



Terrorism Suppression Amendment Act 2005

Public Act 2005 No 83
Date of assent 21 June 2005
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

- (1) This Act is the Terrorism Suppression Amendment Act 2005.
- (2) In this Act, the Terrorism Suppression Act 2002 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

Amendments to principal Act

3 Interpretation

Paragraph (a) of the definition of **financing of terrorism** in section 4(1) of the principal Act is amended by omitting the expression “section 8(1)”, and substituting the expression “section 8(1) or (2A)”.

4 Financing of terrorism

Section 8 of the principal Act is amended by inserting, after subsection (2), the following subsection:

“(2A) A person commits an offence who, directly or indirectly, wilfully and without lawful justification or reasonable excuse, provides or collects funds intending that they benefit, or knowing that they will benefit, an entity that the person knows is an entity that carries out, or participates in the carrying out of, 1 or more terrorist acts.”

5 Procedure on applications (and on appeals from decisions) under section 35 or section 55

Section 38(3) of the principal Act is amended by repealing paragraph (a), and substituting the following paragraph:

“(a) the proceedings must be heard and determined by the Chief High Court Judge, or by 1 or more Judges nominated by the Chief High Court Judge, or both; and”.

Part 2

Extension of existing designations and consequential amendments

Extension of existing designations under section 22 of principal Act

6 Extension of certain designations under principal Act

- (1) In this section, **specified period** means the period that commences on the day after the date on which this Act receives the Royal assent and ends on the close of the day that is 2 years after the date on which, under section 70(3) of the principal Act, the select committee concerned reports to the House of Representatives.

- (2) Subsection (3) applies to a designation under section 22 of the principal Act that would, but for that subsection, have expired in the specified period.
- (3) A designation to which this subsection applies does not expire 3 years after the date on which it took effect but continues in effect until the close of the last day of the specified period.
- (4) Subsection (3)—
 - (a) overrides section 23(g) and section 35(1) of the principal Act; but
 - (b) is subject to sections 33 and 34 of that Act.
- (5) In relation to a designation to which subsection (3) applies, the principal Act has, throughout the specified period, effect as if,—
 - (a) for the words “3 years after the date on which it took effect” in section 23(g) of the principal Act, there were substituted the words “on the close of the last day of the specified period (within the meaning of section 6(1) of the Terrorism Suppression Amendment Act 2005)”:
 - (b) for the words “**after 3 years**” in the heading to section 35 of the principal Act, there were substituted the words “**at close of specified period**”:
 - (c) for the words “3 years after the date on which it takes effect” in section 35(1) of the principal Act, there were substituted the words “on the close of the last day of the specified period (within the meaning of section 6(1) of the Terrorism Suppression Amendment Act 2005)”.

Consequential amendments

7 Amendment to Immigration Act 1987

Section 2(1) of the Immigration Act 1987 is amended by omitting from paragraph (d) of the definition of **act of terrorism** the expression “section 8(1)”, and substituting the expression “section 8(1) or (2A)”.

8 Amendment to Proceeds of Crime Act 1991

Section 2(1) of the Proceeds of Crime Act 1991 is amended by omitting from paragraphs (c) and (d) of the definition of **tainted property** the expression “section 8(1)” in both places where it appears, and substituting in each case the expression “section 8(1) or (2A)”.

Legislative history

14 December 2004	Introduction (Bill 242-1)
10 February 2005	First reading and referral to Foreign Affairs, Defence and Trade Committee
30 May 2005	Reported from Foreign Affairs, Defence and Trade Committee
14 June 2005	Second reading, committee of the whole House, third reading
21 June 2005	Royal assent

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