

# **Statutes Amendment Bill (No 4)**

Government Bill

## **Explanatory note**

### **General policy statement**

This is the annual Statutes Amendment Bill. It consists entirely of amendments to Acts, and is therefore an omnibus Bill that may be introduced by virtue of standing order 258(1)(e).

### **Clause by clause analysis**

*Clause 1* relates to the Bill's Title.

*Clause 2* is a commencement provision. *Parts 4 and 5* come into force as provided in *clauses 9 and 12* respectively. The rest of the Bill comes into force on the day after assent.

### **Part 1**

#### **Alcohol Advisory Council Act 1976**

*Clause 4* amends section 29A(2) of the principal Act by restoring a reference (omitted in error by an amendment made in 2000) to excise duty.

### **Part 2**

#### **Conservation Act 1987**

*Clause 6* amends section 26ZM of the principal Act. Section 26ZM deals with the transfer or release of live aquatic life into fresh water. The transfer or release is subject to the prior approval of the Minister of Conservation. Before seeking approval an applicant must advertise for submissions. The amendment provides a period of 20 working days for the receipt of submissions.

### Part 3

#### Electoral Act 1993

*Clause 8* amends section 127 of the principal Act. Section 127 concerns the list of candidates that political parties submit to the Chief Electoral Officer. The Chief Electoral Officer must be provided with the written consent of each candidate named on a list. Currently, the form of consent is set out in the Act. The amendment discontinues the prescribed form and, instead, states that the consent must be in a form provided by the Chief Electoral Officer. It also clarifies that the consent must be signed by the candidate concerned.

### Part 4

#### Evidence Act 1908

*Clause 9(1)* provides that *clause 10* of the principal Act comes into force on a date to be appointed by the Governor-General by Order in Council. This is because *clause 10* is not intended to come into effect until a similar amendment is made to Australian law, and the timing of that amendment is uncertain.

*Clause 10* amends section 2 of the Evidence Amendment Act 1994 to include most family proceedings in the “Trans-Tasman” scheme for the service of subpoenas established by that Act. (The scheme allows a New Zealand Court to summon witnesses in Australia for the purposes of civil proceedings in New Zealand. Corresponding Australian subpoenas are enforceable in New Zealand.)

The amendments made by *clause 10* continue to exempt, from the “Trans-Tasman” scheme, proceedings in respect of which an order is sought under the Hague Convention on the Civil Aspects of International Child Abduction and proceedings relating to the status or property of a person under a disability. These exemptions are continued because—

- the “Trans-Tasman” scheme is considered to be incompatible with the special regime applicable under the Hague Convention; and
- it may be inconsistent with Australian domestic law to apply that scheme to persons who are under a disability.

## Part 5

### Fire Service Act 1975

*Clause 12(1)* provides that *clauses 18 and 21* come into force on a date to be appointed by the Governor-General by Order in Council. The deferred commencement is necessary to allow regulations related to *new sections 21A to 21I* (substituted by *clause 18*) to be made and to come into force at the same time as those sections. The rest of *Part 5* comes into force on the day after assent.

*Clause 13* repeals section 3(1A) of the principal Act. Section 3 establishes the New Zealand Fire Service (NZFS) under the control of the New Zealand Fire Service Commission. Subsection (1A) provides for payment of a gratuity to a Fire Commissioner. However, because that office within the NZFS was abolished in 1990, subsection (1A) is redundant.

*Clause 14* amends section 14A of the principal Act. Section 14A sets out the functions and powers of the New Zealand Fire Service Commission in its role as the National Rural Fire Authority (NRFA). The amendments—

- adjust the facilitation role of the NRFA for regional rural fire committees, by amending subsection (2)(j); and
- remove the requirement for the NRFA to develop, publish, and audit a Rural Fire Management Code of Practice, by repealing subsection (2)(e). This responsibility of the NRFA is replaced with the requirement to set minimum standards for Fire Authorities and to evaluate and monitor their performance in accordance with the standards in *new subsection (2)(k), (l), and (m)*.

*Clause 15* inserts in the principal Act a *new section 14AB*. The new section is related to *new section 14A(2)(m)* (added by *clause 14*). The section requires the NRFA to consult with a Fire Authority before finalising an evaluation of the Fire Authority's performance under the Forest and Rural Fires Act 1977. The NRFA must give the Fire Authority an opportunity to make submissions on a draft evaluation before the evaluation is released in its final form.

*Clause 16* amends section 17X of the principal Act. The amendment is related to the Rural Fire Management Code of Practice being replaced with minimum standards (see *clause 14*). Section 17X sets out the responsibilities of the National Rural Fire Officer (the person responsible for the functioning of the New Zealand Fire Service Commission in its capacity as the NRFA). Subsection (1)(d)

requires the National Rural Fire Officer to ensure regional co-ordination of Fire Authorities by establishing regional committees of Principal Fire Officers. The committees are (among other things) required to approve the fire plans of Fire Authorities for the purpose of claims on the Rural Fire Fighting Fund. The fire plans must be in accordance with the Rural Fire Management Code of Practice. The amendment removes the requirement for the committees to approve fire plans.

*Clause 17* amends section 21 of the principal Act. The amendment corrects a numbering error.

*Clause 18* repeals section 21A of the principal Act and substitutes *new sections 21A to 21I*. Section 21A requires building owners of certain types of buildings to provide an evacuation scheme for their buildings, and includes a compliance regime. The new sections have 3 main purposes. First, to make section 21A simpler and clearer. Secondly, to introduce a new notification requirement not found in section 21A. Thirdly, to update the National Commander's powers of entry to assess a building's evacuation scheme.

*New section 21A* defines **relevant building** for the purposes of *new sections 21B to 21G*. *New section 21B* requires the owner of a relevant building to provide and maintain an evacuation scheme. Under *new section 21C*, the owner of a relevant building must apply to the National Commander for approval of the evacuation scheme provided for the building under *new section 21B(1)*. *New section 21E* requires the owner of a relevant building to which *new section 21B(2)* applies to notify the National Commander that the building does not require an evacuation scheme. As a result, the National Commander will be able to account for all buildings which potentially require evacuation schemes. *New section 21F* requires the National Commander, before an inspection, to give not less than 24 hours' notice to the owner and occupier of a relevant building. *New section 21I* provides that an evacuation scheme approved before the commencement of *clause 18* is to be treated as having been approved under *new section 21C*.

*Clause 19* amends section 28(3B) of the principal Act. The amendment corrects a typographical error.

*Clause 20* makes 2 amendments to section 46C of the principal Act. Section 46C relates to the eligibility of a Fire Authority for funding from the Rural Fire Fighting Fund. The first amendment, which is consequential on the amendment made by *clause 16*, removes the

requirement for a Fire Authority to have an operative fire plan approved by a regional committee in order to be eligible for a grant from the Fund.

The second amendment introduces a new eligibility requirement. Eligibility for a grant will be dependent on a satisfactory performance evaluation of a Fire Authority at the time of the fire. This requirement replaces the requirement removed by the first amendment and reflects the changes made to the functions of the NRFA by *clause 14*.

*Clause 21* amends section 92 of the principal Act. Section 92 contains regulation-making powers. The changes are consequential on *new sections 21A to 21I* (substituted by *clause 18*). *Clause 21(1)* inserts new powers to make regulations prescribing—

- matters to be included in an evacuation scheme; and
- minimum standards for automatic sprinkler systems; and
- the form of certain applications and notifications.

*Clause 21(2)* effects a consequential repeal.

*Clause 22* repeals section 56(2)(a)(iii) of the Forest and Rural Fires Act 1977. That provision, which refers to the Rural Fire Management Code of Practice, is repealed because the Code is to be replaced (see the amendments made by *clause 14*).

## Part 6

### Forest and Rural Fires Act 1977

*Clause 24* amends section 2 of the principal Act. Section 2 is the interpretation provision. The amendments clarify,—

- in the definition of **Fire Authority**, responsibility for State areas and fire safety margins;
- in the definition of **fire safety margin**, what is fire safety margin land in relation to State areas. For the purposes of this definition, land administered by the Minister of Conservation pursuant to section 9A of the Foreshore and Seabed Endowment Revesting Act 1991 (commonly known as marginal strips) is excluded from the definition of **State area**. Consequently, a fire safety margin cannot attach to a marginal strip;
- in the definition of **State area**, that a fire safety margin is not itself a State area;

- in the definition of **territorial area**, what land is included in a territorial area.

*Clause 25* inserts in the principal Act *new sections 11A and 11B*. *New section 11A* sets out the powers, duties, and immunities of the Minister of Conservation (and his or her officers and employees) in relation to the fire safety margins attached to State areas. The section clarifies the provisions relating to fire control measures for fire safety margins currently contained in section 14(5) of the principal Act. The section also amends the way the relationship between fire safety margins and State areas is described. A fire safety margin now “attaches” to a State area. This is to emphasise that the land contained in a fire safety margin is not itself a State area.

*New section 11B* authorises the National Rural Fire Authority, by notice in the *Gazette* at the request of the Minister of Conservation, to exclude from the fire safety margin attached to a State area—

- any land forming part of the fire safety margin; or
- all the land forming the fire safety margin.

*New section 11B* replaces and expands the provisions relating to exclusion of land from fire safety margins that are currently contained in section 14(5A) and (5B) of the principal Act. Under those provisions, it was uncertain whether all land forming a fire safety margin could be lawfully excluded.

*Clause 26* consequentially amends sections 23, 25, 35, and 46A of the principal Act. The amendments relate to the concept in *new section 11A* of a fire safety margin “attaching” to a State area.

*Clause 27* amends section 12 of the principal Act, which relates to the duties of Fire Authorities. The amendments—

- require (without qualification) Fire Authorities to promote and carry out fire control measures in their districts:
- require Fire Authorities to comply with the standards set by the National Rural Fire Authority under *new section 14A(2)* of the Fire Service Act 1975 (as amended by *clause 14*):
- require each Fire Authority to keep and maintain a current fire plan for its district containing the information prescribed in regulations. This amendment replaces the current section 12(4) requirement for a register:
- remove the power of a Fire Authority to carry out fire control measures in an area adjoining its district in which there is no Fire Authority. This situation no longer arises as there are no

areas within New Zealand that are not within the jurisdiction of a Fire Authority, or a fire brigade under the Fire Service Act 1975.

*Clause 28* consequentially amends section 14 of the principal Act. The amendments are related to *new sections 11A and 11B* (inserted by *clause 25*).

*Clause 29* amends section 43 of the principal Act. Section 43 sets out how, and from whom, costs in a particular fire-fighting incident are to be recovered. *New subsection (1A)* clarifies that section 86 of the Fires Prevention (Metropolis) Act 1774 (Imp) does not apply—

- in determining responsibility for the outbreak or threat of outbreak of fire; or
- to a recovery made under section 43.

Under section 86 of the Fires Prevention (Metropolis) Act 1774 (which applies in New Zealand in accordance with the Imperial Laws Application Act 1988) no action lies against a person if a fire begins accidentally.

*Clause 30* amends section 67 of the principal Act, which contains regulation-making powers. The amendment is consequential on *new section 12(4A)* (substituted by *clause 27*), and inserts a power to make regulations prescribing the content of fire plans.

## Part 7

### Geneva Conventions Act 1958

*Clause 32* amends section 4(1)(b) of the principal Act. Section 4(1)(b) relates to the service of notices of trial of protected internees on the internee, the relevant protecting power, and the protected internee's representative. The amendment removes a reference to the death sentence.

*Clause 33* amends section 6 of the principal Act. Section 6 relates to appeals by protected persons (being protected prisoners of war and protected internees). *Clause 33(1)* amends section 6(1) of the principal Act by removing a reference to the death sentence. *Clause 33(2)* repeals section 6(5) and (6) of the principal Act. Those provisions relate to the period within which a protected person who is sentenced to death may not be executed.

These amendments are made to the principal Act because the death penalty was eliminated for all purposes in New Zealand by the

Abolition of the Death Penalty Act 1989, meaning references to the sentence of death are no longer necessary.

### **Part 8**

#### **Health and Disability Services (Safety) Act 2001**

*Clause 35* corrects a minor verbal error in section 5(1)(c) of the principal Act.

### **Part 9**

#### **Land Transfer Act 1952**

*Clause 37* amends section 20(3) of the principal Act to update the reference to the manner in which bodies corporate have to execute applications to bring land under the Act. Applications will have to be executed in the manner provided in regulations made under the Act.

*Clause 38* amends section 41 of the principal Act by adding a provision that clarifies that a reference in an instrument to the unique identifier of a computer register must be taken to be a reference to the entire estate or interest for which the computer register was created.

*Clause 39* amends section 47 of the principal Act by altering references in that section to land transfer offices so that they become references to land registry offices.

*Clause 40* amends section 90 of the principal Act to provide for transfer instruments to be used for the surrender of easements or *profits à prendre* as well as for their creation.

*Clause 41* amends section 90E of the principal Act to include in that section references to easements granted or surrendered by transfer under section 90 of the Act.

*Clause 42* amends section 90F of the principal Act to clarify subsection (1) of that section.

*Clause 43* corrects a numbering error in section 102(1) of the principal Act.

*Clause 44* amends section 136(1) of the principal Act by requiring that a caveat under that provision be in a form prescribed by regulations made under the Act.

*Clause 45* amends section 137(1) of the principal Act by requiring that a caveat under that provision be in a form prescribed by regulations made under the Act.



*Clause 46* amends section 140 of the principal Act by substituting for a reference to a caveat in form M a reference to a caveat under section 136.

*Clause 47* amends section 141(1) of the principal Act by substituting for a reference to a caveat in form N a reference to a caveat under section 137.

*Clause 48* amends section 144 of the principal Act by substituting for a reference to a caveat in form M a reference to a caveat under section 136.

*Clause 49* replaces section 145 of the principal Act. The new section—

- substitutes for a reference to a caveat in form N a reference to a caveat under section 137:
- recasts the section in a way that is consistent with changes made to similar provisions by the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002.

*Clause 50* corrects erroneous cross-references in section 205(5) of the principal Act.

*Clause 51* repeals an unnecessary provision in Schedule 2 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002.

*Clause 52* and *Schedule 1* amend the following Acts related to the principal Act:

- Land Transfer Amendment Act 1963:
- Land Transfer (Hawke's Bay) Act 1931.

The amendments to those Acts are, in general terms, similar in nature to the amendments *Part 9* makes to the principal Act.

## **Part 10**

### **Maritime Transport Act 1994**

*Part 10* amends the principal Act to clarify the application of the provisions in Part XXV of that Act that relate to civil liability for pollution of the marine environment caused by—

- the owners of ships:
- the owners of marine structures:
- the persons in charge of marine operations.

*Clause 54* amends section 86 of the principal Act. It clarifies that claims brought against CLC ships under Part XXV of the Act are not subject to the liability limitations set out in section 87 of the Act.

*Clause 55* amends section 344 of the principal Act. Subject to certain limitations and defences, it clarifies that an owner of a ship must pay to the Crown (or marine agency) the costs incurred by the Crown (or marine agency) in dealing with the release, or threat of release, of a harmful substance from that ship.

*Clause 56* substitutes a *new section 345* of the principal Act. Subject to certain limitations, it clarifies that the owner of a ship is liable in damages for the pollution damage caused by that owner's ship and for the costs incurred by the Crown (or marine agency) to eliminate or reduce that damage.

*Clause 57* amends section 347 of the principal Act. It clarifies the liability limits applicable to a CLC ship and to a non-CLC ship.

*Clause 58* amends section 348 of the principal Act. It clarifies that section 348 applies to section 344.

*Clause 59* amends section 355 of the principal Act. Subject to certain limitations and defences, it clarifies that the person in charge of a marine operation or the owner of a marine structure must pay to the Crown (or marine agency) the costs incurred by the Crown (or marine agency) in dealing with the release, or threat of release, of a harmful substance from that marine operation or marine structure.

*Clause 60* substitutes a *new section 356* of the principal Act. It clarifies that the person in charge of a marine operation or the owner of a marine structure is liable in damages for the pollution damage that the marine operation or marine structure causes and the costs incurred by the Crown (or marine agency) to eliminate or reduce that damage.

*Clause 61* amends section 358 of the principal Act. It clarifies that section 358 applies to section 355.

## **Part 11**

### **Medicines Act 1981**

*Clauses 63 and 64* correct an error in sections 105A and 105B of the principal Act by substituting the word "medicines" for the word "drugs".

## Part 12

### Motor Vehicle Sales Act 2003

*Clause 66* amends the definition of **used motor vehicle** in section 6 of the principal Act. The amendment inserts references to the definition of **motor vehicle** so that a used motor vehicle is defined by reference to a motor vehicle.

*Clause 67* amends section 14 of the principal Act by inserting a *new subsection (1A)*. The new subsection exempts a motor vehicle trader who offers or displays a used motor vehicle for sale to another registered motor vehicle trader from the obligation under section 14(1) of the principal Act to attach a notice (containing prescribed information about the vehicle) to the used motor vehicle.

*Clause 68* makes a consequential amendment to section 16(1) of the principal Act, arising from the insertion of *new section 14(1A)*. The amendment exempts from section 16 a registered motor vehicle trader who is a party to a contract for the sale of a used motor vehicle to another motor vehicle trader. (Section 16 imposes a requirement to obtain a written acknowledgement that the buyer has received a copy of the notice referred to in section 14(1).)

*Clause 69* substitutes a *new section 101* in the principal Act to correct a cross-reference within, and clarify the intent of, section 101. (Section 101 makes a failure to comply with section 14(1) of the principal Act an offence under the Fair Trading Act 1986.)

## Part 13

### National Parks Act 1980

*Clause 71* amends section 44(6) of the principal Act to omit reference to a section that has been repealed.

## Part 14

### New Zealand Public Health and Disability Act 2000

*Part 14* amends the principal Act to change the name of the Residual Health Management Unit (RHMU) to the Crown Health Financing Agency (CHFA). Consequential amendments are also made to other enactments to reflect the name change (see *clause 75* and *Schedule 2*).

## Part 15

### Ngāi Tahu Claims Settlement Act 1998

*Clause 77* amends section 414 of the principal Act. Section 414 vests the Maranuku site in the ancillary claims trustees. The amendment corrects an omission in the principal Act by revoking the reservation of the Maranuku site as a recreation reserve.

## Part 16

### Racing Act 2003

*Clause 79* amends the definition of the term **totalisator racing betting** set out in section 5(1) of the principal Act. The reference to “racing rules” is replaced with a reference to “racing betting rules” for consistency with section 52 of the principal Act.

*Clause 80* amends section 34(5) of the principal Act by replacing the term “race betting” with the term “racing betting”, which is defined in section 5(1) of the principal Act.

## Part 17

### Radiocommunications Act 1989

*Clause 82* clarifies the meaning of section 108 of the principal Act. Section 108 relates to disputes concerning the transmission of radio waves that cause or contribute to harmful interference. The amendment clarifies that if the claimant and the respondent are holders of radio licences and the dispute is in relation to those licences, then the provisions of sections 108(3) to (7) and 109 to 109C do not apply. Instead, the matter may be referred to the Secretary, and the Secretary may take any action that he or she thinks fit.

## Part 18

### Reserves Act 1977

*Clause 84* amends section 32 of the principal Act. Section 32 contains requirements for the meetings of boards. One requirement is that the annual meeting of a board must be held in the month of May. The amendment will require the annual meeting to be held within 2 months after the end of the financial year which ends on 30 June.

*Clause 85* amends section 81 of the principal Act. Section 81 permits an administering body to have unauthorised expenditure in a financial year up to a maximum of \$100. The amendment increases the amount to \$500.

## **Part 19**

### **Telecommunications Act 2001**

*Clause 87* amends the definition of **telecommunication** in section 5 of the principal Act so that this term includes, for the purposes of subpart 2 of Part 4 of that Act, any conveyance that constitutes broadcasting. A similar change has been made to the definition of **existing works**. Subpart 2 of Part 4 relates to the maintenance of networks. The effect of this amendment is to give network operators that provide facilities for broadcasting certain rights given to other network operators. These rights include the right of a network operator to access land for the purposes of inspecting, maintaining, or repairing its existing works.

*Clause 88* amends section 102 of the principal Act. Section 102 relates to persons who are declared to be network operators. Section 102(1) specifies that the purpose of section 102 and sections 103 to 105 is to facilitate entry into, and competition in, telecommunications markets. The effect of the amendment is to extend the purpose of those sections to facilitating entry into, and competition in, broadcasting markets.

## **Part 20**

### **Trade in Endangered Species Act 1989**

*Clauses 90 to 92* make drafting amendments to the principal Act to correct incorrect section references, insert omitted words, and correct a spelling error.

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*Hon Rick Barker*

## Statutes Amendment Bill (No 4)

Government Bill

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## The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Statutes Amendment Act (No 4) **2003**.

### 2 Commencement

- (1) **Part 4** comes into force as provided in **section 9**.
- (2) **Part 5** comes into force as provided in **section 12**.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

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## Part 1

### Alcohol Advisory Council Act 1976

**3 Alcohol Advisory Council Act 1976 called principal Act in this Part**

In this Part, the Alcohol Advisory Council Act 1976<sup>1</sup> is called “the principal Act”. 5

<sup>1</sup> 1976 No 143

**4 Payment and collection of levies in respect of beer and spirits**

Section 29A(2) of the principal Act is amended by inserting, after the words “at the same time as the”, the words “excise 10 duty or”.

## Part 2

### Conservation Act 1987

**5 Conservation Act 1987 called principal Act in this Part**

In this Part, the Conservation Act 1987<sup>2</sup> is called “the principal Act”. 15

<sup>2</sup> 1987 No 65

**6 Transfer or release of live aquatic life**

Section 26ZM(4)(b) of the principal Act is amended by adding the words “within 20 working days after the date specified in the advertisement for that purpose (being a date 20 that is not earlier than the date on which the advertisement is first published)”.

## Part 3

### Electoral Act 1993

**7 Electoral Act 1993 called principal Act in this Part**

In this Part, the Electoral Act 1993<sup>3</sup> is called “the principal Act”. 25

<sup>3</sup> 1993 No 87

**8 Election of list candidates**

(1) Section 127(4) of the principal Act is amended by omitting the words “a copy of”. 30

(2) Section 127 of the principal Act is amended by repealing subsection (5), and substituting the following subsection:

- “(5) Every consent submitted under subsection (4)—
- “(a) must be in a form provided by the Chief Electoral Officer; and
  - “(b) must be signed by the person concerned; and
  - “(c) may be submitted by hand, post, or facsimile transmission.” 5
- (3) The Second Schedule of the principal Act is consequentially amended by repealing form 5.

## Part 4 Evidence Act 1908

10

### 9 Commencement

- (1) **Section 10** comes into force on a date to be appointed by the Governor-General by Order in Council.
- (2) The rest if this Part comes into force on the day after the date on which this Act receives the Royal assent. 15

### 10 Section 2 of Evidence Amendment Act 1994 amended

- (1) Section 2 of the Evidence Amendment Act 1994 is amended—
- (a) by omitting from the definition of **Australian subpoena** the words “criminal or a family”, and substituting the word “specified”; and 20
  - (b) by omitting from the definition of **New Zealand subpoena** the words “criminal or a family”, and substituting the word “specified”; and
  - (c) by repealing the definition of **family proceeding**. 25
- (2) Section 2 of the Evidence Amendment Act 1994 is amended by inserting, after the definition of **prescribed**, the following definition:
- “**specified proceeding** means a proceeding—
- “(a) in respect of which a person is seeking an order under the Convention on the Civil Aspects of International Child Abduction signed at the Hague on the 25th day of October 1980; or 30
  - “(b) relating to the status or property of a person under a disability; or 35
  - “(c) that is a criminal proceeding”.

## Part 5 Fire Service Act 1975

- 11 Fire Service Act 1975 called principal Act in this Part** 5  
 In this Part, the Fire Service Act 1975<sup>4</sup> is called “the principal Act”.
- <sup>4</sup> 1975 No 42
- 12 Commencement**
- (1) **Sections 18 and 21** come into force on a date to be appointed by the Governor-General by Order in Council.
- (2) The rest of this Part comes into force on the day after the date on which this Act receives the Royal assent. 10
- 13 Establishment of New Zealand Fire Service**
- Section 3(1A) of the principal Act is repealed.
- 14 Functions and powers of Commission as National Rural Fire Authority**
- (1) Section 14A(2)(e) of the principal Act is repealed. 15
- (2) Section 14A(2)(j) of the principal Act is amended by omitting the words “for the purpose of approval of rural fire plans prepared by Fire Authorities”.
- (3) Section 14A(2) of the principal Act is amended by adding the following paragraphs: 20
- “(k) to set, in consultation with Fire Authorities, minimum standards for Fire Authorities in relation to the following matters:
- “(i) the training, equipping, and clothing of Fire Officers (as defined in section 2 of the Forest and Rural Fires Act 1977) and any other persons required by a Fire Authority to attend a fire: 25
- “(ii) response times to fires:
- “(iii) fire weather observation:
- “(iv) assessing fire hazards: 30
- “(l) to audit Fire Authorities’ compliance with the standards set under **paragraph (k)**:
- “(m) to monitor and evaluate the performance of Fire Authorities under the Forest and Rural Fires Act 1977.”

- 15 New section 14AB inserted**  
 The principal Act is amended by inserting, after section 14A, the following section:
- “14AB Duty to consult Fire Authority before finalising performance evaluation** 5  
 In performing its function under **section 14A(2)(m)**, the National Rural Fire Authority must, before finalising an evaluation of a Fire Authority’s performance, consult with the Fire Authority by giving it—
- “(a) a copy of the draft evaluation; and 10  
 (b) a reasonable opportunity to make—  
     “(i) written submissions on the draft evaluation; and  
     (ii) oral submissions on the draft evaluation through a representative.”
- 16 Responsibilities of National Rural Fire Officer** 15  
 Section 17X(1)(d) of the principal Act is amended by omitting the words “which shall, among other things, approve, for the purpose of claims on the Rural Fire Fighting Fund, the fire plans of each Fire Authority (which plans shall be in accordance with the Rural Fire Management Code of Practice)”. 20
- 17 Functions of Commission in relation to the promotion of fire safety**  
 Section 21 of the principal Act is amended by renumbering subsection (5) (inserted by section 149 of the Hazardous Substances and New Organisms Act 1996) as subsection (4A). 25
- 18 New sections 21A to 21I substituted**  
 The principal Act is amended by repealing section 21A, and substituting the following sections:
- “21A Relevant building defined for purposes of sections 21B to 21G** 30  
 (1) In **sections 21B to 21G**, **relevant building** means a building or part of a building used for 1 or more of the following purposes:  
 (a) the gathering together, for any purpose, of 100 or more persons; 35  
 (b) providing employment facilities for 10 or more persons:  
 (c) providing accommodation for more than 5 persons (other than in 3 or fewer household units);

- “(d) storing or processing hazardous substances:
- “(e) providing early childhood facilities (other than in a household unit):
- “(f) providing nursing, medical, or geriatric care (other than in a household unit): 5
- “(g) providing specialised care for people with disabilities (other than in a household unit):
- “(h) providing accommodation for persons under lawful detention (not being persons subject to home detention). 10
- “(2) However, in **sections 21B to 21G**, **relevant building** does not include—
- “(a) a Crown building, or class of Crown building, that is specified by the Minister by notice in the *Gazette*; or
- “(b) premises of the mission (as defined in the First Schedule of the Diplomatic Privileges and Immunities Act 1968). 15
- “21B Owner must provide and maintain evacuation scheme for relevant building**
- “(1) The owner of a relevant building must provide and maintain an evacuation scheme that is designed to enable evacuation from the scene of a fire,— 20
- “(a) if the building has an automatic sprinkler system, to a place of safety inside or outside the building; and
- “(b) in every other case, to a place of safety outside the building. 25
- “(2) However, the owner of a relevant building is not required to provide and maintain an evacuation scheme for the building if—
- “(a) the building is used for a purpose specified in **section 21A(1)(b) or (c)**; and 30
- “(b) the building has an automatic sprinkler system.
- “(3) **Subsection (2)** is subject to **section 21E**.
- “(4) In this section,—
- “**automatic sprinkler system** means an automatic sprinkler system that satisfies the minimum standard required by regulations made under **section 92(2)(nd)** 35
- “**evacuation scheme** means an evacuation scheme that complies with regulations made under **section 92(2)(nc)**.

- “21C Owner must apply to National Commander for approval of evacuation scheme**
- “(1) The owner of a relevant building must apply to the National Commander for approval of the evacuation scheme provided for the building under **section 21B**. 5
- “(2) The application must be in writing in the prescribed form.
- “(3) The National Commander must notify the owner of the building in writing of the outcome of the application.
- “(4) If the application is rejected, the owner of the building must reapply to the National Commander for approval of an amended evacuation scheme, as if the application for approval was an application under **subsection (1)**. 10
- “21D National Commander may exempt from requirements**
- “(1) The National Commander may exempt an owner of a relevant building from complying with the requirements of **section 21B**. 15
- “(2) The National Commander must not exempt the owner under this section unless satisfied that there are structures and systems in place for the building that will ensure that, if there is a fire within the building, people may safely evacuate from it.
- “21E Owner must notify National Commander if section 21B(2) applies to relevant building** 20
- “(1) The owner of a relevant building to which **section 21B(2)** applies must notify the National Commander that the building does not require an evacuation scheme.
- “(2) The notification must be in writing in the prescribed form. 25
- “21F Powers of entry of National Commander**
- “(1) The National Commander may enter a relevant building for the purposes of ascertaining whether, or to what extent, the owner of the building is complying with the requirements of **section 21B**. 30
- “(2) The National Commander must—
- “(a) give at least 24 hours’ written notice to the owner and occupier of the building before entering the building; and
- “(b) identify himself or herself when entering the building and, if requested, at any later time. 35

- “(3) If the owner or occupier of the building is not present at the time the National Commander enters and inspects the building, the National Commander must—
- “(a) leave in a prominent location on or in the building a written statement that includes the following information: 5
- “(i) the time and date of the entry; and
- “(ii) the name of the National Commander (and fact of his or her status); and
- “(iii) the reasons for the entry; and 10
- “(iv) the address of the National Commander to which enquiries should be made; and
- “(b) take all other reasonable steps to give the information in **paragraph (a)** to the owner or occupier of the building.
- “(4) In this section and **section 21G**, **National Commander** includes any person authorised in writing by the National Commander. 15
- “21G District Court order closing relevant building**
- “(1) If the owner of a relevant building has failed to comply with the requirements of **section 21B**, the National Commander may apply to a District Court Judge for an order that the building 20 be closed until those requirements are met.
- “(2) The National Commander must give the owner concerned at least 10 days’ written notice before applying for an order.
- “(3) Before making an order, the District Court Judge must— 25
- “(a) conduct a hearing, and give the National Commander and the owner of the building an opportunity to be heard; and
- “(b) be satisfied that the owner has failed to comply with the requirements of **section 21B**.
- “21H Voluntary application for approval of evacuation scheme** 30
- “(1) An owner of a building that is not a relevant building may apply to the National Commander for approval of an evacuation scheme for the building.
- “(2) The application must be in writing in the prescribed form. 35
- “(3) **Section 21B** applies, with all necessary modifications, to an application under this section as if the application were an application under **section 21C**.

- “(4) No order under **section 21G** may be made in relation to a building to which this section applies.
- “21I **Previously approved evacuation schemes**  
 An evacuation scheme is to be treated as having been approved under **section 21C** if— 5  
 “(a) the National Commander approved the evacuation scheme under any Act or regulations; and  
 “(b) the approval was given before the commencement of **section 18 of the Statutes Amendment Act (No 4) 2003.**”
- 19 Functions, duties, and powers of Chief Fire Officer** 10  
 Section 28(3B) of the principal Act is amended by omitting the word “an” in the second place where it occurs.
- 20 Eligibility for grant assistance**  
 (1) Section 46C(1)(b) of the principal Act is repealed.  
 (2) Section 46C(1) of the principal Act is amended by inserting, 15  
 after paragraph (c), the following paragraph:  
 “(ca) at the time the fire occurred, the most recent evaluation of the Fire Authority’s performance under **section 14A(2)** was considered satisfactory by the National Rural Fire Authority; and”. 20
- 21 Regulations**  
 (1) Section 92(2) of the principal Act is amended by inserting, after paragraph (nb), the following paragraphs:  
 “(nc) prescribing, for the purposes of **section 21B**, the matters to be included in an evacuation scheme: 25  
 “(nd) prescribing, for the purposes of **section 21B**, the minimum standards required for automatic sprinkler systems:  
 “(ne) prescribing the form of—  
 “(i) applications under **sections 21C and 21H**; and 30  
 “(ii) notifications under **section 21E**.”.  
 (2) Section 92(3) of the principal Act is repealed.



**22 Consequential amendment to Forest and Rural Fires Act 1977**

Section 56(2)(a)(iii) of the Forest and Rural Fires Act 1977 is repealed.

**Part 6  
Forest and Rural Fires Act 1977**

5

**23 Forest and Rural Fires Act 1977 called principal Act in this Part**

In this Part, the Forest and Rural Fires Act 1977<sup>5</sup> is called “the principal Act”.

10

<sup>5</sup> 1977 No 52

**24 Interpretation**

- (1) Section 2(1) of the principal Act is amended by repealing the definition of **Fire Authority**, and substituting the following definition:

“**Fire Authority**,—

15

“(a) in relation to a rural fire district, means—

“(i) the rural fire committee in which the administration of the district is vested; or

“(ii) the Minister of Conservation; or

“(iii) the Minister of Defence (unless stated otherwise in the *Gazette* notice constituting the district):

20

“(b) in relation to a State area, means the Minister of Conservation:

“(c) in relation to the fire safety margin attached to a State area, means the Minister of Conservation to the extent provided by **sections 11A and 11B**:

25

“(d) in relation to a territorial area, means the territorial authority having jurisdiction for the area:

“(e) in relation to an area subject to an agreement made under section 14(1) or section 14(2), means the party appointed to act, to the extent provided by the agreement:

30

“(f) in relation to an area in respect of which a territorial authority exercises the powers of a Fire Authority under section 9(b), means the territorial authority to the extent provided by the agreement between the New Zealand Fire Service Commission, the National Rural Fire Authority, and the territorial authority”.

35

- (2) Section 2(1) of the principal Act is amended by repealing the definition of **fire safety margin**, and substituting the following definition:
- “fire safety margin—**
- “(a) in relation to a State area (other than land administered by the Minister of Conservation pursuant to section 9A of the Foreshore and Seabed Endowment Revesting Act 1991), means the land outside the State area that is within 1 km the boundary of the State area, excluding any land—
- “(i) specified in a *Gazette* notice given under **section 11B**;
- “(ii) in a fire district within the meaning of the Fire Service Act 1975;
- “(iii) in a rural fire district; and
- “(b) in relation to a forest area, means the land outside the forest area but within such a distance (not exceeding 1 km) from the boundary of the forest area as is approved by the Fire Authority for the area; but
- “(c) does not include any land being the whole or part of a defence area within the meaning of the Defence Act 1990”.
- (3) The definition of **State area** in section 2(1) of the principal Act is amended by—
- (a) omitting from paragraph (a)(vi) the word “and”, and substituting the word “but”; and
- (b) repealing paragraph (b).
- (4) The definition of **State area** in section 2(1) of the principal Act is amended by adding to paragraph (c) the following subparagraph:
- “(x) any fire safety margin attached to a State area by operation of this Act”.
- (5) Section 2(1) of the principal Act is amended by repealing the definition of **territorial area**, and substituting the following definition:
- “territorial area** means the land within the boundaries of a territorial authority that is not otherwise included in—
- “(a) a rural fire district; or
- “(b) a fire district within the meaning of the Fire Service Act 1975; or

- “(c) a State area; or  
“(d) a fire safety margin attached to a State area”.

**25 New sections 11A and 11B inserted**

The principal Act is amended by inserting, after section 11, the following sections:

5

**“11A Fire safety margins**

“(1) The Minister of Conservation must carry out fire control measures within a fire safety margin attached to a State area.

“(2) For the purposes of **subsection (1)**,—

“(a) the Minister of Conservation—

10

“(i) has the powers, duties, and immunities of a Fire Authority; and

“(ii) must carry out the duties of a Fire Authority as if—

“(A) the fire safety margin were a part of a State area; and

15

“(B) the Minister were the Fire Authority for the State area; and

“(b) the officers and employees of the Director-General of Conservation—

20

“(i) have the powers, duties, and immunities of the officers and employees of a Fire Authority; and

“(ii) must carry out the duties of the officers and employees of a Fire Authority within the fire safety margin.

25

**“11B Exclusion of land from fire safety margin**

“(1) The National Rural Fire Authority may, by notice in the *Gazette* at the request of the Minister of Conservation, exclude from the fire safety margin attached to a State area—

“(a) any land forming part of the fire safety margin; or

30

“(b) all the land forming the fire safety margin.

“(2) Section 4 applies (with all necessary modifications) to a notice under **subsection (1)** as if the notice were a notice under that section.”

**26 Amendments consequential on new section 11A**

35

(1) Section 23 of the principal Act is amended by—

- (a) omitting from subsection (1)(a)(iii) the word “of” in the first place where it occurs, and substituting the words “attached to”; and
- (b) omitting from subsection (1)(b)(i) the word “of” in the first place where it occurs, and substituting the words “attached to”. 5
- (2) Section 25(2)(a) of the principal Act is amended by omitting the word “thereof”, and substituting the words “attached to a State area”.
- (3) Section 35(1)(a) of the principal Act is amended by omitting the words “external fire safety margin of any”, and substituting the words “fire safety margin attached to a”. 10
- (4) The heading to section 46A of the principal Act is amended by omitting the word “of” in the second place where it occurs, and substituting the words “**attached to**”. 15
- (5) Section 46A(1) of the principal Act is amended by omitting the words “of the State” in both places where they occur, and substituting in each case the words “attached to the State”.
- 27 Duties of Fire Authorities**
- (1) Section 12 of the principal Act is amended by repealing subsection (1), and substituting the following subsections: 20
- “(1) Every Fire Authority must promote and carry out fire control measures in its district.
- “(1A) Every Fire Authority must comply with the standards set by the National Rural Fire Authority under section 14A(2) of the Fire Service Act 1975.” 25
- (2) Section 12 of the principal Act is amended by repealing subsection (4), and substituting the following subsections:
- “(4) A Fire Authority must keep and maintain a current fire plan for its district. 30
- “(4A) A fire plan must contain the prescribed information.
- “(4B) A fire plan must be available for public inspection, free of charge, at the office of the Fire Authority during ordinary office hours.
- “(4C) Failure to comply with **subsection (4)** does not invalidate any fire control measure promoted or carried out by the Fire Authority.” 35

- 28 Joint, etc, exercise of statutory fire control powers**  
Section 14 of the principal Act is amended by repealing subsections (5), (5A), and (5B).
- 29 Recovery from person responsible for fire**  
Section 43 of the principal Act is amended by inserting, after subsection (1), the following subsection: 5  
“(1A) To avoid doubt, section 86 of the Fires Prevention (Metropolis) Act 1774 (Imp) does not apply—  
“(a) in determining, for the purposes of this section, responsibility for the outbreak or threat of outbreak of fire; or 10  
“(b) to a recovery made under this section.”
- 30 Regulations**  
Section 67(2) of the principal Act is amended by repealing paragraph (g), and substituting the following paragraph:  
“(g) prescribing the content of fire plans:”. 15
- Part 7**  
**Geneva Conventions Act 1958**
- 31 Geneva Conventions Act 1958 called principal Act in this Part**  
In this Part, the Geneva Conventions Act 1958<sup>6</sup> is called “the principal Act”. 20  
<sup>6</sup> 1958 No 19
- 32 Notice of trial of protected persons to be served on protecting power, etc**  
Section 4(1)(b) of the principal Act is amended by omitting the words “to death or”. 25
- 33 Appeals by protected persons**  
(1) Section 6(1) of the principal Act is amended by omitting the words “to death or”.  
(2) Section 6 of the principal Act is amended by repealing subsections (5) and (6). 30

## Part 8

### Health and Disability Services (Safety) Act 2001

- 34 Health and Disability Services (Safety) Act 2001 called principal Act in this Part**  
 In this Part, the Health and Disability Services (Safety) Act 2001<sup>7</sup> is called “the principal Act”. 5  
<sup>7</sup> 2001 No 93
- 35 Health or disability services defined**  
 Section 5(1)(c) of the principal Act is amended by omitting the word “Services”.

## Part 9

### Land Transfer Act 1952

- 36 Land Transfer Act 1952 called principal Act in this Part**  
 In this Part, the Land Transfer Act 1952<sup>8</sup> is called “the principal Act”. 15  
<sup>8</sup> 1952 No 52
- 37 By whom applications may be made**  
 Section 20(3) of the principal Act is amended by omitting the words “section 161 of”, and substituting the words “regulations made under”.
- 38 Instruments not effectual until entry in register**  
 Section 41 of the principal Act is amended by adding the following subsection: 20  
 “(6) In the absence of any provision to the contrary in the instrument, a reference in the instrument to the unique identifier of a computer register must be taken to be a reference to the entire estate or interest for which the computer register was created.” 25
- 39 Presentation of instruments for registration**  
 Section 47 is amended by omitting from subsection (1), and also from subsection (2), the word “transfer” wherever it appears, and substituting in each case the word “registry”.

- 40 Transfers and creation of easements, etc, by registered proprietor**
- (1) Section 90(1)(b) of the principal Act is amended by inserting, after the word “creation”, the words “or surrender”.
- (2) Section 90(2)(a) of the principal Act is amended by omitting the words “or created”, and substituting the words “, created, or surrendered”. 5
- (3) Section 90(3)(b) of the principal Act is amended by inserting, after the word “created”, the words “or surrendered,”.
- 41 General provisions relating to easements** 10
- (1) Section 90E(1) of the principal Act is amended by omitting the words “created or varied under any of sections 90A, 90B, or 90C”, and substituting the words “created under any of sections 90, 90A, or 90B, or varied under section 90C,”.
- (2) Section 90E(2) of the principal Act is amended by omitting the expression “section 90A or section 90B”, and substituting the words “any of sections 90, 90A, or 90B”. 15
- (3) Section 90E(3) of the principal Act is amended—
- (a) by omitting from paragraph (a) the words “the creation or variation of an easement under any of sections 90A, 90B, or 90C”, and substituting the words “the creation of an easement under any of sections 90, 90A, or 90B, or the variation of an easement under section 90C,”; 20
- (b) by omitting from paragraph (c) the expression “section 90A or section 90B”, and substituting the words “any of sections 90, 90A, or 90B”. 25
- (4) Section 90E(5) of the principal Act is amended by inserting, after the word “Sections”, the expression “90,”.
- 42 Creating and noting land covenants**
- Section 90F of the principal Act is amended by repealing subsection (1), and substituting the following subsection: 30
- “(1) Any covenant that may be contained in an instrument to which section 126A of the Property Law Act 1952 applies—
- “(a) may also be created in the same way as an easement may be created under section 90A or section 90B; but 35
- “(b) subject to section 126A of the Property Law Act 1952, has effect only as a deed *inter partes*.”

- 43 Variation of mortgage terms**  
Section 102(1) is amended by renumbering paragraph (e) as paragraph (d).
- 44 Caveat against bringing land under Act**  
Section 136(1) of the principal Act is amended by inserting, after the words “a caveat”, the words “in the prescribed form”. 5
- 45 Caveat against dealings with land under Act**  
Section 137(1) of the principal Act is amended by inserting, after the words “a caveat”, the words “in the prescribed form”. 10
- 46 Effect of caveat against bringing land under Act**  
Section 140 of the principal Act is amended by omitting the words “in Form M”, and substituting the words “under section 136”. 15
- 47 Effect of caveat against dealings**  
Section 141(1) of the principal Act is amended by omitting the words “in form N”, and substituting the words “under section 137”.
- 48 Lapse of caveat against bringing land under Act** 20  
Section 144 of the principal Act is amended by omitting the words “in Form M”, and substituting the words “under section 136”.
- 49 New section 145 substituted** 25  
The principal Act is amended by repealing section 145, and substituting the following section:
- “145 Lapse of caveat against dealings**  
“(1) Every caveat under section 137, upon the expiration of the first prescribed period after notice is given to the caveator that an application has been made for the registration of any instrument affecting the land, estate, or interest protected by the caveat, is deemed to have lapsed as to that land, estate, or interest, or so much of it as is referred to in the notice, unless— 30



- “(a) notice is, within the first prescribed period, given to the Registrar that an application for an order to the contrary has been made to the High Court; and
- “(b) such an order is made and served on the Registrar within the second prescribed period. 5
- “(2) The provisions of **subsection (1)** do not apply in the case of a caveat lodged by the Registrar in the exercise of any of the powers conferred on the Registrar by this Act.
- “(3) In this section, **first prescribed period** and **second prescribed period** are periods prescribed for the purposes of this section by regulations made under this Act.” 10
- 50 Caveats in respect of applications under this Part**  
Section 205(5) of the principal Act is amended by omitting the expression “138(1), 139”, and substituting the expression “136(2) and (3)”. 15
- 51 Repeal**  
Schedule 2 of the Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 is amended by repealing so much as relates to section 139 of the principal Act. 20
- 52 Amendments to related Acts**  
The Acts specified in **Schedule 1** are amended in the manner indicated in that schedule.
- Part 10**
- Maritime Transport Act 1994** 25
- 53 Maritime Transport Act 1994 called principal Act in this Part**  
In this Part, the Maritime Transport Act 1994<sup>9</sup> is called “the principal Act”. 30  
<sup>9</sup> 1994 No 104
- 54 Claims subject to limitation of liability**  
Section 86(2)(a)(ii) of the principal Act is amended by inserting, after the word “damage”, the words “with respect to CLC ships”.

- 55 Liability to the Crown and marine agencies for costs of cleaning up pollution**
- (1) Section 344 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) Subject to subsection (2), section 348, and Part VII, the owner of a ship must pay to the Crown (or marine agency) the cost reasonably incurred by or on behalf of the Crown (or marine agency) in dealing with a harmful substance if that harmful substance—
- “(a) is dumped or is discharged or escapes from that ship into the internal waters of New Zealand or into New Zealand marine waters or on to the beds below those internal or marine waters; or
- “(b) poses a grave and imminent threat of being discharged or escaping from that ship into the internal waters of New Zealand or into New Zealand marine waters or on to the beds below those internal or marine waters.”
- (2) Section 344 of the principal Act is amended by repealing subsection (4), and substituting the following subsection:
- “(4) For the purposes of **subsection (1), dealing with a harmful substance** means any reasonable action taken in relation to the escape or discharge of a harmful substance, including—
- “(a) the removing, containing, and rendering harmless the substance, or doing any of those things; and
- “(b) any reasonable measures taken to prevent or minimise the discharge or escape of a harmful substance.”
- 56 New section 345 substituted**
- The principal Act is amended by repealing section 345, and substituting the following section:
- “345 Liability of shipowners for pollution damage**
- “(1) Subject to sections 347 and 348 and Part VII, the owner of a ship is liable in damages for—
- “(a) all pollution damage in New Zealand or the internal waters of New Zealand or into New Zealand marine waters or on to the beds below those internal or marine waters caused by a harmful substance that is dumped or discharged or escapes from that ship; and
- “(b) the costs reasonably incurred for any reasonable preventive measures taken by the Crown (or marine agency) to eliminate or reduce a grave and imminent

- threat that a harmful substance may be dumped or discharged or escape from that ship into the internal waters of New Zealand or into New Zealand marine waters or on to the beds below those internal or marine waters.
- “(2) The recovery of costs by the Crown (or marine agency) under **section 344(1)** does not preclude a claim for costs under **subsection (1)** if that claim relates to matters that are different from the matters for which costs were recovered under **section 344(1)**.” 5
- 57 Maximum amount of liability of shipowners for pollution damage** 10
- (1) Section 347(1) of the principal Act is amended by omitting paragraph (a), and substituting the following paragraph:
- “(a) a harmful substance is discharged or escapes, or any waste or other matter is dumped, or there is a grave and imminent threat of the discharge or escape of a harmful substance from a CLC ship; and” 15
- (2) Section 347(1)(b) of the principal Act is amended by inserting, after the word “owner”, the words “of the CLC ship”. 20
- (3) Section 347 of the principal Act is amended by adding the following subsection:
- “(6) The liability limits applicable to the owner of a non-CLC ship are specified in Part VII.”
- 58 Defences to shipowner’s liability for pollution damage** 25
- (1) Section 348(1) of the principal Act is amended by—
- (a) omitting the words “for pollution damage”; and
- (b) omitting the words “section 345 or section 346”, and substituting the words “section 344, section 345, or section 346”; and 30
- (c) inserting, after the words “discharge or escape”, the words “, or the grave and imminent threat of the discharge or escape,”.
- (2) Section 348(2) of the principal Act is amended by omitting the words “section 345 or section 346”, and substituting the words “section 344, section 345, or section 346”. 35

- 59 Liability to the Crown and marine agencies for costs of cleaning up pollution**
- (1) Section 355 of the principal Act is amended by repealing subsection (1), and substituting the following subsection:
- “(1) Subject to section 358 and Part VII, the person in charge of a marine operation or the owner of a marine structure must pay to the Crown (or marine agency) the cost reasonably incurred by or on behalf of the Crown (or marine agency) in dealing with a harmful substance if that harmful substance—
- “(a) is dumped or is discharged or escapes from that marine operation or marine structure into the internal waters of New Zealand or into New Zealand continental waters or on to the beds below those internal or continental waters; or
- “(b) poses a grave and imminent threat of being discharged or escaping from that marine operation or marine structure into the internal waters of New Zealand or into New Zealand continental waters or on to the beds below those internal or continental waters.”
- (2) Section 355 of the principal Act is amended by repealing subsection (3), and substituting the following subsection:
- “(3) For the purposes of **subsection (1), dealing with a harmful substance** means any reasonable action taken in relation to the escape or discharge of a harmful substance, including—
- “(a) the removing, containing, and rendering harmless the substance, or doing any of those things; and
- “(b) any reasonable measures taken to prevent or minimise the discharge or escape of a harmful substance.”
- 60 New section 356 substituted**
- The principal Act is amended by repealing section 356, and substituting the following section:
- “356 **Liability for pollution damage from marine operations and structures**
- “(1) Subject to sections 357 and 358 and Part VII, the person in charge of a marine operation or the owner of a marine structure is liable in damages for—
- “(a) all pollution damage in New Zealand or the internal waters of New Zealand or New Zealand continental waters or the beds below those internal or continental waters caused by a harmful substance that is dumped or

- discharged or escapes from that operation or structure;  
and
- “(b) the costs reasonably incurred for any reasonable preventive measures taken by the Crown (or marine agency) to eliminate or reduce a grave and imminent threat that a harmful substance may be dumped or discharged or escape from that operation or structure into the internal waters of New Zealand or into New Zealand continental waters or on to the beds below those internal or continental waters.”
- “(2) The recovery of costs by the Crown (or marine agency) under **section 355(1)** does not preclude a claim for costs under **subsection (1)** if that claim relates to matters that are different from the matters for which costs were recovered under **section 355(1)**.”
- 61 Defences in respect of liability for pollution damage from marine structures and operations**
- (1) Section 358(1) of the principal Act is amended by—
- (a) omitting the words “for pollution damage”; and
- (b) omitting the words “section 356 or section 357”, and substituting the words “section 355, section 356, or section 357”; and
- (c) inserting, after the word “dumping”, the words “, or the probable discharge or escape,”.
- (2) Section 358(2) of the principal Act is amended by omitting the words “section 356 or section 357”, and substituting the words “section 355, section 356, or section 357”.

## Part 11 Medicines Act 1981

- 62 Medicines Act 1981 called principal Act in this Part**
- In this Part, the Medicines Act 1981<sup>10</sup> is called “the principal Act”.
- <sup>10</sup> 1981 No 118
- 63 Regulations relating to practitioners, veterinarians, and registered midwives**
- Section 105A(1)(c) of the principal Act is amended by omitting the word “drugs”, and substituting the word “medicines”.

- 64 Regulations relating to designated prescriptions**  
Section 105B(1)(c) of the principal Act is amended by omitting the word “drugs”, and substituting the word “medicines”.
- Part 12** 5  
**Motor Vehicle Sales Act 2003**
- 65 Motor Vehicle Sales Act 2003 called principal Act in this Part**  
In this Part, the Motor Vehicle Sales Act 2003<sup>11</sup> is called “the principal Act”. 10  
<sup>11</sup> 2003 No 12
- 66 Interpretation**
- (1) Section 6 of the principal Act is amended by inserting in paragraph (a) of the definition of **used motor vehicle**, after the words “means a”, the word “motor”.
- (2) Section 6 of the principal Act is amended by inserting in paragraph (b) of the definition of **used motor vehicle**,— 15  
(a) after the words “includes a”, the word “motor”; and  
(b) after the word “another”, the word “motor”.
- 67 Particulars about used motor vehicle must be displayed**  
Section 14 of the principal Act is amended by inserting, after subsection (1), the following subsection: 20  
“(1A) Subsection (1) does not apply to a motor vehicle trader registered under this Act who offers or displays for sale, or causes or permits to be offered or displayed for sale, a used motor vehicle if it is offered or displayed for sale exclusively 25  
to other motor vehicle traders registered under this Act.”
- 68 Written acknowledgment that buyer has received copy of notice must be obtained**  
Section 16(1) of the principal Act is amended by adding the words “(other than a contract for the sale of a used motor vehicle to which both parties are motor vehicle traders registered under this Act)”. 30

**69 New section 101 substituted**

The principal Act is amended by repealing section 101, and substituting the following section:

**“101 Failure to display particulars about used motor vehicle offence under Fair Trading Act 1986**

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A person who fails to comply with section 14(1) must be taken to have contravened section 28 of the Fair Trading Act 1986 for the purposes of section 40 of that Act.”

**Part 13****National Parks Act 1980**

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**70 National Parks Act 1980 called principal Act in this Part**

In this Part, the National Parks Act 1980<sup>12</sup> is called “the principal Act”.

<sup>12</sup> 1980 No 66

**71 General policy for parks**

Section 44(6) of the principal Act is amended by omitting the words “, without limiting section 19 of this Act,”.

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**Part 14****New Zealand Public Health and Disability Act 2000****72 New Zealand Public Health and Disability Act 2000 called principal Act in this Part**

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In this Part, the New Zealand Public Health and Disability Act 2000<sup>13</sup> is called “the principal Act”.

<sup>13</sup> 2000 No 91

**73 New heading and section 57 substituted**

The principal Act is amended by repealing section 57 and the heading before that section, and substituting the following heading and section:

25

*“Crown Health Financing Agency*

**“57 CHFA**

“(1) The body corporate established by section 16 of the Health Sector (Transfers) Act 1993 is continued under the name of the Crown Health Financing Agency (CHFA).

30

“(2) CHFA continues to be a body corporate owned by the Crown with perpetual succession.

- “(3) CHFA has full rights, powers, and privileges.
- “(4) **Subsection (3)** is subject to section 63 and to clauses 28, 30, and 31 of Schedule 6.”
- 74 References to Residual Health Management Unit to be read as references to Crown Health Financing Agency** 5  
Unless in any case the context otherwise requires, every reference to the Residual Health Management Unit or RHMU in any enactment or document is, after the commencement of this section, to be read as a reference to the Crown Health Financing Agency or CHFA. 10
- 75 Consequential amendments**
- (1) The principal Act is amended in the manner indicated in **Part 1 of Schedule 2**.
- (2) The enactments specified in **Part 2 of Schedule 2** are amended in the manner indicated in that Part. 15

## Part 15

### Ngāi Tahu Claims Settlement Act 1998

- 76 Ngāi Tahu Claims Settlement Act 1998 called principal Act in this Part** 20  
In this Part, the Ngāi Tahu Claims Settlement Act 1998<sup>14</sup> is called “the principal Act”.
- <sup>14</sup> 1998 No 97
- 77 Vesting of Maranuku site**  
Section 414 of the principal Act is amended by inserting, after subsection (1), the following subsection:
- “(1A) The reservation of the Maranuku site as a recreation reserve is revoked.” 25

## Part 16

### Racing Act 2003

- 78 Racing Act 2003 called principal Act in this Part** 30  
In this Part, the Racing Act 2003<sup>15</sup> is called “the principal Act”.
- <sup>15</sup> 2003 No 3



- 79 Interpretation**  
Section 5(1) of the principal Act is amended by omitting from the definition of **totalisator racing betting** the words “racing rules”, and substituting the words “racing betting rules”.
- 80 Rules controlling or prohibiting admission to racecourses** 5  
Section 34(5)(b) of the principal Act is amended by omitting the word “race”, and substituting the word “racing”.
- Part 17**  
**Radiocommunications Act 1989** 10
- 81 Radiocommunications Act 1989 called principal Act in this Part**  
In this Part, the Radiocommunications Act 1989<sup>16</sup> is called “the principal Act”. 15  
<sup>16</sup> 1989 No 148
- 82 Notice of harmful interference**  
Section 108 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:  
“(2) If both the claimant and the respondent are holders of radio licences and the matter is in relation to those licences,—  
“(a) the provisions of subsections (3) to (7) and sections 109 to 109C do not apply; and 20  
“(b) the matter may be referred to the Secretary by the claimant or the respondent; and  
“(c) the Secretary may take any action that the Secretary thinks fit.” 25
- Part 18**  
**Reserves Act 1977**
- 83 Reserves Act 1977 called principal Act in this Part**  
In this Part, the Reserves Act 1977<sup>17</sup> is called “the principal Act”. 30  
<sup>17</sup> 1977 No 66
- 84 Meeting of Boards**  
Section 32 of the principal Act is amended by repealing subsection (2), and substituting the following subsection:

“(2) An annual meeting of the Board must be held within 2 months after the end of the financial year.”

**85 Unauthorised expenditure**

Section 81 of the principal Act is amended by omitting the expression “\$100”, and substituting the expression “\$500”. 5

**Part 19  
Telecommunications Act 2001**

**86 Telecommunications Act 2001 called principal Act in this Part**

In this Part, the Telecommunications Act 2001<sup>18</sup> is called “the principal Act”. 10

<sup>18</sup> 2001 No 103

**87 Interpretation**

(1) Section 5 of the principal Act is amended by repealing the definition of **existing works**, and substituting the following definition: 15

“**existing works**—

“(a) means any works relating to the provision of telecommunications under the Post Office Act 1959 (or any former Act) that were wholly or partly in existence, or for which work on the construction, erection, or laying commenced, before 1 January 1988; and 20

“(b) includes, for the purposes of subpart 2 of Part 4, any works relating to any conveyance that constitutes broadcasting under the Post Office Act 1959 (or any former Act) that were wholly or partly in existence, or for which work on the construction, erection, or laying commenced, before 1 January 1988; but 25

“(c) does not include any works that, after that date, have been altered or moved or added to in a way that substantially alters their character or location, as the case may be”. 30

(2) Section 5 of the principal Act is amended by repealing the definition of **telecommunication**, and substituting the following definition:

“**telecommunication**— 35

- “(a) means the conveyance by electromagnetic means from one device to another of any encrypted or non-encrypted sign, signal, impulse, writing, image, sound, instruction, information, or intelligence of any nature, whether for the information of any person using the device or not; and 5
- “(b) for the purposes of subpart 2 of Part 4, includes any conveyance that constitutes broadcasting; but
- “(c) for all other purposes, does not include any conveyance that constitutes broadcasting”. 10

**88 Persons declared to be network operators**

Section 102(1) of the principal Act is amended by adding the words “and broadcasting markets”.

**Part 20**

**Trade in Endangered Species Act 1989**

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**89 Trade in Endangered Species Act 1989 called principal Act in this Part**

In this Part, the Trade in Endangered Species Act 1989<sup>19</sup> is called “the principal Act”. 20

<sup>19</sup> 1989 No 18

**90 Custody of seized specimens**

- (1) Section 40(2)(b) of the principal Act is amended by omitting the words “this section”, and substituting the expression “section 39(4)”. 25
- (2) Section 40(3)(b) of the principal Act is amended by omitting the words “this section”, and substituting the expression “section 39(4)”. 25
- (3) Section 40(4) of the principal Act is amended by omitting the words “this section”, and substituting the expression “section 39”. 25

**91 Release of seized specimens**

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Section 41 of the principal Act is amended by inserting, after the word “specimen” where it last appears, the words “, receptacle, or thing”.

**92 Disposal of seized documents**

Section 42(3) of the principal Act is amended by omitting the word “attendent”, and substituting the word “attendant”.

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## Schedule 1 Amendments to related Acts

### **Land Transfer Amendment Act 1963** (1963 No 61)

Omit from section 3(1) the words “Form U in the Second Schedule to the principal Act” and substitute the words “the prescribed form”. 5

Omit from section 8(1) the words “Form M in the Second Schedule to the principal Act” and substitute the words “the prescribed form”.

Omit from section 8(2) the expression “138, 139” and substitute the expression “136(2) and (3), 137(4)”. 10

Repeal section 20 and substitute:

#### “20 **Notices**

The provisions of sections 239 to 240D of the principal Act apply in relation to notices under this Act.” 15

### **Land Transfer (Hawke’s Bay) Act 1931** (1931 No 27)

Omit from section 11(4) the words “Form N in the Second Schedule to” and substitute the words “the form required by section 137 of”.

Omit from section 14(1) the words “Form N in the Second Schedule to” and substitute the words “the form required by section 137 of”. 20

Omit from section 17(2), and also from section 17(4), the words “the Land Registry Office in Napier” and substitute in each case the words “any land registry office”.

Repeal section 24.

## Schedule 2 Consequential amendments

s 75

<p>Part 1 Amendments to New Zealand Public Health and Disability Act 2000</p>	5
<p><b>Section 5(7)</b> Omit the words “Residual Health Management Unit (RHMU)” and substitute the words “Crown Health Financing Agency (CHFA)”.</p>	
<p><b>Section 6(1)</b> Insert, after the definition of <b>Crown funding agreement</b>:     “CHFA means the Crown Health Financing Agency continued by <b>section 57</b>”.</p> <p>Omit from the definition of <b>publicly-owned health and disability organisation</b> the expression “RHMU” and substitute the expression “CHFA”.</p> <p>Repeal the definition of <b>RHMU</b>.</p>	10
<p><b>Heading to section 58</b> Omit the expression “RHMU” and substitute the expression “CHFA”.</p>	15
<p><b>Section 58</b> Omit the expression “RHMU” in both places where it occurs and substitute in each case the expression “CHFA”.</p>	20
<p><b>Section 59</b> Omit the expression “RHMU” wherever it occurs and substitute in each case the expression “CHFA”.</p>	25
<p><b>Section 60(c)</b> Repeal and substitute:     “(c) CHFA.”</p>	
<p><b>Section 64(1)(c)</b> Omit the expression “RHMU” and substitute the expression “CHFA”.</p>	30
<p><b>Heading to section 66</b> Omit the expression “RHMU” and substitute the expression “CHFA”.</p>	
<p><b>Section 70</b> Omit the expression “RHMU” and substitute the expression “CHFA”.</p>	35

Part 1—*continued***Heading to Schedule 6**

Omit the expression “**RHMU**” and substitute the expression “**CHFA**”.

**Schedule 6: clause 1(c)**

Repeal and substitute:

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“(c) **CHFA**.”

## Part 2

## Amendments to other Acts

**Health Sector (Transfers) Act 1993** (1993 No 23)

Insert in section 2(1), after the definition of **Crown entity**:

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“**CHFA** means the Crown Health Financing Agency continued by **section 57** of the New Zealand Public Health and Disability Act 2000”.

Omit from the definition of **publicly-owned health and disability organisation** in section 2(1) the expression “**RHMU**” and substitute the expression “**CHFA**”.

15

Repeal the definition of **RHMU** in section 2(1).

Omit from section 13(4) the words “Residual Health Management Unit” and substitute the words “Crown Health Financing Agency”.

**Public Finance Act 1989** (1989 No 44)

20

Omit from the Fourth, Sixth, and Seventh Schedules the item “Residual Health Management Unit.”

Insert in the Fourth, Sixth, and Seventh Schedules, in each case in its appropriate alphabetical order, the item:

“Crown Health Financing Agency.”

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