

House of Representatives

Supplementary Order Paper

Tuesday, 7 November 2000

Statutes Amendment Bill (No 7)

Proposed amendments

Hon Paul Swain, in Committee, to move the following amendments:

Clause 23

To omit from proposed *new section 45C(2)* of the principal Act the word “cemetery” at line 21 on page 17, and substitute the words “burial ground”.

Clause 52

To add to the heading (line 30 on page 26) the words “**relating to information disclosure**”.

Clause 80(2)

To omit the expression “**July 2000**” (at line 29 on page 41), and substitute the expression “**January 2001**”.

Clause 83(2)

To omit this subclause (lines 8 and 9 on page 43), and substitute the following subclause:

- (2) This Part and **Schedule 3** come into force on a date to be appointed by the Governor-General by Order in Council.

Clause 89

To omit *paragraphs (d) and (e) of new section 16E* (lines 21 to 35 on page 49), and substitute the following paragraphs:

- “(d) the identity or integrity of the sample or the reliability of the test result were compromised, or are likely to have been compromised, by any failure of the Agency or the laboratory to comply with the requirements of the regulations relating to the sealing of any container containing the sample or the recording of information relating to the sample; or

“(e) the identity or integrity of the sample or the reliability of the test result were compromised, or are likely to have been compromised, by any failure of the Agency or the laboratory to comply with the requirements of this Act or the regulations in any respect other than one described in **paragraph (c) or paragraph (d)**; or

Clause 93

To omit from *new section 22(1A)* the words “or the competitor’s rights to privacy and natural justice” (lines 19 and 20 on page 51).

Clause 102

To omit this clause.

Explanatory note

The amendment to *clause 23* corrects a minor drafting error.

The amendment to *clause 52* aligns its heading with the heading of the section it amends.

The amendment to *clause 80(2)* alters the commencement of *clause 82* from 1 July 2000 to 1 January 2001.

The amendment to *clause 83* alters the commencement of *Part 24* from 1 October 2000 to a date to be appointed by Order in Council.

The amendment to *clause 89* amends *new section 16E* of the New Zealand Sports Drug Agency Act 1994. The amendment omits the references in *paragraphs (d) and (e)* to the competitor’s rights to privacy and natural justice. The effect of the amendment is that the Board must determine that a doping infraction has not been committed if it is satisfied that a failure by the Agency or the laboratory to comply with a requirement of the Act or the regulations compromised the identity or integrity of the sample or the reliability of the test result. Whether the failure compromised the competitor’s rights to privacy and natural justice is not a matter to be considered.

The amendment to *clause 93* amends *new section 22(1A)* of the New Zealand Sports Drug Agency Act 1994. The effect of the amendment is that the District Court is precluded from quashing a positive determination if it is satisfied that the failure to comply with the requirements of the Act or the regulations did not compromise the identity or integrity of the sample or the reliability of the test result.

Clause 102 is omitted because it amends a schedule of the Police Act 1958 (the Fifth Schedule) that was recently repealed by the Employment Relations Act 2000.
