



ANALYSIS

<p>Title</p> <p>1. Short Title and commencement</p> <p>2. Altering Short Title of principal Act</p> <p>3. Interpretation</p> <p>4. Maori name of Ministry of Foreign Affairs and Trade</p> <p>5. Secretary of Foreign Affairs and Trade</p>	<p>6. Consequential amendments to other Acts</p> <p>7. Consequential amendments to principal Act</p> <p>8. Consequential amendments to regulations</p> <p>9. Transitional provisions Schedules</p>
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1993, No. 48

An Act to amend the External Relations Act 1988

[23 June 1993]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Foreign Affairs Amendment Act 1993, and shall be read together with and deemed part of the Act heretofore known as the External Relations Act 1988 (hereinafter referred to as the principal Act).

(2) This Act shall come into force on the 1st day of July 1993.

2. Altering Short Title of principal Act—(1) The principal Act may hereafter be cited as the Foreign Affairs Act 1988.

(2) The Short Title of the principal Act is hereby consequentially amended by omitting the words “External Relations”, and substituting the words “Foreign Affairs”.

(3) Every reference in any enactment to the External Relations Act 1988 is hereby consequentially amended by omitting the words “External Relations”, and substituting the words “Foreign Affairs”.

3. Interpretation—(1) Section 2 of the principal Act is hereby amended by repealing paragraph (a) of the definition of

the term “head of mission”, and substituting the following paragraph:

“(a) High Commissioner for New Zealand in any Commonwealth country, or in the Cook Islands; or”.

(2) Section 2 of the principal Act is hereby further amended by inserting in the definition of the term “head of mission”, after paragraph (a) (as substituted by subsection (1) of this section), the following paragraph:

“(aa) High Commissioner for New Zealand in Niue; or”.

(3) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Ministry”, and substituting the following definition:

“‘Ministry’ means the Ministry of Foreign Affairs and Trade.”.

(4) Section 2 of the principal Act is hereby further amended by repealing the definition of the term “Secretary”, and substituting the following definition:

“‘Secretary’ means the Secretary of Foreign Affairs and Trade.”.

4. Maori name of Ministry of Foreign Affairs and Trade—The principal Act is hereby amended by inserting, after section 2, the following section:

“2A. The name of the Ministry of Foreign Affairs and Trade is, in the Maori language, Manatū Aorere.”

5. Secretary of Foreign Affairs and Trade—The principal Act is hereby amended by repealing section 3, and substituting the following section:

“3. The chief executive of the Ministry shall be known as the Secretary of Foreign Affairs and Trade.”

6. Consequential amendments to other Acts—(1) The Acts specified in the First Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The Tokelau Amendment Act 1974 is hereby consequentially amended by repealing section 2 (1).

(3) The New Zealand Horticulture Export Authority Amendment Act 1990 is hereby consequentially repealed.

7. Consequential amendments to principal Act—The principal Act is hereby consequentially amended by repealing so much of the Schedule as relates to the Tokelau Amendment Act 1967, the Tokelau Amendment Act 1974, the Ombudsmen Act 1975, the Commonwealth Countries Act 1977, the Crimes

(Internationally Protected Persons and Hostages) Act 1980, and the Films Act 1983.

8. Consequential amendments to regulations—(1) The regulations specified in the Second Schedule to this Act are hereby amended in the manner indicated in that Schedule.

(2) The amendment by this section of the regulations specified in the Second Schedule to this Act shall be without prejudice to any power of amending or revoking those regulations.

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke the Second Schedule to this Act or any part of that Schedule.

9. Transitional provisions—(1) After the commencement of this Act, all proceedings that were pending by or against the Ministry of Foreign Affairs or the Ministry of External Relations and Trade immediately before the commencement of this Act may be carried on, completed, or enforced by or against the Ministry of Foreign Affairs and Trade.

(2) Every reference in any enactment or document in force at the commencement of this Act (other than an Act specified in the First Schedule to this Act or any regulations specified in the Second Schedule to this Act) to the Department of External Affairs or to the Ministry of External Affairs or to the Ministry of Foreign Affairs or to the Ministry of External Relations and Trade shall, after the commencement of this Act, unless the context otherwise requires, be read as a reference to the Ministry of Foreign Affairs and Trade.

(3) Every reference in any enactment or document passed or made before the 23rd day of October 1969 to the Minister of External Affairs, and every reference in any enactment or document passed or made before the commencement of this Act to the Minister of Foreign Affairs, shall, after the commencement of this Act, unless the context otherwise requires, be read as a reference to the Minister of Foreign Affairs and Trade.

(4) Every reference in any enactment or document in force at the commencement of this Act (other than an Act specified in the First Schedule to this Act or any regulations specified in the Second Schedule to this Act) to the Secretary of External Affairs or to the Secretary of Foreign Affairs or to the Secretary of External Relations and Trade shall, after the commencement of this Act, unless the context otherwise requires, be read as a reference to the Secretary of Foreign Affairs and Trade.

(5) Subsections (3), (4), (5), and (6) of section 15 of the principal Act are hereby consequentially repealed.

SCHEDULES

Section 6

FIRST SCHEDULE

ACTS AMENDED

Title of Act	Amendment
1948, No. 24—The Tokelau Act 1948 (Reprinted 1976, Vol. 5, p. 4491)	<p>By omitting from section 2 (2) (as added by section 13 of the Tokelau Amendment Act 1970) the words “Minister of Foreign Affairs” (as substituted by section 2 (3) (a) of the Tokelau Amendment Act 1974), and substituting the words “Minister of Foreign Affairs and Trade”.</p> <p>By repealing section 9 (as substituted by section 2 (1) of the Tokelau Amendment Act 1974), and substituting the following section:</p> <p>“9. Act to be administered by Minister of Foreign Affairs and Trade—The Minister of Foreign Affairs and Trade shall be charged with the administration of this Act.”</p>
1958, No. 19—The Geneva Conventions Act 1958 (R.S. Vol. 11, p. 85)	<p>By omitting from section 3 (7) (as substituted by section 4 of the Geneva Conventions Amendment Act 1987) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.</p>
1960, No. 47—The Antarctica Act 1960 (R.S. Vol. 6, p. 21)	<p>By repealing section 6, and substituting the following section:</p> <p>“6. Certificate of Minister of Foreign Affairs and Trade to be evidence of certain facts—If in any proceedings there arises any question whether or not any person is or was at any time an observer or exchanged scientist, or a member of the staff accompanying any observer or exchanged scientist, within the meaning of this Act, or whether or not any immunity has been waived under section 5 of this Act, a certificate issued by the Minister of Foreign Affairs and Trade stating any fact relevant to that question shall be conclusive evidence of that fact.”</p>
1961, No. 43—The Crimes Act 1961 (R.S. Vol. 1, p. 635)	<p>By omitting from section 8A (1) (c) (ii) (as substituted by section 14 (1) of the principal Act) the words “Ministry of External Relations and Trade”, and substituting the words “Ministry of Foreign Affairs and Trade”.</p>

FIRST SCHEDULE—*continued*
ACTS AMENDED—*continued*

Title of Act	Amendment
1964, No. 50—The Export Guarantee Act 1964 (R.S. Vol. 16, p. 129)	By omitting from the proviso to section 8 (1) the words “Minister of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Minister of Foreign Affairs and Trade”.
1967, No. 38—The Tokelau Amendment Act 1967 (Reprinted 1976, Vol. 5, p. 4498)	By repealing paragraph (c) of the definition of the term “Tokelau Public Service” in section 3 (as substituted by section 14 (1) of the principal Act), and substituting the following paragraph: “(c) Secretary of Foreign Affairs and Trade:”.
1968, No. 36—The Diplomatic Privileges and Immunities Act 1968 (R.S. Vol. 17, p. 172)	By repealing the definition of the term “Minister” in section 2 (1), and substituting the following definition: “‘Minister’ means the Minister of Foreign Affairs and Trade:”.
1971, No. 11—The Consular Privileges and Immunities Act 1971 (R.S. Vol. 23, p. 265)	By repealing the definition of the term “Minister” in section 2, and substituting the following definition: “‘Minister’ means the Minister of Foreign Affairs and Trade:”.
1974, No. 14—The Marine Pollution Act 1974 (R.S. Vol. 24, p. 499)	By omitting from section 54 (3) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.
1974, No. 124—The Tokelau Amendment Act 1974 (Reprinted 1976, Vol. 5, p. 4520)	By omitting from section 2 (3) (b) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”. By omitting from section 2 (3) (c) the words “Ministry of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Ministry of Foreign Affairs and Trade”.
1975, No. 9—The Ombudsmen Act 1975 (R.S. Vol. 21, p. 657)	By omitting from Part I of the First Schedule the item relating to the Ministry of External Relations and Trade, and substituting the following item: “The Ministry of Foreign Affairs and Trade.”

FIRST SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1977, No. 28—The Territorial Sea and Exclusive Economic Zone Act 1977	By omitting from section 20 (2) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.
1977, No. 31—The Commonwealth Countries Act 1977	By omitting from section 2 (1) (a) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”. By omitting from section 2 (4) the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”.
1977, No. 125—The Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977	By omitting from section 8 (1) (i) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”. By omitting from section 8 (2) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.
1980, No. 44—The Crimes (Internationally Protected Persons and Hostages) Act 1980	By omitting from section 15 the words “Secretary of External Relations and Trade” (as substituted by section 14 (1) of the principal Act), and substituting the words “Secretary of Foreign Affairs and Trade”.
1983, No. 130—The Films Act 1983	By omitting from Part I of the Schedule the item relating to the Ministry of External Relations and Trade, and substituting the following item: “The Ministry of Foreign Affairs and Trade.”
1987, No. 86—The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987	By omitting from section 17 (1) (a) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”. By omitting from section 18 (1) (b) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”. By omitting from section 18 (3) the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.

FIRST SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1987, No. 86—The New Zealand Nuclear Free Zone, Disarmament, and Arms Control Act 1987— <i>continued</i>	By omitting from section 19 the words “Minister of Foreign Affairs”, and substituting the words “Minister of Foreign Affairs and Trade”.
1987, No. 93—The New Zealand Horticulture Export Authority Act 1987	By repealing the definition of the term “Ministers” in section 2 (as amended by section 2 of the New Zealand Horticulture Export Authority Amendment Act 1990), and substituting the following definition: “ ‘Ministers’ means the Minister of Agriculture and the Minister of Foreign Affairs and Trade acting jointly:”.
1988, No. 20—The State Sector Act 1988	By omitting from the First Schedule (as substituted by section 28 (1) of the State Sector Amendment Act (No. 2) 1989) the words “Ministry of External Relations and Trade”, and substituting the words “Ministry of Foreign Affairs and Trade”.
1988, No. 160—The New Zealand Trade Development Board Act 1988	By omitting from section 2 the definition of the term “Minister”, and substituting the following definition: “Minister” means the Minister of Foreign Affairs and Trade:”.
1991, No. 19—The Guardianship Amendment Act 1991	By repealing section 6, and substituting the following section: “6. Certificate of Secretary of Foreign Affairs and Trade —A certificate signed by the Secretary of Foreign Affairs and Trade and stating— “(a) That a specified country is or is not a country in respect of which the Convention is in force as between that country and New Zealand; and “(b) Where applicable, that there is in effect in respect of any specified provision of the Convention a reservation made by any Contracting State

FIRST SCHEDULE—*continued*ACTS AMENDED—*continued*

Title of Act	Amendment
1991, No. 19—The Guardianship Amendment Act 1991— <i>continued</i>	<p style="text-align: center;">pursuant to Article 42 of the Convention—</p> <p>shall, unless the contrary is proved by the production of another certificate issued under this section (being a certificate that was issued after the first-mentioned certificate was issued), for all purposes be conclusive evidence of the matters stated in the certificate.”</p>

SECOND SCHEDULE
REGULATIONS AMENDED

Section 8 (1)

Title of Act	Amendment
The United Nations Sanctions (South Africa) Regulations 1980 (S.R. 1980/200)	By omitting from regulation 3 (1), and also from regulation 4, the words "Minister of Foreign Affairs", and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Iraq) Regulations 1991 (S.R. 1991/92)	By omitting from regulations 3 (1), 6, 11 (1), 12, 13 (1), 14, 15, 18 (4), 20 (1), 20 (3), 20 (4), and 20 (5) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Yugoslavia) Regulations 1991 (S.R. 1991/237)	By omitting from regulations 3, 8, and 9 (3) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Somalia) Regulations 1992 (S.R. 1992/42)	By omitting from regulations 3, 8, and 9 (3) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Libya) Regulations 1992 (S.R. 1992/75)	By omitting from regulations 3, 8 (1), 9 (1), 10 (3), 12 (1), and 12 (2) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".
The United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992 (S.R. 1992/160)	By omitting from regulations 3 (1), 6, 11 (1), 12, 13, 14, 17 (4), 19, 20 (1), 20 (2), and 21 the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade". By omitting from regulations 16A (2) and 20c (as inserted by regulations 4 and 7 of the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment (No. 2)) the words "Minister of External Relations and Trade" wherever they appear, and substituting in each case the words "Minister of Foreign Affairs and Trade".

SECOND SCHEDULE—*continued*
REGULATIONS AMENDED—*continued*

Title of Act	Amendment
<p>The United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992 (S.R. 1992/160)— <i>continued</i></p>	<p>By omitting from regulations 17A (2), 17A (3), and 17B (as substituted by regulation 5 of the United Nations Sanctions (Federal Republic of Yugoslavia (Serbia and Montenegro)) Regulations 1992, Amendment (No. 2)) the words “Minister of External Relations and Trade” wherever they appear, and substituting in each case the words “Minister of Foreign Affairs and Trade”.</p>
<p>The United Nations Sanctions (Liberia) Regulations 1992 (S.R. 1992/371)</p>	<p>By omitting from regulations 3, 8, and 9 (3) the words “Minister of External Relations and Trade” wherever they appear, and substituting in each case the words “Minister of Foreign Affairs and Trade”.</p>

This Act is administered in the Ministry of Foreign Affairs and Trade.
