

House of Representatives

Supplementary Order Paper

Tuesday, 12 April 2005

Identity (Citizenship and Travel Documents) Bill

Proposed amendments

Hon George Hawkins, in Committee, to move the following amendments:

Clause 2

To omit from subclause (1) the words “, except for **sections 4 and 8**” (at line 6 on page 2).

To omit subclause (2) (line 7 on page 2).

Clause 5(1)

To insert in line 7 on page 3, after the words “married to, or in”, the words “a civil union or”.

Clause 8

To insert in subsections (5)(b), (6)(b), and (9)(b), in each case after the words “spouse or”, the words “civil union or” (at lines 16 and 27 on page 8 and line 5 on page 10).

Clause 17

To omit from subclause (1) the expression “**1 January 2005**” (at line 14 on page 16), and substitute the words “the date of commencement of this Act”.

To omit from subclause (2) the words “between 1 January 2005 and 31 December 2009 (both dates inclusive)” (at lines 17 and 18 on page 16), and substitute the words “during the 5 year period commencing with the date of commencement of this Act”.

To omit from subclause (3)(a) and (b) the expression “1 January 2005” (at lines 10 and 14 on page 17), and substitute in each case the words “the date of commencement of this Act”.

To omit from subclause (4) the words “**section 8** of”.

New clause 46A

To insert after line 26 on page 39 the following clause:

46A Penalties

Section 38 of the principal Act is amended by adding the following subsection:

“(3) Subsection (2) does not limit the time for laying an information for an offence for which a defendant may be proceeded against by indictment.”

Schedule

To omit from lines 5 and 6 on page 41 the item relating to the Title of the Births, Deaths, and Marriages Registration Act 1995, and substitute the following item:

Insert in the Title, after the expression “births,”, the words “citizenship by birth.”

To insert in paragraph (b), before the word “inform” (at line 13 on page 41), the words “in the case of a child born on or after 1 January 2006,”.

Explanatory note

This Supplementary Order Paper amends *clause 2* of the Bill to remove the reference to *clauses 4 and 8* coming into force on 1 January 2005. All provisions of the Bill will now come into force on the day after the date on which the Bill receives the Royal assent. The transitional provisions in *clause 17* of the Bill are consequentially amended to refer to the general commencement date, rather than 1 January 2005.

Clause 5 is also amended to include a reference to civil unions in the special provisions relating to parentage in section 3(1) of the principal Act. This amendment was originally contained in the Relationships (Statutory References) Bill.

Clause 8 is similarly amended to include references to persons who are outside New Zealand during a qualifying residence period merely by reason of accompanying a civil union partner who is in the service of the New Zealand Government, or the government of the Cook Islands, Niue, or Tokelau.

The *new clause 46A* amends the existing general penalty provision in section 38 of the Passports Act 1992 to make it clear that the extension from 6 months to 2 years of the period for bringing summary proceedings for an offence does not limit the period during which proceedings can be brought for an indictable offence against the Act.

The amendment to the Title of the Births, Deaths, and Marriages Registration Act 1995 in the *Schedule* of the Bill is altered to prevent conflict with the amendment to that Title effected by the Civil Union Act 2004.

The new section 9(1)(b) of the Births, Deaths, and Marriages Registration Act set out in the *Schedule* is amended to clarify that it applies only to births occurring on or after 1 January 2006, to reflect the date on which the new citizenship by birth provisions in *clause 6* of the Bill take effect.

