

TREATY ACTION AND IMPLEMENTATION

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I. OVERVIEW

This article documents governmental activity undertaken to implement New Zealand's international obligations during the current interval.¹ It concludes that the level of activity in the current interval, relative to the previous interval, has decreased for the parliamentary branch of government but has increased for the executive and judicial branches. This overview summarises that activity and compares it with the activity undertaken during the previous interval.²

A. Parliamentary Activity

1. Acts of Parliament

During the current interval, Parliament enacted 37 bills with implications for New Zealand's international obligations. Twenty simply amended Acts that had implemented treaties, 10 improved compliance with treaties that had already been implemented, and seven implemented four new agreements. Twenty-nine of these Acts involved multilateral agreements, seven involved a bilateral agreement, and one involved a set of recommendations.

In terms of Acts, this level of activity is less than the previous interval. Parliament enacted 49 bills with implications for New Zealand's international obligations. Thirty-nine simply amended Acts that had implemented treaties, eight improved compliance with treaties that had already been implemented, and two six implemented eight new agreements. Forty-six of these Acts involved multilateral agreements and three involved an international code of conduct.³

2. Treaty Examination Reports

During the current interval, the House of Representatives considered 13 select committee reports on treaties (17 agreements in all). Nine of these reports gave a positive pro forma response to the treaty examined (ie, "no matters to bring to the attention of the House"). Public submissions did

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1 The current interval began on 1 July 2008 and ended on 30 June 2009.

2 The previous interval began on 1 July 2007 and ended on 30 June 2008.

3 Mark Gobbi, "Treaty Action and Implementation" (2008) 6 New Zealand Yearbook of International Law 379, 379 and 390-404.

not feature in these reports. Four report brought matters to the attention of the House. Public submissions featured in two of these reports, and none warranted a Government response.

In terms of reports, this level of activity is greater than during the previous interval (6 more reports). In terms of agreements examined, this level of activity is also greater than during the previous interval (8 more agreements). During the previous interval, the House of Representatives considered seven select committee reports on treaties (nine treaties in all). Six of these reports gave a positive pro forma response to the treaty examined (ie, “no matters to bring to the attention of the House”). Public submissions did not feature in these reports. One report brought matters to the attention of the House. Public submissions did not feature in this report, and it did not warrant a Government response.⁴

B. Executive Activity

During the current interval, the Executive made 43 regulations that implemented New Zealand’s international obligations. Six of these regulations implemented bilateral agreements, while the remaining 37 implemented multilateral agreements (although most of these dealt with the requirements of the same multilateral agreement). Fifteen dealt with civil aviation, 13 implemented United Nations Security Council resolutions, nine dealt with environmental agreements, two concerned the incorporation of foreign national standards, two implemented bilateral tax agreements, one dealt with a mutual recognition agreement with Australia, and one dealt with trade.

This level of activity is greater than during the previous interval. During the previous interval, the Executive made 19 regulations that implemented New Zealand’s international obligations.⁵ Five of these regulations implemented bilateral agreements, while the remaining 14 implemented multilateral agreements. Six implemented environmental agreements, five dealt with civil aviation, two implemented United Nations Security Council resolutions, two dealt with mutual recognition agreements with Australia, one concerned diplomatic relations, one dealt with social welfare reciprocity, one implemented an agreement regarding mutual assistance in criminal matters, and one implemented a vehicle emissions standard relevant to a mutual recognition agreement.

4 Above at 380.

5 The overview for the previous interval noted 18 regulations. See Gobbi (2008), above n 3, 380, 404-410. An additional regulation belonging to the previous interval has since come to light, namely the Maritime Protection Amendment Rules 2008, which amended Parts 120, 121A, 122, 123A, and 123B of the Maritime Protection rules to give effect to amendments and revisions to Annex I of the International Convention for the Prevention of Pollution from Ships (1973) as modified by the Protocol of 1978 relating thereto (MARPOL), which is concerned with the prevention of pollution by oil.

During the current interval, the Executive was involved in 54 treaty actions with respect to four multilateral agreements and 28 bilateral agreements. Of the four multilateral agreements, the Executive signed one and adhered to two. Two came into force. Of the 28 bilateral agreements, the Executive signed 18 and adhered to 14. Sixteen came into force.

This level of activity is less than the level of activity that took place during the previous interval. During the previous interval, the Executive was involved in 56 treaty actions with respect to nine multilateral agreements and 23 bilateral agreements. Of the nine multilateral agreements, the Executive signed one, accepted one, acceded to two, and ratified three. Six came into force. Of the 23 bilateral agreements, the Executive signed 18, adhered to 10, and ratified one. Fourteen came into force.

New Zealand is required to provide periodic reports to the United Nations regarding its compliance with the following human rights treaties:⁶ the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), and the Convention on the Rights of the Child (1989).⁷

During the current interval, the Executive submitted New Zealand's third and fourth periodic report under the Convention on the Rights of the Child⁸ and New Zealand's third periodic report regarding the International Covenant on Economic, Social and Cultural Rights.⁹ In addition, the United Nations Committee Against Torture began its review of New Zealand's fifth periodic report under the Convention against Torture and Other Cruel,

6 For a discussion of New Zealand's periodic reporting obligations to the United Nations, see Mark Gobbi, "Treaty Action and Implementation" (2004) *New Zealand Yearbook of International Law* 223 at 226-227.

7 For a list of government agencies responsible for preparing periodic reports for these treaties, see Gobbi (2004), above n 6, 315 n 15 (the Ministry of Youth Development now carries out the periodic reporting responsibilities formerly carried out by the Ministry of Youth Affairs). With respect to the Convention on the Elimination of All Forms of Discrimination Against Women (1965), the Ministry of Women's Affairs has submitted New Zealand's seventh period report in February 2010, which is outside the current interval. New Zealand third periodic report under the International Covenant on Economic, Social and Cultural Rights, which was due in June 2008, appears to have been submitted in April 2009. See <<http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Human-Rights/Treaties/index.php>> (last accessed on 3 August 2010).

8 See <<http://www.unhchr.ch/tbs/doc.nsf/RepStatfrset?OpenFrameSet>> (last accessed on 3 August 2010); see also <<http://www.mfat.govt.nz/Foreign-Relations/1-Global-Issues/Human-Rights/Treaties/index.php>> (last accessed on 3 August 2010). For a copy of this report, see <<http://www.myd.govt.nz/documents/about-myrd/publications/-uncroc-in-nz-3rd-and-4th-periodic-report-full-doc.pdf>> (last accessed on 3 August 2010).

9 For a copy of this report, see <<http://www2.ohchr.org/english/bodies/cescr/docs/AdvanceVersions/E.C.12.NZL.3AUV.pdf>> (last accessed on 3 August 2010).

Inhuman or Degrading Treatment or Punishment.¹⁰ The Executive also received the recommendations set out in the Report of the Working Group on the Universal Periodic Review on New Zealand.¹¹

This level of activity is greater than the level of activity that took place during the previous interval. During the previous interval, the Executive submitted one periodic report to the United Nations.¹²

C. Judicial Activity

During the current interval, the judiciary delivered 100 judgments that referenced New Zealand's international obligations. Eleven of these judgments were reported in the New Zealand Law Reports series; the Supreme Court delivered one, the Court of Appeal delivered eight, the High Court delivered one, and the Family Court delivered one. Twenty-five were reported in other series; the Supreme Court delivered one, the Court of Appeal delivered 10, the High Court delivered 10, the Family Court delivered three, and the Deportation Review Tribunal delivered one. Sixty-four were unreported; the Court of Appeal delivered one, the High Court delivered 27, the District Court delivered one, the Family Court delivered 32, the Refugee Status Appeal Authority delivered two, and the Human Rights Review Tribunal delivered one.

Of these 100 judgments, 53 dealt with custody matters, 15 with immigration, seven with civil procedure, four with criminal procedure, four with crime, four with tort, two with maintenance, two with tax, two with extradition, and two with discrimination. One dealt with fisheries, one with contracts, one with mental health, one with superannuation, and one with censorship.

These 100 judgments referred to 23 different international instruments (one of which does not have New Zealand as a party), of which two are bilateral agreements, 19 are multilateral agreements, one is a resolution, and one is a set of technical instructions. In total, these judgments have 140 references. In these cases, the most frequently cited international agreements are the Convention on the Rights of the Child (1989) (48 references), the Convention on the Civil Aspects of International Child Abduction (1980) (24 references), the International Covenant on Civil and Political Rights (1966) (22 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (15 references),¹³ the Convention

10 For a copy of this report, see <[http://www2.ohchr.org/english/bodies/cat/docs/Advance Versions/CAT.C.NZL.5.pdf](http://www2.ohchr.org/english/bodies/cat/docs/Advance%20Versions/CAT.C.NZL.5.pdf)> (last accessed on 3 August 2010).

11 For a copy of this report see A/HRC/12/8 (4 June 2009), A/HRC/12/8/Add.1 (7 July 2009), and A/HRC/12/8/Add.1/Corr.1 (13 August 2009) at <<http://www2.ohchr.org/english/bodies/hrcouncil/12session/reports.htm>> (last accessed on 3 August 2010). For a copy of New Zealand's response to the report (which was submitted after the current interval), see <<http://www.justice.govt.nz/publications/global-publications/r/unupr/report-of-the-working-group-on-the-universal-periodic-review/?searchterm=economic%20cultural%20social%20rights%20report%202009>> (last accessed on 3 August 2010).

12 See Gobbi (2008), above n 3, 382.

13 New Zealand is not a party to this Convention.

Relating to the Status of Refugees (1951) (5 references), Vienna Convention on the Law of Treaties (1969) (5 references), the Universal Declaration of Human Rights (1948) (4 references), and the extradition treaty between New Zealand and the Republic of Poland (1932) (two references).

In terms of the number of judgments delivered, the level of activity is more than twice the level of activity that took place during the previous interval. In terms of the number of references to international agreements, the level of activity is also greater. During the previous interval, the judiciary delivered 40 judgments that referenced New Zealand's international obligations. Seven of these judgments were reported in the New Zealand Law Reports series; the Supreme Court delivered three, the Court of Appeal delivered one, and the High Court delivered three. Eleven were reported in other series; the Court of Appeal delivered one, the High Court delivered four, and the Family Court delivered six. Twenty two were unreported; the Court of Appeal delivered one, the High Court delivered 17, the District Court delivered two, the Environment Court delivered one, and the Sports Tribunal delivered one.

Of these 40 judgments, 13 dealt with custody matters, five with administrative law matters, four with immigration matters, four with criminal procedure matters, two with adoption matters, two with sentencing matters, and two with resource management matters. One dealt with civil procedure, one with social welfare, one with family law, one with sports law, one with conflict of laws, one with parole, one with maritime law, and one with the bill of rights.

These 40 judgments referred to 16 different international agreements (one of which does not have New Zealand as a party), of which three are bilateral and 13 are multilateral, and to four international standards or guidelines. In total, these judgments have 46 references. In these cases, the most frequently cited international agreements are the Convention on the Civil Aspects of International Child Abduction (1980) (11 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (six references),¹⁴ the Convention on the Rights of the Child (1989) (five references), the International Covenant on Civil and Political Rights (1966) (four references), the Convention relating to the Status of Refugees (1951) (four references), and the Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) (two references). Ten other agreements are referenced by one judgment.

D. Conclusion

During the current interval, all three branches of government took part in the implementation of New Zealand's international obligations. The level of activity for the parliamentary branch of government has, on balance, decreased relative to the previous interval (less Acts, more reports). The level of activity for the executive and judicial branches has increased. International agreements are still a significant source of law in New Zealand.

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II. TREATY ACTION

This Part sets out the treaty actions taken by the Executive during the current interval. It also sets out the reports on treaties that the Executive tabled in the House during the current interval.

*A. Executive Treaty Action*¹⁵

1. Multilateral Treaties

Convention on Cluster Munitions (signed on 3 December 2008)

International Tropical Timber Agreement (adhered to on 13 October 2008)

Convention on the Rights of Persons with Disabilities (adhered to on 26 September 2008; entered into force on 25 October 2008)

Convention for the Protection of Cultural Property in the Event of an Armed Conflict (adhered to on 24 July 2008; entered into force on 24 October 2008)

2. Bilateral Treaties

Convention between New Zealand and Australia for the Avoidance of Double Taxation with Respect to Taxes on Income and Fringe Benefits and the Prevention of Fiscal Evasion (signed on 26 June 2009)

Agreement between New Zealand and the Kingdom of Spain on the Participation in Certain Elections of Each Country's Nationals Resident in the Territory of the Other Country (signed on 23 June 2009)

Agreement between New Zealand and the Kingdom of Spain on a Working Holiday Scheme (signed on 23 June 2009)

Agreement between the Government of New Zealand and the Government of Bermuda (as authorised by) the Government of the United Kingdom of Great Britain and Northern Ireland for the Allocation of Taxing Rights with Respect to Certain Income of Individuals (signed on 16 April 2009)

Agreement between the Government of New Zealand and the Government of Bermuda (as authorised by) the Government of the United Kingdom of Great Britain and Northern Ireland on the Exchange of Information with Respect to Taxes (signed on 16 April 2009)

Exchange of Letters constituting an Agreement between the Government of New Zealand and the Government of Australia on the Application of the Agreement Establishing the ASEAN-Australia- New Zealand Free Trade Area

15 New Zealand Ministry of Foreign Affairs and Trade, Annual Report 2008/09, A.1 (2009) 10-13.

to the Australia- New Zealand Closer Economic Relations Trade Agreement and associated instruments (signed on 27 February 2009; adhered to on 27 February 2009)

Agreement establishing the ASEAN-Australia-New Zealand Free Trade Area (signed on 27 February 2009)

Memorandum of Agreement on Labour Cooperation between the Government of New Zealand and the Government of the Republic of the Philippines (signed on 4 November 2008; adhered to on 13 April 2009; entered into force on 10 June 2009)

Memorandum of Agreement on Environmental Cooperation between the Government of New Zealand and the Government of the Republic of the Philippines (signed on 4 November 2008)

Agreement on a Working Holiday Scheme between the Government of New Zealand and the Government of the Republic of Peru (signed on 22 November 2008)

Protocol Amending the Convention between New Zealand and the United States for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (signed on 1 December 2008)

Agreement between the Government of New Zealand and the Government of the Federal Republic of Germany Concerning the Temporary Stay of Members of the Armed Forces on the Territory of the Federal Republic of Germany (signed on 4 November 2008; entered into force on 20 March 2009)

Agreement between the Government of New Zealand and the Government of the Republic of Korea Concerning the Co-Production of Films (signed on 29 September 2008; adhered to on 10 October 2008; entered into force on 10 October 2008)

Agreement on a Working Holiday Scheme between the Government of New Zealand and the Government of the Republic of Latvia (signed on 10 September 2008; adhered to on 4 March 2009; entered into force on 4 March 2009)

Exchange of Letters constituting an Agreement to Amend the Agreement between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services (signed on 27 October 2008; adhered to on October 2008; entered into force on 27 October 2008)

Agreement on a Working Holiday Scheme between the Government of New Zealand and the Government of the Federative Republic of Brazil (signed on 28 August 2008)

Agreement on Scientific and Technological Cooperation between the Government of New Zealand and the European Community (signed on 16 July 2008; adhered to on 19 January 2009; entered into force on 30 January 2009)

Agreement between the Government of New Zealand and the Government of Australia on Trans-Tasman Court Proceedings and Regulatory Enforcement (signed on 24 July 2008)

Agreement between the Government of New Zealand and the People's Republic of China in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (adhered to on 2 August 2008; entered into force on 1 October 2008)

Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (adhered to on 2 August 2008; entered into force on 1 October 2008)

Environment Cooperation Agreement (between New Zealand and the People's Republic of China) (adhered to on 7 July 2008; entered into force on 26 September 2008)

Memorandum of Understanding on Labour Cooperation (between New Zealand and the People's Republic of China) (adhered to on 7 July 2008; entered into force on 12 September 2008)

Agreement between New Zealand and the Kingdom of the Netherlands on the Holding of Stocks of Crude Oil, Major Products and Unfinished Oils (adhered to on 20 January 2009; entered into force on 1 March 2009)

Agreement between the Government of New Zealand and the Government of the Republic of the Philippines on Air Services (entered into force on 22 April 2009)

Protocol between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland to Amend the Convention for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (adhered to on 28 August 2008; entered into force on 28 August 2008)

Agreement between the Czech Republic and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (adhered to on 29 August 2008; entered into force on 29 August 2008)

Agreement between the Government of New Zealand and the Government of the Kingdom of the Netherlands in respect of the Netherlands Antilles for the Exchange of Information with Respect to Taxes (adhered to on 2 October 2008; entered into force on 2 October 2008)

Protocol Amending the Convention between the Government of New Zealand and the Government of the Republic of the Philippines for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (entered into force on 2 October 2008)

B. Reports on Treaties Tabled in the House of Representatives

1. Reports Where No Matters Were Drawn to the Attention of the House

Report on International Treaty Examination of the Protocol of 1996 to Amend the Convention on the Limitation of Liability for Maritime Claims (1976); Transport and Industrial Relations Committee (presented 29 August 2008)

Report on International Treaty Examination of the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973); Transport and Industrial Relations Committee (presented 29 August 2008)

Report on International Treaty Examination of the International Convention on Civil Liability for Bunker Oil Pollution Damage (2001); Transport and Industrial Relations Committee (presented 29 August 2008)

Report on International Treaty Examination of the Protocol Amending the Agreement on Trade Related Aspects of Intellectual Property Rights (2005); Foreign Affairs, Defence and Trade Committee (presented 1 September 2008)

Report on International Treaty Examination of the International Convention for the Control and Management of Ships' Ballast Water and Sediments (2004); Primary Production Committee (presented 3 September 2008)

Report on International Treaty Examination of the Amendments to the Convention Establishing a Customs Co-Operation Council (1950); Foreign Affairs, Defence and Trade Committee (presented 30 September 2008)

Report on International Treaty Examination of the Revised Constitution of the Asia-Pacific Telecommunity (2002); Commerce Committee (presented 16 March 2009)

Report on International Treaty Examination of the Final Acts of the Plenipotentiary Conference, Antalya 2006 (International Telecommunications Union) and the Final Acts of the World Radiocommunication Conference, Geneva (2007); Commerce Committee (presented 16 March 2009)

Report on International Treaty Examination of the Diplomatic Conference for the Adoption of a Convention on Cluster Munitions (2008); Foreign Affairs, Defence and Trade Committee (15 May 2009)

2. Reports Where Matters Were Drawn to the Attention of the House

Report on International Treaty Examination of the International Tropical Timber Agreement (2006); Foreign Affairs, Defence and Trade Committee (presented 1 September 2008) [two submissions; two heard]

Matters Raised

The Committee chose to draw the attention of the House of Representatives to the importance of the Agreement (which is a successor agreement to the International Tropical Timber Agreement (1994)), and to express its support for New Zealand becoming party to the Agreement, as doing so would continue its influential and beneficial role as a member of the International Tropical Timber Organisation.

Report on International Treaty Examination of the Agreement between the Government of Australia and the Government of New Zealand on Trans-Tasman Court Proceedings and Regulatory Enforcement (2008); Law and Order Committee (presented 4 September 2008)

Matters Raised

While pleased that the Agreement will allow more trans-Tasman cooperation in court proceedings and regulatory enforcement, the Committee indicated that a similar agreement needs to be established to cover fines and compensation for victims. Concerned by the possibility that people may move to Australia to avoid paying fines or compensation to victims from infringements or crimes committed in New Zealand, the Committee expressed its support for the establishment of a trans-Tasman working group to investigate this matter.

Report on International Treaty Examination of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area (2009); the Exchange of Letters constituting an Agreement between the Government of New Zealand and the Government of Australia on the Application of the Agreement Establishing the ASEAN-Australia-New Zealand Free Trade Area to the Australia-New Zealand Closer Economic Relations Trade Agreement and associated instruments (2009); the Memorandum of Agreement on Environmental Cooperation between the Government of New Zealand and the Government of the Republic of the Philippines (2008); and the Memorandum of Agreement on Labour Cooperation between the Government of New Zealand and the Government of the Republic of the Philippines (2008); Foreign Affairs, Defence and Trade Committee (presented 8 April 2009) [eight submissions; one heard]

Matters Raised

The Committee, owing to different views among its members regarding the costs of creating an ASEAN-Australia-New Zealand Free Trade Area, chose to draw the various costs and benefits to the attention of the House of Representatives, with the costs set out separately under the heading "Green Party minority view".

Report on International Treaty Examination of the Protocol Amending the Convention between New Zealand and the United States of America for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (2009); Finance and Expenditure Committee (presented 30 April 2009)

Matters Raised

The Committee, noting that the Inland Revenue Department was unable to quantify the Protocol's economic benefits and some of its cost components, encouraged the Government to monitor closely its impact on New Zealand businesses. To assist with future treaty examinations, it recommended that departments should attempt to assess the costs and benefits of treaties in quantitative as well as qualitative terms and, if a quantitative assessment is difficult, to set out the methodology and basis for estimates.

III. LEGISLATION RELATED TO NEW ZEALAND'S INTERNATIONAL OBLIGATIONS

This Part sets out the legislation dealt with during the current interval that concerns New Zealand's international obligations. It is divided into two sections, the first listing the Acts that were enacted and the second listing the regulations that were made.

A. Acts of Parliament

Acts of Parliament relating to New Zealand's international obligations are identified as: (1) Acts simply amending legislation that has implemented treaties; (2) Acts improving compliance with treaties that have already been implemented; or (3) Acts implementing new treaty obligations.

1. Acts Simply Amending Legislation that Implemented Treaties

Adoption Amendment Act 2008:

This Act amends the Adoption Act 1955, which implements the Convention relating to the Status of Refugees (1951) [article 12], the International Covenant on Civil and Political Rights (1966) [article 14], the International Covenant on Economic, Social and Cultural Rights (1966), and the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993). The amendments adjust provisions related to attendance at hearings and the publication of reports of proceedings.

Care of Children Amendment Act 2008:

This Act amends the Care of Children Act 2004, which implements the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social, and Cultural Rights (1966),

and the Convention on the Civil Aspects of International Child Abduction (1980). The amendments add counselling and mediation provisions to that Act.

Child Support Amendment Act 2008:

This Act amends the Child Support Act 1991, which implements the Convention on the Rights of the Child (1989). The amendments adjust provisions related to the publication of reports of proceedings.

Children, Young Persons, and Their Families Amendment Act 2008:

This Act amends the Children, Young Persons, and Their Families Act 1989, which implements the Arrangement between New Zealand and Australian States and Territories regarding the transfer of children subject to child protection orders (2000). The amendments adjust provisions related to attendance at hearings and the publication of reports of proceedings.

Commerce Amendment Act 2008:

This Act amends the Commerce Act 1986, which implements the Trans-Tasman Mutual Recognition Arrangement (1998). The amendments replace Parts 4 and 4A and alter portions of Parts 5 to 7 of that Act to enhance competition and efficiency (among other things).

Customs and Excise Amendment Act (No 2) 2008:

This Act amends the Customs and Excise Act of 1996, which implements the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), the Customs Convention on Containers (1972), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), and a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79). The amendments alter the application of the Act in respect of certain fuels.

Domestic Violence Amendment Act 2008:

This Act amends the Domestic Violence Act 1995, which implements the International Covenant on Civil and Political Rights (1966) [article 17] and the Convention on the Elimination of All Forms of Discrimination against Women (1979) [articles 3 and 12]. The amendments adjust several procedural provisions and add a provision regarding the publication of reports of proceedings.

Electoral Amendment Act 2009:

This Act amends the Electoral Act 1993, which implements aspects of the International Covenant on Civil and Political Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1979). The amendments alter the Electoral Act 1993 and repeal

the Electoral Finance Act 2007 to establish an interim electoral finance regime pending completion of a comprehensive review of electoral finance law.

Employment Relations (Breaks, Infant Feeding, and Other Matters) Amendment Act 2008:

This Act amends the Employment Relations Act 2000, which implements ILO Convention 11 (1921): Right of Association (Agriculture), ILO Convention 14 (1921): Weekly Rest (Industry), ILO Convention 22 (1926): Seamen's Articles of Agreement, ILO Convention 32 (1932): Protection against Accidents (Dockers), and ILO Convention 122 (1964): Employment Policy, and incorporates the principles underlying ILO Convention 87 (1948): Freedom of Association and ILO Convention 98 (1949): Right to Organise and Bargain Collectively. The amendments require the provision of facilities and breaks for employees who wish to breastfeed their infants.

Employment Relations Amendment Act 2008:

This Act amends the Employment Relations Act 2000, which implements ILO Convention 11 (1921): Right of Association (Agriculture), ILO Convention 14 (1921): Weekly Rest (Industry), ILO Convention 22 (1926): Seamen's Articles of Agreement, ILO Convention 32 (1932): Protection against Accidents (Dockers), and ILO Convention 122 (1964): Employment Policy, and incorporates the principles underlying ILO Convention 87 (1948): Freedom of Association and ILO Convention 98 (1949): Right to Organise and Bargain Collectively. The amendments provide when an employment agreement may specify a trial period of 90 days or less.

Family Courts Amendment Act 2008:

This Act amends the Family Courts Act 1980, which implements the Convention on the Elimination of All Forms of Discrimination against Women (1979) [article 3]. The amendments adjust several procedural provisions and add provisions regarding attendance at hearings and the publication of reports of proceedings.

Family Proceedings Amendment Act 2008:

This Act amends the Family Proceedings Act 1980, which implements the Convention relating to the Status of Refugees (1951) [article 12], the Convention for the Recovery of Maintenance Abroad (1956), the International Covenant on Civil and Political Rights (1966) [articles 12, 14, 17, and 23], the International Covenant on Economic, Social and Cultural Rights (1966) [article 10], and the Convention on the Elimination of All Forms of Discrimination against Women (1979) [articles 3, 15, and 16]. The amendment adjusts the heading to Part 2 of that Act.

Family Protection Amendment Act 2008:

This Act amends the Family Protection Act 1955, which implements the Convention relating to the Status of Refugees (1951) [article 12], the International Covenant on Civil and Political Rights (1966) [articles 23 and 24], the International Covenant on Economic, Social and Cultural Rights (1966) [article 10], and the Convention on the Elimination of All Forms of Discrimination against Women (1979) [article 16]. The amendment adjusts the provision regarding claims against the estate of a deceased person for maintenance.

Fisheries Amendment Act (No 2) 2008:

This Act amends the Fisheries Act 1996, which implements the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982) and the United Nations Fish Stocks Agreement (1995). The amendments adjust provisions regarding aquaculture.

Land Transport Amendment Act 2009:

This Act amends the Land Transport Act 1998, which implements the Convention on Road Traffic (1949). The amendments add drug-driving provisions and a new Part 17 that sets out provisions that are to replace the provisions of the Transport (Vehicle and Driver Registration and Licensing) Act 1986.

Mental Health (Compulsory Assessment and Treatment) Amendment Act 2008:

This Act amends the Mental Health (Compulsory Assessment and Treatment) Act 1992, which implements the Universal Declaration of Human Rights (1948). The amendment adjusts the provision regarding the publication of reports of proceedings.

Protection of Personal and Property Rights Amendment Act 2008:

This Act amends the Protection of Personal and Property Rights Act 1988, which implements the Convention relating to the Status of Refugees (1951) [article 12] and the Convention on the Rights of the Child (1989). The amendments adjust several procedural provisions and provisions regarding attendance at hearings and the publication of reports of proceedings.

Resource Management Amendment Act 2008:

This Act amends the Resource Management Act 1991, which implements the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971), the United Nations Framework Convention on Climate Change (1992), and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The amendments adjust provisions regarding aquaculture.

Sentencing Amendment Act 2008:

This Act amends the Sentencing Act 2002, which implements aspects of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980) and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991). The amendments set out additional aggravating factors in cases involving violence against, or neglect of, children under the age of 14.

Tariff Amendment Act (No 2) 2008:

This Act amends the Tariff Act 1988, which implements the General Agreement on Tariffs and Trade (1947 and 1997), the Agreement between New Zealand and Singapore on Closer Economic Partnership (2001), the New Zealand-Thailand Closer Economic Partnership Agreement (2005), and the Trans-Pacific Strategic Partnership Agreement among Brunei Darussalam, Chile, New Zealand, and Singapore (2005). The amendments remove and add certain Tariff items, and add a note that defines a range of abbreviations that are used in the Tariff Act 1988.

2. Acts Improving Compliance with Treaties Already Implemented**Climate Change Response (Emissions Trading Forestry Sector) Amendment Act 2009:**

This Act amends the Climate Change Response Act 2002, which implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The amendments extend the date by which foresters must comply with reporting requirements and apply for exemptions for certain land holdings, and by which the Government must publish an allocation plan for pre-1990 forest owners.

Corrections Amendment Act 2008:

This Act amends the Corrections Act 2004, which implements the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955 amended 1977) and the Convention on the Rights of the Child (1989). The amendments provide for the best interests of the child by enabling young children of female prisoners to be placed with their mothers in prison until they turn 24 months old for the purposes of bonding, feeding, and maintaining continuity of care.

Corrections Amendment Act 2009:

This Act amends the Corrections Act 2004, which implements the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955, amended 1977) and the Convention on the Rights of the Child (1989). The amendments alter and add provisions regarding search and seizure, communication restrictions, information disclosure, and privacy.

Criminal Proceeds (Recovery) Act 2009:

This Act, which establishes a regime for the forfeiture of property derived from criminal activity, amends the following Acts:

- the Crimes Act 1961, which implements the Convention relating to the Status of Refugees (1951) [article 31], the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979) [articles 3, 4, 6, and 15], the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Recommendations of Financial Action Task Force on Money Laundering (Task Force established 1989), the Convention on the Rights of the Child (1989), the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), the ILO Convention 182 (1999): Concerning the Worst Forms of Child Labour, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000), the Convention against Transnational Organised Crime (2000), the Protocol against the Smuggling of Migrants, by Land, Sea and Air, supplementing the Convention against Transnational Organised Crime (2000), and the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime (2000); and
- the Customs and Excise Act 1996, which implements the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), the Customs Convention on Containers (1972), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), and a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79); and
- the Evidence Act 2006, which implements the Hague Convention abolishing the requirement of legalisation for foreign public documents (1961), the International Covenant on Civil and Political Rights (1966) [articles 14 and 17], and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) [articles 9 and 15]; and
- the International Crimes and International Criminal Court Act 2000, which implements the Rome Statute of the International Criminal Court (1998); and

- the International War Crimes Tribunals Act 1995, which implements the Statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991 (1993); and
- the Misuse of Drugs Act 1975, which implements the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), the Protocol to the Single Convention on Narcotic Drugs (1972), the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980), and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); and
- the Summary Proceedings Act 1957, which implements the International Covenant on Civil and Political Rights (1966) [articles 10, 12, and 14], the Convention on the Elimination of All Forms of Discrimination against Women (1979) [articles 6 and 11], the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) [article 3], and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991); and
- the Terrorism Suppression Act 2002, which implements the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980), the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), the International Convention for the Suppression of Terrorist Bombing (1997), the International Convention for the Suppression of the Financing of Terrorism (1999), the Anti-terrorism Resolution 1373 passed by the Security Council of the United Nations Organisation (2001), the United Nations Security Council Resolution 1267 (1999), the United Nations Security Council Resolution 1333 (2000), the United Nations Security Council Resolution 1390 (2002), the Convention for the Suppression of Acts of Nuclear Terrorism (2005), and the standards set out and assessed by the Financial Action Task Force on Money Laundering.

Customs and Excise Amendment Act (No 3) 2008:

This Act amends the Customs and Excise Act of 1996, which implements the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), the Customs Convention on Containers (1972), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), and a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79). The purpose of the amendments is to improve the operation of that Act.

Fisheries Act 1996 Amendment Act 2008:

This Act amends the Fisheries Act 1996, which implements the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982) and the United Nations Fish Stocks Agreement (1995). The amendments just the provisions regarding the total allowable catch.

Holidays (Transfer of Public Holidays) Amendment Act 2008:

This Act amends the Holidays Act 2003, which implements the ILO Convention 52 (1936): Holidays with Pay and the ILO Convention 101 (1952): Holidays with Pay (Agriculture). The amendments clarify what constitutes a public holiday and adds a provision that allows an employee and his or her employer to enter into written agreement to transfer a public holiday.

Mutual Assistance in Criminal Matters Amendment Act 2009:

This Act, which was introduced as part of the Criminal Proceeds (Recovery) Bill, amends the Mutual Assistance in Criminal Matters Act 1992, which implements the Single Convention on Narcotic Drugs (1961), the Convention for the Suppression of Unlawful Seizure of Aircraft (1970), the Convention on Psychotropic Substances (1971), the Protocol to the Single Convention on Narcotic Drugs (1972), the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (1973), the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents (1973), the Convention against the Taking of Hostages (1979), the Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (1984), the Convention against Illicit Traffic in Narcotic Drugs Psychotropic Substances (1988), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation (1988), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (1988), the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf (1988), the Convention on the Safety of United Nations and Associated Personnel (1994), the Convention against Transnational Organised Crime (2000), the Protocol against the Smuggling of Migrants, by Land, Sea and Air, supplementing the Convention against Transnational Organised Crime (2000), and the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime (2000). The amendments extend the application of that Act to foreign restraining orders and foreign forfeiture order schemes that are civil, as well as criminal, in nature.

Police Act 2008:

This Act, among other things, replaces the United Nations (Police) Act 1964, which implemented Article 43 of the Charter of the United Nations (1945). The provisions regarding Article 43 are now found in subpart 2 of Part 5 of the Police Act 2008, which is concerned with international policing.

Sentencing Amendment Act 2009:

This Act, which was introduced as part of the Criminal Proceeds (Recovery) Bill, amends the Sentencing Act 2002, which implements aspects of the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980) and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991). The amendments add provisions regarding forfeiture.

3. Acts Implementing New Treaties¹⁶**Customs and Excise Amendment Act 2008:**

This Act amends the Customs and Excise Act of 1996, which implements the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), the Customs Convention on Containers (1972), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), and a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79). The amendments implement the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008).

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008:

This Act amends the following legislation to ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities (2006): the Community Trusts Act 1999, the Education Act 1989, the Juries Act 1981, the Local Government Act 2002, the Maori Trust Boards Act 1955, the Maritime Transport Act 1994, the Motor Vehicle Sales Act 2003, the Mutual Insurance Act 1955, the New Zealand Council for Educational Research Act 1972, the New Zealand Superannuation and Retirement Income Act 2001, the Public Trust Act 2001, the Reserve Bank of New Zealand Act 1989, the River Boards Act 1908, the Sale of Liquor Act 1989, the Social Security Act 1964, the Soil Conservation and Rivers Control Act 1941, the Taranaki Scholarship Trust Board

16 The Acts listed under this heading supplement the list of Acts known to have implications for New Zealand's international obligations set out in Part V of Mark Gobbi, "In Search of International Standards and Obligations relevant to New Zealand Acts" (2007) 4 *New Zealand Yearbook of International Law* 349, 366-393.

Act 1957, Te Ture Whenua Maori Act 1993, the Trustee Act 1956, the Waitangi National Trust Board Act 1932, the Child Support Rules 1992, the Freshwater Fish Farming Regulations 1983, and the Weights and Measures Regulations 1999.

Fair Trading Amendment Act 2008:

This Act amends the Fair Trading Act 1986, which implements the UN Guidelines for Consumer Protection (1985). The amendments implement Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008).

Financial Service Providers (Registration and Dispute Resolution) Act 2008:

This Act requires financial service providers to be registered. It implements the following recommendations of the Financial Action Task Force on Money Laundering (FATF): the 40 Recommendations that the FATF adopted at its plenary meeting on 20 June 2003, the Special Recommendations on Terrorist Financing that the FATF adopted at its plenary meeting on 31 October 2001, and Special Recommendation IX on Terrorist Financing that the FATF adopted at its plenary meeting between 20 and 22 October 2004.

Human Rights Amendment Act 2008:

This Act amends the Human Rights Act 1993, which implements the Universal Declaration of Human Rights (1948), ILO Convention 97 (1949): Migration for Employment, ILO Convention 100 (1951): Equal Remuneration, the Convention relating to the Status of Refugees (1951) [articles 2 and 4], ILO Convention 111 (1958): Discrimination (Employment and Occupation), the Convention on the Elimination of All Forms of Racial Discrimination (1963), ILO Convention 122 (1964): Employment Policy, the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Optional Protocol to the International Covenant on Civil and Political Rights (1966), and the Convention on the Elimination of All Forms of Discrimination against Women (1979). The amendments ensure compliance with the United Nations Convention on the Rights of Persons with Disabilities (2006).

Radiocommunications Amendment Act (No 2) 2008:

This Act amends the Radiocommunications Act 1989, which implements the Convention on International Civil Aviation (1944), the International Convention for the Safety of Life at Sea (1974), and the Radio Regulations annexed to the International Telecommunication Convention (1982).

The amendments implement Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008).

Tariff Amendment Act 2008:

This Act amends the Tariff Act 1988, which implements the General Agreement on Tariffs and Trade (1947 and 1997), the Agreement between New Zealand and Singapore on Closer Economic Partnership (2001), the New Zealand-Thailand Closer Economic Partnership Agreement (2005), and the Trans-Pacific Strategic Partnership Agreement among Brunei Darussalam, Chile, New Zealand, and Singapore (2005). The amendments implement the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008).

*B. Regulations*¹⁷

This section sets out the regulations made during the current interval that relate to New Zealand's international obligations.¹⁸

Climate Change (Forestry Sector) Regulations 2008:

These regulations are made under sections 163, 167, and 168 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The regulations set out the requirements relevant to calculating emissions and removals in relation to pre-1990 forest land and post-1989 forest land.

Climate Change (Liquid Fossil Fuels) Regulations 2008:

These regulations are made under section 163 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The regulations specify the liquid fossil fuels that are obligation fuels or obligation jet fuels for the purposes of the Act and set out the requirements relevant to calculating emissions in relation to these fuels.

17 This list of regulations does not include commencement orders for Acts that implement international obligations.

18 The regulations listed under this heading supplement the list of regulations known to have implications for New Zealand's international obligations set out in Part V of Mark Gobbi, "In Search of International Standards and Obligations relevant to New Zealand Acts" (2007-2008) 5 New Zealand Yearbook of International Law 327, 343-372.

Climate Change (Unit Register) Regulations 2008:

These regulations are made under section 30G of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The regulations, which set out various requirements in relation to the Registry, replace the Climate Change (Unit Register) Regulations 2007 to account for changes to the Climate Change Response Act 2002 that established an emissions trading system.

Customs Export Prohibition (Toothfish) Order 2009:¹⁹

This order is made under section 56 of the Customs and Excise Act 1996. The order prohibits the exportation of two species of toothfish, unless it is covered by a completed catch document issued in accordance with Conservation Measure 170/VIII (as amended by Conservation Measure 10-05 (2008)),²⁰ which was adopted by the Commission for the Conservation of Antarctic Marine Living Resources under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (1980)). The order continues the prohibition formerly in Customs Export Prohibition (Toothfish) Order 2006.

Customs Import Prohibition (Toothfish) Order 2009:²¹

This order is made under section 54 of the Customs and Excise Act 1996. The order prohibits the importation of two species of toothfish, unless it is covered by a completed catch document issued in accordance with Conservation Measure 170/VIII (as amended by Conservation Measure 10-05 (2008)), which was adopted by the Commission for the Conservation of Antarctic Marine Living Resources under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (1980)). The order continues the prohibition formerly in Customs Import Prohibition (Toothfish) Order 2006. The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000 also give effect to Conservation Measure 10-05.

19 This order would have expired on the close of 31 December 2009 if not expressly confirmed by Parliament, which it did in section 9(d) of the Subordinate Legislation (Confirmation and Validation) Act 2009. See Customs and Excise Act 1996, s 56(5)(a). The confirmed order expires on the close of 10 May 2012 unless revoked earlier or extended for a further period of three years. Customs and Excise Act 1996, s 57.

20 The Fisheries (Toothfish Catch Documentation Scheme) Regulations 2000 also give effect to Conservation Measure 10-05.

21 This order would have expired on the close of 31 December 2009 if not expressly confirmed by Parliament, which it did in section 9(e) of the Subordinate Legislation (Confirmation and Validation) Act 2006. See Customs and Excise Act 1996, s 54(5)(a). The confirmed order expires on the close of 10 May 2012 unless revoked earlier or extended for a further period of three years. Customs and Excise Act 1996, s 55.

Double Taxation Relief (Czech Republic) Order 2008:

These regulations are made under section BH 1 of the Income Tax Act 2007, which provides for the making of orders that give effect to certain taxation agreements. The order implements the Agreement between the Czech Republic and New Zealand for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (2007).

Double Taxation Relief (United Kingdom) Amendment Order 2008:

These regulations are made under section BH 1 of the Income Tax Act 2007, which provides for the making of orders that give effect to certain taxation agreements. The order implements the Protocol between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand to amend the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains (1983) as amended (2007).

Electricity (China Free Trade Agreement) Regulations 2008:

These regulations are made under section 169 of the Electricity Act 1992. They apply to fittings and electrical appliances exported from New Zealand in purported compliance with a part of the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components, which is Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of People's Republic of China (2008).

Fisheries (High Seas Fishing Notifications: Western and Central Pacific Fisheries Commission) Notice 2009:

These regulations are made under section 113C of the Fisheries Act 1996. The Act implements Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982). The regulations give notice that the Western and Central Pacific Fisheries Commission is an organisation or arrangement within the definition of a global, regional, or sub-regional fisheries organisation or arrangement in Part 6A of the Fisheries Act 1996. The regulations also give notice of a host of international conservation and management measures that the Commission has adopted. These measures apply to ships that are on the high seas in an area that the Commission covers and that are registered under the Ship Registration Act 1992 or fly the New Zealand flag.

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Amendment Regulations 2009:

These regulations are made under section 29 of the Fair Trading Act 1986. They amend the Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008, which give effect to variations of the Australian Standard AS 1182-1997—Size coding scheme for infants' and children's clothing—Underwear and outerwear and the Australian/New Zealand Standard 1249:2003—Children's nightwear and limited daywear having reduced fire hazard.

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008:

These regulations are made under section 29 of the Fair Trading Act 1986. They give effect to the Australian Standard AS 1182-1997—Size coding scheme for infants' and children's clothing—Underwear and outerwear and the Australian/New Zealand Standard 1249:2003—Children's nightwear and limited daywear having reduced fire hazard.

Securities (Mutual Recognition of Securities Offerings—Australia) Regulations 2008:

These regulations are made under sections 74 and 78 of the Securities Act 1978, which provide for the implementation of a recognition regime and an application regime for a designated country, respectively. The regulations implement the Agreement between the Government of Australia and the Government of New Zealand in relation to mutual recognition of securities offerings (2006).

Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions and Special Exemptions Extension) Regulations 2009:

This order is made under sections 82 and 83 of the Trans-Tasman Mutual Recognition Act 1997. The Act implements the Trans-Tasman Mutual Recognition Arrangement (1996) signed by Australia, each Australian State and Territory, and New Zealand. The order extends, for 12 months, the exemptions of certain laws from the Trans-Tasman Mutual Recognition Act 1997. The order also amends Schedule 2 of the Trans-Tasman Mutual Recognition Act 1997 to add certain aspects of the Gas Act 1992 to the list of laws that are permanent exemptions.

United Nations Sanctions (Côte d' Ivoire) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Côte d' Ivoire) Regulations 2005, give effect to resolutions 1643 (2005) and 1572 (2004) of the Security Council, which calls for the imposition of sanctions in respect of the Côte d' Ivoire.

United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Democratic People's Republic of Korea) Regulations 2006, amendments clarify the exceptions to the asset freeze sanctions that are permitted by resolution 1718 (2006) of the Security Council, which calls for the imposition of sanctions in respect of the Democratic People's Republic of Korea.

United Nations Sanctions (Democratic Republic of the Congo) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004, give effect to resolutions 1596 (2005), 1649 (2005), and 1807 (2008) of the Security Council, which calls for the imposition of sanctions in respect of the Democratic Republic of the Congo.

United Nations Sanctions (Iran) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Iran) Regulations 2007, give effect to resolution 1803 (2008) of the Security Council in relation to Iran.

United Nations Sanctions (Iraq) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Iraq) Regulations 1991, give effect to resolution 1546 (2004) of the Security Council in relation to Iraq.

United Nations Sanctions (Kimberley Process) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Kimberley Process) Regulations 2004, give effect to resolutions 1446 (2002), 1643 (2005), and 1753

(2007) of the Security Council, which add Côte d' Ivoire to, and omit Liberia and Sierra Leone from, the list of countries that are subject to conflict diamonds trade-ban measures.

United Nations Sanctions (Lebanon) Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations give effect to resolutions 1636 (2005) and 1701 (2006) of the Security Council, which calls for the imposition of sanctions in respect of Lebanon.

United Nations Sanctions (Liberia) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Liberia) Regulations 2001, give effect to resolution 1753 (2007) of the Security Council, which calls for the imposition of sanctions in respect of Liberia.

United Nations Sanctions (Rwanda) Regulations Revocation Order 2008:

This order is made under section 16 of the Acts and Regulations Publications Act 1989. The order, which revokes the United Nations Sanctions (Rwanda) Regulations 1994, gives effect to resolution 1823 (2008) of the Security Council, which lifts sanctions imposed in respect of Rwanda.

United Nations Sanctions (Sierra Leone) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Sierra Leone) Regulations 1997, give effect to resolutions 1132 (1997), 1156 (1998), and 1171 (1998) of the Security Council, which calls for the imposition of sanctions in respect of Sierra Leone.

United Nations Sanctions (Somalia) Amendment Regulations 2009:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Somalia) Regulations 1992, give effect to resolutions 1844 (2008), 1846 (2008), and 1851 (2008) of the Security Council, which calls for the imposition of augmented and additional sanctions in respect of Somalia.

United Nations Sanctions (Somalia) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Somalia) Regulations 1992, clarify arms embargo exceptions regarding resolutions 1356 (2001), 1744 (2007), and 1772 (2007) of the Security Council in respect of Somalia.

United Nations Sanctions (Sudan) Amendment Regulations 2008:

These regulations are made under section 2 of the United Nations Act 1946, which provides that regulations may be made to give effect to any decisions of the Security Council of the United Nations made under article 41 of the Charter of the United Nations (1945). The regulations, which amend the United Nations Sanctions (Sudan) Regulations 2004, give effect to resolution 1591 (2005) of the Security Council, which calls for the imposition of sanctions in respect of Sudan. The regulations also clarify arms embargo exceptions regarding resolution 1556 (2004) of the Security Council in relation to Sudan.

Various Civil Aviation Rules:

Section 28 of the Civil Aviation Act 1990 provides for the making of rules for the purposes, among other things, of implementing New Zealand's obligations under the Convention on International Civil Aviation (1944) and the Agreement between the Australian and New Zealand Governments on Mutual Recognition of Aviation-Related Certification (2007). The following civil aviation rules were amended during the current interval:

Civil Aviation Rules: Part 1—Definitions and Abbreviations (2008)

The objective of the amendment 39 to Part 1 is to insert new definitions and remove existing definitions as part of the implementation of *Part 109—Regulated Air Cargo Agent—Certification*. The objective of amendment 40 to Part 1 is to insert new definitions and abbreviations into the rules that are consequential to the implementation of *Part 95—Instrument Flight Procedures—Registration* and *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*.

Civil Aviation Rules: Part 12—Accidents, Incidents, and Statistics (2008)

The objective of amendment 3 is to add a definition of cargo security incident and to include a requirement to notify, investigate, and report incidents relating to the security of cargo or mail, which is consequential to the implementation of *Part 109—Regulated Air Cargo Agent—Certification*. The objective of amendment 4 is to update the rules prescribing the notification, investigation, and reporting of accidents and incidents

to take into account the implementation of *Part 95—Instrument Flight Procedures—Registration* and *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*.

Civil Aviation Rules: Part 19—Transitional Rules (2008)

The objective of amendment 13 to Part 19 is to revoke the definition of security control as a consequential amendment to the implementation of *Part 109—Regulated Air Cargo Agent—Certification*. The objective of amendment 14 to Part 19 is to revoke the transition rules prescribed in Subpart C—IFR Operations: Aerodrome Meteorological Minima and Minimum Altitudes, which is consequential to the implementation of *Part 95—Instrument Flight Procedures—Registration* and *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*.

Civil Aviation Rules: Part 71—Designation of Airspace (2008)

The objective of amendment 4 to Part 71 is to update the rule regarding the New Zealand Air Navigation Register to take into account the implementation of *Part 95—Instrument Flight Procedures—Registration* and *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*.

Civil Aviation Rules: Part 91—General Operating and Flight Rules (2008)

The objective of amendment 19 is to update various rules in Part 91 that include references to Parts 19 and 97 in respect of instrument flight procedures. This amendment to Part 91 is consequential to the implementation of *Part 95—Instrument Flight Procedures—Registration*.

Civil Aviation Rules: Part 93—Special Aerodrome Traffic Rules and Noise Abatement Procedures (2008)

The objective of amendment 4 to Part 93 is to update the noise abatement rule for Wellington International Airport that includes a reference to Part 97, which is consequential to the implementation of *Part 95—Instrument Flight Procedures—Registration* and *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*.

Civil Aviation Rules: Part 95—Instrument Flight Procedures—Registration (2008)

The objective of new Part 95 is to prescribe the requirements for instrument flight procedures intended for use by aircraft operating under instrument flight rules (IFR) to be given legal effect for use within the New Zealand civil aviation system. New Part 95 is associated with new *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*, which provides for the certification of organisations involved with the design, certification, and maintenance of instrument flight procedures.

Civil Aviation Rules: Part 109—Regulated Air Cargo Agent—Certification (2008)

The objective of Part 109 is to establish new rules for the certification and operation of regulated air cargo agents. Among other things, it ensures that the security controls applied to cargo and mail carried on international passenger aircraft meet the obligations under Annex 17 (security) of the Convention on International Civil Aviation (1944) to prevent, as far as possible, weapons, explosives, or other articles or substances being loaded as cargo or mail onto international passenger aircraft that could be used for committing an act of unlawful interference.

Civil Aviation Rules: Part 121—Air Operations—Large Aeroplanes (2008)

The objective of amendment 19 to Part 121 is to update the rules as a consequence of *Part 95—Instrument Flight Procedures—Registration* coming into force.

Civil Aviation Rules: Part 125—Air Operations—Medium Aeroplanes (2008)

The objective of amendment 14 to Part 125 is to update the rules as a consequence of *Part 95—Instrument Flight Procedures—Registration* coming into force.

Civil Aviation Rules: Part 135—Air Operations—Helicopters and Small Aeroplanes (2008)

The objective of amendment 18 to Part 135 is to update the rules as a consequence of *Part 95—Instrument Flight Procedures—Registration* coming into force.

Civil Aviation Rules: Part 139—Certification, Operation and Use (2008)

The objective of amendment 4 to Part 140 is to implement the consequential amendments in accordance with sections 2(2) and 19(3) of the Civil Aviation Amendment Act 2007, and clause 2 of the Civil Aviation Amendment Act 2007 Commencement Order 2007. The amendment concerns the implementation of security provisions enhancing screening.

Civil Aviation Rules: Part 140—Aviation Securities Service Organisations—Certification (2008)

The objective of amendment 4 to Part 140 is to implement the consequential amendments in accordance with sections 2(2) and 19(3) of the Civil Aviation Amendment Act 2007, and clause 2 of the Civil Aviation Amendment Act 2007 Commencement Order 2007. The amendment concerns the implementation of security provisions enhancing screening.

Civil Aviation Rules: Part 172—Air Traffic Service Organisations—Certification (2008)

The objective of amendment 6 to Part 172 is to update the rules in Part 172 that include reference to *Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation*. This amendment is consequential to the implementation of Part 173.

Civil Aviation Rules: Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation (2008)

The objective of new Part 173 is to ensure that the design, maintenance, and promulgation of instrument flight procedures intended for use by aircraft operating under instrument flight rules in the New Zealand Flight Information Region meet or exceed the International Civil Aviation Organisation standards and recommended practices for instrument flight procedures.

Various Land Transport Rules:

Part 11 of the Land Transport Act 1998 provides for the making of rules with respect to various aspects of land transport. Many of these rules incorporate international standards or implement international obligations. The following rule was made during the current interval:

Fuel Consumption Information 2008 (rule 33020)—Part 2 definitions

The rule, which is designed to take into account international best practice, draws on specified American, Australian, Japanese, and United Kingdom standards. The Australian standards are particularly relevant because of the Trans-Tasman Mutual Recognition Arrangement (1998).

Various Marine Protection Rules:

Section 386(1) of the Maritime Transport Act 1994 provides for the making of rules for the purposes of implementing New Zealand's obligations under any marine protection convention, to enable New Zealand to become a party to a convention, protocol, or agreement relating to the protection of the marine environment, and to implement international practices and standards relating to the protection of the marine environment that the International Maritime Organisation recommends. The following marine protection rules were made during the current interval:

Marine Protection Amendment Rules 2009

The objective of this set of amendments, which amend Parts 120, 121A, 121B, 123A, 170, and 200 of the Marine Protection Rules, is to provide rules for preventing pollution of the sea by oil and garbage, aligning New Zealand with amendments to Annex I (oil) and Annex V (garbage) of the International Convention for the Prevention of Pollution from Ships (1973) as modified by the Protocol of 1978 relating thereto (MARPOL), and recommendations from International Maritime Organisation. The amendments are made under sections 386, 387, and 388 of the Maritime Transport Act 1994.

Maritime (Various Amendments) Rules 2009

The objective of this set of amendments, which amend Parts 21, 22, 23, 24B, 24C, 32, 34, 40A, 40C, 40D, 40G, 46, 47, 48, 51, 73, and 90 of the Maritime Rules, is to clarify the intent of particular rules and to

reflect changes to international conventions with which New Zealand is obligated to comply. The amendments are made under sections 386, 387, and 388 of the Maritime Transport Act 1994.

IV. JUDICIAL DECISIONS RELATED TO NEW ZEALAND'S INTERNATIONAL OBLIGATIONS

This Part sets out the reported and unreported judicial decisions rendered during the current interval that concern New Zealand's international obligations. It divides the reported cases into those cases reported in the New Zealand Law Reports (NZLR) series in which international obligations were determinative, those cases reported in the NZLR series in which international obligations were cited but not determinative, and those cases reported in other series. It also identifies the international agreements that were referenced and sets out the distribution of these references among the various courts.

A. Reported Cases

1. NZLR Cases in Which International Obligations Were Determinative

Tasman Orient Line CV v New Zealand China Clays Ltd & Ors [2009] 3 NZLR 58 (Court of Appeal, Chambers, Baragwanath, and Fogarty JJ), contracts case that cites the Protocol to Amend the International Convention for the Unification of Certain Rules Relating to Bills of Lading (1968) (the Hague-Visby Rules), the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (1924), and the Vienna Convention on the Law of Treaties (1969):

Given the relevant circumstances, the Court of Appeal held that a carrier shipping company could not rely on article 4.2(a) of the Hague-Visby Rules to avoid liability for its failure to look after the plaintiff's goods.

Fairfax v Ireton [2009] 1 NZLR 540 (High Court Auckland, Priestley and Cooper JJ), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980):

The High Court ruled that it is undesirable for New Zealand law on the Convention to be out of step with other signatory states. In so doing, the High Court concluded that domestic law does not determine the meaning of Article 5(a) of the Convention and that agreements to which a non-guardian New Zealand parent is a party will *prima facie* fall inside Article 3 of the Convention's description of an agreement having legal effect under law of New Zealand.

Huang & Ors v Minister of Immigration & Anor [2009] 2 NZLR 700 (Court of Appeal, Young P, Hammond, and Chambers JJ), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),²² the Covenant on Civil and Political Rights (1966), and the Convention on the Rights of the Child (1989):

The Court of Appeal held that a properly carried out assessment under section 47(3) of the Immigration Act 1987, which is reasonably proximate to removal, is one that satisfies New Zealand's obligations under the Covenant on Civil and Political Rights (1966) and the Convention on the Rights of the Child (1989).

2. NZLR Cases in which International Obligations Were Cited but Not Determinative

Williams v R [2009] 2 NZLR 750 (Supreme Court, Elias CJ, Blanchard, Tipping, McGrath, and Wilson JJ), criminal procedure case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²³

C v H [2009] 3 NZLR 289 (Court of Appeal, Chambers, Robertson, and Baragwanath JJ), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980), Convention on Contracts for International Sale of Goods (1980), Convention Relating to the Status of Refugees (1951), and the Vienna Convention on the Law of Treaties (1969)

Birkenfeld v Kendall & Anor [2009] 1 NZLR 499 (Court of Appeal, Robertson, Arnold, and Baragwanath JJ), tort case that cites the Convention on Limitation of Liability for Maritime Claims (1976)

Te Mata Properties Ltd & Ors v Hastings District Council [2009] 1 NZLR 460 (Court of Appeal, O'Regan, Robertson, and Baragwanath JJ), tort case that cites the International Covenant on Economic, Social and Cultural Rights (1966) and the Universal Declaration of Human Rights (1948)

Combined Beneficiaries Union Inc v Auckland City COGS Committee & Ors [2009] 2 NZLR 56 (Court of Appeal, Glazebrook, Hammond, and Baragwanath JJ), tort case that cites the International Covenant on Civil and Political Rights (1966) and the Universal Declaration of Human Rights (1948)

Crown Health Financing Agency v P & Ors [2009] 2 NZLR 149 (Court of Appeal, Glazebrook, Hammond, O'Regan, Robertson, and Baragwanath JJ), civil procedure case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²⁴

22 New Zealand is not a party to this Convention.

23 Above.

24 Above.

H v T [2009] New Zealand Family Law Reports 49 (Family Court Wanganui, Callinicos J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Ye & Ors v Minister of Immigration & Anor [2009] 2 NZLR 596 (Court of Appeal, Glazebrook, Hammond, Chambers, Robertson, and Wilson JJ), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),²⁵ the International Covenant on Civil and Political Rights (1966), the Convention on the Rights of the Child (1989), the Universal Declaration of Human Rights (1948), and the Vienna Convention on the Law of Treaties (1969)

3. Cases Reported in Other Series that Reference International Obligations

Bujak v The Republic of Poland [2009] New Zealand Court of Appeal 257 (Glazebrook, Hammond, and Robertson JJ), extradition case that cites the extradition treaty between New Zealand and the Republic of Poland (1932)

R v Baker [2009] New Zealand Court of Appeal 186 (Glazebrook, Hammond, and O'Regan JJ), criminal case that cites the Convention on the Rights of the Child (1989)²⁶

A v Ministry of Social Development [2009] New Zealand Family Law Reports 625 (High Court Auckland, Asher J), custody case that cites the Convention for the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2008)

E (Adoption), Re; SSL & Anor [2009] New Zealand Family Law Reports (Family Court Waitakere, Mather J), custody case that cites the Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the Convention on the Rights of the Child (1989)

L v R & Anor [2009] New Zealand Family Law Reports 573; (2009) 27 Family Reports of New Zealand 448 (High Court Nelson, Wild J), custody case that cites the Convention on the Rights of the Child (1989)

Singh & Ors v Minister of Immigration & Anor [2009] New Zealand Court of Appeal 50 (Young P, Hammond and Robertson JJ), immigration case that cites the Convention on the Rights of the Child (1989)

T v H [2009] New Zealand Court of Appeal 17 (Chambers, Robertson, and Baragwanath JJ), a custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

25 Above.

26 This case was subsequently published after the current interval in the NZLR series at *R v Baker* [2010] 1 NZLR 235.

Reddy v Minister of Immigration (2009) Family Reports of New Zealand 433 (Deportation Review Tribunal, Treadwell J), immigration case that cites the International Covenant on Civil and Political Rights (1966) and the Convention on the Rights of the Child (1989)

T v H [2009] New Zealand Supreme Court 4 (Elias CJ, McGrath and Wilson JJ), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Amaltal Fishing Company Ltd v Commissioner of Inland Revenue (CIR) (2009) 24 New Zealand Tax Cases 23, 313 (High Court Wellington, Mallon J), tax case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²⁷

HAV v EAW (2009) 27 Family Reports of New Zealand 729 (Family Court, Waitakere, Burns J), custody case that cites the International Covenant on Civil and Political Rights (1966)

Avowal Administrative Attorneys Ltd & Ors v District Court at North Shore & Anor (2009) 24 New Zealand Tax Cases 23,252 (High Court Auckland, Venning J), tax case that cites the Agreement between the Government of New Zealand and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (1995)

Fletcher v Blackburn [2009] New Zealand Family Law Reports 354 (High Court Tauranga, Heath J), custody case that cites the Convention on the Rights of the Child (1989)

Bredmeyer v Chief Executive of the Ministry of Social Development [2008] New Zealand Court of Appeal (Arnold, France, and Baragwanath JJ), superannuation case that cites the Vienna Convention on the Law of Treaties (1969)

Miller & Anor v New Zealand Parole Board & Anor (2008) Criminal Reports of New Zealand 104 (High Court Wellington, MacKenzie J), criminal case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²⁸ and the International Covenant on Civil and Political Rights (1966)

Smith, Valerie v Air New Zealand Ltd (2008) 8 Human Rights Reports of New Zealand 639 (High Court Wellington, Clifford J), discrimination case that cites International Air Transport Association Resolution 700 and the International Civil Aviation Organisation Technical Instructions

27 New Zealand is not a party to this Convention.

28 Above.

R v Chatha [2008] New Zealand Court of Appeal 547 (Glazebrook, Hansen, and Miller JJ), criminal case that cites the International Covenant on Civil and Political Rights (1966)

Television New Zealand Ltd (TVNZ) v Solicitor-General [2009] New Zealand Family Law Reports 390 (Court of Appeal, O'Regan, Robertson, and Baragwanath JJ), censorship case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)²⁹ and the Convention on the Rights of the Child (1989)

Minister of Immigration v Al Hosan (2009) New Zealand Administrative Reports 259 (Court of Appeal, Glazebrook, O'Regan, and Arnold JJ), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³⁰ the International Covenant on Civil and Political Rights (1966), and the Convention on the Rights of the Child (1989)

R v Rolston [2008] New Zealand Court of Appeal 431 (Young P, Hammond and O'Regan JJ), criminal case that cites the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)

S v S [2009] New Zealand Family Law Reports 108 (Family Court New Plymouth, Murfitt J), custody case that cites the Convention on the Rights of the Child (1989)

C v L & Anor [2008] New Zealand Family Law Reports 960 (High Court Auckland, Allan J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Wikio & Anor v Attorney-General (2008) 8 Human Rights Reports of New Zealand 544 (High Court Wellington, MacKenzie J), criminal procedure case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³¹ the International Covenant on Civil and Political Rights (1966), and the Universal Declaration of Human Rights (1948)

R v M [2008] New Zealand Court of Appeal 193 (Young P, Randerson and Harrison JJ), criminal procedure case that cites the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000) and the Convention on the Rights of the Child (1989)

29 Above.

30 Above.

31 Above.

Registrar of Companies v Everall (2008) Human Rights Reports of New Zealand 697 (High Court Auckland, Potter J), criminal procedure case that cites the European Convention on the Protection of Human Rights and Fundamental Freedoms (1950)³² and the International Covenant on Civil and Political Rights (1966)

B. Unreported Cases

PLG v PNG (District Court Tauranga, FAM-2009-070-000127, 18 June 2009, Geoghegan J), custody case that cites the Convention for the Rights of the Child (1989)

Zanzoul v Removal Review Authority & Anor (High Court Wellington, CIV-2007-485-001333, CIV-2008-485-000854, CIV-2008-485-000855, 9 June 2009, Dobson J), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³³ the International Covenant on Civil and Political Rights (1966), and the Convention for the Rights of the Child (1989)

MSD v JFW & Anor (Family Court Manukau, FAM-2008-092-002114, FAM-2008-092-002515, 9 June 2009, Twaddle J), custody case that cites the Convention for the Rights of the Child (1989)

B v Family Court & Anor (High Court, Wanganui, CIV-2008-483-000032, CIV-2008-483-000302, 2 June 2009, Mallon J), custody case that cites the Convention for the Rights of the Child (1989)

CJMF-C v RF-C (Family Court Whangarei, FAM-2007-088-000100, 22 May 2009, Maude J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Paul v Attorney-General (High Court Wellington, CIV-2009-485-000762, 7 May 2009, Clifford J), immigration case that cites the International Covenant on Civil and Political Rights (1966)

G v Chief Executive Officer, Ministry of Social Development & Anor (High Court Auckland, CIV-2008-404-004975, 6 May 2009, Cooper J), custody case that cites the Convention for the Rights of the Child (1989)

Refugee Appeal No 75574 (Refugee Status Appeals Authority Auckland, 29 April 2009, Haines and Molloy JJ), immigration case that cites the Convention Relating to the Status of Refugees (1951)

Reid & Anor v Crown Law Office & Anor (High Court Wellington, CIV-2008-485-001203, 21 April 2009, Dobson J), custody case that cites the International Covenant on Civil and Political Rights (1966) and the Convention for the Rights of the Child (1989)

³² Above.

³³ Above.

Reid v New Zealand Fire Service Commission (High Court Wellington, CIV-2008-485-002043, 21 April 2009, Dobson J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966) and the Convention for the Rights of the Child (1989)

DRA v SCH (Family Court North Shore, [file number unstated], 20 April 2009, Ryan J), custody case that cites the Convention for the Rights of the Child (1989)

AVH v AVH (Family Court Nelson, FAM-2008-042-000597, 9 April 2009, Russell J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Chea v Chan (High Court Auckland, CIV-2008-404-002469, 3 April 2009, Hugh Williams J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966)

ER v FR (High Court Wanganui, CIV-2008-483-000033, 31 March 2009, Mallon J), custody case that cites the International Covenant on Civil and Political Rights (1966)

Oto v Minister of Immigration (High Court Wellington, CIV-2008-485-002183, 13 March 2009, Gendall J), immigration case that cites the Convention on the Rights of the Child (1989)

H v C (High Court Auckland, CIV-2008-404-003415, 4 March 2009, Woodhouse J), custody case that cites the Convention on the Rights of the Child (1989)

B v M (High Court Whangarei, CIV-2008-488-000851, 12 February 2009, Priestley J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

T v I & Ors (High Court Hamilton, CIV-2008-419-001409, CIV-2008-419-001426, 23 December 2008, Keane J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Young v Attorney-General in respect of the Police (High Court Auckland, CIV-2002-404-001981, 23 December 2008, Hugh Williams J), tort case that cites the International Covenant on Human and Political Rights (1966)

Chief Executive Child Youth & Family Services v Malone & Anor (Family Court New Plymouth, FAM-2008-019-001386, 18 December 2008, Murfitt J), custody case that cites the Convention on the Rights of the Child (1989)

Singh & Ors v Minister of Immigration & Anor (High Court Auckland, CIV-2008-404-007545, 17 December 2008, Heath J), immigration case that cites the Convention on the Rights of the Child (1989)

Child Poverty Action Group Inc v Attorney-General (Human Rights Review Tribunal, Decision No 31-08, HRRT 41-05, 16 December 2008, Hindle J), discrimination case that cites European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³⁴ International Covenant on Civil and Political Rights (1966), and the Convention on the Rights of the Child (1989)

PRK v JCJV (Family Court Tuaranga, FAM-2005-070-001575, 11 December 2008, Geoghegan J), maintenance case that cites the Convention on the Recovery Abroad of Maintenance (1956)

M v M (Family Court Christchurch, FAM-2003-009-003927, 10 December 2008, Costigan J), custody case that cites the Convention on the Rights of the Child (1989)

EG v YM (Family Court Hamilton, FAM-2008-019-000219, 9 December 2008, Cocurullo J), custody case that cites the Convention on Civil Aspects of International Child Abduction (1980)

B v B (Family Court Tauranga, FAM-2007-027-000217, 8 December 2008, Somerville J), custody case that cites the Convention on the Rights of the Child (1989)

MT v DH (High Court Wanganui, CIV-2008-483-000297, 28 November 2008, Mallon J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

HT v MJH (High Court Wanganui, FAM-2008-083-000391, FP 083-306-00, Moran J), custody case that cites the Convention on the Rights of the Child (1989)

L v M & Anor (Family Court, Waitakere, FAM-2007-090-000312, FAM-2005-090-000839, 26 November 2008, Mather J), custody case that cites the Convention on the Rights of the Child (1989)

Chea v Chan (High Court Auckland, CIV-2008-404-002469, 19 November 2008, Williams J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966)

M v B (Family Court Whangarei, FAM-2008-088-000688, 18 November 2008, Druce J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

H v M (Family Court Wanganui, FAM-2007-083-000437, FAM-2008-004-001681, 11 November 2008, Callinicos J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

34 Above.

W v W (Family Court New Plymouth, FAM-2008-043-612, 21 October 2008, Murfitt J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

N v R (Family Court Christchurch, FAM-2006-009-003693, 21 October 2008, Walsh J), maintenance case that cites the Convention of the Rights of the Child (1989)

Bujak v District Court at Christchurch & Anor (High Court Christchurch, CIV-2008-409-000785, 8 October 2008, France J), extradition case the cites the extradition treaty between New Zealand and the Republic of Poland (1932)

T v W (High Court Auckland, CIV-2008-404-004916, 7 October 2008, Wylie J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

M (child), Re (Family Court, FAM-2007-077-000089, 29 September 2008, MacKenzie J), custody case that cites the Convention on the Rights of the Child (1989)

Refugee Appeal No 76044 (Refugee Status Appeals Authority, Haines and Dingle JJ), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³⁵ the Convention Relating to the Status of Refugees (1951), and the Vienna Convention on the Law of Treaties (1969)

A v Chief Executive of the Department of Labour (High Court Wellington, CIV-2008-485-000668, 5 September 2008, Young J), immigration case that cites the Convention Relating to the Status of Refugees (1951)

MB v AK (Family Court Auckland, FAM-2006-004-001761, 5 September 2008, de Jong J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Chief Executive, Ministry of Social Development v C & Anor (Family Court Wanganui, FAM-2004-083-000374, 2 September 2008, Callinicos J), custody case that cites the Convention on the Rights of the Child (1989)

C v C (Family Court Christchurch, FAM-2006-009-000425, 29 August 2008, Moran J), custody case that cites the Convention on the Rights of the Child (1989)

Chief Executive Officer Ministry of Social Development v NDP (Family Court Auckland, FAM-2006-004-002213, 27 August 2008, Burns J), custody case that cites the Convention on the Rights of the Child (1989)

N v Refugee Status Appeals Authority & Anor (High Court Auckland, CIV-2007-404-007932, 26 August 2008, Priestley J), immigration case that cites the Convention Relating to the Status of Refugees (1951)

35 Above.

R v M (Family Court Hamilton, FAM-2007-019-001227, 26 August 2008, Riddell J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

G v B (Family Court Christchurch, FAM-2008-009-000418, 25 August 2008, Somerville J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

B v B (Family Court Tauranga, FAM-2007-027-000218, 22 August 2008, Somerville J), custody case that cites the Convention on the Rights of the Child (1989)

K v G (Family Court Dunedin, FAM-2006-012-001068, 20 August 2008, O'Dwyer J), custody case that cites the Convention on the Rights of the Child (1989)

Epenisa v Minister of Immigration (High Court Wellington, CIV-2008-485-000611, 19 August 2008, Mallon J), immigration case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950),³⁶ the Convention on the Rights of the Child (1989), and the International Covenant on Civil and Political Rights (1966)

C v B (Family Court Hamilton, FAM-2006-019-000553, 13 August 2008, McAloon J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

B (child), Re; Open Home Foundation (OHF) (Family Court Blenheim, FAM-2008-006-000104, 13 August 2008, Russell J), custody case that cites the Convention on the Rights of the Child (1989)

Reid v New Zealand Fire Service Commission & Ors (High Court Wellington, CIV-2008-485-001203, 8 August 2008, Mallon J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966) and the Convention on the Rights of the Child (1989)

M v R & Anor (Family Court Taupo, FAM-2006-069-000140, 25 July 2008, Munro J), custody case that cites the Convention on the Rights of the Child (1989)

A, Re (Family Court Hastings, FAM-2006-085-000126, 24 July 2008, Von Dadelszen J), mental health case that cites the International Covenant on Civil and Political Rights (1966)

H & Ors v Minister of Immigration & Ors (High Court Auckland, CIV-2008-404-004139, 21 July 2008, Cooper J), immigration case that cites the International Covenant on Civil and Political Rights (1966) and the Convention on the Rights of the Child (1989)

36 Above.

Reid v New Zealand Fire Service & Ors (High Court Wellington, CIV-2008-485-001203, 16 July 2008, Clifford J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966) and the Convention on the Rights of the Child (1989)

W v T (Family Court North Shore, FAM-2008-044-000529, 15 July 2008, Aubin J), custody case the cites the Convention on the Civil Aspects of International Child Abduction (1980)

U v B (Family Court Porirua, FAM-2005-091-000873, 11 July 2008, Walsh J), custody case the cites the Convention on the Rights of the Child (1989)

Cheon v Attorney-General (High Court Auckland, CIV-2007-404-007669, 8 July 2008, Heath J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

Chief Executive Officer, Ministry of Social Development v G (Family Court Auckland, FAM-2000-004-000451, 8 July 2008, Burns J), civil procedure case that cites the Convention on the Rights of the Child (1989)

O v F (Family Court Palmerston North, FAM-2008-054-000367, 4 July 2008, Twaddle J), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

B v C (Butler v Craig) (Court of Appeal, CA 139-2008, 1 July 2008, O'Regan, Priestley, and Heath JJ), custody case that cites the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)³⁷ and the Convention on the Civil Aspects of International Child Abduction (1980)

Omunkete Fishing (Pty) Ltd v Minister of Fisheries & Anor (High Court Wellington, CIV-2008-485-001310, 1 July 2008, Mallon J), fisheries case that cites the United Nations Convention on the Law of the Sea (1982) and the Convention on the Conservation of Antarctic Marine Living Resources (1980)

F v F (Family Court Tauranga, FAM-2005-070-001287, 1 July 2008, Geoghegan J), custody case the cites the Convention on the Rights of the Child (1989)

37 Above.

C. Distribution of References to International Agreements Among Various Courts, NZLR Cases, Other Reported Cases, and Unreported Cases³⁸

International obligations	NZLR	Other	Unrep	All	Total
Convention on the Rights of the Child (1989)	CA: 3	CA: 6 HC: 3 FC: 2 DRT: 1	HC: 13 FC: 18 DC: 1 HRT: 1	CA: 9 HC: 16 FC: 20 DC: 1 HRT: 1 DRT: 1	48
Convention on the Civil Aspects of International Child Abduction (1980)	CA: 1 HC: 1 FC: 1	SC: 1 CA: 1 HC: 1	CA: 1 HC: 5 FC: 12	SC: 1 CA: 3 HC: 7 FC: 13	24
International Covenant on Civil and Political Rights (1966)	CA: 2	CA: 1 HC: 3 FC: 1 DRT: 1	HC: 12 FC: 1 HRT: 1	CA: 3 HC: 15 FC: 2 HRT: 1 DRT: 1	22
European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)	SC: 1 CA: 3	CA: 2 HC: 4	CA: 1 HC: 2 HRT: 1 RSAA: 1	SC: 1 CA: 6 HC: 6 HRT: 1 RSAA: 1	15
Convention Relating to the Status of Refugees (1951)	CA: 1		HC: 2 RSAA: 2	CA: 1 HC: 2 RSAA: 2	5
Vienna Convention on the Law of Treaties (1969)	CA: 3	CA: 1	RSAA: 1	CA: 4 RSAA: 1	5
Universal Declaration of Human Rights (1948)	CA: 3	HC: 1		CA: 3 HC: 1	4
Extradition treaty between New Zealand and the Republic of Poland (1932)		CA: 1	HC: 1	CA: 1 HC: 1	2
Convention on the Rights of Persons with Disabilities (2008)		HC: 1		HC: 1	1
Convention on the Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)		FC: 1		FC: 1	1

38 Key: SC = Supreme Court, CA = Court of Appeal, HC = High Court, DC = District Court, FC = Family Court, HRT: Human Rights Review Tribunal, DRT: Deportation Review Tribunal, RSAA: Refugee Status Appeal Authority.

Agreement between the Government of New Zealand and the Government of Australia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (1995)		HC: 1		HC: 1	1
Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988)		CA: 1		CA: 1	1
Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000)		CA: 1		CA: 1	1
Convention on the Recovery Abroad of Maintenance (1956)			FC: 1	FC: 1	1
Nations Convention on the Law of the Sea (1982)			HC: 1	HC: 1	1
Convention on the Conservation of Antarctic Marine Living Resources (1980)			HC: 1	HC: 1	1
Protocol to Amend the International Convention for the Unification of Certain Rules Relating to Bills of Lading (1968)	CA: 1			CA: 1	1
International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (1924)	CA: 1			CA: 1	1
Convention on Limitation of Liability for Maritime Claims (1976)	CA: 1			CA: 1	1
International Covenant on Economic, Social and Cultural Rights (1966)	CA: 1			CA: 1	1
Convention on Contracts for International Sale of Goods (1980)	CA: 1			CA: 1	1
International Air Transport Association Resolution 700		HC: 1		HC: 1	1
International Civil Aviation Organisation Technical Instructions		HC: 1		HC: 1	1
Totals	24	37	79	140	140

Note: European Convention for the Protection of Human Rights and Fundamental Freedoms (1950)³⁹

39 New Zealand is not a party to this Convention.

V. UPDATE OF MASTER LIST OF IMPLEMENTING ACTS

This Part updates the master list of implementing Acts set out in Part V of 'In Search of International Standards and Obligations relevant to New Zealand Acts' (2007) 4 *New Zealand Yearbook of International Law* 366-393 (as amended).⁴⁰ The master list should be amended as follows:

Customs and Excise Act 1996

Add "Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008)" after the "Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999)" item.

Diplomatic Privileges and Immunities Act 1968

Add the following entry after this entry:

Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008⁴¹

United Nations Convention on the Rights of Persons with Disabilities (2006)

Fair Trading Act 1986

Add the following item:

Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008)

Films, Videos, and Publications Classification Act 1993

Add the following entry after this entry:

Financial Service Providers (Registration and Dispute Resolution) Act 2008

The 40 Recommendations that the FATF adopted at its plenary meeting on 20 June 2003

40 For previous amendments to the master list, see Gobbi (2008), above n 3, 418-420; Gobbi (2007-2008), above n 18, 326.

41 To implement this Convention, the Act also amended the following enactments: the Community Trusts Act 1999, the Education Act 1989, the Juries Act 1981, the Local Government Act 2002, the Maori Trust Boards Act 1955, the Maritime Transport Act 1994, the Motor Vehicle Sales Act 2003, the Mutual Insurance Act 1955, the New Zealand Council for Educational Research Act 1972, the New Zealand Superannuation and Retirement Income Act 2001, the Public Trust Act 2001, the Reserve Bank of New Zealand Act 1989, the River Boards Act 1908, the Sale of Liquor Act 1989, the Social Security Act 1964, the Soil Conservation and Rivers Control Act 1941, the Taranaki Scholarship Trust Board Act 1957, Te Ture Whenua Maori Act 1993, the Trustee Act 1956, the Waitangi National Trust Board Act 1932, the Child Support Rules 1992, the Freshwater Fish Farming Regulations 1983, and the Weights and Measures Regulations 1999.

The Special Recommendations on Terrorist Financing that the FATF adopted at its plenary meeting on 31 October 2001

The Special Recommendation IX on Terrorist Financing that the FATF adopted at its plenary meeting between 20 and 22 October 2004

Human Rights Act 1993

Add the following item:

United Nations Convention on the Rights of Persons with Disabilities (2006)

Plants Act 1970

Add the following entry after this entry:

Police Act 2008⁴²

Article 43 of the Charter of the United Nations (1945)

Radiocommunications Act 1989

Add the following item:

Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008)

Tariff Act 1988

Add the following item:

Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008)

United Nations (Police) Act 1964

Omit this item (repealed and replaced).

VI. UPDATE OF MASTER LIST OF IMPLEMENTING REGULATIONS

This Part updates the master list of implementing regulations set out in Part V of "In Search of International Standards and Obligations relevant to New Zealand Regulations" (2008) 5 New Zealand Yearbook of International Law 327-272 (as amended).⁴³ The master list should be amended as follows:

Civil Aviation Rules: Part 108–Air Operator Security Programme 2007

Add the following entry after this entry:

42 Among other things, this Act replaces the United Nations (Police) Act 1964, which had implemented Article 43 of the Charter of the United Nations (1945).

43 For previous amendments to the master list, see Gobbi (2008), above n 3, 421-423.

Civil Aviation Rules: Part 109—Regulated Air Cargo Agent—Certification 2008*

Civil Aviation Act 1990, ss 28, 29, 29A, 29B, 30

Annex 17 (security) of the Convention on International Civil Aviation (1944)

Civil Aviation Rules: Part 172—Air Traffic Service Organisation—Certification 2006

Add the following entry after this entry:

Civil Aviation Rules: Part 173—Instrument Flight Procedure Service Organisation—Certification and Operation (2008)*

Civil Aviation Act 1990, ss 28, 29, 29A, 29B, 30

The objective of new Part 173 is to ensure that the design, maintenance, and promulgation of instrument flight procedures intended for use by aircraft operating under instrument flight rules in the New Zealand Flight Information Region meet or exceed the International Civil Aviation Organisation standards and recommended practices for instrument flight procedures.

Land Transport Rule 33001/2: Vehicle Exhaust Emissions 2007

Add the following entry after this entry:

Land Transport Rule 33020: Fuel Consumption Information 2008

Land Transport Act 1998, s 152

The rule, which is designed to take into account international best practice, draws on specified American, Australian, Japanese, and United Kingdom standards. The Australian standards are particularly relevant because of the Trans-Tasman Mutual Recognition Arrangement (1998).

Climate Change (Unit Register) Regulations 2007

Omit this entry and substitute the following entries:

Climate Change (Forestry Sector) Regulations 2008

Climate Change Response Act 2002, ss 163, 167, and 168

United Nations Framework Convention on Climate Change (1992)[#]

Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)[#]

Climate Change (Liquid Fossil Fuels) Regulations 2008

Climate Change Response Act 2002, s 163

United Nations Framework Convention on Climate Change (1992)[#]

Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)[#]

Climate Change (Unit Register) Regulations 2008**Climate Change Response Act 2002, s 30G*United Nations Framework Convention on Climate Change (1992)[#]Protocol to the United Nations Framework Convention on Climate Change (1997)[#]**Customs Export Prohibition (Toothfish) Order 2009**

Omit this entry and substitute the following entries:

Customs Export Prohibition (Toothfish) Order 2009**Customs and Excise Act (1996), s 56*Convention on the Conservation of Antarctic Marine Living Resources (1980)[^]

Conservation Measure 170/XVIII adopted by the Commission for the Conservation of Antarctic Marine Living Resources in 1999 under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (1980)

Customs Import Prohibition (Toothfish) Order 2009**Customs and Excise Act (1996), s 54*Convention on the Conservation of Antarctic Marine Living Resources (1980)[^]

Conservation Measure 170/XVIII adopted by the Commission for the Conservation of Antarctic Marine Living Resources in 1999 under Article IX of the Convention on the Conservation of Antarctic Marine Living Resources (1980)

Double Taxation Relief (China) Order 1986

Add the following entry after this entry:

Double Taxation Relief (Czech Republic) Order 2008**Income Tax Act 2007, s BH 1*Agreement between the Czech Republic and New Zealand for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income (2007)^{\$}**Double Taxation Relief (United Kingdom) Order 1984**

Add the following item:

Protocol between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand to amend the Convention for the avoidance of double taxation and the prevention of fiscal evasion with respect to taxes on income and on capital gains (1983) as amended (2007)^{\$}

Double Taxation Relief (United States of America) Order 1983

Add the following entry after this entry:

Electricity (China Free Trade Agreement) Regulations 2008

Electricity Act 1989, s 169

Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components, which is Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of People's Republic of China (2008)

Fisheries (High Seas Fishing Notifications) Notice 2007

Add the following entry after this entry:

Fisheries (High Seas Fishing Notifications: Western and Central Pacific Fisheries Commission) Notice 2009*

Fisheries Act 1996, s 113C

The regulations give notice that the Western and Central Pacific Fisheries Commission is an organisation or arrangement within the definition of a global, regional, or sub-regional fisheries organisation or arrangement in Part 6A of the Fisheries Act 1996. The regulations also give notice of a host of international conservation and management measures that the Commission has adopted. These measures apply to ships that are on the high seas in an area that the Commission covers and that are registered under the Ship Registration Act 1992 or fly the New Zealand flag.

Layout Designs (Eligible Countries) Order 2000

Add the following entry after this entry:

Marine Protection Amendment Rules 2009

Maritime Transport Act 1994, ss 386, 387, and 388

The objective of this set of amendments, which amend Parts 120, 121A, 121B, 123A, 170, and 200 of the Marine Protection Rules, is to provide rules for preventing pollution of the sea by oil and garbage, aligning New Zealand with amendments to Annex I (oil) and Annex V (garbage) of the International Convention for the Prevention of Pollution from Ships (1973) as modified by the Protocol of 1978 relating thereto (MARPOL), and recommendations from International Maritime Organisation.

Maritime Transport (Marine Protection Conventions) Order 1999

Add the following entry after this entry:

Maritime (Various Amendments) Rules 2009

Maritime Transport Act 1994, ss 386, 387, and 388

The objective of this set of amendments, which amend Parts 21, 22, 23, 24B, 24C, 32, 34, 40A, 40C, 40D, 40G, 46, 47, 48, 51, 73, and 90 of the Maritime Rules, is to clarify the intent of particular rules and reflect changes to international conventions to which New Zealand has an obligation to comply.

Patents (United States of America) Regulations 1956

Add the following entries after this entry:

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Amendment Regulations 2009*

Fair Trading Act 1986, s 29

Australian Standard AS 1182-1997-Size coding scheme for infants' and children's clothing-Underwear and outerwear

Australian/New Zealand Standard 1249:2003-Children's nightwear and limited daywear having reduced fire hazard

Product Safety Standards (Children's Nightwear and Limited Daywear Having Reduced Fire Hazard) Regulations 2008

Fair Trading Act 1986, s 29

Australian Standard AS 1182-1997-Size coding scheme for infants' and children's clothing-Underwear and outerwear

Australian/New Zealand Standard 1249:2003-Children's nightwear and limited daywear having reduced fire hazard

Trade in Endangered Species Order 2008

Add the following entry after this entry:

Trans-Tasman Mutual Recognition (Changes to Permanent and Special Exemptions and Special Exemptions Extension) Regulations 2009*

Trans-Tasman Mutual Recognition Act 1997, ss 82, 83

Trans-Tasman Mutual Recognition Arrangement (1996)

United Nations Sanctions (Côte d'Ivoire) Regulations 2005

Add the following item:

Resolution 1643 of the Security Council of the United Nations (2005)

United Nations Sanctions (Democratic Republic of the Congo) Regulations 2004

Add the following items:

Resolution 1596 of the Security Council of the United Nations (2005)

Resolution 1649 of the Security Council of the United Nations (2005)

Resolution 1807 of the Security Council of the United Nations (2008)

United Nations Sanctions (Iran) Regulations 2007

Add the following item:

Resolution 1803 of the Security Council of the United Nations (2008)

United Nations Sanctions (Iraq) Regulations 1991

Add the following item:

Resolution 1546 of the Security Council of the United Nations (2004)

United Nations Sanctions (Kimberley Process) Regulations 2004

Add the following:

Resolution 1446 of the Security Council of the United Nations (2002)

Resolution 1643 of the Security Council of the United Nations (2005)

Resolution 1753 of the Security Council of the United Nations (2007)

United Nations Sanctions (Kimberley Process) Regulations 2004

Add the following entry after this entry:

United Nations Sanctions (Lebanon) Regulations 2008*

United Nations Act 1946, s 2

Resolution 1636 of the Security Council of the United Nations (2005)

Resolution 1701 of the Security Council of the United Nations (2006)

United Nations Sanctions (Liberia) Regulations 2001

Add the following item:

Resolution 1753 of the Security Council of the United Nations (2007)

United Nations Sanctions (Rwanda) Regulations 1994

Omit this entry (revoked)

United Nations Sanctions (Sierra Leone) Regulations 1997

Add the following items:

Resolution 1132 of the Security Council of the United Nations (1997)

Resolution 1156 of the Security Council of the United Nations (1998)

Resolution 1171 of the Security Council of the United Nations (1998)

United Nations Sanctions (Somalia) Regulations 1992

Add the following items:

Resolution 1356 of the Security Council of the United Nations (2001)

Resolution 1744 of the Security Council of the United Nations (2007)

Resolution 1772 of the Security Council of the United Nations (2007)

Resolution 1844 of the Security Council of the United Nations (2008)

Resolution 1846 of the Security Council of the United Nations (2008)

Resolution 1851 of the Security Council of the United Nations (2008)

United Nations Sanctions (Sudan) Regulations 2004

Add the following item:

Resolution 1591 of the Security Council of the United Nations (2005)

