is repealed. 25

## PART 8

### FINANCIAL TRANSACTIONS REPORTING ACT 1996

**24. Part to be part of Financial Transactions Reporting Act 1996**—This Part is part of the Financial Transactions Reporting Act 1996\* (in this Part referred to as the principal Act). 30

\*1996, No. 9

**25. Procedures for verifying identity**—Section 12 of the principal Act is amended by inserting, after subsection (3), the following subsection:

“(3A) Where,— 35

- “(a) A financial institution is required under section 6 to verify the identity of a person in relation to any facility (in this subsection referred to as ‘the new facility’); and
- 5 “(b) That financial institution was earlier required under section 6 to verify the identity of the person in relation to a facility, and complied with that earlier requirement by taking steps to confirm the existence of a facility provided by another financial
- 10 institution, in accordance with subsection (3),—  
the financial institution is deemed to have complied with the requirement to verify the identity of the person in relation to the new facility if the financial institution has reasonable grounds to believe that the facility provided by the other
- 15 financial institution continues to exist.”

**26. Obligation to keep verification records**—Section 30 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:

- 20 “(3) In respect of each case in which a financial institution verifies the identity of any person by either—
- “ (a) Confirming the existence of a facility provided by another financial institution (in reliance on the provisions of section 12 (3) or section 12 (4)); or
- 25 “ (b) Having reasonable grounds to believe that a facility provided by another institution continues to exist (in reliance on the provisions of **section 12 (3A)**),—  
the first-mentioned financial institution must keep such records as are reasonably necessary to enable the identity of the other financial institution, and the identity of that facility, to be
- 30 readily identified at any time by the Commissioner.”

## PART 9

### GOVERNMENT SUPERANNUATION FUND ACT 1956

- 27. Part to be part of Government Superannuation Fund Act 1956**—This Part is part of the Government Superannuation Fund Act 1956\* (in this Part referred to as the
- 35 principal Act).

\*R.S. 21, p. 209

Amendments: 1987, No. 187; 1988, No. 19; 1989, No. 23; 1990, Nos. 30, 77; 1991, Nos. 7, 59; 1992, Nos. 40, 61; 1995, No. 28; 1997, No. 47

- 28. Interpretation**—Section 2 (1) of the principal Act is amended by repealing the definition of the term “Superintendent”, and substituting the following definition:

“ ‘Superintendent’ means the Superintendent referred to in section 2C of this Act:”.

**29. Superintendent of Government Superannuation Fund**—The principal Act is amended by inserting, after section 2B, the following section: 5

“2C. (1) A Superintendent of the Government Superannuation Fund is to be appointed under the State Sector Act 1988.

“(2) The Superintendent must be an officer or employee of the Department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act (being a Department specified in the First Schedule of the State Sector Act 1988).” 10

#### PART 10

HAZARDOUS SUBSTANCES AND NEW ORGANISMS ACT 1996 15

**30. Part to be part of Hazardous Substances and New Organisms Act 1996**—This Part is part of the Hazardous Substances and New Organisms Act 1996\* (in this Part referred to as the principal Act).

\*1996, No 30

**31. Interpretation**—(1) Section 2 (1) of the principal Act is amended by omitting the definition of the term “new organism”, and substituting the following definition: 20

“ ‘New organism’ has the meaning given to it by section 2A:”.

(2) Section 2 (1) of the principal Act is amended by omitting the definition of the term “test certificate”, and substituting the following definition: 25

“ ‘Test certificate’ means a certificate issued by a test certifier in accordance with section 82:”.

**32. Meaning of term “new organism”**—The principal Act is amended by inserting, after section 2, the following section: 30

“2A. (1) A new organism is—

“(a) An organism belonging to a species that was not present in New Zealand immediately before 29 July 1998:

“(b) An organism belonging to a species, subspecies, infrasubspecies, variety, strain, or cultivar prescribed as a risk species, where that organism was not present in New Zealand at the time of promulgation of the relevant regulation: 35

“(c) An organism for which a containment approval has been given under this Act:

“(d) A genetically modified organism:

5 “(e) An organism that belongs to a species, subspecies, infrasubspecies, variety, strain, or cultivar that has been eradicated from New Zealand.

“(2) An organism ceases to be a new organism when an approval has been given in accordance with this Act for the importation for release or release from containment of an  
10 organism of the same kind as the organism.”

**33. Further approvals not required**—The principal Act is amended by inserting, after section 27, the following section:

15 “27A. (1) Despite section 28, where a hazardous substance has an approval under this Act, no further approval of the same type is required for a hazardous substance of the same kind as the substance specified in that approval.

“(2) This section does not affect section 63.”

**34. Application for containment approval for new organisms**—Section 40 (2) (a) (iv) of the principal Act is  
20 amended by omitting the words “deoxyribonucleic acid (DNA)” and substituting the words “nucleic acid material”.

**35. Applications required to be publicly notified**—Section 53 (3) (b) of the principal Act is amended by omitting  
25 the words “, being not later than 30 working days after the date of public notification”.

**36. Provisions relating to hearings**—Section 61 (7) of the principal Act is amended by omitting the words “publicly notified hearing”, and substituting the words “hearing of a publicly notified application”.

30 **37. Codes of practice**—Section 78 of the principal Act is amended by omitting subsection (5), and substituting the following subsection:

35 “(5) A code of practice issued or approved under this Act that is also a code of practice approved under any other Act or a document prepared by another person, consists of the contents of that code or document as that code or document existed on the date that it was approved or issued as a code of practice under this Act.”

**38. Enforcement of Act**—Section 97 (e) of the principal Act is amended by omitting the word “ship”, and substituting the word “aerodrome”.

**39. Offences**—Section 109 (1)(b) of the principal Act is amended by inserting, after the word “develops”, the words “or field tests”.

**40. Strict liability and defences**—Section 117 (3) of the principal Act is amended by omitting the words “, the approved plan,”.

**41. New sections substituted**—The principal Act is amended by repealing sections 121 and 122, and substituting the following sections:

“**121. Powers in respect of prohibited imports**—The importation of a hazardous substance in breach of this Act is the importation of a prohibited good under the Customs and Excise Act 1996, and the provisions of that Act apply accordingly.

“**122. Power to refuse entry to hazardous substance**—Where a customs officer has reasonable cause to believe that a hazardous substance is being imported in breach of this Act, that customs officer may direct that the hazardous substance remain on the ship or aircraft and leave New Zealand.”

**42. Appeals**—(1) Paragraph (h) of section 125 (1) of the principal Act is repealed.

(2) Section 125 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) Where a Customs officer directs in accordance with section 122 that a hazardous substance remains on a ship, the person directly affected may appeal against that direction to the District Court.”

**43. Offences against Parts XI to XVII**—Section 156 (1) of the principal Act is amended by repealing paragraph (b), and substituting the following paragraph:

“(b) Any term or condition of any permission referred to in sections 165 (1), (2), or (3), 166 (6), 170 (4), 188 (6), 199 (5), 214 (4) or (5), 217 (4), 225 (5) or (8), 227 (4) or (7), 231 (6) or (7), 232 (3) or (4), 236 (5) or (9), 242 (3) or (5), 244 (5) or (6), or 245 (3) of this Act:”.

**44. Approvals for genetically modified organisms—**Section 257 (1) of the principal Act is amended by adding the words “and that organism is then a new organism.”

- 45. Omission or alteration of cross-references—**The principal Act is amended—
- 5 (a) By omitting from section 10 (c) the expression “sections 28, 31, 34, 39, and 47 of”:
  - (b) By omitting from section 53 (3) (c) (ii) the expression “section 55 (3) of”:
  - 10 (c) By omitting from section 62 (4) the figure “68”, and substituting the figure “73”:
  - (d) By omitting from section 110 the expressions “140 (j)” and “140 (i)”, and substituting in each case the expression “140”:
  - 15 (e) By omitting from section 137 (1) (b) the expression “103 (3)”, and substituting the expression “103”:
  - (f) By omitting from section 140 (1) (k) the figure “39”, and substituting the figure “40”:
  - 20 (g) By omitting from section 141 (1) the expression “140 (i), (j), (m), or (n)”, and substituting the expression “140 (1) (i), (j), (m), or (n)”:
  - (h) By omitting from section 158 (3) the expression “section 126 of”:
  - 25 (i) By omitting from section 198 (4) the expression “197 or 199”, and substituting the expression “195 to 197”:
  - (j) By omitting from section 220 (6) the expression “156 (d)”, and substituting the expression “156 (1) (d)”:
  - 30 (k) By omitting from section 254 (8) (a) the expression “31 (1)”, and substituting the expression “13”.

PART 11

JUDICATURE ACT 1908

**46. Part to be part of Judicature Act 1908—**(1) This Part is part of the Judicature Act 1908\* (in this Part referred to as the principal Act).

(2) This Part comes into force on the day after the date on which this Act receives the Royal assent.

\*R.S. Vol. 22, p. 107

Amendments: 1990, No. 44; 1991, No. 60; 1993, No. 117; 1994, No. 42; 1995, No. 70; 1997, No. 10; 1998, No. 52

**47. Master may exercise certain powers of Court—**Section 26I (2) of the principal Act is amended—

- (a) By inserting in paragraph (c), after the expression “267,”,  
the expression “311A,”:
- (b) By inserting in paragraph (d), after the expression “265,”,  
the expression “268 to 270,”:
- (c) By adding to paragraph (d) the words “, as continued in  
force by section 3 of the Companies Act Repeal Act  
1993.”: 5
- (d) By inserting in paragraph (e), after the expression “291,”,  
the expression “294 to 296,”.

## PART 12

10

## LAW PRACTITIONERS ACT 1982

**48. Part to be part of Law Practitioners Act 1982**—This Part is part of the Law Practitioners Act 1982\* (in this Part referred to as the principal Act).

\*R.S. Vol. 37, p. 277

**49. Council may make rules**—(1) Section 17 (2) of the principal Act is amended by inserting, after paragraph (e), the following paragraph: 15

“(ea) Requiring that a solicitor who intends to set up on his or her own account, or who manages or administers trust accounts, must undertake training in trust account management and in the obligations of solicitors in relation to trust accounts. Such rules may, without limitation,— 20

“(i) Provide that the training must be undertaken at specified times or frequencies, or in specified circumstances: 25

“(ii) Require that a particular course or courses be undertaken, or (in addition, or as an alternative) require that the training comply with specified requirements or be provided by a particular agency or agencies: 30

“(iii) Provide that satisfactory results from assessment or examination be required as part of the training:

“(iv) Exempt, or provide for the exemption of, any solicitor or class of solicitor from all or any rules made under this paragraph: 35

“(v) Provide that fees may be charged to any person applying for or undertaking the training required by rules made under this paragraph.”. 40

(2) Section 17 (2) of the principal Act is amended by inserting, after paragraph (f), the following paragraph:

- 5 “(fa) Requiring that holders of practising certificates, or any class of holders of practising certificates, undertake ongoing legal education relating to the law or the practice of law. Such rules may, without limitation,—
- “ (i) Provide for the times or frequencies at which the legal education must be undertaken, and the topics to be addressed:
- 10 “ (ii) Require that particular legal education be undertaken, or (in addition, or as an alternative) require that the legal education comply with specified requirements:
- 15 “ (iii) Exempt, or provide for the exemption of, any holder or class of holder of a practising certificate, from all or any rules made under this paragraph:
- “ (iv) Provide that fees may be charged to any person applying for or receiving legal education required by rules made under this paragraph:”.

20

PART 13

MARRIAGE ACT 1955

**50. Part to be part of Marriage Act 1955**—This Part is part of the Marriage Act 1955\* (in this Part referred to as the principal Act).

\*R.S. Vol. 10, p. 39

Amendments: 1982, No. 81; 1985, No. 27; 1986, No. 97; 1993, No. 31; 1994, No. 153

- 25 **51. Issue of marriage licence and information return**—Section 24 of the principal Act is amended by inserting, after subsection (1), the following subsection:
- 30 “(1A) A Registrar other than the Registrar to whom the notice was given may issue the licence and copies (and in that case the Registrar to whom the notice was given does not have to do so).”

**52. Place and form of marriage before marriage celebrant**—Section 31 (2) of the principal Act is amended by omitting the words “at any time between 6 a.m. and 10 p.m.”.

- 35 **53. Marriages before Registrar**—(1) Section 33 (1) of the principal Act is amended by omitting the words “at any time between 6 a.m. and 10 p.m.”.

**54. Repeal of spent enactment**—The Marriage Amendment Act 1994 is repealed.



## PART 14

## MEAT ACT 1981

**55. Part to be part of Meat Act 1981**—This Part is part of the Meat Act 1981\* (in this Part referred to as the principal Act).

5

\*1981, No. 56

Amendments: 1982, No. 82; 1983, No. 121; 1985, No. 142; 1987, No. 196; 1988, No. 120; 1991, No. 96; 1992, No. 54

**56. Conditions in respect of export of meat**—(1) Section 11 (1) of the principal Act is amended—

(a) By omitting all the words appearing before paragraph (a), and substituting the words “No meat may be exported from New Zealand (otherwise than to Australia) unless—”; and 10

(b) By omitting from paragraph (h) the words “Veterinary Surgeons Act 1956”, and substituting the words “Veterinarians Act 1994”.

(2) Section 11 of the principal Act is amended by inserting, after subsection (1), the following subsection: 15

“(1A) No meat may be exported from New Zealand to Australia unless—

“(a) It has been inspected by an inspector and has been passed by that inspector as being free from defect: 20

“(b) It has been properly preserved by freezing, chilling, salting, canning, drying, dehydrating, or other approved method:

“(c) It is properly packed and is in good order and condition at the time when it is placed on board ship or aircraft for export: 25

“(d) Any requirements imposed in respect of the entry of the meat into Australia have, so far as they can be complied with in New Zealand, been complied with.” 30

**57. Export slaughterhouses to be licensed**—The principal Act is amended by repealing section 16, and substituting the following section:

“16. (1) No person may use any premises as an export slaughterhouse unless the person is the holder of an export slaughterhouse licence issued in respect of the premises. 35

“(2) Subsection (1) does not apply if—

“(a) The premises are a licensed abattoir from which the only products exported are exported solely to Australia; and 40

“(b) Those products could lawfully be sold in New Zealand.”

**58. Packing houses to be licensed**—Section 19 of the principal Act is amended by inserting, after subsection (1), the following subsections:

5 “(1A) Despite subsection (1) (a), this section does not apply to a meat packing house if—

“(a) The meat processed or packed for export is for export solely to Australia; and

“(b) That meat could lawfully be sold in New Zealand.

10 “(1B) Despite subsection (1) (e), this section does not apply to a casings factory if—

“(a) The casings processed or packed for export are for export solely to Australia; and

“(b) Those casings could lawfully be sold in New Zealand.”

15 **59. Export stores to be licensed**—Section 21 of the principal Act is amended by inserting, after subsection (1), the following subsection:

“2) Subsection (1) does not apply to any premises if—

20 “(a) The products in the premises that are intended for export are intended for export solely to Australia; and

“(b) Those products could lawfully be sold in New Zealand.”

## PART 15

### MINISTRY OF ENERGY (ABOLITION) ACT 1989

25 **60. Part to be part of Ministry of Energy (Abolition) Act 1989**—This Part is part of the Ministry of Energy (Abolition) Act 1989\* (in this Part referred to as the principal Act).

\*1989, No. 140

Amendments: 1993, No. 140; 1997, No. 50; 1998, No. 68

**61. Regulations**—Section 35 of the principal Act is amended by adding the following subsections:

30 “(2) The following may be incorporated by reference into a regulation made under subsection (1):

“(a) Standards, procedures, or test methods of international organisations:

35 “(b) Any other written material or document that, in the opinion of the Minister, is too large or impractical to be printed as part of the regulation.

40 “(3) Any material incorporated in a regulation by reference under subsection (2) is part of the regulation; and, unless otherwise provided in the regulations, every amendment made by the person or organisation originating the material is part of the regulation.

“(4) The Secretary must make copies of all material and any amendments incorporated in regulations by reference under **subsections (2) and (3)** available for inspection, free of charge, at the head office of the Ministry.

“(5) Any material incorporated by reference has no effect until it is made available for inspection in accordance with **subsection (4)**.” 5

## PART 16

### MUTUAL ASSISTANCE IN CRIMINAL MATTERS ACT 1992

**62. Part to be part of Mutual Assistance in Criminal Matters Act 1992**—(1) This Part and the Schedules are part of the Mutual Assistance in Criminal Matters Act 1992\* (in this Part and the Schedules referred to as the principal Act). 10

(2) This Part and the Schedules come into force on a date to be appointed by the Governor-General by Order in Council. 15

\*1992, No. 86

Amendments: 1994, No. 48; 1996, No. 135; 1998, No. 15

**63. Application of this Part**—Section 24 (1)(b) of the principal Act is amended by inserting, after the expression “section 24A”, the expression “and **section 24B**”.

**64. Limitations on requests by convention countries**—  
(1) Section 24A (1) of the principal Act is amended by omitting the words “in New Zealand”, and substituting the words “within the jurisdiction of New Zealand”. 20

(2) Section 24A (2) of the principal Act is amended by omitting the words “in New Zealand”, and substituting the words “within the jurisdiction of New Zealand”. 25

(3) Section 24A of the principal Act is amended by repealing subsections (3) to (5), and substituting the following subsections:

“(3) If a convention country requests assistance under this Part in accordance with a convention specified in **Part 3** of Schedule 1, the request must relate to criminal matters arising from the commission or suspected commission of an offence that, if committed within the jurisdiction of New Zealand, would correspond to an offence against section 6 or section 9 of the Misuse of Drugs Act 1975. 30

“(4) If a convention country requests assistance under this Part in accordance with a convention specified in **Part 4** of Schedule 1, the request must relate to criminal matters arising from the commission or suspected commission of an offence that, if committed within the jurisdiction of New Zealand, 35

would correspond to an offence against section 3 of the Crimes of Torture Act 1989.

5 “(5) If a convention country requests assistance under this Part in accordance with a convention specified in **Part 5** of Schedule 1, the request must relate to criminal matters arising from the commission or suspected commission of an offence that, if committed within the jurisdiction of New Zealand, would correspond to an offence against any of the provisions of the Aviation Crimes Act 1972 that are listed in **Part 4** of Schedule  
10 2.”

**65. Further limitations on requests by convention countries**—The principal Act is amended by inserting, after section 24A, the following section:

15 “24B. (1) The provisions of **subsections (2) and (3)** apply if—  
“(a) A convention country requests assistance under this Part in accordance with a convention specified in Schedule 1; and

20 “(b) The convention country is also a prescribed foreign country.  
“(2) In any case where there is a treaty between New Zealand and the convention country that relates (in whole or in part) to the provision of assistance in criminal matters,—

25 “(a) The request for assistance must, as far as practicable, be made and dealt with in the manner specified in that treaty, unless (or except to the extent that) to do so would be inconsistent with the convention; and

30 “(b) If the treaty excludes any of the offences listed in Schedule 2 or **section 24A (3)** or **section 24A (4)** or limits the types of assistance that may be requested under this Part in relation to those offences, the exclusion or limitation does not apply.

35 “(3) In any case where the application of this Part to the convention country is subject to conditions, exceptions, or qualifications as specified in regulations made under section 65 and the regulations exclude any of the offences listed in Schedule 2 or **section 24A (3)** or **section 24A (4)** or limit the types of assistance that may be requested under this Part in relation to those offences, the exclusion or limitation does not apply.”

40 **66. Schedule 1 amended**—Schedule 1 of the principal Act is amended by adding the Parts set out in **Schedule 1** of this Act.

**67. Schedule 2 amended**—Schedule 2 of the principal Act is amended by adding the Part set out in **Schedule 2** of this Act.

## PART 17

## NEW ZEALAND FILM COMMISSION ACT 1978

**68. Part to be part of New Zealand Film Commission Act 1978**—This Part is part of the New Zealand Film Commission Act 1978\* (in this Part referred to as the principal Act). 5

\*R.S. Vol. 34, p. 765

**69. Estimates of expenditure**—Section 21 of the principal Act is repealed.

## PART 18

## OATHS AND DECLARATIONS ACT 1957

**70. Part to be part of Oaths and Declarations Act 1957**—This Part is part of the Oaths and Declarations Act 1957\* (in this Part referred to as the principal Act). 10

\*R.S. Vol. 28, p. 821  
Amendment: 1996, No. 136

**71. Persons required to take Oath of Allegiance and Judicial Oath**—The Second Schedule of the principal Act is amended by inserting, after the item “The Judges of the High Court”, the item “The appointed Judges of the Courts Martial Appeal Court (other than retired High Court Judges)”. 15

## PART 19

## OMBUDSMEN ACT 1975

**72. Part to be part of Ombudsmen Act 1975**—This Part is part of the Ombudsmen Act 1975\* (in this Part referred to as the principal Act). 20

\*R.S. Vol. 35, p. 469  
Amendments: 1996, No. 137; 1997, No. 72

**73. First Schedule amended**—Part I of the First Schedule of the principal Act is amended by omitting the item “The Government Superannuation Fund Department.” 25

## PART 20

## PUBLIC FINANCE ACT 1989

**74. Part to be part of Public Finance Act 1989**—This Part is part of the Public Finance Act 1989\* (in this Part referred to as the principal Act). 30

\*R.S. Vol. 33, p. 419

**75. Interpretation**—Section 2 (1) of the principal Act is amended by inserting, after the definition of the term “public security”, the following definition:

“‘Purchased’, in relation to a class of outputs to be purchased by the Crown, includes purchased under an agreement that is not legally enforceable:”.

PART 21

STATE SECTOR ACT 1988

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**76. Part to be part of State Sector Act 1988**—This Part is part of the State Sector Act 1988\* (in this Part referred to as the principal Act).

\*R.S. Vol 33, p. 715  
Amendment: 1997, No. 8

10 **77. First Schedule amended**—The First Schedule of the principal Act is amended—

- (a) By omitting the item “Government Superannuation Fund Department.”:
- (b) By omitting the item “Office of Youth Affairs.”, and substituting the item “Ministry of Youth Affairs.”.

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PART 22

SUMMARY OFFENCES ACT 1981

**78. Part to be part of Summary Offences Act 1981**—This Part is part of the Summary Offences Act 1981\* (in this Part referred to as the principal Act).

\*R.S. Vol. 28, p. 887  
Amendment: 1997, No. 97

20 **79. Publishing document or thing explaining manufacture of explosives, etc**—(1) Section 8 (1) of the principal Act is amended by omitting the words “unlawful weapon”, and substituting the words “restricted weapon (within the meaning of section 2 of the Arms Act 1981)”.

25 (2) Section 2 (1) of the principal Act is amended by repealing the definition of the term “unlawful weapon”.

PART 23

TRADE IN ENDANGERED SPECIES ACT 1989

30 **80. Part to be part of Trade in Endangered Species Act 1989**—This Part is part of the Trade in Endangered Species Act 1989\* (in this Part referred to as the principal Act).

\*1989, No. 18  
Amendments: 1991, No. 100; 1996, No. 149; 1998, No. 17

**81. Scientific authorities**—Section 7 (1) of the principal Act is amended by repealing paragraphs (c), (d), and (e), and substituting the following paragraphs:

35 “(c) The Ministry of Agriculture and Forestry:

“(d) The Ministry of Fisheries or the National Institute of Water and Atmospheric Research, or both, as the Minister determines:

“(e) Such other person or body that the Minister determines,—”.

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## PART 24

## WEIGHTS AND MEASURES ACT 1987

**82. Part to be part of Weights and Measures Act 1987—**

(1) This Part is part of the Weights and Measures Act 1987\* (in this Part referred to as the principal Act). 10

(2) This Part comes into force on the 28th day after the date on which this Act receives the Royal assent.

\*1987, No. 15  
Amendment: 1991, No. 9

**83. Interpretation—**Section 2 (1) of the principal Act is amended by repealing the definition of the term “infringement offence”, and substituting the following definition: 15

“ ‘Infringement offence’ means—

“(a) An offence against any of sections 10, 14, 15, 16, 17, 21, and 24:

“(b) A breach of any regulation made under this Act that is prescribed as an infringement offence.”. 20

**84. Regulations—**Section 41 of the principal Act is amended by inserting, after paragraph (y), the following paragraph:

“(ya) Prescribing infringement offences in respect of the contravention of or non-compliance with any regulations made under this Act.”. 25

**85. Infringement fee—**The principal Act is amended by repealing section 33A, and substituting the following section:

“33A. The infringement fee for an infringement offence is,—  
“(a) In the case of an infringement offence against section 16, section 17, or section 24, \$500; or 30

“(b) In the case of an infringement offence against section 10, section 14, section 15, section 21, or against any regulations made under this Act that is prescribed as an infringement offence, \$200.” 35

**86. First Schedule amended—**The First Schedule of the principal Act is amended by omitting the item (under the heading “Measures of Volume”) “Cord... 3.6m<sup>3</sup>”.

PART 25

WILD ANIMAL CONTROL ACT 1977

**87. Part to be part of Wild Animal Control Act 1977—**

5 This Part is part of the Wild Animal Control Act\* (in this Part referred to as the principal Act).

\*R.S. Vol. 33, p. 957  
Amendment: 1977, No. 80

10 **88. Interpretation**—Section 2 (1) of the principal Act is amended by omitting from paragraph (a)(iii)(B) of the definition of the term “wild animal” the words “, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of section 11 of that Act”, and substituting the words “in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act”.

15 **89. Ownership of wild animals**—Section 9 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

20 “(2) The presence of any wild animal on any land confers no right of ownership of the wild animal or its carcass on the owner or occupier of the land unless and until the animal is—

“(a) Captured, held, or conveyed under a valid permit issued by the Director-General; or

25 “(b) Killed by a person who hunts or kills a wild animal on the land with the consent of the owner or occupier; or

“(c) Hunted or killed by the owner or occupier by lawful means; or

30 “(d) Identified in accordance with an identification system—  
(i) Registered under section 3 of the Animal Identification Act 1993; or

(ii) Approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act.”

35 **90. Deer farms**—Section 12A (8) of the principal Act is amended by omitting the words “, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of section 11 of that Act”, and substituting the words “in accordance with an identification system approved under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act”.

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**91. Safari parks**—Section 12B (4) of the principal Act is amended by omitting the words “, if no such system is for the time being in force, in accordance with any provisions having effect by virtue of section 11 of that Act”, and substituting the words “in accordance with an identification system approved 5 under section 50 of the Biosecurity Act 1993 and approved by the Director-General for the purposes of this Act”.

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SCHEDULES

SCHEDULE 1

Section 66

NEW PARTS ADDED TO SCHEDULE 1 OF PRINCIPAL ACT

“PART 3

The Single Convention on Narcotic Drugs, done at New York on 30 March 1961

The Protocol to the Single Convention on Narcotic Drugs, done at Geneva on 25 March 1972

The Convention on Psychotropic Substances, done at Vienna on 21 February 1971

PART 4

The Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, adopted by the General Assembly of the United Nations on 10 December 1984

PART 5

The Convention for the Suppression of Unlawful Seizure of Aircraft, done at the Hague on 16 December 1970

The Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, done at Montreal on 23 September 1971

SCHEDULE 2

Section 67

NEW PART ADDED TO SCHEDULE 2 OF PRINCIPAL ACT

“PART 4

LIST OF CORRESPONDING OFFENCES IN AVIATION CRIMES ACT 1972

Provision of Aviation Crimes Act 1972	Subject-matter
Section 3 Section 4 Section 5	Hijacking Crimes in connection with hijacking Other crimes relating to aircraft