

HOUSE OF REPRESENTATIVES

Supplementary Order Paper

Thursday, 20 November 1997

HARASSMENT AND CRIMINAL ASSOCIATIONS BILL

Proposed Amendments

Hon D A M GRAHAM, in Committee, to move the following amendments:

PART 5

AMENDMENTS TO CRIMES ACT 1961

Clause 38D: New Section 227B: Subsection (4): To omit the words "conducting a search under **subsection (1)** must, on first entering the vehicle," (lines 18 and 19 on page 39), and substitute the words "must, before conducting a search under **subsection (1)**,".

PART 7

AMENDMENTS TO LOCAL GOVERNMENT ACT 1974

Clause 64: New section 692ZD: Subsection (1): To insert after the word "may" (line 2 on page 69), the words ", without notice to any person,".

Subsection (3): To omit this subsection (lines 42 and 43 on page 69 and lines 1 to 3 on page 70).

Subsection (5): To omit from paragraph (a) (ii) the words "on which the fence, structure, or vegetation in respect of which the order is made is situated," (lines 7 to 9 on page 71), and substitute the words "to which the order relates,".

Subsection (6): To omit the words "made under that section" (line 32 on page 71), and substitute the words "of Court".

New section 692ZE: Subsection (1): To omit the words "determining an application under **section 692D**," (line 16 on page 72), and substitute the words "proceedings under this Part,".

Subsection (3): To omit the words "this section" (line 12 on page 73), and substitute the expression "**subsection (2)**".

New section 692ZG: Subsection (4): To omit from paragraph (b) the words "on which the fence, structure, or vegetation in respect of which the order is made is situated," (lines 18 and 19 on page 75), and substitute the words "to which the order relates,".

New section 692zJA: Subsection (4): To omit from paragraph (a) the words “on which the removal order was made” (lines 39 and 40 on page 79), and substitute the words “of the removal order”.

To omit from paragraph (b) the words “on which the removal order was made” (lines 2 and 3 on page 80), and substitute the words “of the removal order”.

Proposed new subsection (5): To insert after line 7 on page 80 the following subsection:

“(5) For the purposes of subsection (4), the date of the removal order is the date on which the order was made under section 692zD or, if any objection was made under section 692zG, the date on which the order was confirmed or varied under section 692zH.

New Section 692zK: Subsection (1): To insert after the word “rules” (line 11 on page 80), the words “under that Act”.

Subsection (2): To insert after the word “under” in line 18 on page 80 the words “the District Courts Act 1947 in accordance with”.

Proposed new subsection (2A): To insert after line 25 on page 81 the following subsection:

“(2A) Rules made under the District Courts Act 1947 in accordance with this section are part of the District Courts Rules 1992.

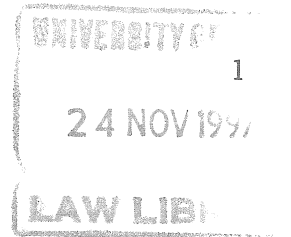
Subsection (3): To omit the word “under” in line 26 on page 81 and substitute the words “made under the District Courts Act 1947 in accordance with”.

EXPLANATORY NOTE

This Supplementary Order Paper proposes to amend clause 38D and clause 64 of the Harassment and Criminal Associations Bill.

The proposed amendment to clause 38D clarifies new section 227B so that a Police officer must carry out certain identification and evidential requirements before searching a vehicle for stolen property. The proposed amendments to clause 64 are as follows:

- (a) *New section 692zD (1)* is amended to make it clear that the application for a removal order may be made without notice to any person:
- (b) *New section 692zD (3)* is omitted. This subsection is now unnecessary as a result of the amendment to *new section 692zD (1)* explained above.
- (c) *New section 692zD (5) (a)* is amended to make a drafting change for consistency between subparagraphs (ii), (iii), and (iv):
- (d) *New section 692zD (6)* is amended as a consequence of the amendments to *new section 692zK* explained below:
- (e) *New section 692zE (1)* is amended to clarify that the evidence provision applies to all proceedings under the new *Part 43c*, not just the application stage:
- (f) *New section 692zE (3)* is amended to make a minor drafting clarification:
- (g) *New section 692zG (4)* is amended to make a drafting change for consistency with other provisions:
- (h) *New section 692zJA* is amended to clarify the time period for which the modified application of the Fencing Act has effect:
- (i) *New section 692zK* is amended to provide that the rules of Court made for the purposes of the new *Part 43c* are made under the District Courts Act 1947 and are part of the District Courts Rules 1992.



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Supplementary Order Paper

Thursday, 20 November 1997

HARASSMENT AND CRIMINAL ASSOCIATIONS BILL

Proposed Motion to divide Bill into 7 Bills

Hon D A M Graham, in Committee, to move as follows:

That *Parts 1 to 4* be a separate Bill with the following Title, enacting words, and clause:

An Act to provide criminal and civil remedies in respect of harassment

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

1. Short Title and commencement—(1) This Act may be cited as the Harassment Act 1997.

(2) This Act (other than **Part 3**) comes into force on 1 January 1998.

(3) **Part 3** comes into force on 1 May 1998.

That *Part 5 and Schedule 1A* be a separate Bill, and that for *clause 37* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Crimes Act 1961

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

1. Short Title and commencement—(1) This Act may be cited as the Crimes Amendment Act 1997, and is part of the Crimes Act 1961 ("the principal Act").

(2) This Act (other than **sections 38, 38A, 38C, 38D, 52A to 54, and section 55A**) comes into force on 1 February 1998.

(3) **Sections 38, 38A, 38C, 38D, 52A to 54, and section 55A** come into force on 1 January 1998.

That *Part 6* be a separate Bill, and that for *clause 56* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Criminal Justice Act 1985

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

1. Short Title and commencement—(1) This Act may be cited as the Criminal Justice Amendment Act 1997, and is part of the Criminal Justice Act 1985 (“the principal Act”).

(2) This Act comes into force on 1 January 1998.

That *Part 7* be a separate Bill, and that for *clause 63* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Local Government Act 1974

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

1. Short Title and commencement—(1) This Act may be cited as the Local Government Amendment Act 1997, and is part of the Local Government Act 1974 (“the principal Act”).

(2) This Act comes into force on 1 May 1998.

That *Part 8* be a separate Bill, and that for *clause 67* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Misuse of Drugs Act 1975

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

1. Short Title and commencement—(1) This Act may be cited as the Misuse of Drugs Amendment Act 1997, and is part of the Misuse of Drugs Act 1975.

(2) This Act comes into force on 1 February 1998.

That *Part 9 and Schedules 2A and 3* be a separate Bill, and that for *clause 84* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Summary Offences Act 1981

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

1. Short Title and commencement—(1) This Act may be cited as the Summary Offences Amendment Act 1997, and is part of the Summary Offences Act 1981 (“the principal Act”).

(2) This Act comes into force on 1 January 1998.

That *Part 10* be a separate Bill, and that for *clause 90* and the heading above that clause there be substituted the following Title, enacting words, and clause:

An Act to amend the Telecommunications Act 1987

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

1. Short Title and commencement—(1) This Act may be cited as the Telecommunications Amendment Act 1997, and is part of the Telecommunications Act 1987 (“the principal Act”).

(2) This Act comes into force on 1 February 1998.

EXPLANATORY NOTE

This Supplementary Order Paper divides the Harassment and Criminal Associations Bill into 7 different Bills, namely:

- (a) The Harassment Bill:
- (b) The Crimes Amendment Bill:
- (c) The Criminal Justice Amendment Bill:
- (d) The Local Government Amendment Bill:
- (e) The Misuse of Drugs Amendment Bill:
- (f) The Summary Offences Amendment Bill:
- (g) The Telecommunications Amendment Bill.