

STATUTES AMENDMENT BILL: SECOND READING

LEGISLATIVE STATEMENT

Presented to the House in accordance with Standing Order 272

Statutes Amendment Bills provide a way to make small, technical and non-controversial changes to a range of legislation that would otherwise not be prioritised and progressed.

The table below sets out all the proposed changes to each of the Acts in this Bill.

Act to be amended	Proposed amendment	Lead agency
Agricultural Compounds and Veterinary Medicines Act 1997	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Animal Products Act 1999	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Animal Welfare Act 1999	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Anti-Money Laundering and Countering Financing of Terrorism Act 2009	Replace “Customs and Excise Act 1996” with “Customs and Excise Act 2018”.	Ministry of Justice
	In section 49, replace “section 40(1)(b)” with “paragraph (b) of the definition of suspicious activity”.	
	In section 140(2)(c), replace “Customs and Excise Act 2018” with “Criminal Proceeds (Recovery) Act 2009”.	
	Amend section 140(1) to enable a “regulator” (as defined in section 5) to share information obtained for AML/CFT purposes with necessary agencies.	
	Insert “or Police employee” where “constable” appears in section 144(2) and (3).	
Biosecurity Act 1993	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Canterbury Earthquakes Insurance Tribunal Act 2019	Clarify that filing in the tribunal ‘stops the clock’ on any applicable limitation period.	Ministry of Justice
Care of Children Act 2004	Replace the words “domestic violence” with “family violence”.	Ministry of Justice
Courts Security Act 1999	Remove the phrase “or 2 or more justices” to ensure that Justices of the Peace cannot preside over proceedings for an offence against section 30, which has a maximum penalty of imprisonment.	Ministry of Justice
COVID-19 Recovery (Fast-track Consenting) Act 2020	Clarify who must provide information requested under clause 25(1)(a) of Schedule 6.	Ministry for the Environment
Crown Entities Act 2004	Enable certain changes to be made by Order in Council to the list of statutory entities and Crown entity companies.	The Treasury
Crown Forest Assets Act 1989	Amend section 36 to extend permanent legislative authority to apply to any expenses incurred by the Crown in returning the land to Māori ownership.	The Treasury

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Customs and Excise Act 2018	Enable the correct excise rate to be applied to undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% vol and bring it into alignment with the other alcohol items in part A of the Excise and Excise-equivalent Duties table.	New Zealand Customs Service
Dog Control Act 1996	Remove the requirement for a registered veterinarian to provide a written declaration that an imported dog is not a breed listed at Schedule 4 for disability dogs and any dog that is kept, used, or certified for use by a specified agency.	Department of Internal Affairs
Equal Pay Act 1972 (EPA)	Add a new subsection to section 19 of the EPA with the same wording as section 24(2) of the EPAA.	Ministry of Business, Innovation and Employment
Equal Pay Amendment Act 2020 (EPAA)	Repeal section 24(2) of the EPAA.	Ministry of Business, Innovation and Employment
Evidence Act 2006	Repeal section 202 which provides for a periodic review of the operation of the Act.	Ministry of Justice
Family Violence Act 2018	In section 49, delete the words “(in accordance with, but without limiting, section 171)”.	Ministry of Justice
	Amend section 105 to clarify that if proceedings are commenced under the Care of Children Act 2004 to replace, vary, or discharge an interim order made under section 105, the court may under section 7 of that Act appoint a lawyer to represent the child in those proceedings.	
Fire and Emergency New Zealand Act 2017	Explicitly provide that the board can authorise a class of person i.e. firefighters, as opposed to individual firefighters, to perform or exercise a function, power, or duty under the Act.	Department of Internal Affairs
	Include a FENZ contractor as an appointee to a role, rank, or position in FENZ.	
	Update wording to ensure Fire and Emergency can legally use drones or aircraft/helicopters in responding to an emergency.	
	Amend to capture the necessary powers for an officer of an industry brigade to respond to emergencies such as taking practical steps to extinguish fires and stabilising hazardous substances, and deal with emergencies that do not involve fires or hazardous substances.	
	Ensure that evacuation schemes are not required for households that store small amounts of hazardous substances.	
	Amend to ensure that buildings that are used for a high-risk purpose cannot be exempted from providing an evacuation scheme.	
Food Act 2014	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Government Rounding Powers Act 1989	Update reference to “Chief Surveyor” with “Surveyor-General”.	Ministry of Transport
Infrastructure Funding and Financing Act 2020	Replace “housing and urban development” with “urban development” in the purpose section.	Ministry of Housing and Urban Development

Act to be amended	Proposed amendment	Lead agency
Land Transport Act 1998	Remove reference to “registered post” as this service is no longer offered.	Ministry of Transport
	Replace the reference to “medical practitioner” with “health practitioner”.	
Legislation Act 2019	Correct the definitions of the North Island and the South Island.	Parliamentary Counsel Office
Local Government Official Information and Meetings Act 1987	In section 27, remove the incorrect reference “section 17(1)(e) to (g)” and replace it with “section 17(e) to (g).	Department of Internal Affairs
Maritime Transport Act 1994	Replace a reference to the “Local Government Act 1974” with a reference to “Part 3A of this Act” as the jurisdiction previously conferred by the Local Government Act 1974 is now conferred by Part 3A of the Maritime Transport Act.	Ministry of Transport
	In section 40Z, amend a cross-reference to the appropriate section.	
	Replace the outdated term “doctor’s surgery” with the term “medical centre” as currently reflected in legislation.	
National Animal Identification and Tracing Act 2012	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries
Ngāti Manuhiri Claims Settlement Act 2012	Amend to cease the right of access and remove the right of access notation from the records of title from all or part of the specified titles in the discrete area of the South Mangawhai Forest.	Te Arawhiti
Oaths and Declarations Act 1957	Amend to include the Chief Registrar, Registrar or a Deputy Registrar of the Māori Land Court as persons before whom a statutory declaration or affirmation may be made.	Ministry of Justice
Port Companies Act 1988	Remove from section 20(1) “(except subsections (1), (3), (6) and (7))” as the subsections have since been repealed.	Ministry of Transport
Port Nicholson Block (Taranaki Whānui ki Te Upoko o Te Ika) Claims Settlement Act 2009	Amend the definition of “deferred selection property” to include a reference to a new subpart of the provisions schedule which adds one additional school property.	Te Arawhiti
Prisoners’ and Victim’s Claims Act 2005	Amend to require the victim’s claim form to be approved by the Chief Executive of the Ministry of Justice following consultation with the Chief District Court Judge instead of the form being approved by the Secretary for Justice.	Ministry of Justice
Privacy Act 2020	Clarify that personal information held by an agency solely for safe custody or processing is treated as being held by the agency on whose behalf the information is stored or for which the information is processed.	Ministry of Justice
	Include ‘officers’ in sections 120 and 121 of the Act to ensure they will not be individually liable for an agency’s failure to notify a notifiable privacy breach.	
	Include the Independent Police Conduct Authority as a person the Privacy Commissioner may consult about matters relating to the functions of the Commissioner.	
	Reinstate the Human Rights Review Tribunal’s power to make and review interim orders.	

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Public Finance Act 1989	In section 45M(1), correct a cross-reference from “section 139 of the Crown Entities Act 2004” to “section 139B of the Crown Entities Act 2004”	The Treasury
	Insert a new paragraph to provide that if section 149C of the Crown Entities Act 2004 applies to a Schedule 4 organisation, section 149B and sections 149E to 149M of the Crown Entities Act also apply to that organisation.	
Railways Act 2005	Remove reference to “registered post” as this service is no longer offered.	Ministry of Transport
Residential Tenancies Act 1986	In section 74, replace the reference to section 95(3) with section 95A.	Ministry of Housing and Urban Development
Resource Management Act 1991	In section 46A(2), include a reference to section 46B to clarify a definition.	Ministry for the Environment
	Repeal section 277A. Appeals can no longer be brought by way of rehearing under clause 60 of Schedule 1.	
Retirement Villages Act 2003	Clarify that it is the operator’s role to provide certain information to intending residents.	Ministry of Housing and Urban Development
Returning Offenders (Management and Information) Act 2015	Provide for conditions under the Act to be revoked where a returning prisoner or offender ceases to be eligible for conditions due to the overturning of an overseas conviction.	Ministry of Justice
Sale and Supply of Alcohol Act 2012	Amend the time period after the end of its financial year that the Authority must report to the Minister.	Ministry of Justice
Senior Courts Act 2016	Reinstate the High Court power, where a person has not complied with a court order to fulfil obligations under a contract (including for property transfer) or other document, or to authorise a payment via a negotiable instrument, to authorise a substitute person to do so in their place.	Ministry of Justice
	Amend to align the provisions governing the appointment of acting Associate Judges with the policies that only current judges of the lower court or former judge of that court or the lower court who are under 75 years old can be appointed as acting judges; and former judges appointed as acting judges cannot receive the superannuation subsidy.	
	Expressly provide that an Associate Judge has jurisdiction to make a liquidation order for a limited partnership.	
Te Awa Tupua (Whanganui River Claims Settlement) Act 2017	Allow for a position on Te Pou Tupua to remain filled beyond the expiry of its term until that person is reappointed or a successor to that person is appointed.	Te Arawhiti
Wine Act 2003	Enable certain secondary legislation or published instruments made by the same maker to be consolidated.	Ministry for Primary Industries