

# House of Representatives

# Supplementary Order Paper

Tuesday, 16 October 2018

## Tribunals Powers and Procedures Legislation Bill

### *Proposed amendments*

Hon Aupito William Sio, in Committee, to move the following amendments:

#### *Clause 2*

In *clause 2(1)*, after “**20,**” (page 18, line 5), insert “**28(2),**”.

In *clause 2(1)*, delete “**35,**” (page 18, line 5).

In *clause 2(1)*, after “**35,**” (page 18, line 5), insert “**35C(6A), (8A), and (13),**”.

In *clause 2(1)*, replace “**44(1) and (2),**” (page 18, line 5) with “**44(1),**”.

In *clause 2(1)*, replace “**51(2) to (4),**” (page 18, line 5) with “**51(2) to (5),**”.

In *clause 2(1)*, delete “**53,**” (page 18, line 6).

In *clause 2(1)*, replace “**55 to 58,**” (page 18, line 6) with “**55, 56, 58,**”.

In *clause 2(1)*, replace “**63 to 65,**” (page 18, line 6) with “**63 to 66,**”.

In *clause 2(1)*, delete “**70,**” (page 18, line 6).

In *clause 2(1)*, replace “**90,**” (page 18, line 6) with “**94(3),**”.

In *clause 2(1)*, after “**116,**” (page 18, line 7), insert “**118(5),**”.

In *clause 2(1)*, replace “**126,**” (page 18, line 7) with “**124A, 130(3A), 133,**”.

In *clause 2(1)*, after “**143,**” (page 18, line 7), insert “**145(6),**”.

In *clause 2(1)*, replace “**163(3) and (11),**” (page 18, lines 7 and 8) with “**163(1A), (3), (7A), and (11),**”.

In *clause 2(1)*, replace “**175,**” (page 18, line 8) with “**175(1),**”.

In *clause 2(1)*, delete “**211, 214,**” (page 18, line 9).

In *clause 2(1)*, delete “**228,**” (page 18, line 10).

In *clause 2(1)*, replace “**232 to 234,**” (page 18, line 10) with “**232,**”.

Proposed amendments to

SOP No 133

Tribunals Powers and Procedures Legislation Bill

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In *clause 2(1)*, after “**242**,” (page 18, line 10), insert “**245A**,”.

In *clause 2(1)*, delete “**290, 295**,” (page 18, line 11).

In *clause 2(1)*, after “**295**,” (page 18, line 11), insert “**296C(2), 296E(10)**,”.

In *clause 2(1)*, replace “**and 324**” (page 18, line 12) with “**324(1), 324(2), and 324(3)**”.

After *clause 2(2)* (page 18, after line 16), insert:

- (2A) **Sections 296A, 296B, 296C(1), 296D, and 296E(1) to (9), (11), and (12)** come into force on **26 November 2018**.

*Clause 16*

Replace *clause 16(1)* (page 22, lines 17 to 23) with:

- (1) Replace section 217(1)(a) with:
- (a) by delivering the summons personally to the person summoned, or if he or she refuses to accept it, by bringing it to his or her attention; or

Delete *clause 16(2)* (page 22, line 24).

*Clauses 22 to 35*

Delete *clauses 22 to 35* (page 24, line 13 to page 28, line 2).

*Clause 35C*

In *clause 35C(2)*, *new clause 1(4)*, replace “(4)” (page 28, line 12) with “(3)”.

In *clause 35C(2)*, *new clause 1(4)(d)*, after “vacates or is” (page 28, line 18), insert “suspended or”.

In *clause 35C(2)*, *new clause 1(5)*,—

- (a) replace “(5)” (page 28, line 19) with “(4)”;
- (b) replace “**subclause (4)**” (page 28, line 19) with “**subclause (3)**”;
- (c) after “he or she was” (page 28, line 20), insert “suspended or”.

In *clause 35C(2)*, *new clause 1(6)*,—

- (a) replace “(6)” (page 28, line 25) with “(5)”;
- (b) after “he or she was” (page 28, line 26), insert “suspended or”.

In *clause 35C(6)*, *new clause 10* (page 29, after line 22), insert as *subclause (2)*:

- (2) Regulations may prescribe any procedure to be followed by an Authority.

Before *clause 35C(7)* (page 29, before line 23), insert:

- (6A) In Schedule 8, clause 11, replace “the prescribed way,” with “a form approved by the chief executive of the Ministry of Justice after consulting all the Authorities,”.

After *clause 35C(7)* (page 29, after line 26), insert:

(7AA) In Schedule 8, repeal clause 18(2).

After *clause 35C(8)* (page 29, after line 33), insert:

(8A) In Schedule 8, clause 23, insert as subclause (3):

(3) A witness summons must be in a form approved by the chief executive of the Ministry of Justice after consulting all the Authorities.

After *clause 35C(9)* (page 30, after line 3), insert:

(9A) In Schedule 8, clause 24(3), replace “fourth day” with “fourth working day”.

In *clause 35C(11)*, replace “replace clause 28 with:” (page 30, line 9) with “after clause 28, insert:”.

In *clause 35C(11)*, heading to *new clause 28*, replace “**28**” (page 30, line 10) with “**28A**”.

In *clause 35C(12)*, replace *new clauses 30A and 30B* (page 30, lines 23 to 37) with:

**30A Practice notes**

- (1) All the Authorities acting together may issue practice notes, to apply to all of them, as they think fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of each Authority, officers of an Authority, and parties before an Authority.

After *clause 35C(12)* (page 30, after line 37), insert:

(13) In Schedule 8, after clause 30A, insert:

**30B Online publication of information about procedures, time frames, and progress of decisions**

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the Authorities and how to commence an appeal:
- (b) any requirements that must be met for an appeal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

*Clause 37*

After *clause 37(2)* (page 31, after line 19), insert:

(2A) In section 2, repeal the definition of **no claims bonus**.

*Clause 38*

In the heading to *clause 38*, replace “**3A**” (page 31, line 28) with “**2A**”.

In *clause 38*, replace “section 3” (page 31, line 29) with “section 2”.

In *clause 38*, new section 3A, replace “**3A**” (page 31, line 30) with “**2A**”.

*Clause 40*

In *clause 40*, new section 6(3), replace “reasons” (page 32, line 23) with “reason”.

*Clause 55*

In *clause 55*, new section 24(2), replace “claimant” (page 36, line 30) with “applicant”.

*Clause 67*

In *clause 67(2)*, replace new section 49(7) and (8) (page 38, lines 29 to 35) with:

- (7) On receipt of an application for a rehearing, the Tribunal may stay the implementation of the order, approval, or variation until the application is decided.

*Clause 77*

After *clause 77(4)* (page 42, after line 10), insert:

- (5) After section 305(5), insert:
- (6) An Authority may order that any part of the evidence given or the name of any witness not be published.
- (7) An order may be made subject to any conditions that the Tribunal considers appropriate.
- (8) A person who breaches an order made under **subsection (6)** is liable on conviction to a fine not exceeding \$3,000.

*Clause 78*

Replace *clause 78(3A) and (4)* (page 42, lines 19 and 20) with:

- (4) In section 306(3),—
  - (a) replace “the Authority” with “all the Authorities”;
  - (b) replace “it” with “them”;
  - (c) replace “its” with “their”.

*Clause 80*

In *clause 80*, new section 306AC(3), replace “section 405(6)” (page 43, line 11) with “**section 305(6)**”.

*Clause 87E*

Before *clause 87E(1)* (page 45, before line 27), insert:

(1AA) In the heading to section 99A, replace “**Chairpersons**” with “**Chairperson and Deputy Chairperson**”.

Replace *clause 87E(2)* (page 45, lines 29 and 30) with:

(2) In section 99A(1)(b), replace “a Chairperson” with “a chairperson or a deputy chairperson”.

#### *Clause 88*

In *clause 88(5)*, new *section 100(5)*, replace “A Chairperson or Deputy Chairperson” (page 46, line 21) with “The Chairperson or a Deputy Chairperson”.

In *clause 88(5)*, new *section 100(5)(a)*, replace “a Deputy Chairperson” (page 46, lines 25 and 26) with “the Deputy Chairperson”.

In *clause 88(5)*, new *section 100(5)(b)*, replace “Deputy Chairperson” (page 46, line 28) with “the Deputy Chairperson”.

In *clause 88(5)*, new *section 100(6)*, replace “A Chairperson” (page 46, line 29) with “The Chairperson”.

#### *Clause 89*

In *clause 89(1)*, new *section 101(1)*, after “required” (page 46, line 36), insert “to ensure”.

In *clause 89(1)*, new *section 101(1)(a)*, delete “to ensure” (page 46, line 38).

#### *Clause 90*

In the heading to *clause 90*, replace “**101A and 101B**” (page 47, line 12) with “**101A to 101C**”.

In *clause 90*, new *section 101C(a)*, replace “**section 99A**” (page 48, line 8) with “**section 99AA**”.

In *clause 90*, new *section 101C(b)*, replace “**section 100B**” (page 48, line 10) with “**section 101B**”.

#### *Clause 91*

In *clause 91*, new *section 102(3)*, replace “An acting Chairperson” (page 48, line 23) with “The acting Chairperson”.

#### *Clause 94*

In *clause 94(2)*, replace new *section 104(5) and (6)* (page 50, lines 12 to 17) with:

(5) The Tribunal may regulate its procedure as it thinks fit, subject to this Act and any regulations made under it, and any practice notes issued under **section 121A**.

After *clause 94(2)* (page 50, after line 17), insert:

(3) After section 104(5), insert:

- (6) Forms for use in the Tribunal may be approved by the chief executive of the Ministry of Justice after consulting the Chairperson.

*Clause 96*

Replace the heading to *clause 96* (page 50, line 34) with “**New section 115A inserted (Tribunal may strike out, determine, or adjourn proceedings)**”.

In *clause 96*, replace “Replace section 115 with:” (page 50, line 35) with “After section 115, insert:”.

In *clause 96*, heading to *new section 115*, replace “**115**” (page 51, line 1) with “**115A**”.

*Clause 97*

In *clause 97*, delete *new section 121A(3)* (page 51, lines 21 and 22).

*Clause 98A*

In *clause 98A* (page 52, after line 21), insert as *subclause (1)*:

- (1) In section 123(1), after “the Chairperson”, insert “or a Deputy Chairperson”.

*Clause 98C*

In *clause 98C* (page 52, after line 26), insert as *subclause (1)*:

- (1) In Schedule 1AA, replace the cross-heading above clause 1 with:

**Part 1**  
**Provision relating to Human Rights Amendment Act 2016**

In *clause 98C*, after “Schedule 1AA,” (page 52, line 27), insert “after clause 1,”.

*Clause 100A*

In *clause 100A*, *new section 219A(4)*, after “No appointment of an acting chair” (page 53, line 19), insert “or other member”.

*Clause 100B*

In *clause 100B*, replace “section 220(2)(b)” (page 53, line 24) with “section 220(2)(a)”.

*Clause 100C*

Replace the heading to *clause 100C* (page 53, line 27) with “**New section 224A inserted (Tribunal may strike out, determine, or adjourn appeal)**”.

In *clause 100C*, replace “Replace section 224 with:” (page 53, line 28) with “After section 224, insert:”.

In *clause 100C*, heading to *new section 224*, replace “**224**” (page 53, line 29) with “**224A**”.

In *clause 100C*, replace the heading to *new section 224* (page 53, line 29) with “**Tribunal may strike out, determine, or adjourn appeal**”.

*Clause 103*

In *clause 103(6)*, *new clause 18B*, after “chief executive” (page 55, line 12), insert “of the Ministry of Justice”.

*New clause 106A*

After *clause 106* (page 56, after line 19), insert:

**106A Section 49 amended (Proceedings before Tribunal)**

In section 49(2), replace “and any regulations made under this Act” with “, any regulations made under this Act, and any practice notes issued under **clause 12 of the Schedule**”.

*Clause 118*

In *clause 118(3)*, replace “**section 211A**” (page 63, line 8) with “**section 206A**”.

After *clause 118(3)* (page 63, after line 8), insert:

- (4) In section 206(5), replace “and to any rules made under this Act,” with “, any rules made under this Act, and any practice notes issued under **section 215A**,”.
- (5) After section 206(5), insert:
- (6) Forms for use by the Legal Complaints Review Officer may be approved by the chief executive of the Ministry of Justice after consulting the Legal Complaints Review Officer.

*Clause 120*

In *clause 120(2)*, *new section 215(3)(a)*, replace “section 71” (page 63, line 29) with “section 74”.

*Clause 123*

In *clause 123*, *new section 233A(1A)(a)*, replace “Tribunal:” (page 64, line 34) with “Tribunal; and”.

*Clause 128*

In *clause 128*, *new section 262A*, replace “section **211A**” (page 68, line 16) with “**section 206A**”.

*Clause 130*

After *clause 130(3)* (page 69, after line 37), insert:

- (3A) In Schedule 4, after clause 6(3), insert:
  - (3A) A witness summons must be in a form approved by the chief executive of the Ministry of Justice after consulting the Tribunal.

*Clause 133*

In *clause 133*, new section 55A, replace “**section 87D**” (page 70, lines 18 and 19) with “section 65(2)(b)”.

In *clause 133*, new section 55A (page 70, after line 19), insert as *subsection (2)*:

- (2) Forms for use in the Tribunal may be approved by the chief executive of the Ministry after consulting the Tribunal.

*Clause 136A*

In *clause 136A*, replace “and are” (page 71, line 19) with “and for the guidance of”.

*Clause 140*

Replace *clause 140* (page 72, lines 19 and 20) with:

**140 Section 87A amended (Deputy Review Authority)**

Replace section 87A(1) with:

- (1) A Deputy Review Authority appointed under section 84(2) has the functions, powers, duties, and immunities of the Review Authority (except the function of issuing practice notes under **section 87D**), and every reference to the Review Authority in sections 85 to 87 and in Part 3 of Schedule 3 is taken to include a reference to a Deputy Review Authority.

*Clause 145*

After *clause 145(5)* (page 75, after line 34), insert:

- (6) In Schedule 3, clause 25, insert as subclause (2):
- (2) Forms for use by the Review Authority may be approved by the chief executive of the Ministry after consulting the Review Authority.

*Clause 163*

After *clause 163(1)* (page 79, after line 26), insert:

- (1A) In Schedule 1, clause 1, insert as subclause (2):
- (2) Forms for use in the Disputes Tribunals may be approved by the chief executive of the Ministry of Justice after consulting all the adjudicators.

After *clause 163(7)* (page 81, after line 9), insert:

- (7A) In Schedule 1, after **clause 9C**, insert:

**9D Summons to witness**

- (1) A Disputes Tribunal may, on its own initiative or at the request of a party, by a summons in a form approved by the chief executive of



the Ministry after consulting all the adjudicators, summon any person—

- (a) to attend before the Tribunal at the time and place specified in the summons; and
  - (b) to give evidence in the proceedings; and
  - (c) to produce to the Tribunal any documents in that person's possession or control that are specified in the summons.
- (2) The power to issue a witness summons may be exercised by a Disputes Tribunal, an adjudicator, or any officer of a Tribunal purporting to act at the direction or with the authority of the Tribunal or an adjudicator.

In *clause 163(8)*, delete *new clause 9D* (page 81, lines 11 to 22).

#### *Clause 169*

In *clause 169*, *new section 60A(1)*, replace “think” (page 84, line 9) with “thinks”.

#### *Clause 176*

Replace *clause 176(2)* (page 86, line 5) with:

- (2) In section 28(3),—
  - (a) replace “The Licensing Authority” with “A Licensing Authority”;
  - (b) replace “7 days” with “5 working days”;
  - (c) delete “with the Licensing Authority”.

#### *Clause 187*

In *clause 187*, *new section 62(fa)*, replace “bankrupt or” (page 88, line 14) with “bankrupt”.

#### *Clause 189*

After *clause 189(3)* (page 88, after line 30), insert:

- (4) In section 74(6), replace “7 days” with “5 working days”.

#### *Clause 206*

In *clause 206*, *new section 93(1)*, replace “sections 4, 4B, 4C, 4D, 10, and 11 of the Commissions of Inquiry Act 1908” (page 94, lines 24 and 25) with “sections 19, 20, 23, 27, 28, and 34 of the Inquiries Act 2013”.

#### *Clause 218*

In *clause 218*, *new section 74(3)(b)*, replace “and not made in good faith,” (page 97, line 31) with “or not made in good faith,”.

In *clause 218*, after *new section 74(3)(c)* (page 97, lines 33 and 34), insert:

- (d) the complaint has been resolved to the complainant's satisfaction and no further action is needed.

*New clause 218A*

After *clause 218* (page 97, after line 34), insert:

**218A Section 79 amended (Procedure on receipt of complaint)**

In section 79(2)(c), replace “and not made in good faith” with “or not made in good faith”.

*New clause 221B*

After *clause 221A* (page 98, after line 19), insert:

**221B Section 105 amended (Proceeding before Tribunal)**

In section 105(2), replace “and to this Act and any regulations made under this Act” with “, this Act, any regulations made under this Act, and any practice notes issued under **section 115A**”.

*Clause 226*

In *clause 226*, delete *new section 109A(3)* (page 99, lines 20 and 21).

*Clause 227*

In *clause 227(2)*, *new section 110(4)(b)(i)*, delete “Complaints Assessment Committee has determined that” (page 100, line 3).

In *clause 227(2)*, *new section 110(5)*, after “**subsection (4)(b)**” (page 100, lines 9 and 10), insert “(except **paragraph (b)(i)**)”.

In *clause 227(2)*, *new section 110(6)*, replace “**subsections (4) and (5)**” (page 100, line 13) with “**subsection (5)**”.

In *clause 227(2)*, replace *new section 110(6)(b)* (page 100, line 18) with:

- (b) must apply, and must not overturn, a Complaints Assessment Committee determination of any substantive matter in the case; and
- (c) has no jurisdiction to inquire into a determination described in **paragraph (a) or (b)**.

*New clause 245A*

After *clause 245* (page 108, after line 16), insert:

**245A Section 98 amended (Witness summons)**

After section 98(6), insert:

- (6A) A witness summons must be in a form approved by the chief executive of the Ministry of Justice after consulting the Principal Tenancy Adjudicator.

*Clause 264*

In *clause 264* (page 114, after line 1), insert as *subsection (1)*:

- (1) Replace section 23(1)(c) with:
  - (c) 1 or both of the following apply to the disqualification:
    - (i) the disqualification is on the ground set out in section 22(a) and the relevant conviction is for a minor offence:
    - (ii) the disqualification is on 1 or more of the grounds set out in section 22(b) to (h); and

In *clause 264* (page 114, after line 7), insert:

- (3) In section 23(2), replace “or the cancellation of a licence” with “or the cancellation or suspension of a licence”.
- (4) After section 23(4), insert:
- (5) In this section, **minor offence** means an offence that is, or the consequences of which are, minor in nature.

*Clause 265*

After *clause 265(1)* (page 114, after line 10), insert:

- (1A) In section 26(1)(a)(ii) and (b), replace “3 weeks” with “15 working days”.

*Clause 267B*

In *clause 267B(2)*, after “10 working days” (page 115, line 3), insert “in each place”.

*Clause 275*

In *clause 275*, new *section 76A(1)*, replace “and any regulations made under it” (page 118, line 21) with “, any regulations made under it, and any practice notes issued under **section 77A**”.

*Clauses 284 to 296*

Delete *clauses 284 to 296* (page 121, line 10 to page 125, line 15).

*New subpart 20A of Part 1*

After *clause 296* (page 125, after line 15), insert:

Subpart 20A—Amendments to Social Security Act 2018

**296A Principal Act**

This **subpart** amends the Social Security Act 2018 (the **principal Act**).

**296B Section 400 amended (Appeal must be begun within 3 months of notification or further allowed period)**

- (1) In the heading to **section 400**, replace “3 months” with “60 working days”.
- (2) In **section 400(1)(a)**, replace “3 months” with “60 working days”.
- (3) In **section 400(3)(a) and (b)**, replace “that 3-month period” with “the period of 60 working days”.

**296C Section 403 amended (How to begin, and procedure and powers for, appeal to authority)**

- (1) In **section 403(b)**, after “or those regulations,”, insert “or practice notes issued under **clause 10D of Schedule 8**,”.
- (2) In **section 403**, insert as subsection (2):
- (2) Forms for use in the authority may be approved by the chief executive of the Ministry of Justice after consulting the chairperson of the authority.

**296D Section 406 amended (Appeal must be begun, and case stated lodged, within time prescribed or allowed)**

- (1) In **section 406(1)(a) and (2)(a)**, replace “14 days” with “10 working days”.
- (2) In **section 406(2)(b), (3), and (5)**, after “chairperson”, insert “or deputy chairperson” in each place.
- (3) In **section 406(3)(a) and (b)**, replace “that 14-day period” with “the period of 10 working days”.

**296E Schedule 8 amended**

- (1) In **Schedule 8, clause 1(2)**, replace “3 persons” with “at least 4 persons”.
- (2) In **Schedule 8, clause 1(3)**, after “chairperson”, insert “and another member as the authority’s deputy chairperson”.
- (3) In **Schedule 8**, after **clause 1(3)**, insert:
- (4) The deputy chairperson, when acting as the chairperson, has the same responsibilities as the chairperson.
- (5) The chairperson may delegate a responsibility or function of the chairperson to the deputy chairperson.
- (4) In **Schedule 8, clause 2(1)(a)**, replace “not exceeding 3 years” with “of up to 5 years”.
- (5) In **Schedule 8**, replace **clause 2(2)** with:
- (2) A member continues in office despite the expiry of his or her term of office until—

- (a) the member is reappointed; or
  - (b) the member's successor is appointed; or
  - (c) the member is notified that a replacement member will not be appointed; or
  - (d) the member vacates or is removed from office.
- (3) A member who continues in office for any period under **subclause (2)**, unless he or she was removed from office, may act as a member during that period for the purpose of—
- (a) completing any appeal partly or wholly heard by the authority before the expiry of the member's term of office:
  - (b) hearing any other appeal.
- (4) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

- (6) In **Schedule 8**, replace **clause 5** with:

**5 Appointment of temporary acting chairperson, deputy chairperson, or member**

- (1) If the chairperson, the deputy chairperson, or a member becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister after consultation with the Minister of Justice, may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.
- (2) No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.
- (3) The acting chairperson, acting deputy chairperson, or acting member is, while acting in that position, to be treated as the chairperson, deputy chairperson, or member of the authority.
- (4) No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.

**5A Orderly and efficient operation**

The chairperson of the authority is responsible for making any arrangements as are practicable to ensure that he or she and each member perform their functions—

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

- (7) In **Schedule 8, clause 9(2)**, after “the chairperson”, insert “or deputy chairperson”.
- (8) In **Schedule 8, clause 9(4)**, after “chairperson’s”, insert “or deputy chairperson’s”.
- (9) In **Schedule 8**, after **clause 10**, insert:

**10A Hearing on papers**

- (1) Despite anything in this Act to the contrary, the authority may determine an appeal on the papers if the authority considers it appropriate.
- (2) Before doing so, the authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

**10B Use of electronic facilities to hear matters**

The hearing of a matter or any part of it may be conducted by telephone, audiovisual link, or other remote access facility if the authority or the chairperson or deputy chairperson considers it appropriate and the necessary facilities are available.

**10C Authority may strike out, determine, or adjourn appeal**

- (1) The authority may strike out, in whole or in part, an appeal if satisfied that it—
  - (a) discloses no reasonable cause of action; or
  - (b) is likely to cause prejudice or delay; or
  - (c) is frivolous or vexatious; or
  - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of an appeal, the authority may,—
  - (a) if the party is required to be present, strike out the appeal; or
  - (b) determine the appeal in the absence of the party; or
  - (c) adjourn the hearing.

**10D Practice notes**

- (1) The authority's chairperson may issue practice notes as he or she thinks fit.
  - (2) The practice notes must not be inconsistent with this Act or any regulations made under it, and are for the guidance of other members of the authority, officers of the authority, and parties before the authority.
- (10) In **Schedule 8**, before **clause 11**, insert:

**10E Online publication of information about procedures, time frames, and progress of decisions**

The following information must be published on an Internet site maintained by or on behalf of the chief executive of the Ministry of Justice:

- (a) information about the purpose of the authority and how to commence an appeal;
  - (b) any requirements that must be met for an appeal;
  - (c) guidelines on how and when parties may obtain information.
- (11) In **Schedule 8, clause 11(4)**, replace "\$100" with "\$3,000".
- (12) In **Schedule 8**, after **clause 12**, insert:

**13 Contempt of authority**

- (1) A person commits an offence if the person—
  - (a) wilfully insults or obstructs the authority or any member of it, a witness, or an officer of the authority during a sitting of the authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the authority; or
  - (b) wilfully insults or obstructs any person in attendance at a sitting of the authority; or
  - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of the authority; or
  - (d) wilfully and without lawful excuse disobeys any order or direction of the authority in the course of the hearing of any appeal.
- (2) A person who commits an offence against **subclause (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) The authority may order the exclusion from a sitting of the authority of any person whose behaviour, in the opinion of the authority, constitutes an offence against **subclause (1)**, whether or not the person is charged with the offence; and any officer of the authority or

constable may take any steps that are reasonably necessary to enforce the exclusion.

#### *Clause 303*

Replace the heading to *clause 303* (page 127, lines 15 and 16) with “**New section 21A inserted (Authority may strike out, determine, or adjourn proceeding)**”.

In *clause 303*, replace “Replace section 21 with:” (page 127, line 17) with “After section 21, insert:”.

In *clause 303*, heading to *new section 21*, replace “**21**” (page 127, line 18) with “**21A**”.

#### *Clause 304*

In *clause 304*, in *new section 22(1)(b)*, replace “**section 21**” (page 127, line 32) with “**sections 21 and 21A**”.

#### *Clause 306*

In *clause 306*, delete *new section 25A* (page 128, lines 6 to 11).

#### *Clause 307*

In *clause 307*, delete *new section 25E* (page 129, lines 13 to 32).

#### *Clause 307A*

In the heading to *clause 307A*, replace “**Schedule 2B**” (page 129, line 33) with “**Schedule**”.

In *clause 307A*, replace “Schedule 2B” (page 129, line 34) with “**Schedule 2B**”.

#### *Clause 314*

In *clause 314*, *new section 109AA*, after “made under it” (page 131, line 14), insert “and any practice directions made under section 114”.

#### *Schedule 1AA*

In *Schedule 1AA*, *new clause 38(1) and (2)* (page 136, lines 10 and 13), replace “**section 24**” with “**section 35C(1)**”.

#### *Schedule 1*

In *Schedule 1*,—

- (a) *new Schedule 1AA* heading, replace “**s 3A**” (page 137, line 6) with “**s 2A**”:
- (b) *clause 1(1)*, replace “**section 44**” (page 137, line 12) with “**section 44(1)**”.

#### *Schedule 2A*

In *Schedule 2A*, replace *new Part 2 of Schedule 1AA* (page 139, lines 4 to 22) with:



**Part 2**  
**Provision relating to Tribunals Powers and Procedures  
Legislation Act 2017**

**2 Chairpersons of Human Rights Review Tribunal**

- (1) A person who holds the office of Chairperson immediately before the commencement date continues in office for the balance of his or her term, despite **sections 87D and 88** of the Tribunals Powers and Procedures Legislation Act **2017**, even if the consequence is that the Tribunal continues to have 2 Chairpersons until (at the latest) 31 December 2019.
- (2) Each of those Chairpersons may, in consultation with the other Chairperson, exercise the powers of the Chairperson of the Tribunal under the Human Rights Act 1993, as amended by **subpart 7 of Part 1** of the Tribunals Powers and Procedures Legislation Act **2017**.
- (3) While 2 Chairpersons are appointed, they must act together in issuing practice notes under **section 121A**.
- (4) For the purpose of this clause, **commencement date** means the date on which **section 88** of the Tribunals Powers and Procedures Legislation Act **2017** comes into force.

*Schedule 2B*

In *Schedule 2B*, new *Schedule* heading, replace “s 3A” (page 140, line 6) with “s 4A”.

*Schedule 5*

In *Schedule 5*, *Part 2*, replace the item relating to the Fencing Act 1978 (page 149, lines 24 to 26) with:

**Fencing Act 1978 (1978 No 50)**

In section 24A(2),—

- (a) replace “Subject to subsection (3), in” with “In”;
- (b) replace “subsection (1)” with “subsection (1),”;
- (c) replace “\$15,000” with “\$30,000” in each place.

Repeal section 24A(3).

In *Schedule 5*, *Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rules 2(2), 4, 4A, 6, 8, 28, and the Schedule (page 150, line 20).

In *Schedule 5*, *Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 10(3) (page 150, line 21).

In *Schedule 5*, *Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 14(1) (page 150, lines 22 and 23).

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In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 14(2) (page 150, line 24).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 15(2) (page 150, line 25).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 20 (page 150, lines 28 and 29).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 21 (page 150, lines 30 to 32).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 22 (page 150, lines 33 to 35).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 23(a) (page 151, lines 1 to 3).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 24(1) (page 151, lines 4 and 5).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 25(b) (page 151, line 6).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 26(3) (page 151, line 7).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 30(2) (page 151, line 8).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 33(1) (page 151, line 9).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 33(2) (page 151, line 10).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 34(1) (page 151, line 11).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 35(1)(c) (page 151, line 12).

In *Schedule 5, Part 3*, item relating to the Disputes Tribunals Rules 1989, delete the item relating to rule 36(4) (page 151, line 13).

In *Schedule 5, Part 3*, item relating to the Human Rights Review Tribunal Regulations 2002, replace the item relating to regulation 15(2) (page 152, line 18) with:

In regulation 15(2), after “Chairperson”, insert “or a Deputy Chairperson” in each place.

In *Schedule 5, Part 3*, item relating to the Immigration and Protection Tribunal Regulations 2010, delete the item relating to regulation 13 and the Schedule (page 152, line 28).

In *Schedule 5, Part 3*, item relating to the Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008, in the heading to *new regulation 33*, replace “**video**” (page 154, line 1) with “**audiovisual**”.

## Explanatory note

This Supplementary Order Paper makes mostly minor amendments to the Bill. Some amendments correct typographical errors. Examples of other minor amendments include removing a redundant definition from section 2 of the Disputes Tribunal Act 1988 (*new clause 37(2A)*), widening the discretion of an Authority to close a complaint if it has been resolved to the complainant's satisfaction under section 74 of the Real Estate Agents Act 2008 (*clause 218*), and correcting cross-references or inserting missing cross-references. In several cases, a clause that inserts a new section into an Act together with another new section or other new sections is amended to place the first new section in a separate clause to allow for delayed commencement of that first new section.

The provisions in *subpart 3 of Part 1* of the Bill (*clauses 22 to 35*), which amend the Customs and Excise Act 1996, have been removed because they are no longer needed. This is because that Act was repealed when the Customs and Excise Act 2018 came into force on 1 October 2018. Minor amendments are made to the latter Act to align some procedural provisions with the standardised clauses in the Bill.

A substantive amendment is made to *clause 264* to replace section 23(1)(c) of the Secondhand Dealers and Pawnbrokers Act 2004. This change relates to waiver of disqualification under that Act where a conviction is for a minor offence. It aligns the way in which that Act will deal with individuals with the change already made by the Bill for companies (under *clause 259*, which amends section 10 of that Act).

Some more substantive amendments in the Supplementary Order Paper add standard provisions (used elsewhere in the Bill) to Acts amended by the Bill where checks have identified gaps. Examples are—

- an amendment to *clause 77* adding an offence of breach of a non-publication order to section 305 of the Education Act 1989;
- an amendment to *clause 118*, which amends section 206 of the Lawyers and Conveyancers Act 2006, to allow forms for use by the Legal Complaints Review Officer to be approved by the chief executive of the Ministry of Justice after consulting the Legal Complaints Review Officer.

Substantive amendments are also made to the recently enacted Social Security Act 2018 (the **2018 Act**) by inserting a *new subpart 20A* into *Part 1* of the Bill. These amendments are substantially the same as amendments that were contained in *subpart 20 of Part 1* of the Bill (*clauses 284 to 296*), which amended the Social Security Act 1964 (the **1964 Act**). The provisions in *subpart 20* have been removed from the Bill because they are no longer needed as the 1964 Act will be repealed by the 2018 Act when it comes into force on 26 November 2018.