

Privacy Amendment Bill

Government Bill

As reported from the committee of the whole House

This bill was formerly part of the Courts and Criminal Matters Bill as reported from the Law and Order Committee. The committee of the whole House has further amended the bill and has divided it into the following bills:

- The Crimes Amendment Bill, comprising Part 1
 - The Customs and Excise Amendment Bill, comprising Part 2
 - The District Courts Amendment Bill (No 2), comprising Part 3
 - The Immigration Amendment Bill, comprising Part 4
 - The Misuse of Drugs Amendment Bill, comprising Part 5
 - This bill, comprising Part 6
 - The Sentencing Amendment Bill, comprising Part 7
 - The Summary Proceedings Amendment Bill, comprising Part 8
 - The Tax Administration Amendment Bill, comprising Part 9
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Key to symbols used in reprinted bill

As reported from a select committee

<i>(Subject to this Act,)</i>	Words struck out unanimously
<u>Subject to this Act,</u>	Words inserted unanimously

As reported from the committee of the whole House

<i>(Subject to this Act,)</i>	Words struck out
<u>Subject to this Act,</u>	Words inserted

Hon Rick Barker

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Privacy Amendment Act **2005**.

2 Commencement

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

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2A Principal Act amended

This Act amends the Privacy Act 1993.

19 Notice of adverse action proposed

(1) Section 103(1) is amended by omitting “subsections (1A), (1B), and (2)” and substituting “subsections (1A) to **(2A)**”.

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(2) Section 103 is amended by inserting the following subsection after subsection (2):

“(2A) Nothing in subsection (1) prevents any sworn member of the police or any bailiff from immediately executing a warrant to arrest an individual ~~(for)~~ in respect of the non-payment of the whole or any part of a fine if the discrepancy arises in respect of arrival and departure information supplied under **section**

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- 280D** of the Customs and Excise Act 1996 and if, before executing the warrant, the individual concerned is—
- “(a) informed of the intention to execute the warrant; and
 - “(b) given an opportunity to confirm—
 - “(i) whether or not he or she is the individual named in the warrant; and
 - “(ii) that neither of the following circumstances apply:
 - “(A) the fine has been paid;
 - “(B) an arrangement to pay the fine over time has been entered into.”
- (3) Section 103 is amended by adding the following subsection:
- “(5) In this section,—
- “**bailiff** means a bailiff of the District Court or of the High Court
 - “**fine** means—
 - “(a) a fine within the meaning of section 79 of the Summary Proceedings Act 1957 or an amount of reparation;
 - “(b) a fine or other sum of money to which any of sections 19 to 19E of the Crimes Act 1961 applies;
 - “(c) a fine to which any of sections 43 to 46 of the Misuse of Drugs Amendment Act 1978 applies

New

- “**reparation** means—
 - “(a) any amount that is required to be paid under a sentence of reparation; or
 - “(b) any amount that is required to be paid under any order of reparation as defined in **section 145D** of the Sentencing Act 2002.”

- 20 (Third) Schedule 3 amended**
- (The Third) Schedule 3* is amended by—
- (a) omitting from the item relating to the Customs and Excise Act 1996 “Sections 280 and 280B” and substituting “**Sections 280 to 280D**”; and
 - (b) omitting from the item relating to the Immigration Act 1987 “~~(Section)~~ 141A” and substituting “~~(Sections)~~ 141A, ~~((141AC, and 141AD))~~ 141AD, and 141AE”.

Privacy Amendment

Legislative history

28 March 2006

Divided from the Courts and Criminal Matters Bill
(Bill 41-2) as Bill 41-3F
