

# 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.<sup>1</sup> It concludes that the level of activity in the current interval, relative to the previous interval,<sup>2</sup> has increased for the parliamentary and executive branches of government but has decreased for the judicial branch. This overview summarises that activity and compares it with the activity undertaken during the previous interval.

### *A. Parliamentary Activity*

#### 1. Acts of Parliament

During the current interval, Parliament enacted 53 bills with implications for New Zealand's international obligations. Forty-nine simply amended Acts that had implemented treaties, one improved compliance with treaties that had already been implemented, and three implemented five new agreements. Forty-three of these bills involved multilateral agreements, four involved recommendations, four involved bilateral agreements, one involved a model law and one involved a code.

In terms of Acts, this level of activity is more than the previous interval. During the previous interval, Parliament enacted 46 bills with implications for New Zealand's international obligations. Thirty-seven simply amended Acts that had implemented treaties, four improved compliance with treaties that had already been implemented and five implemented seven new agreements (and aspects of two other previously implemented agreements). Forty-three of these bills involved multilateral agreements, two involved recommendations and one involved a bilateral agreement.<sup>3</sup>

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1 The current interval began on 1 July 2013 and ended on 30 June 2014.

2 The previous interval began on 1 July 2012 and ended on 30 June 2013.

3 Mark Gobbi "Treaty Action and Implementation" (2013) 11 NZYIL 285 at 285 and 294-303.

## 2. Treaty Examination Reports

During the current interval, the House of Representatives considered seven select committee reports on treaties (seven agreements in all). Five reports brought substantive matters to the attention of the House. Public submissions featured in two of these reports and one warranted a Government response.<sup>4</sup>

In terms of reports, this level of activity is less than during the previous interval (three fewer reports). In terms of agreements examined, this level of activity is also less than during the previous interval (four fewer agreements). During the previous interval, the House of Representatives considered ten select committee reports on treaties (11 agreements in all and one withdrawal proposal). Six reports brought matters to the attention of the House. Public submissions did not feature in these reports and none warranted a Government response.<sup>5</sup>

### *B. Executive Activity*

#### 1. Regulations

During the current interval, the Executive made 42 regulations relevant to New Zealand's international obligations. Nine of these regulations implemented bilateral agreements, one implemented recommendations, one implemented standards, and thirty-one implemented multilateral agreements. Twenty dealt with environmental agreements, five dealt with maritime agreements, five implemented bilateral tax agreements, four dealt with aviation agreements, two dealt with trade, two adopted various resolutions of the United Nations Security Council, one implemented a multilateral tax agreement, one dealt with financial recommendations, one implemented banking standards and one dealt with a social welfare reciprocity agreement.

This level of activity is more than the level of activity that took place during the previous interval. During the previous interval, the Executive made 38 regulations relevant to New Zealand's international obligations. Two of these regulations implemented bilateral agreements, three implemented a multilateral understanding, two implemented various standards and 31 implemented multilateral agreements (although many of these dealt with the requirements of the same multilateral agreement). Eighteen dealt with environmental agreements, four implemented aspects of an agreement to protect cultural property, four dealt with intellectual property, three concerned sanctions imposed by the Security Council of the United Nations, three dealt with criminal matters, three implemented an understanding regarding investment, one implemented a bilateral investment protocol, one implemented a bilateral tax agreement and one implemented a safety standard.<sup>6</sup>

4 See Standing Order 252 (2014).

5 Gobbi (2013), above n 3, at 285-286 and 292-294.

6 At 286 and 303-311.

## 2. Treaty Actions

During the current interval, the Executive was involved in 25 treaty actions with respect to six multilateral agreements and 19 bilateral agreements. Of the six multilateral agreements, the Executive acceded to one and signed one. Five came into force. Of the 19 bilateral agreements, the Executive signed to 13. Fourteen came into force.

This level of activity is more than the level of activity that took place during the previous interval. During the previous interval, the Executive was involved in 22 treaty actions with respect to five multilateral agreements and 17 bilateral agreements. Of the five multilateral agreements, the Executive approved one and signed one. Three came into force. Of the 17 bilateral agreements, the Executive adhered to 23 and signed six. Twenty-four came into force.<sup>7</sup>

## 3. Periodic Reports

New Zealand is required to provide periodic reports to the United Nations regarding its compliance with the following human rights treaties: 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 (1966), 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), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006).<sup>8</sup>

During the current interval, the Executive did not have occasion to submit a periodic report to the United Nations under one of these human rights treaties.

In terms of periodic reports, this level of activity is the same as the level of activity that took place during the previous interval. During the previous interval, the Executive did not have occasion to submit a periodic report to the United Nations under one of these human rights treaties.<sup>9</sup>

### *C. Judicial Activity*

During the current interval, the judiciary delivered 100 judgments that referenced New Zealand's international obligations. Seventeen of these judgments were reported in the New Zealand Law Report series; the Supreme Court delivered seven, the Court of Appeal delivered six and the High Court delivered four. Eighty-two were reported in other series; the Supreme Court delivered three, the Court of Appeal delivered ten, the

7 At 286-287 and 290-291.

8 The Ministry of Justice currently publishes an online record of New Zealand's periodic reporting under these agreements, which can be found at <[www.justice.govt.nz](http://www.justice.govt.nz)>.

9 Gobbi (2013), above n 3, at 287.

High Court delivered 40, the District Court delivered two, the Family Court delivered 18, the Employment Court delivered three and the Human Rights Review Tribunal delivered six. One was unreported; the Family Court delivered this judgment.

Of these 100 judgments, 22 dealt with family law, 14 with administrative law, 14 with civil procedure, 11 with criminal law, eight with immigration, eight with human rights, four with employment law, three with Bill of Rights, two with arbitration, two with security for costs, two with accident compensation, one with environment law, one with local government, one with legal aid, one with transport, one with tenancy law, one with intellectual property law, one with inheritance law, one with health law, one with resource management law and one with maritime law.

These 100 judgments referred to 34 different international instruments (one of which does not have New Zealand as a party), of which 32 are multilateral agreements, one is a bilateral agreement and one is a set of minimum standard rules. In total, these judgments have 143 references. In these cases, the most frequently cited international agreements are the International Covenant on Civil and Political Rights (1966) (32 references), the United Nations Convention on the Rights of the Child (1989) (28 references), the Convention on the Civil Aspects of International Child Abduction (1980) (18 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (11 references), the Hague Convention on the Civil Aspects of International Child Abduction (1980) (10 references), United Nations Convention Relating to the Status of Refugees (1951) (eight references), the Universal Declaration of Human Rights (1948) (six references), United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (five references), the International Covenant on Economic, Social and Cultural Rights (1966) (four references), the UNCITRAL Model Law on Cross-Border Insolvency (1997) (four references), the United Nations Convention on the Rights of Persons with Disabilities (2006) (four references), United Nations Framework Convention on Climate Change (1992) (three references), the UNCITRAL Model Law on International Commercial Arbitration (1985) (three references) and the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993) (three references). One other instrument is referenced twice and 20 others are referenced once.

In terms of the number of judgments delivered, the level of activity is less than the activity that took place during the previous interval. During the previous interval, the judiciary delivered 122 judgments that referenced New Zealand's international obligations. Fifteen of these judgments were reported in the New Zealand Law Report series; the Supreme Court delivered three, the Court of Appeal delivered seven and the High Court delivered five. One hundred three were reported in other series; the Court of Appeal delivered 11, the High Court delivered 29, the District Court delivered five, the Family Court delivered 52, the Environment Court delivered two, the Employment

Court delivered two and the Human Rights Review Tribunal delivered two. Four were unreported; the High Court delivered two, the Family Court delivered one and the Maori Land Court delivered one.

Of these 122 judgments, 54 dealt with custody matters, ten with crimes, seven with immigration, six with arbitration, five with administrative law, five with employment law, five with human rights, four with environmental law, three with maritime law, three with extradition, three with legal aid, three with property, three with criminal procedure, two with customary rights, two with insolvency, two with civil procedure, one with torts, one with social security, one with evidence, one with local government and one with security for costs.

These 122 judgments referred to 38 different international instruments (three of which do not have New Zealand as a party), of which 34 are multilateral agreements, two are model laws, one concerns a commission and one is a bilateral agreement. In total, these judgments have 163 references. In these cases, the most frequently cited international agreements are the United Nations Convention on the Rights of the Child (1989) (41 references), the International Covenant on Civil and Political Rights (1966) (21 references), the Hague Convention on the Civil Aspects of International Child Abduction (1980) (18 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (13 references), the UNCITRAL Model Law on International Commercial Arbitration (1966) (seven references), the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993) (six references), the International Covenant on Economic, Social and Cultural Rights (1966) (six references), the United Nations Commission on International Trade Law (1966) (six references), the Universal Declaration of Human Rights (1948) (four references), the Treaty on Extradition between New Zealand and the United States (1970) (three references), the Convention against Transnational Organised Crime (2000) (three references), the United Nations Declaration on the Rights of Indigenous Peoples (2007) (three references), and the Vienna Convention on the Law of Treaties (1969) (three references). Four other instruments are referenced twice and 21 others are referenced once.<sup>10</sup>

#### *D. Conclusion*

During the current interval, each of the three branches of government contributed to the implementation of New Zealand's international obligations. The level of activity for the current interval increased relative to the previous interval for Parliament and the Executive, but decreased for the Judiciary. International agreements continue to be a significant source of law in New Zealand.

10 At 288-289 and 311-326.

## II. TREATY ACTION

This Part sets out the treaty actions taken by the Executive during the current interval. It lists the agreements that New Zealand has signed, ratified, accepted, approved, or acceded to, or that entered into force for New Zealand. It also sets out the reports on treaties that the Executive tabled in the House during the current interval.

### *A. Executive Treaty Action*<sup>11</sup>

#### 1. Multilateral Treaties

Minamata Convention on Mercury (signed on 10 October 2013)

Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of Registration of Marks (acceded to and entered into force 16 October 2013)

Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict done at the Hague on 26 March 1999 (entered into force 1 January 2014)

Protocol to the Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954 (entered into force 17 January 2014)

Convention on Mutual Administrative Assistance in Tax Matters, as amended by the 2010 Protocol (entered into force 1 March 2014)

Protocol additional to the Geneva Conventions of 12 August 1949, and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) (entered into force 23 April 2014)

#### 2. Bilateral Treaties

Agreement on Social Security between New Zealand and Malta (signed 8 July 2013 and entered into force 1 December 2013)

Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen, and Matsu on Economic Cooperation (ANZTEC) (signed 10 July 2013 and entered into force 1 December 2013)

Agreement between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (signed 5 August 2013 and entered into force 5 May 2014)

<sup>11</sup> See New Zealand Ministry of Foreign Affairs and Trade *Annual Report 2013/14* (Ministry of Foreign Affairs and Trade A.1 AR, 2014) 137-139; see also New Zealand Treaties Online at <[www.treaties.mfat.govt.nz](http://www.treaties.mfat.govt.nz)>.

Agreement between the Government of New Zealand and the Government of the French Republic relating to the Protection of Classified Defence Information (entered into force 6 August 2013)

Exchange of Letters constituting an Agreement to Amend an Agreement between the Government of New Zealand and the Government of the United Kingdom of Great Britain and Northern Ireland concerning Air Services (signed and entered into force 2 September 2013)

Exchange of Letters Constituting an Agreement to Amend the Air Transport Agreement between the Government of New Zealand and the Government of the Republic of Indonesia Relating to Scheduled Air Transport (signed and entered into force 6 October 2013)

Agreement between the Government of New Zealand and the Government of Australia on Trans-Tasman Court Proceedings and Regulatory Enforcement (entered into force 11 October 2013)

Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and its accompanying Protocol (entered into force 25 October 2013)

Agreement between the Government of New Zealand and the Government of Niue on the Exchange of Information with Respect to Taxes (entered into force 31 October 2013)

Protocol to the 2007 World Wide Trade Group Agreement on Requirements for Wine Labelling concerning Alcohol Tolerance, Vintage, Variety and Wine Regions (entered into force 1 November 2013)

Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (entered into force 21 January 2014)

Exchange of Letters Constituting an Agreement Between New Zealand and the International Atomic Energy Agency Amending the Protocol of 29 February 1972 to the Agreement between New Zealand and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons (signed and entered into force 24 February 2014)

Headquarters Agreement between the Government of New Zealand and the South Pacific Regional Fisheries Management Organisation (signed and entered into force 15 April 2014)

Air Services Agreement between the Government of New Zealand and the Government for the Democratic Socialist Republic of Sri Lanka (signed 8 May 2014)

Agreement between the Government of New Zealand and the Government of Denmark Concerning the Co-Production of Films (signed 19 May 2014)

Amendment to New Zealand – Luxembourg Air Services Agreement (signed and entered into force 21 May 2014)

New Zealand – Finland Air Services Agreement (signed 21 May 2014)

Agreement between the Government of New Zealand and the Government of the French Republic regarding the Status of Visiting Forces and Defence Cooperation (signed 31 May 2014)

Agreement between the Government of New Zealand and the Government of the United States of America to Improve International Tax Compliance and to Implement FATCA (signed 12 June 2014)

### *B. Reports on Treaties Tabled in the House of Representatives*

#### 1. Reports where no Substantive Matters were Drawn to the Attention of the House

International treaty examination of the Headquarters Agreement between the South Pacific Regional Fisheries Management Organisation and the Government of New Zealand; Foreign Affairs, Defence and Trade Committee (21 November 2013)

International treaty examination of the Multilateral Convention on Mutual Administrative Assistance in Tax Matters, Amended by the 2010 Protocol; Foreign Affairs, Defence and Trade Committee (9 August 2013)

#### 2. Reports where Substantive Matters were Drawn to the Attention of the House

International treaty examination of the Minamata Convention on Mercury; Foreign Affairs, Defence and Trade Committee (14 March 2014) [14 submissions, five heard]:

The Committee noted that all of the submissions it received supported New Zealand's decision to sign the Convention. It also noted that the Convention may have implications for mining, the dairy industry and the use of dental amalgam.

International treaty examination of the Agreement between the Government of New Zealand and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Crime; Foreign Affairs, Defence and Trade Committee (31 January 2014)

The Committee concluded that the security and administrative precautions regarding the Agreement need to be sufficient to ensure that information in a database cannot be used improperly. It recommended that Parliament should be advised on a six-monthly basis about the number of requests and individuals affected via a report from the responsible Minister. With the adoption of that recommendation, the Committee would support the Agreement.



The Government agreed to inform Parliament once a year of the number of times information is shared under the Agreement. The figure is to appear in the annual report of the New Zealand Police.<sup>12</sup>

International treaty examination of the Agreement on Port State Measures to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing; Foreign Affairs, Defence and Trade Committee (13 December 2013)

While in support of the Agreement, the Committee noted that it would not apply to Singapore, Fiji, Malaysia, Indonesia and Tahiti as these countries are not parties to the Agreement.

International treaty examination of the Agreement between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; Foreign Affairs, Defence and Trade Committee (25 October 2013)

While in support of the Agreement, the Committee noted that it contains an unusual clause, one that provides that a Vietnamese resident studying in New Zealand with a job related to the course of study is not liable for income tax in respect of that job if the time spent working does not exceed 183 days in a 12-month period.

International treaty examination of the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation; Foreign Affairs, Defence and Trade Committee (6 September 2013) [11 submissions; eight heard]:

A majority of the Committee expressed support for the Agreement. A minority opposed the Agreement on the grounds that free-trade agreements of this kind are based on a flawed premise and that the Agreement is the product of an unusual arrangement (the negotiating partner was not a sovereign state, the New Zealand negotiator was not a public official and the Agreement was not signed by a New Zealand public official).

### 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.

12 See New Zealand Parliament *Government response to the Report of the Foreign Affairs, Defence and Trade Committee on International treaty examination of the Agreement between the Government of New Zealand and the Government of the United States on Enhancing Cooperation in Preventing and Combating Crime* (J.1, 2014).

*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

Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2013

This Act amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, which implements Recommendations of the Financial Action Task Force (established 1989).

Armed Forces Discipline Amendment Act 2013

This Act amends the Armed Forces Discipline Act 1971, which concerns agreements between New Zealand and any other country that provide for, or relate to, the presence in that other country of any person subject to the Arms Forces Discipline Act 1971 (s 93A).

Biosecurity (Border Processing – Trade Single Window) Amendment Act 2014

This Act amends the Biosecurity Act 1993, which implements the United Nations Convention on the Law of the Sea (1982), the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1995) and the Convention for the Control and Management of Ships' Ballast Water and Sediments (2004).

Births, Deaths, Marriages and Relationships Registration Amendment Act (No 2) 2013

This Act amends the Births, Deaths, Marriages and Relationships Registration Act 1995, which implements the International Covenant on Civil and Political Rights (1966).

Care of Children Amendment Act (No 2) 2013

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).

Child Support Amendment Act (No 3) 2013

This Act amends the Child Support Act 1991, which implements the Convention on the Rights of the Child (1989).

**Climate Change Response (Unit Restriction) Amendment Act 2014**

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).

**Conservation (Natural Heritage Protection) Act 2013**

This Act amends the Conservation Act 1987, which implements the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971) and the Convention for the Protection of the World Cultural and Natural Heritage (1972).

**Copyright (Parallel Importing of Films) Amendment Act 2013**

This Act amends the Copyright Act 1994, which implements the Berne Convention for the Protection of Literary and Artistic Works (1896 as amended 1971), the Universal Copyright Convention (1952), the GATT Agreement on Trade-Related Aspects of Intellectual Property Rights (1994), the Madrid Agreement Concerning the International Registration of Marks (1989), the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957 as amended 1979) and the Singapore Treaty on the Law of Trademarks (2006).

**Customs and Excise (Border Processing – Trade Single Window and Duties) Amendment Act 2014**

This Act amends 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) and the Recommendations of Financial Action Task Force (Task Force established 1989), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), and the ASEAN-Australia-New Zealand Free Trade Area (2009). The Act also implements a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79).

**District Courts Amendment Act 2013**

This Act amends the District Courts Act 1947, which implements art 14 of the International Covenant on Civil and Political Rights (1966).

**Domestic Violence Amendment Act 2013**

This Act amends the Domestic Violence Act 1996, which implements art 17 of the International Covenant on Civil and Political Rights (1966) and arts 3 and 12 of the Convention on the Elimination of All Forms of Discrimination Against Women (1979).

#### Dumping and Countervailing Duties Amendment Act 2014

This Act amends the Dumping and Countervailing Duties Act 1988, which implements the Agreement on Implementation of art VI of the GATT (anti-dumping code) (1979), the Agreement establishing the World Trade Organization (1994) and the Agreement between New Zealand and Singapore on Closer Economic Partnership (2001).

#### Electoral Amendment Act 2013

This Act amends the Electoral Act 1993, which implements arts 21 and 25 of the International Covenant on Civil and Political Rights and Part 1 and art 7 of the Convention on the Elimination of All Forms of Discrimination against Women.

#### Electoral Amendment Act 2014

This Act amends the Electoral Act 1993, which implements arts 21 and 25 of the International Covenant on Civil and Political Rights and Part 1 and art 7 of the Convention on the Elimination of All Forms of Discrimination against Women.

#### Electronic Transactions (Contract Formation) Amendment Act 2014

This Act amends the Electronic Transactions Act 2002, which implements the Model Law on Electronic Commerce Law adopted by the United Nations Commission on International Trade Law (1996) and the Model Law on International Trade Law issued by the United Nations Commission on International Trade Law (1996).

#### Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013

This Act amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, which implements the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993).

#### Extradition Amendment Act 2013

This Act amends the Extradition Act 1999, which gives effect to a number of extradition agreements via regulations made under s 15 Act (for example: Austria, Brazil, Denmark, Fiji, Germany, Honduras, Hong Kong (Special Administrative Region of the People's Republic of China), Hungary, Norway, South Africa, Sweden, Tonga, United States and Yugoslavia). The Act also gives effect to 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), the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime (2000) and preserves a number of pre-existing extradition agreements inherited from the United Kingdom.

#### Fair Trading Amendment Act 2013

This Act amends the Fair Trading Act 1986, which implements the UN Guidelines for Consumer Protection (1985) and 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 Equipment and Components (2008).

#### Family Courts Amendment Act 2013

This Act amends the Family Courts Act 1980, which implements art 3 of the Convention on the Elimination of All Forms of Discrimination against Women (1979).

#### Financial Service Providers (Registration and Dispute Resolution) Amendment Act 2014

This Act amends the Financial Service Providers (Registration and Dispute Resolution) Act 2008, which implements 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 the Special Recommendation IX on Terrorist Financing that the FATF adopted at its plenary meeting between 20 and 22 October 2004.

#### Flags, Emblems, and Names Protection Amendment Act 2013

This Act amends the Flags, Emblems, and Names Protection Act 1991 which implements the United Nations Flag Code and Regulations (1967).

#### Government Communications Security Bureau Amendment Act 2013

This Act amends the Government Communications Security Bureau Act 2003, which implements the International Covenant on Civil and Political Rights (1966).

#### Health Amendment Act 2013

This Act amends the Health Act 1956, which implements the Convention for the Constitution of the World Health Organisation (1946) and the Protocol concerning the Office International d'Hygiène Publique (1946).

#### Health and Safety in Employment Amendment Act 2013

This Act amends the Health and Safety in Employment Act 1992, which implements the ILO Convention 12 (1921): Workmen's Compensation (Agriculture), ILO Convention 10 (1921): Minimum Age (Agriculture), ILO Convention 32 (1932): Protection against Accidents (Dockers), and ILO Convention 134 (197): Prevention of Accidents (Seafarers).

#### Land Transport Amendment Act 2014

This Act amends the Land Transport Act 1998, which implements the Convention on Road Traffic (1949).

#### Legal Services Amendment Act 2013

This Act amends the Legal Services Act 2000, which implements art 16 of the United Nations Convention relating to the Status of Refugees (1951).

#### Legal Services Amendment Act (No 2) 2013

This Act amends the Legal Services Act 2000, which implements art 16 of the United Nations Convention relating to the Status of Refugees (1951).

#### Local Electoral Amendment Act (No 2) 2013

This Act amends the Local Electoral Act 2001, which implements arts 21 and 25 of the International Covenant on Civil and Political Rights (1966) and Part 1 and art 7 of the Convention on the Elimination of All Forms of Discrimination against Women (1979).

#### Medicines Amendment Act 2013

This Act amends the Medicines Act 1981, which implements the Single Convention on Narcotic Drugs (1961), art 14 of the International Covenant on Civil and Political Rights (1966), the Convention on Psychotropic Substances (1971), the Protocol to the Single Convention on Narcotic Drugs (1972) and the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988).

#### Parental Leave and Employment Protection Amendment Act 2013

This Act amends the Parental Leave and Employment Protection Act 1987, which implements the ILO Convention 111 (1958): Discrimination (Employment and Occupation).

#### Parental Leave and Employment Protection Amendment Act 2014

This Act amends the Parental Leave and Employment Protection Act 1987, which implements the ILO Convention 111 (1958): Discrimination (Employment and Occupation).

#### Passports Amendment Act 2013

This Act amends the Passports Act 1992, which implements the United Nations Convention relating to the Status of Refugees (1951), the Protocol relating to the Status of Refugees (1967), 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).

Policing (Constable's Oaths Validation) Amendment Act 2013

This Act amends the Policing Act 2008, which implements art 43 of the Charter of the United Nations (1945).

Protection of Personal and Property Rights Amendment Act 2013

This Act amends the Protection of Personal and Property Rights Act 1988, which implements art 12 of the United Nations Convention relating to the Status of Refugees (1951) and the Convention on the Rights of the Child (1989).

Public Finance Amendment Act 2013

This Act amends the Public Finance Act 1989, which implements the International Monetary Fund Articles of Agreement (1945).

Public Finance (Fiscal Responsibility) Amendment Act 2013

This Act amends the Public Finance Act 1989, which implements the International Monetary Fund Articles of Agreement (1945).

Resource Management Amendment Act 2013

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).

Social Welfare (Transitional Provisions) Amendment Act 2013

This Act amends the Social Welfare (Transitional Provisions) Act 1990, which implements the Social Security Agreement with Australia (2002). A number of reciprocity agreements are given effect in orders made under the Act, including reciprocity agreements with the following jurisdictions: Australia, Denmark, Canada, Hellenic Republic, Ireland, Jersey and Guernsey, and the United Kingdom.

Reserve Bank of New Zealand Amendment Act 2013

This Act amends the Reserve Bank of New Zealand Act 1989, which implements the Recommendations of the Financial Action Task Force (Task Force established 1989).

Reserve Bank of New Zealand (Covered Bonds) Amendment Act 2013

This Act amends the Reserve Bank of New Zealand Act 1989, which implements the Recommendations of the Financial Action Task Force (Task Force established 1989).

Sale and Supply of Alcohol Amendment Act 2013

This Act amends the Sale and Supply of Alcohol Act 2012, which implements art 14 of the International Covenant on Civil and Political Rights (1996) and the ILO Convention 59 (1937): Minimum Age (Industry).

#### Sentencing Amendment Act 2014

This Act amends the Sentencing Act 2002, which implements 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).

#### Social Security (Fraud Measures and Debt Recovery) Amendment Act 2014

This Act amends the Social Security Act 1964, which implements ILO Convention 44 (1934): Unemployment Provisions and ILO Convention 122 (1964): Employment Policy.

#### State Sector Amendment Act 2013

This Act amends the State Sector Act 1988, which implements ILO Convention 111 (1958): Discrimination (Employment and Occupation).

#### State Sector Amendment Act (No 2) 2013

This Act amends the State Sector Act 1988, which implements ILO Convention 111 (1958): Discrimination (Employment and Occupation).

#### Tariff Amendment Act 2013

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 (2002), the New Zealand-Thailand Closer Economic Partnership Agreement (2005), the Trans-Pacific Strategic Partnership Agreement among Brunei Darussalam, Chile, New Zealand, and Singapore (2005), the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), the Malaysia – New Zealand Free Trade Agreement (2009), the Agreement Establishing the ASEAN – Australia – New Zealand Free Trade Area (2009) and the New Zealand-Hong Kong, China Closer Economic Partnership Agreement (2010).

#### Telecommunications Amendment Act 2013

This Act amends the Telecommunications Act 2001, which implements the International Telecommunication Convention with Annexes, Final Protocol, and Additional Protocols I to VII, and Annexed Radio Regulations (1932) and the Constitution of the Asia-Pacific Telecommunity (1979).

#### Weights and Measures Amendment Act 2013

This Act amends the Weights and Measures Act 1987 which gives primacy to the metric system of weights and measures and provides for the setting of standards and inspection of devices designed to weigh and measure, work for which the Convention respecting the Creation of an International Office of Weights and Measures (1875) may be relevant.



2. Acts Improving Compliance with Treaties Already Implemented

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Amendment Act 2013

This Act amends the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, which implements the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993). The amendments implement aspects of the International Convention for the Prevention of Pollution from Ships (1973) and the Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (1972).

3. Acts Implementing New Treaties<sup>13</sup>

Food Act 2014

This Act implements the Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (1995).

Maritime Transport Amendment Act 2014

This Act amends the Maritime Transport Act 1994, which implements the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1924), the Protocol to International Convention for the Unification of Certain Rules to Law relating to Bills of Lading (1968), the Convention on Civil Liability for Oil Pollution Damage (1969), the International Convention on Tonnage Measurement of Ships (1969), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1972), the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973), the International Convention for the Prevention of Pollution from Ships (1973), the Convention on Limitation of Liability for Maritime Claims (1976), the Protocol to the International Convention for the Prevention of Pollution from Ships (1978), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978), the Protocol to International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1979), the United Nations Convention on the Law of the Sea (1982), the International Convention on Salvage (1989), the Protocol to the Convention on Limitation of Liability for Maritime Claims (1996) and the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other

13 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 NZYIL 349 at 366-393.

Matter (1996). The amendments implement aspects of the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978), the Convention on the Limitation of Liability for Maritime Claims (1976) and the Protocol of 1996 to Amend the Convention on the Limitation of Liability for Maritime Claims (1976).

#### Patents Act 2013

This Act, which replace the provisions of the Patents Act 1953 apart from those related to occupational licensing, implements aspects of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977) by invoking definitions set out in the Treaty and by empowering the Governor-General to make regulations carrying out, or giving effect to, New Zealand's obligations under it. The Act also re-implements aspects of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (1994) and the Patent Cooperation Treaty (1984).

#### *B. Regulations*<sup>14</sup>

This section sets out the regulations made during the current interval that relate to New Zealand's international obligations.<sup>15</sup>

#### Anti-Money Laundering and Countering Financing of Terrorism (Class Exemptions) Notice 2014

This notice is made under s 157(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009. The Act implements the Recommendations of the Financial Action Task Force. This notice sets out class exemptions to some of the rules contained within the principal Act. The exemptions are consistent with New Zealand's international obligations as a member of the Financial Action Task Force and the Asia Pacific Group on Money Laundering.

#### Climate Change (Eligible Industrial Activities) Amendment Regulations 2014

These regulations are made under s 161A(1) 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). These regulations amend the Climate Change (Eligible Industrial Activities) Regulations 2010 to prescribe the allocative baselines for 2013-2015 for products produced by NZ Aluminum Smelters Limited.

14 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 Regulations" (2007-2008) 5 NZYIL 327 at 343-372.

15 This list of regulations does not include commencement orders for Acts that implement international obligations. See for example Geneva Conventions (Third Protocol – Red Crystal Emblem) Amendment Act 2012 Commencement Order 2014.

### Climate Change (General Exemptions) Amendment Order (No 2) 2013

This order is made under s 60 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). This order amends the Climate Change (General Exemptions) Order 2009 to set exemptions for the activity of using of specified liquid hydrocarbons and the activity of producing iron or steel.

### Climate Change (Liquid Fossil Fuels) Amendment Regulations 2013

These regulations are made under s 161A(1) 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). These regulations amend the Climate Change (Liquid Fossil Fuels) Regulations 2008, revoking the definition of obligation jet fuel participant and replacing it with a new definition of opt-in obligation fuel participant and allowing purchasers of obligation fuel to register as opt-in fuel participants if they purchase more than 10 million litres of jet fuel or 35 million litres of obligation fuel per annum.

### Climate Change (Stationary Energy and Industrial Processes) Amendment Regulations 2013

These regulations are made under s 161A(1) 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). These regulations amend the Climate Change (Stationary Energy and Industrial Processes) Regulations 2009, prescribing a methodology for calculating and reporting certain emissions and updating the global warming potentials where they are used in the principal regulations to calculate emissions from various activities.

### Climate Change (Synthetic Greenhouse Gas Levies) Amendment Regulations (No 2) 2013

These regulations are made under ss 233(4), 235(4) and 245 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). These regulations amend the Climate Change (Synthetic Greenhouse Gas Levies) Regulations 2013, prescribing how to determine the price of carbon to be used in calculating the rate of levy, specifying the price of carbon by applying the methodology and prescribing the rates of levy for leviable motor vehicles and leviable goods for the 2014 levy year.

### Climate Change (Unique Emissions Factors) Amendment Regulations 2013

These regulations are made under ss 163 and 164 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). These regulations amend the Climate Change (Unique Emissions Factors) Regulations 2009 to update emissions factors based on new global warming potentials for methane, nitrous oxide, tetrafluoromethane and hexafluoroethane.

### Climate Change (Waste) Amendment Regulations 2013

These regulations are made under s 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). These regulations amend the Climate Change (Waste) Regulations 2010 to update the default emissions factor used in calculating emissions from operating disposal facilities, so that it aligns with new global warming potentials.

### Customs and Excise (Rules of Origin for ANZTEC Goods) Amendment Regulations 2013

These regulations are made under ss 65 and 287A of the Customs and Excise Act 1996. The Act implements the Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation (ANZTEC) (2013). The regulations amend the Customs and Excise Regulations 1996 to prescribe rules of origin and product specific rules for goods imported from the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu.

### Customs and Excise (Rules of Origin – Harmonised System) Amendment Regulations 2013

These regulations are made under the Customs and Excise Act 1996. They amend the Customs and Excise Regulations 1996, updating the product-specific rules of origin relating to parties with which New Zealand has free trade agreements (Thailand, China, Australia, the Association of Southeast Asian Nations and Hong Kong). These amendments are made in accordance with the updates to the International Convention on the Harmonised Commodity Description and Coding System (1983).

### Customs Import Prohibition (Southern Bluefin Tuna) Order 2013

This order is made under s 54 of the Customs and Excise Act 1996. The order prohibits the importation of southern Bluefin tuna so as to give effect to New Zealand's obligations under the Convention for the Conservation of Southern Bluefin Tuna (1993).

#### Diplomatic Privileges (SPRFMO) Order 2014

This order is made under s 9 of the Diplomatic Privileges and Immunities Act 1968. The Act implements the Vienna Convention on Diplomatic Relations (1961). The order gives effect to the Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (2009) by way of declaring the South Pacific Regional Fisheries Management Organisation (SPRFMO) to be an organisation of which the Governments of two or more States are members and providing that the SPRFMO has the legal capacities of a body corporate. The order also confers specified privileges and immunities on the SPRFMO, its staff members, representatives and experts.

#### Double Tax Agreements (Japan) Order 2013

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2012) and the Protocol to that Convention.

#### Double Tax Agreements (Mutual Administrative Assistance) Order 2013

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Multilateral Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol (2011).

#### Double Tax Agreements (Niue) Order 2013

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Agreement between the Government of New Zealand and the Government of Niue on the Exchange of Information with Respect to Taxes (2012).

#### Double Tax Agreements (United States of America – FATCA) Order 2014

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Agreement between the Government of New Zealand and the Government of the United States of America to Improve International Tax Compliance and to Implement FATCA (Foreign Account Tax Compliance Act) (2014).

#### Double Tax Agreements (Viet Nam) Order 2014

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Agreement between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (2013).

### Double Taxation Relief (Malaysia) Amendment Order 2013

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Third Protocol to the Agreement between the Government of New Zealand and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2012).

### Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non-notified Activities) Regulations 2014

These regulations are made under ss 27(1), 30(1) and 35 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The Act implements the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993). The regulations classify s 20 activities carried out for the purpose of exploration drilling for petroleum in the exclusive economic zone or in or on the continental shelf as non-notified activities.

### Exclusive Economic Zone and Continental Shelf (Environmental Effects – Permitted Activities) Regulations 2013

These regulations are made under ss 27(1), 30(1) and 35 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The Act implements the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993). The regulations state the activities that are permitted for the purposes of the Act and the conditions for undertaking those activities.

### Fisheries (Amateur Fishing) Regulations 2013

These regulations are made under s 297(1) of the Fisheries Act 1996. The Act implements 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 impose prohibitions, restrictions and daily limits on the taking of different species of fish by amateur fishers in accordance with the general principles of the Convention.

### Fisheries (High Seas Fishing Notifications – Commission for the Conservation of Antarctic Marine Living Resources) Amendment Notice 2014

This notice is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications – Commission for the Conservation of Antarctic Marine Living Resources) Notice 2009, updating the list of international conservation and management measures that have been adopted by the Commission for the Conservation of Antarctic Marine Living Resources.

Fisheries (High Seas Fishing Notifications – Commission for the Conservation for Southern Bluefin Tuna) Amendment Notice 2014

This notification is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications – Commission for the Conservation of Southern Bluefin Tuna) Notice 2009, updating the list of international conservation and management measures that have been adopted by the Commission for the Conservation of Southern Bluefin Tuna.

Fisheries (High Seas Fishing Notifications – North East Atlantic Fisheries Commission) Amendment Notice 2013

This notice is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications – North East Atlantic Fisheries Commission) Notice 2009, updating the list of international conservation and management measures that have been adopted by the North East Atlantic Fisheries Commission.

Fisheries (High Seas Fishing Notifications – North East Atlantic Fisheries Commission) Amendment Notice 2014

This notice is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications – North East Atlantic Fisheries Commission) Notice 2009, updating the list of international conservation and management measures that have been adopted by the North East Atlantic Fisheries Commission.

Fisheries (High Seas Fishing Notifications – South Pacific Regional Fisheries Management Organisation) Amendment Notice 2014

This notice is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications – South Pacific Regional Fisheries Management Organisation) Notice 2013, updating the list of international conservation and management measures that have been adopted by the South Pacific Regional Fisheries Management Organisation.

Fisheries (High Seas Fishing Notifications: Western and Central Pacific Fisheries Commission) Amendment Notice 2014

This notice is made under s 113C of the Fisheries Act 1996. It amends the Fisheries (High Seas Fishing Notifications: Western and Central Pacific Fisheries Commission) Notice 2009, updating the list of international conservation and management measures that have been adopted by the Western and Central Pacific Fisheries Commission.

Imports and Exports (Restrictions) Prohibition Order (No 2) 2004 Amendment Order 2013

This order is made under ss 3(1) and 3A(1) of the Imports and Exports (Restrictions) Act 1988. It amends the Imports and Exports (Restrictions) Prohibition Order (No 2) 2004. The order extends the definition

of hazardous waste to include that which is hazardous under the national legislation of other parties to the Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal (1989) and other OECD member country's legislation.

#### Maritime Transport (Marine Protection Conventions) Amendment Order 2014

This order is made under s 222(4) of the Maritime Transport Act 1994. It amends the Maritime Transport (Marine Protection Conventions) Order 1999, declaring two more international conventions to be marine protection conventions for the purposes of Parts 18 to 27 of the Maritime Transport Act. These conventions are the Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973) and the International Convention on Civil Liability for Bunker Oil Pollution Damage (2001).

#### Securities Act (Banks' Regulatory Capital) Exemption Notice 2014

This notice is made under s 70B of the Securities Act. The notice exempts certain New Zealand-registered banks and their parent companies from certain provisions of the Securities Act and the Securities Regulations 2009 if they comply with the relevant prudential standards as set by the Reserve Bank of New Zealand and the Australian Prudential Regulation Authority. These standards reflect the new global regulatory standards for bank capital adequacy and liquidity released by the Basel Committee on Banking Supervision in December 2010.

#### Shipping (Charges) Regulations 2014

These regulations are made under s 445(1) of the Maritime Transport Act 1994. They revoke and replace the Shipping (Charges) Regulations 2000 and establish a number of charges for work and services under the Maritime Transport Act as well as the fees for applications for all types of seafarer certification. A number of charges and certificates listed in Schedules 1 and 2 of the regulations are defined by reference to the International Convention for the Safety of Life at Sea (1974), the International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995) and the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978 as amended 1995, 2010).

#### Social Welfare (Reciprocity with Malta) Order 2013

This order is made under s 19 of the Social Welfare (Transitional Provisions) Act 1990. The order gives effect to the Agreement on Social Security between the Government of New Zealand and the Government of Malta (2013). The agreement concerns reciprocity in respect of New Zealand's superannuation and veterans' pensions and Malta's retirement and widowhood pensions.



#### United Nations Sanctions (Central African Republic) Regulations 2014

These regulations are made under s 2 of the United Nations Act 1946. They give effect to resolutions 2127 (2013) and 2134 (2014) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 5 December 2013 and 28 January 2014 respectively. The regulations impose prohibitions upon the exportation, selling and dealing of arms as between New Zealand and the Central African Republic. The regulations also prevent persons identified under resolution 2127 from entering into or transiting through New Zealand.

#### United Nations Sanctions (Yemen) Regulations 2014

These regulations are made under s 2 of the United Nations Act 1946. They give effect to resolution 2140 (2014) of the Security Council of the United Nations, adopted pursuant to the United Nations Charter on 26 February 2014. The regulations prevent persons designated by the Committee established under resolution 2140 from entering or transiting through New Zealand and freeze the assets of individuals or entities designated by that Committee that are located in New Zealand.

#### Various Civil Aviation Rules:

Section 30 of the Civil Aviation Act 1990 empowers the Minister to make rules for the designation, classification and certification of aircraft, pilots, crew members and other services, for the setting of standards, specifications, restrictions and licensing requirements, the conditions of operation of foreign aircraft and international flights to, from, or within New Zealand and for a number of other purposes. Many of these rules incorporate international standards or implement international obligations. The following rules were made during the current interval:

*Civil Aviation Rules: Part 1, Amendment 47 – Definitions and Abbreviations*  
These amendments align existing definitions with the definitions currently published by the International Civil Aviation Organization, of which New Zealand is a member by virtue of being a signatory to the Convention on International Civil Aviation (1944).

*Civil Aviation Rules: Part 93, Amendment 6 – Special Aerodrome Traffic Rules and Noise Abatement Procedures*

These amendments refer to Doc 8168-OPS-611 of the International Civil Aviation Organisation.

*Civil Aviation Rules: Part 125, Amendment 17 – Air Operations – Medium Aeroplanes*

These amendments update a number of requirements regarding training, training programmes, competency programmes and checks for crew members so as to align with the ICAO standards and recommended practice.

*Civil Aviation Rules: Part 172, Amendment 9 – Air Traffic Service Organisations – Certification*

This amendment changes the definition of “traffic avoidance advice” to reflect the definition of this term contained within ICAO Annex 2.

Various Maritime Rules:

Section 36(1) of the Maritime Transport Act 1994 provides for the making of rules for the purposes of the implementation of technical standards, codes of practice, performance standards and other requirements of certain conventions. Section 36(1)(u) of the Act provides for the making of rules for prescribing or providing for such matters as may be necessary to enable New Zealand to become a party to any international convention, protocol, or agreement relating to maritime transport as may be recommended by the International Maritime Organization. The following rules were made during the current interval:

*Maritime Rules: Part 24A – Carriage of Cargoes – Dangerous Goods – Amendment 2014*

These amendments implement New Zealand’s obligations under Chapter VII of the International Convention for the Safety of Life at Sea (SOLAS) (1974 as amended).

*Maritime Rules: Part 31 – Crewing and Watchkeeping – Amendment 2014*

These amendments implement the requirements of SOLAS Chapter V, Regulation 14 and the principles of International Maritime Organization (IMO) Assembly Resolution A. 1047(27) Principles of Safe Manning.

*Maritime Rules: Part 32 – Ships’ Personnel – Qualifications – Amendment 2014*

This rule sets out the requirements for certificates that correspond to those provided for in the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978 as amended 1995, 2010).

*Maritime Rules: Part 34 – Medical Standards – Amendment 2014*

This rule implements New Zealand’s obligations under the International Labour Organisation Medical Examination of Young Persons (Sea) Convention (1921), the International Maritime Organisation’s International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978 as amended 1995, 2010) and prescribes medical standards taken from the recommended ILO/IMO Guidelines on the Medical Examination of Seafarers.

#### 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) 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

*Carr v Gallaway Cook Allan* [2014] NZSC 75, [2014] 1 NZLR 792 (Supreme Court, Elias CJ, McGrath, Young, Glazebrook and Arnold JJ), arbitration case that cites the Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958) and the UNCITRAL Model Law on International Commercial Arbitration (1985).

*Chief Executive of the Ministry of Business, Innovation and Employment v Liu* [2014] NZCA 37, [2014] 2 NZLR 662, [2014] BCL 168 (Court of Appeal, Randerson, Harrison and Miller JJ), immigration case that cites the United Nations Convention on the Rights of the Child (1989).

*Child Poverty Action Group Inc v Attorney-General* [2013] NZCA 402, [2013] 3 NZLR 729, [2013] BCL 281, (2013) 9 HRNZ 742 (Court of Appeal, France, Randerson, and Stevens JJ), human rights case that cites the International Covenant on Economic, Social and Cultural Rights (1966) and the United Nations Convention on the Rights of the Child (1989).

*Dotcom v United States of America* [2014] NZSC 24, [2014] 1 NZLR 355 (Supreme Court, Elias CJ, McGrath, Young, Glazebrook and Blanchard JJ), administrative law case that cites the International Covenant on Civil and Political Rights (1966), the United Nations Convention on Transnational Organised Crime (2000), the Treaty on Extradition between New Zealand and the United States of America (1970) and the European Convention on Human Rights (1950).

*Fowler Developments Ltd v Chief Executive of the Canterbury Earthquake Recovery Authority* [2013] NZHC 2173, [2014] 2 NZLR 54, (2013) 7 NZ ConvC 96-005 (High Court Christchurch, Panckhurst J), administrative law case that cites the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966).

*Legal Services Commissioner v Marteley* [2014] NZCA 185, [2014] 3 NZLR 143 (Court of Appeal, France, Randerson and Miller JJ), legal aid case that cites the International Covenant on Civil and Political Rights (1966) and the European Convention on Human Rights (1950).

*Mangawhai Ratepayers' and Residents' Association Inc v Kaipara District Council* [2014] NZHC 1147, [2014] 3 NZLR 85 (High Court, Whangarei, Heath J), local government case that cites the International Covenant on Civil and Political Rights (1966).

*Minister for Canterbury Earthquake Recovery v Fowler Developments Ltd* [2013] NZCA 588, [2014] 2 NZLR 587 (Court of Appeal, O'Regan P, France and Stevens JJ), administrative law case that cites the International Covenant on Civil and Political Rights (1966) and the Universal Declaration of Human Rights (1948).

*Minister of Immigration v Jooste* [2013] NZHC 2671, [2014] 2 NZLR 257 (High Court, Auckland, Mallon J), immigration case that cites the United Nations Convention on the Rights of the Child (1989).

*New Health New Zealand Inc v South Taranaki District Council* [2014] NZHC 395, [2014] 2 NZLR 834 (High Court, New Plymouth, Hansen J), administrative law case that cites the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and the European Convention on Human Rights (1950).

*New Zealand Pork Industry Board v Director-General of the Ministry for Primary Industries* [2013] NZSC 154, [2014] 1 NZLR 477 (Supreme Court, Elias CJ, McGrath, Young, Glazebrook and Arnold JJ), health law case that cites the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1994).

*Orlov v National Standards Committee* [2014] NZCA 242, [2014] 3 NZLR 302, [2014] BCL 289 (Court of Appeal, France, French and Miller JJ), civil procedure case that cites the International Covenant on Civil and Political Rights (1966).

*Reekie v Attorney-General* [2014] NZSC 63, [2014] 1 NZLR 737, [2014] 21 PRNZ 776 (Supreme Court, Elias CJ, McGrath, Young, Glazebrook and Arnold JJ), civil procedure case reviewing registrar's decision regarding security for costs that cites the European Convention on Human Rights (1950).

*Siemer v Solicitor-General* [2013] NZSC 68, [2013] 3 NZLR 441, (2013) 26 CRNZ 539 (Supreme Court, Elias CJ, McGrath, Young and Glazebrook JJ), criminal law case that cites the International Covenant on Civil and Political Rights (1966).

*Singh v Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZCA 220, [2014] 3 NZLR 23 (Court of Appeal, Randerson, Winkelmann and Lang JJ), administrative law case that cites the United Nations Convention Relating to the Status of Refugees (1951).

*West Coast ENT Inc v Buller Coal Ltd* [2013] NZSC 87, [2014] 1 NZLR 32, (2013) 17 ELRNZ 688, [2014] NZRMA 133 (Supreme Court, Elias CJ, McGrath, Young and Glazebrook JJ), resource management case that cites the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997).

*Wood-Luxford v Wood* [2013] NZSC 153, [2014] 1 NZLR 451, [2014] NZFLR 483, (2013) 29 FRNZ 474 (Supreme Court, Elias CJ, McGrath, Young and Glazebrook JJ), inheritance law case that cites the United Nations Convention on the Rights of the Child (1989) in the dissent.

## 2. Cases Reported in Other Series that Reference International Obligations

*Ahmed v Immigration & Protection Tribunal* [2014] NZHC 809 (High Court, Wellington, Goddard J), administrative law case that cites the United Nations Convention Relating to the Status of Refugees (1951).

*B v Waitemata District Health Board* [2013] NZHC 1702, [2013] NZAR 937, (2013) FRNZ 186 (High Court, Auckland, Asher J), human rights case that cites the International Covenant on Civil and Political Rights (1966), the United Nations Convention on the Rights of Persons with Disabilities (2006) and the European Convention on Human Rights (1950).

*Battison v Melloy* [2014] NZHC 1462, [2014] NZAR 927, [2014] BCL 303 (High Court, Napier, Collins J), administrative law case that uses the United Nations Convention on the Rights of the Child (1989) and cites the International Covenant on Civil and Political Rights (1966).

*BV v Immigration and Protection Tribunal* [2014] NZHC 283, [2014] NZAR 415 (High Court, Auckland, Ellis J), administrative law case that cites the International Covenant on Civil and Political Rights (1966), the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) and the United Nations Convention Relating to the Status of Refugees (1951).

*Cancer Society of New Zealand Inc v Ministry of Health* [2013] NZHC 2538, [2013] NZAR 1461 (High Court, Auckland, Hansen J), administrative law case that cites the International Framework Convention on Tobacco Control (2003).

*CBA v LKJ Ltd* [2014] NZHRRT 13 (Human Rights Review Tribunal, Haines, Chair, and Members Davies and Sinclair), human rights case that cites the United Nations Convention on the Rights of Persons with Disabilities (2006).

*Chambers v Chambers* [2013] NZFC 6729 (Family Court, Christchurch, Judge Smith), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Chandler v Pearson* [2013] NZFC 8804 (Family Court, Queenstown, Judge Coyle), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Close v Immigration and Protection Tribunal* [2013] NZHC 2692 (High Court, Wellington, Collins J), administrative law case that cites the International Covenant on Civil and Political Rights (1966).

*Commissioner of Inland Revenue v Kensington Development Ltd* [2013] NZHC 3537 (High Court, Auckland, Allan J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966).

*Daimler AG (formerly Daimlerchrysler AG) v Sany Group Co Ltd* [2014] NZHC 532 (High Court, Wellington, Collins J), intellectual property law case that cites the Paris Convention on the Protection of Intellectual Property (1883) and the Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957).

*DPH v Horton* [2014] NZFC 325, [2014] NZFLR 843 (Family Court, Napier, Judge Callinicos), family law case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the United Nations Convention on the Rights of the Child (1989).

*Duncan v Commissioner of Police* [2013] NZCA 477, [2013] BCL 352 (Court of Appeal, France, Young and Cooper JJ), criminal law case that cites the United Nations Convention on the Rights of the Child (1989).

*Entwistle v Wellington City Council* [2014] NZHC 496 (High Court, Wellington, Collins J), tenancy law case that cites the International Covenant on Economic, Social and Cultural Rights (1966).

*Grant v Pandey* [2013] NZHC 2844 (High Court, Auckland, Associate Judge Bell), civil procedure case that cites the UNCITRAL Model Law on Cross-Border Insolvency (1997).

*Gregory v Police* [2013] NZHC 2176 (High Court, Auckland, Brewer J), transport law case that cites the Universal Declaration of Human Rights (1948).

*H v A Ltd* [2014] NZEmpC 92, (2014) 11 NZELR 808 (Employment Court, Auckland, Chief Judge Golgan, Judges Inglis and Perkins), employment law case that cites the United Nations Convention on the Rights of the Child (1989) and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

*Harper v Hodges* [2013] NZFC 7733, (2013) 29 FRNZ 571 (Family Court, Christchurch, Judge Smith), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Helu v Immigration and Protection Tribunal* [2013] NZCA 276, [2013] NZAR 923 (Court of Appeal, France, Wild and Young JJ), immigration case that cites the International Covenant on Civil and Political Rights (1966) and the European Convention on Human Rights (1950).

*JB v LN* [2014] NZHC 1308, [2014] BCL 333 (High Court, Nelson, Clifford J), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Jennings v Barton* [2013] NZFC 8304 (Family Court, Tauranga, Judge Wills), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Joseph v Minister of Internal Affairs* [2013] NZHC 2107, [2013] NZAR 1089 (High Court, Auckland, Brown J), security for costs case that cites the United Nations Convention on the Reduction of Statelessness (1961) and the United Nations Convention on the Rights of the Child (1989).

*K v Accident Compensation Corporation* [2014] DCR 187, [2014] NZACC 90 (District Court, Dunedin, Judge Powell), accident compensation case that cites the United Nations Convention on the Rights of Persons with Disabilities (2006).

*Kim and Yu v STX Pan Ocean Co Ltd* [2014] NZHC 845 (High Court, Auckland, Gilbert J), civil procedure case that cites the UNCITRAL Model Law on Cross-Border Insolvency (1997).

*Kim v Attorney-General* [2014] NZHC 1383 (High Court, Wellington, Collins J), administrative law case that cites the International Covenant on Civil and Political Rights (1966) and the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

*Kyburn Investments Ltd v Beca Corporate Holdings Ltd* [2014] NZHC 249, [2014] NZAR 311 (High Court, Wellington, France J), arbitration case that cites the UNCITRAL Model Law on International Commercial Arbitration (1985).

*Law v Board of Trustees of Woodford House* [2014] NZEmpC 25, (2014) 11 NZELR 355 (Employment Court, Wellington, Chief Judge Colgan), employment law case that cites the International Labour Organisation's Minimum Wage-Fixing Machinery Convention (1928) and the International Labour Organisation's Minimum Wage-Fixing Convention (1970).

*Liu v Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZSC 76 (Supreme Court, Elias CJ, Young and Glazebrook JJ), immigration case that cites the United Nations Convention on the Rights of the Child (1989).

*Liu v Zhao* [2014] NZFC 1614 (Family Court, Christchurch, Judge Moran), family law that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Mason v R* [2013] NZCA 310, (2013) 26 CRNZ 464 (Court of Appeal, France, Stevens and Miller JJ), criminal law case that cites the International Covenant on Civil and Political Rights (1966).

*Menzies v R* [2014] NZCA 181 (Court of Appeal, O'Regan, Miller and Courtney JJ), criminal law case that cites the International Covenant on Civil and Political Rights (1966).

*Nakarawa v Affco New Zealand Ltd* [2014] NZHRRT 9, (2014) 12 NZELR 92 (Human Rights Review Tribunal, Haines, Chair, and Members Davies and Keefe), human rights case that cites the International Covenant on Civil and Political Rights (1966).

*Nicholls v Sullivan* [2013] NZFC 7514 (Family Court, Dunedin, Judge Coyle), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*NOP & TUV v Ministry of Business, Innovation and Employment* [2014] NZHRRT 16 (Human Rights Review Tribunal, Haines, Chair, and Members Scott and Sinclair), human rights case that cites the United Nations Convention on the Rights of the Child (1989).

*Orji v R* [2013] NZCA 629 (Court of Appeal, France, Hansen and Mallon JJ), criminal law case that cites the United Nations Convention Relating to the Status of Refugees (1951).

*Parohinog v Yellow Pages Ltd* [2014] NZHRRT 2 (Human Rights Review Tribunal, Haines, Chair, and Members Goodwin and Neeson), human rights case that cites the Universal Declaration of Human Rights (1948) and the International Covenant on Civil and Political Rights (1966).

*Pearson v Stannard* [2014] NZFC 4048 (Family Court, Christchurch, Judge Smith), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Personalised Plates Ltd v New Zealand Transport Agency* [2013] NZHC 1927, (2013) 21 PRNZ 615 (High Court, Auckland, Asher J), administrative law case that cites the Universal Declaration on Human Rights (1948).

*Peterson v Lucas* [2013] NZCA 641 (Court of Appeal, O'Regan P, France and Wild JJ), civil procedure case that cites the Berne Convention for the Protection of Literary and Artistic Works (1886).

*PF v Capital & Coast District Health Board* [2013] NZHC 1792 (High Court, Wellington, Collin J), civil procedure case that cites the International Covenant on Civil and Political Rights (1966).

*Phillips v Newman* [2013] NZFC 9657 (Family Court, Manukau, Judge Southwick), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Plunkett v Spooner* [2013] NZFC 5630 (Family Court, Auckland, Judge Whitehead), family law case that cites the Hague Convention on the Civil Aspects on International Child Abduction (1980).

*Powell v Accident Compensation Corporation* [2014] DCR 207, [2014] NZACC 89 (District Court, Dunedin, Judge Powell), accident compensation case that cites the United Nations Convention on the Rights of Persons with Disabilities (2006).



*Powell v Riley* [2013] NZFC 9186 (Family Court, Auckland, Judge Adams), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980).

*Prescott v Cooper* [2014] NZFC 4869 (Family Court, Wellington, Judge Moss), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*R v Chase* [2013] NZHC 1964 (High Court, Auckland, Cooper J), criminal law case that cites the European Convention on Human Rights (1950).

*R v Hallett* [2013] NZHC 1757, [2013] BCL 204 (High Court, Rotorua, Duffy J), criminal law case that cites the International Covenant on Civil and Political Rights (1966).

*R v Q* [2014] NZHC 550 (High Court, Auckland, Winkelmann J), criminal law case that cites the United Nations Convention on the Rights of the Child (1989) and the International Covenant on Civil and Political Rights (1966).

*R v Wilson* [2014] NZHC 32 (High Court, Auckland, Whata J), criminal law case that cites the United Nations Convention on the Rights of the Child (1989).

*Ramos v Marquez* [2014] NZFC 905 (Family Court, Tauranga, Judge Somerville), family law that cites the Hague convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993).

*Re Bishop* [2014] NZFC 1489 (High Court, Auckland, Associate Judge Abbott), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Re Brewer* [2013] NZFC 7928, (2013) 29 FRNZ 627 (Family Court, Hutt Valley, Judge Moss ), family law case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1990) and the United Nations Convention on the Rights of the Child (1989).

*Re Kennedy* [2014] NZFC 2526, [2014] NZFLR 797 (Family Court, Nelson, Judge Whitehead), family law case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the United Nations Convention on the Rights of the Child (1989).

*Re Moffitt* [2013] NZFC 5503, (2013) 29 FRNZ 373 (Family Court, Dunedin, Judge Coyle), family law case that cites the Hague Convention on Protection of Children and Co-operation in Respect on Intercountry Adoption (1993) and the United Nations Convention on the Rights of the Child (1989).

*Resource New Zealand Ltd v Mediterranean Shipping Co SA* [2014] NZHC 292 (High Court, Auckland, Associate Judge Abbott), civil procedure case that cites the International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (1924).

*Robinson v Fairmount Trustee Services Ltd* [2013] NZHC 1884 (High Court, Auckland, Woolford J), civil procedure case that cites the European Convention on Human Rights (1950).

*Service and Food Workers Union Nga Ringa Tota Inc v Terranova Homes and Care Ltd; Bartlett v Terranova Homes and Care Ltd* [2013] NZEmpC 157, (2013) 11 NZELR 78, (2013 10 NZELC 79-034, [2013] ERNZ 504 (Employment Court, Auckland, Chief Judge Colgan, Inglis and Perkins Judges), employment law case that cites the International Labour Organisation's Discrimination (Employment and Occupation) Convention (1958), the International Labour Organisation's Equal Remuneration Convention (1951), the United Nations Convention on the Elimination of All Forms of Discrimination against Women (1979), the International Covenant on Economic, Social and Cultural Rights (1966) and the Universal Declaration of Human Rights (1948).

*Siemer v Stiassny* [2014] NZCA 2 (Court of Appeal, Wild J), security for costs case that cites the International Covenant on Civil and Political Rights (1966).

*Simon v Wade* [2013] NZFC 9058 (Family Court, Nelson, Judge Russell), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Singh v Minister of Immigration* [2013] NZHC 2229, [2013] NZAR 1257 (High Court, Auckland, Cooper J), administrative law case that cites the United Nations Convention on the Rights of the Child (1989).

*Skelton v Z487 Ltd* [2014] NZHC 707 (High Court, Hamilton, Lang J), civil procedure case that cites the Hague Choice of Court Convention (2005).

*Songmia v Minister of Immigration* [2013] NZHC 3233 (High Court, Auckland, Gilbert J), administrative law case that cites the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966).

*Sustainability Council of New Zealand Trust v Environmental Protection Authority* [2014] NZHC 1067 (High Court, Wellington, Mallon J), environmental law case that cites the United Nations Convention on Biological Diversity (1992) and the Cartagena Protocol on Biosafety (2000).

*Svitzer Salvage BV v Z Energy Ltd* [2013] NZHC 2584 (High Court, Wellington, Goddard J), maritime law that cites the International Convention on Salvage (1989).

*Taueki v Police* [2013] NZHC 1710 (High Court, Auckland, Priestley J), criminal law case that cites the European Convention on Human Rights (1950).

*Teitiota v Chief Executive Ministry of Business, Innovation and Employment* [2014] NZCA 173, [2014] NZAR 688 (Court of Appeal, Stevens, Wild and Miller JJ), immigration case that cites the United Nations Convention

Relating to the Status of Refugees (1951), the United Nations Framework Convention on Climate Change (1992), the International Covenant on Civil and Political Rights (1966) and the United Nations Convention on the Rights of the Child (1989).

*Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment* [2013] NZHC 3401 (High Court, Auckland, Priestly J), civil procedure case that cites the United Nations Convention Relating to the Status of Refugees (1951).

*Teitiota v Chief Executive of the Ministry of Business, Innovation and Employment* [2013] NZHC 3125, [2014] NZAR 162, [2014] BCL 67 (High Court, Auckland, Priestly J), immigration case that cites the United Nations Convention Relating to the Status of Refugees (1951), the United Nations Framework Convention on Climate Change (1992), the International Covenant on Civil and Political Rights (1966) and the United Nations Convention on the Rights of the Child (1989).

*Terranova Homes and Care Ltd v Faitala* [2013] NZCA 435, (2013) 10 NZELR 849, [2013] ERNZ 347, (2013) 10 NZELC 79-036 (Court of Appeal, Randerson, Harrison and Miller JJ), employment law case that cites the International Labour Organisation's Minimum Wage-Fixing Machinery Convention (1928).

*The Gay and Lesbian Clergy Anti-Discrimination Society Inc v Bishop of Auckland* [2013] NZHRRT 36 (Human Rights Review Tribunal, Haines, Chair, and Members Cook and Hickey), human rights case that cites the International Covenant on Civil and Political Rights (1966).

*The Official Trustee in Bankruptcy v Smith* [2014] NZHC 1305 (High Court, Auckland, Associate Judge Bell), civil procedure case that cites the UNCITRAL Model Law on Cross-Border Insolvency (1997).

*Toia v Prison Manager, Auckland Prison* [2014] NZHC 867 (High Court, Auckland, Brewer J), Bill of Rights case that cites the United Nations Standard Minimum Rules for the Treatment of Prisoners (1995) and the Universal Declaration of Human Rights (1948).

*Tutakangahau v R* [2014] NZHC 556 (High Court, Gisborne, Brown J), criminal law case that cites the United Nations Convention on the Rights of the Child (1989).

*Ursem v Chung* [2014] NZHC 436, [2014] NZAR 1123 (High Court, Auckland, Associate Judge Abbott), civil procedure case that cites the UNCITRAL Model Law on International Commercial Arbitration (1985).

*Vogel v Attorney-General* [2014] NZSC 5 (Supreme Court, Elias CJ, Glazebrook and Arnold JJ), Bill of Rights case that cites the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984).

*Vogel v Attorney-General* [2013] NZCA 545, [2014] NZAR 67, [2014] BCL 46 (Court of Appeal, France, Young and Cooper JJ), Bill of Rights case that cites the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966).

*W v Chief Executive of the Ministry of Business, Innovation and Employment* [2014] NZHC 754, [2014] NZAR 522 (High Court, Auckland, Ellis J), immigration case that cites the United Nations Convention Relating to the Status of Refugees (1951).

*Waters v Alpine Energy Ltd* [2014] NZHRRT 8 (Human Rights Review Tribunal, Timaru, Haines, Chair, and Members Hart and Shirley), human rights case that cites the International Covenant on Civil and Political Rights (1966).

*Weir v Ministry of Social Development* [2013] NZHC 2626, [2013] BCL 359 (High Court, Auckland, Asher J), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Westpac New Zealand Ltd v Boulton* [2014] NZHC 693 (High Court, Auckland, Associate Judge Bell), civil procedure case that cites the UNCITRAL Model Law on Cross-Border Insolvency (1997).

*Windham v Jett* [2013] NZFC 5309 (Family Court, Christchurch, Judge Smith), family law case that cites the United Nations Convention on the Rights of the Child (1989).

*Zhang v Minister of Immigration* [2014] NZSC 6 (Supreme Court, Elias CJ, Young and Arnold JJ), immigration case that cites the International Covenant on Civil and Political Rights (1966).

### *B. Unreported Cases*

*Fansworth v Page* FC Auckland FAM-2012-004-002006, 30 July 2013 (Family Court, Auckland, Judge Druce), family law case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the United Nations Convention on the Rights of the Child (1989).

*C. Distribution of References to International Agreements among Various Courts, NZLR Cases, Other Reported Cases, and Unreported Case<sup>16</sup>*

International obligations	NZLR	Other	Unrep	All	Total
International Covenant on Civil and Political Rights (1966)	SC: 2 CA: 3 HC: 3	SC: 1 CA: 6 HC: 11 FC: 1 EC: 1 HT: 4		SC: 3 CA: 9 HC: 14 FC: 1 EC: 1 HT: 4	32
Convention on the Rights of the Child (1989)	SC: 1 CA: 2 HC: 1	SC: 1 CA: 2 HC: 8 FC: 10 EC: 1 HT: 1	FC: 1	SC: 2 CA: 4 HC: 9 FC: 11 EC: 1 HT: 1	28
European Convention on Human Rights (1950)*	SC: 2 CA: 2 HC: 1	CA: 1 HC: 5		SC: 2 CA: 3 HC: 6	11
Hague Convention on the Civil Aspects of International Child Abduction (1980)		HC: 1 FC: 8	FC: 1	HC: 1 FC: 9	10
Convention Relating to the Status of Refugees (1951)	CA: 1	CA: 2 HC: 5		CA: 3 HC: 5	8
Universal Declaration of Human Rights (1948)		CA: 1 HC: 3 EC: 1 HT: 1		CA: 1 HC: 3 EC: 1 HT: 1	6
Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)		SC: 1 CA: 1 HC: 2 EC: 1		SC: 1 CA: 1 HC: 2 EC: 1	5
International Covenant on Economic, Social and Cultural Rights (1966)	CA: 1 HC: 2	HC: 1		CA: 1 HC: 3	4
UNCITRAL Model Law on Cross-Border Insolvency (1997)		HC: 4		HC: 4	4
Convention on the Rights of Persons with Disabilities (2006)		HC: 1 DC: 2 HT: 1		HC: 1 DC: 2 HT: 1	4
Framework Convention on Climate Change (1992)	SC: 1	CA: 1 HC: 1		SC: 1 CA: 1 HC: 1	3

16 Key: SC = Supreme Court, CA = Court of Appeal, HC = High Court, DC = District Court, FC = Family Court, EC = Employment Court, HT = Human Rights Review Tribunal, \* = New Zealand is not a party to this Convention.

<b>International obligations</b>	<b>NZLR</b>	<b>Other</b>	<b>Unrep</b>	<b>All</b>	<b>Total</b>
UNCITRAL Model Law on International Commercial Arbitration (1985)	SC: 1	HC: 2		SC: 1 HC: 2	3
Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)		FC: 3		FC: 3	3
International Labour Organisation's Minimum Wage-Fixing Machinery Convention (1928)		CA: 1 EC: 1		CA: 1 EC: 1	2
Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)	SC:1			SC: 1	1
Convention on Transnational Organised Crime (2000)	SC: 1			SC: 1	1
Treaty on Extradition between New Zealand and the United States of America (1970)	SC: 1			SC: 1	1
World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1994)	SC: 1			SC: 1	1
Kyoto Protocol to Framework Convention on Climate Change (1997)	SC: 1			SC: 1	1
International Framework Convention on Tobacco Control (2003)		HC: 1		HC: 1	1
Convention on the Reduction of Statelessness (1961)		HC: 1		HC: 1	1
International Labour Organisation's Minimum Wage-Fixing Convention (1970)		EC: 1		EC: 1	1
International Labour Organisation's Discrimination (Employment and Occupation) Convention (1958)		EC: 1		EC: 1	1
International Labour Organisation's Equal Remuneration Convention (1951)		EC: 1		EC: 1	1
Convention on the Elimination of All Forms of Discrimination against Women (1979)		EC: 1		EC: 1	1

<b>International obligations</b>	<b>NZLR</b>	<b>Other</b>	<b>Unrep</b>	<b>All</b>	<b>Total</b>
Paris Convention on the Protection of Intellectual Property (1883)		HC: 1		HC: 1	1
Nice Agreement Concerning the International Classification of Goods and Services for the Purposes of the Registration of Marks (1957)		HC: 1		HC: 1	1
Berne Convention for the Protection of Literary and Artistic Works (1886)		CA: 1		CA: 1	1
International Convention for the Unification of Certain Rules of Law Relating to Bills of Lading (1924)		HC: 1		HC: 1	1
Hague Choice of Court Convention (2005)		HC: 1		HC: 1	1
Convention on Biological Diversity (1992)		HC: 1		HC: 1	1
Cartagena Protocol on Biosafety (2000)		HC: 1		HC: 1	1
Convention on Salvage (1989)		HC: 1		HC: 1	1
United Nations Standard Minimum Rules for the Treatment of Prisoners (1995)		HC: 1		HC: 1	1
<b>Totals</b>	<b>28</b>	<b>113</b>	<b>2</b>	<b>143</b>	<b>143</b>

## 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 NZYIL 366-393 (as amended).<sup>17</sup> The master list entries should be amended as follows:

### **Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

Add “Convention on the Prevention of Marine Pollution by Dumping Wastes and Other Matter (1972)” and “International Convention for the Prevention of Pollution from Ships (1973)” before “United Nations Convention on the Law of the Sea (1982)”.

### **Food Act 1981**

Replace this entry with the following entry:

#### **Food Act 2014**<sup>18</sup>

Agreement between the Government of Australia and the Government of New Zealand concerning a Joint Food Standards System (1995)

### **Maritime Transport Act 1994**

Add “Protocol of 1996 to Amend the Convention on the Limitation of Liability for Maritime Claims (1976)” after “Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1996)”.

### **Patents Act 1953**

Replace this entry with the following entry:

#### **Patents Act 2013**

Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure (1977)

#### **Patent Cooperation Treaty (1984)**

Aspects of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights (1994)

17 For previous amendments to the master list, see Gobbi (2013), above n 3, at 326-328; Mark Gobbi “Treaty Action and Implementation” (2012) 10 NZYIL 261 at 302-303; Mark Gobbi “Treaty Action and Implementation” (2011) 9 NZYIL 351 at 386; Mark Gobbi “Treaty Action and Implementation” (2010) 8 NZYIL 283 at 328-329; Mark Gobbi “Treaty Action and Implementation” (2009) 7 NZYIL 381 at 424-431; Mark Gobbi “Treaty Action and Implementation” (2008) 6 NZYIL 379 at 418-420; Mark Gobbi “Treaty Action and Implementation” (2007-2008) 5 NZYIL 327 at 326.

18 The Food Act 2014 is designed to replace the Food Act 1981 over the period beginning 6 June 2014 and ending 1 March 2016. The 1981 Act implements the Australia-New Zealand Joint Food Standards Agreement (late 1990s).



## 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” (2007-2008) 5 NZYIL 327-272 (as amended).<sup>19</sup> The master list should be amended as follows:

### *A. New Entries*

Add the following entries in their appropriate alphabetical order:

#### **Anti-Money Laundering and Countering Financing of Terrorism (Class Exemptions) Notice 2014**

*Anti-Money Laundering and Countering Financing of Terrorism Act 2009, s 157(1)*

Recommendations issued by the Financial Action Task Force on Money Laundering (established 1989)

#### **Civil Aviation Rules: Part 93 – Special Aerodrome Traffic Rules and Noise Abatement Procedures**

*Civil Aviation Act 1990, s 28*

These rules refer to Doc 8168-OPS-611 of the International Civil Aviation Organisation.

#### **Civil Aviation Rules: Part 125 – Air Operations – Medium Aeroplanes**

*Civil Aviation Act 1990, s 28*

These amendments update a number of requirements regarding training, training programmes, competency programmes and checks for crew members so as to align with the ICAO standards and recommended practice.

#### **Customs Import Prohibition (Southern Bluefin Tuna) Order 2013**

*Customs and Excise Act 1996, s 54*

Convention for the Conservation of Southern Bluefin Tuna (1993)

#### **Diplomatic Privileges (SPRFMO) Order 2014**

*Diplomatic Privileges and Immunities Act 1968, s 9*

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (2009)

19 For previous amendments to the master list, see Gobbi (2013), above n 3, at 328-332; Mark Gobbi “Treaty Action and Implementation” (2012) 10 NZYIL 261 at 303-306; Mark Gobbi “Treaty Action and Implementation” (2011) 9 NZYIL 351 at 386-389; Mark Gobbi “Treaty Action and Implementation” (2010) 8 NZYIL 283 at 330-335; Mark Gobbi “Treaty Action and Implementation” (2009) 7 NZYIL 381 at 425-431; Mark Gobbi “Treaty Action and Implementation” (2008) 6 NZYIL 379 at 421-423.

**Double Tax Agreements (Japan) Order 2013***Income Tax Act 2007, s BH 1*

Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2012)

Protocol to the Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2012)

**Double Tax Agreements (Mutual Administrative Assistance) Order 2013***Income Tax Act 2007, s BH 1*

Multilateral Convention on Mutual Administrative Assistance in Tax Matters as amended by the 2010 Protocol (2011)

**Double Tax Agreements (United States of America – FATCA) Order 2014***Income Tax Act 2007, s BH 1*

Agreement between the Government of New Zealand and the Government of the United States of America to Improve International Tax Compliance and to Implement FATCA (Foreign Account Tax Compliance Act) (2014)

**Double Tax Agreements (Viet Nam) Order 2014***Income Tax Act 2007, s BH 1*

Agreement between the Government of New Zealand and the Government of the Socialist Republic of Viet Nam for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (2013)

**Exclusive Economic Zone and Continental Shelf (Environmental Effects – Non-notified Activities) Regulations 2014***Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, ss 27(1), 30(1), and 35*

United Nations Convention on the Law of the Sea (1982)

Convention on Biological Diversity (1993)

**Fisheries (Amateur Fishing) Regulations 2013***Fisheries Act 1996, s 297(1)*

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)

**Maritime Rules: Part 31 – Crewing and Watchkeeping – Amendment 2014***Maritime Transport Act 1994, s 36*

International Convention for the Safety of Life at Sea (1974 as amended) [requirements of Chapter V, Regulation 14]

International Maritime Organization (IMO) Assembly Resolution A. 1047(27) Principles of Safe Manning

**Maritime Rules: Part 34 – Medical Standards 1998**

*Maritime Transport Act 1994, s 36*

ILO Medical Examination of Young Persons (Sea) Convention (1921)

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978 as amended 1995, 2010)

ILO/IMO Guidelines on the Medical Examination of Seafarers

**Securities Act (Banks’ Regulatory Capital) Exemption Notice 2014**

*Securities Act, s 70B*

The notice exempts certain New Zealand-registered banks and their parent companies from certain provisions of the Securities Act and the Securities Regulations 2009 if they comply with the relevant prudential standards as set by the Reserve Bank of New Zealand and the Australian Prudential Regulation Authority, which reflect the new global regulatory standards for bank capital adequacy and liquidity released by the Basel Committee on Banking Supervision in December 2010.

**Shipping (Charges) Regulations 2014**

*Maritime Transport Act 1994, s 445(1)*

International Convention for the Safety of Life at Sea (1974)

International Convention on Standards of Training, Certification and Watchkeeping for Fishing Vessel Personnel (1995)

International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978 as amended 1995, 2010)

**Social Welfare (Reciprocity with Malta) Order 2013**

*Social Welfare (Transitional Provisions) Act 1990, s 19*

Social Security between the Government of New Zealand and the Government of Malta (2013)

**United Nations Sanctions (Central African Republic) Regulations 2014**

*United Nations Act 1946, s 2*

Resolution 2127 of the Security Council of the United Nations (2013)

Resolution 2134 of the Security Council of the United Nations (2014)

*B. Changes to Entries*

**Customs and Excise Regulations 1996**

Add the following item:

Agreement between New Zealand and the Separate Customs Territory of Taiwan, Penghu, Kinmen and Matsu on Economic Cooperation (ANZTEC) (2013)

**Double Taxation Relief (Malaysia) Order 1976**

Add the following item:

Agreement between the Government of New Zealand and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income (2012)

**Maritime Transport (Marine Protection Conventions) Order 1999**

Add the following items in their appropriate chronological order:

Protocol Relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973)

International Convention on Civil Liability for Bunker Oil Pollution Damage (2001)