

# TREATY ACTION AND IMPLEMENTATION

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## I. OVERVIEW

This article documents governmental activity undertaken to implement New Zealand's international obligations during the current interval.<sup>1</sup> It concludes that the level of activity in the current interval, relative to the previous interval,<sup>2</sup> has decreased for the parliamentary, executive and judicial branches of government. This overview summarises that activity and compares it with the activity undertaken during the previous interval.

### *A. Parliamentary Activity*

#### 1. Acts of Parliament

During the current interval, Parliament enacted 46 bills with implications for New Zealand's international obligations. Thirty-seven simply amended Acts that had implemented treaties, four improved compliance with treaties that had already been implemented and five implemented seven new agreements (and aspects of two other previously implemented agreements). Forty-three of these bills involved multilateral agreements, two involved recommendations and one involved a bilateral agreement.

In terms of Acts, this level of activity is less than the previous interval. During the previous interval, Parliament enacted 58 bills with implications for New Zealand's international obligations. Fifty-three simply amended Acts that had implemented treaties, two improved compliance with treaties that had already been implemented and three implemented three new agreements. Fifty-three of these bills involved multilateral agreements, two involved bilateral agreements, two involved a set of recommendations and one involved a code.<sup>3</sup>

#### 2. Treaty Examination Reports

During the current interval, the House of Representatives considered ten select committee reports on treaties (11 agreements in all and one withdrawal proposal). Six reports brought matters to the attention of the House. Public submissions did not feature in these reports and none warranted a Government response.

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1 The current interval began on 1 July 2012 and ended on 30 June 2013.

2 The previous interval began on 1 July 2011 and ended on 30 June 2012.

3 Mark Gobbi "Treaty Action and Implementation" (2012) 10 NZYIL 261 at 261 and 269-279.

In terms of reports, this level of activity is more than during the previous interval (seven more reports). In terms of agreements examined, this level of activity is also more than during the previous interval (eight more agreements). During the previous interval, the House of Representatives considered three select committee reports on treaties (three agreements in all). All three reports brought matters to the attention of the House. Public submissions did not feature in these reports, and none warranted a Government response.<sup>4</sup>

### *B. Executive Activity*

#### 1. Regulations

During the current interval, the Executive made 38 regulations relevant to New Zealand's international obligations. Two of these regulations implemented bilateral agreements, three implemented a multilateral understanding, two implemented various standards and 31 implemented multilateral agreements (although many of these dealt with the requirements of the same multilateral agreement). Eighteen dealt with environmental agreements, four implemented aspects of an agreement to protect cultural property, four dealt with intellectual property, three concerned sanctions imposed by the Security Council of the United Nations, three dealt with criminal matters, three implemented an understanding regarding investment, one implemented a bilateral investment protocol, one implemented a bilateral tax agreement and one implemented a safety standard.

This level of activity is the same level of activity that took place during the previous interval. During the previous interval, the Executive made 38 regulations relevant to New Zealand's international obligations. Four of these regulations implemented bilateral agreements, three implemented various standards and the remaining 31 implemented multilateral agreements (although many of these dealt with the requirements of the same multilateral agreement). Twenty-two dealt with environmental agreements, one implemented a bilateral tax agreement, six dealt with trade, six dealt with safety matters, two dealt with drugs and one concerned land transport.<sup>5</sup>

#### 2. Treaty actions

During the current interval, the Executive was involved in 22 treaty actions with respect to five multilateral agreements and 17 bilateral agreements. Of the five multilateral agreements, the Executive approved one and signed one. Three came into force. Of the 17 bilateral agreements, the Executive adhered to 23 and signed six. Twenty-four came into force.

This level of activity is less than the level of activity that took place during the previous interval. During the previous interval, the Executive was involved in 64 treaty actions with respect to eight multilateral agreements and

<sup>4</sup> At 261-262 and 268-269.

<sup>5</sup> At 262 and 279-287.

27 bilateral agreements. Of the eight multilateral agreements, the Executive adhered to five and signed one. Five came into force. Of the 27 bilateral agreements, the Executive signed 13. Four came into force.<sup>6</sup>

### 3. Periodic reports

New Zealand is required to provide periodic reports to the United Nations regarding its compliance with the following human rights treaties: the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the International Convention on the Elimination of All Forms of Racial Discrimination (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Convention on the Rights of the Child (1989) and the Convention on the Rights of Persons with Disabilities (2006).<sup>7</sup>

During the current interval, the Executive did not have occasion to submit a periodic report to the United Nations under one of these human rights treaties.

In terms of periodic reports, this level of activity is less than the level of activity that took place during the previous interval. During the previous interval, the Executive submitted New Zealand's 18th, 19th and 20th consolidated periodic report to the Committee on the Elimination of Racial Discrimination.<sup>8</sup>

### 4. New Zealand Treaties Online

The Ministry of Foreign Affairs and Trade marshalled its resources to launch New Zealand Treaties Online in June 2014.<sup>9</sup> This searchable online database includes all treaties to which New Zealand is a party, and will eventually provide either a copy of, or a link to, the full text of each treaty.<sup>10</sup> It provides an official record of New Zealand's international obligations and, where appropriate, provides or will provide the following information about each treaty to which New Zealand is a party: treaty code; treaty type; common name; responsible department; treaty status; treaty summary; New Zealand adherence status; adherence type; signature date; expired; date concluded; place concluded; entry into force date; New Zealand entry into force date; termination date; withdrawal date; withdrawal notification date; NZ objections; NZ reservations; NZTS number; UNTS number, associated treaties; other references; treaty text link; parties; and contact information.

6 At 262-263 and 265-268.

7 The Ministry of Justice currently publishes an online record of New Zealand's periodic reporting under these agreements, which can be found at <[www.justice.govt.nz](http://www.justice.govt.nz)>.

8 Gobbi (2012), above n 3, at 263.

9 New Zealand Treaties Online can be found at <[www.treaties.mfat.govt.nz](http://www.treaties.mfat.govt.nz)>.

10 See <[www.mfat.govt.nz/Media-and-publications/Features/793-Treaties-online.php](http://www.mfat.govt.nz/Media-and-publications/Features/793-Treaties-online.php)>, which states that the database "includes all treaties to which New Zealand is a party, providing either a copy of the treaty or a link to this."

### *C. Judicial Activity*

During the current interval, the judiciary delivered 122 judgments that referenced New Zealand's international obligations. Fifteen of these judgments were reported in the New Zealand Law Report series; the Supreme Court delivered three, the Court of Appeal delivered seven and the High Court delivered five. One hundred and three were reported in other series; the Court of Appeal delivered 11, the High Court delivered 29, the District Court delivered five, the Family Court delivered 52, the Environment Court delivered two, the Employment Court delivered two and the Human Rights Review Tribunal delivered two. Four were unreported; the High Court delivered two, the Family Court delivered one and the Maori Land Court delivered one.

Of these 122 judgments, 54 dealt with custody matters, 10 with crimes, seven with immigration, six with arbitration, five with administrative law, five with employment law, five with human rights, four with environmental law, three with maritime law, three with extradition, three with legal aid, three with property, three with criminal procedure, two with customary rights, two with insolvency, two with civil procedure, one with torts, one with social security, one with evidence, one with local government and one with security for costs.

These 122 judgments referred to 38 different international instruments (three of which do not have New Zealand as a party), of which 34 are multilateral agreements and two are model laws, one concerned a commission and one is a bilateral agreement. In total, these judgments have 163 references. In these cases, the most frequently cited international agreements are the Convention on the Rights of the Child (1989) (41 references), the International Covenant on Civil and Political Rights (1966) (21 references), the Convention on the Civil Aspects of International Child Abduction (1980) (18 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (13 references), the Model Law on International Commercial Arbitration (1966) (seven references), the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993) (six references), the International Covenant on Economic, Social and Cultural Rights (1966) (six references), the United Nations Commission on International Trade Law (1966) (six references), the Universal Declaration of Human Rights (1948) (four references), the Treaty on Extradition between New Zealand and the United States (1970) (three references), the Convention against Transnational Organised Crime (2000) (three references), the United Nations Declaration on the Rights of Indigenous Peoples (2007) (three references) and the Vienna Convention on the Law of Treaties (1969) (three references). Four other instruments are referenced twice and 21 others are referenced once.

In terms of the number of judgments delivered, the level of activity is less than the activity that took place during the previous interval. During the previous interval, the judiciary delivered 128 judgments that referenced New

Zealand's international obligations. Ten of these judgments were reported in the New Zealand Law Report series; the Supreme Court delivered four, the Court of Appeal delivered five and the High Court delivered one. Seventy-two were reported in other series; the Supreme Court delivered two, the Court of Appeal delivered 19, the High Court delivered 23, the District Court delivered three and the Family Court delivered 25. Forty-six were unreported; the High Court delivered 17, the District Court delivered two and the Family Court delivered 27.

Of these 128 judgments, 50 dealt with custody matters, 13 with criminal procedure, 12 with crimes, eight with immigration, eight with parenting orders, six with property matters, five with judicial review, four with civil procedure, four with constitutional law, three with extradition, three with administrative law, two with social security and two with insolvency. One dealt with contracts, one with arbitration, one with name suppression, one with compulsory treatment orders, one with service orders, one with youth justice and one with land transport.

These 128 judgments referred to 43 different international instruments (three of which do not have New Zealand as a party), of which 40 are multilateral agreements and one is a model law, one is a set of principles and one is a bilateral agreement. In total, these judgments have 183 references. In these cases, the most frequently cited international agreements are the Convention on the Rights of the Child (1989) (38 references), the Convention on the Civil Aspects of International Child Abduction (1980) (31 references), the International Covenant on Civil and Political Rights (1966) (27 references), the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) (13 references), the International Covenant on Economic, Social and Cultural Rights (1966) (seven references), the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993) (six references), the Convention against Transnational Organised Crime (2000) (four references), the Model Treaty on Mutual Assistance in Criminal Matters (1990) (four references), the Treaty on Extradition between New Zealand and the United States (1970) (four references), the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (1984) (three references) and the Model Law on International Commercial Arbitration (1985) (three references). Eleven other instruments are referenced twice and 21 others are referenced once.

#### *D. Conclusion*

During the current interval, each of the three branches of government contributed to the implementation of New Zealand's international obligations. The level of activity for the current interval decreased relative to the previous interval for Parliament, the Executive and the Judiciary. Nevertheless, international agreements are still a significant source of law in New Zealand.

## II. TREATY ACTION

This Part sets out the treaty actions taken by the Executive during the current interval. It lists the agreements that New Zealand has signed, ratified, accepted, approved, or acceded to, or that entered into force for New Zealand. It also sets out the reports on treaties that the Executive tabled in the House during the current interval.

### *A. Executive Treaty Action*<sup>11</sup>

#### 1. Multilateral Treaties

Convention on the Conservation and Management of High Seas Fishery Resources in the South Pacific Ocean (entered into force on 24 August 2012)

Convention on Mutual Administrative Assistance in Tax Matters as amended by the Protocol amending the Convention on Mutual Administrative Assistance in Tax Matters (signed on 26 October 2012)

Singapore Treaty on the Law of Trademarks (entered into force on 10 December 2012)

Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (entered into force on 10 December 2012)

Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty (Liability Arising from Environmental Emergencies) (approved on 23 May 2013)

#### 2. Bilateral Treaties

Agreement between the Government of New Zealand and the Government of the Republic of Kiribati concerning the Delimitation of Maritime Boundaries between Tokelau and Kiribati (signed on 29 August 2012)

Agreement between the Government of New Zealand and the Government of Niue on the Exchange of Information with Respect to Taxes (signed on 29 August 2012)

Agreement between the Government of New Zealand and the Organisation for the Economic Cooperation and Development on Privileges and Immunities of the Organisation in New Zealand (entered into force on 7 September 2012)

Exchange of Letters constituting an Agreement to Amend the Agreement between New Zealand and Japan for Air Services (signed on 11 September 2012)

Agreement between the Government of New Zealand and the Government of the Republic of Korea on Antarctic Cooperation (entered into force on 25 October 2012)

11 See New Zealand Ministry of Foreign Affairs and Trade *Annual Report 2012/13* (Ministry of Foreign Affairs and Trade A.1 AR, 2013) at 129-131.

Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (signed on 29 October 2012)

Acquisition and Cross-Servicing Agreement (US-NZ-02) between the Department of Defense of the United States of America and the New Zealand Defence Force of 6 November 2012 (signed on 6 November 2012)

Third Protocol to the Agreement between the Government of New Zealand and the Government of Malaysia for the Avoidance of Double Taxation and Prevention of Fiscal Evasion with Respect to Taxes on Income (signed on 6 November 2012)

Agreement between the Government of New Zealand and the Government of the Cook Islands concerning the Delimitation of the Maritime Boundaries between Tokelau and the Cook Islands (entered into force on 12 November 2012)

Agreement between the Government of New Zealand and the Government of the Republic of Korea on the Protection of Classified Military Information (signed on 29 November 2012)

Convention between New Zealand and Japan for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with respect to Taxes on Income and its accompanying Protocol (signed on 10 December 2012)

Agreement between the Government of New Zealand and the Government of the French Republic relating to the Protection of Classified Defence Information (signed on 19 February 2013)

Protocol on Investment to the New Zealand – Australia Closer Economic Relations Trade Agreement (entered into force on 1 March 2013)

Agreement between the Government of New Zealand and the Government of the United States of America on Enhancing Cooperation in Preventing and Combating Crime (signed on 20 March 2013)

Protocol to the 2007 World Wine Trade Group Agreement on Requirements for Wine Labelling concerning Alcohol Tolerance, Vintage, Variety and Wine Regions (signed on 22 March 2013)

Agreement between the Government of New Zealand and the Kingdom of Tonga concerning the Temporary Stay of Members of the New Zealand Armed Forces on the Territory of the Kingdom of Tonga (Tonga – New Zealand Visiting Forces Agreement) (signed on 1 May 2013)

Agreement between the Government of New Zealand and the Government of the Democratic Republic of Timor-Leste regarding the Status of Visiting Forces (signed on 26 June 2013)

*B. Reports on Treaties Tabled in the House of Representatives*

## 1. Reports Where No Matters Were Drawn to the Attention of the House

International treaty examination of the International Monetary Fund 2008 Voice and Participation Reforms and of the International Monetary Fund 2010 Quota and Governance Reforms; Foreign Affairs, Defence and Trade Committee (15 March 2013)<sup>12</sup>

International treaty examination of the Protocol to Amend the Convention signed at Paris on the 22nd of November 1928 Relating to International Exhibitions; Foreign Affairs, Defence and Trade Committee (15 March 2013)

International treaty examination of the Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; Foreign Affairs, Defence and Trade Committee (15 February 2013)

International treaty examination of the Third Protocol to the Agreement between the Government of New Zealand and the Government of Malaysia for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; Foreign Affairs, Defence and Trade Committee (15 February 2013)

## 2. Reports Where Matters Were Drawn to the Attention of the House

International treaty examination of the Protocol to the 2007 World Wine Trade Group agreement on requirements for wine labelling: Concerning alcohol tolerance, vintage, variety, and wine regions, Brussels, 22 March 2013; Foreign Affairs, Defence and Trade Committee (13 June 2013):

The Committee noted that ratification of the Protocol would not affect New Zealand's ability to place alcohol health warnings on wine bottles.

International treaty examination of the Convention between Japan and New Zealand for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; Foreign Affairs, Defence and Trade Committee (28 March 2013):

The Committee noted that the Convention replaces an existing agreement with an updated version. It aims to reduce tax barriers for New Zealand businesses with operations in Japan and for Japanese businesses with operations in New Zealand. Its main benefit is to provide investment

12 The report indicates that the Green Party opposes these reforms "for the reasons it advanced during the readings". This appears to be a reference to the parliamentary debates on the International Finance Agreements Amendment Bill. For the first reading debate of this Bill, see (8 May 2012) 679 NZPD 1989. For the second reading debate of this Bill, see 25 September 2012) 684 NZPD 5557. For the third reading debate of this Bill, see (21 February 2013) 687 NZPD 8091.



certainty: for example, a Japanese investor could determine the tax implications of investing in New Zealand by referring to the text of the agreement instead of the relevant New Zealand and Japanese legislation.

International treaty examination of the Agreement between the Government of New Zealand and the Government of Niue on the Exchange of Information with Respect to Taxes; Foreign Affairs, Defence and Trade Committee (22 February 2013):

The Committee noted that Niue is seeking to improve its international standing by concluding exchange of information agreements with other countries to demonstrate that is no longer a tax haven. As New Zealand is Niue's largest economic partner, Niue approached New Zealand first. The agreement will have minimal benefits for New Zealand as New Zealand is unlikely to need to request much tax information from Niue. Safeguards are in place to discourage any mishandling of information supplied by New Zealand to Niue.

International treaty examination of the United Nations Industrial Development Organization (UNIDO); Foreign Affairs, Defence and Trade Committee (30 November 2012):

The Committee notes that the Government proposes to withdraw from UNIDO. The majority of the Committee supports the proposal because the role of UNIDO in the international aid system is marginal and its relevance to New Zealand's aid priorities has declined. A minority of the Committee opposes the proposal because the decision to withdraw from UNIDO is counterproductive in strategic terms, casts doubts on New Zealand's international standing and is based on poor methodology.

International Treaty Examinations of the Amendment of the Agreement Establishing the European Bank for Reconstruction and Development to Enable the Bank to Operate in Countries of the Southern and Eastern Mediterranean and the Amendment of the Agreement Establishing the European Bank for Reconstruction and Development to Allow the Use of Special Funds in Recipient Countries and Potential Recipient Countries; Foreign Affairs, Defence and Trade Committee (14 September 2012):

The Committee noted that New Zealand ratified the Agreement in 1991 and that Bank has the current goal of facilitating the transition toward open market economies and to encourage private-sector investment in Central and Eastern Europe. The amendments allow the Bank to operate in North Africa and the Middle East. Complying with the amendments, which is costless, reaffirms New Zealand's commitment to the economic reform and development of these regions.

International treaty examination of the Convention between New Zealand and Canada for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income; Finance and Expenditure Committee (3 August 2012):

The Committee noted that the Convention replaces an existing agreement with Canada to reflect international developments and changes in policy. The main change is the reduction of withholding tax rates on dividends, interest and royalties in line with New Zealand's wider strategy on treaty withholding tax rates. Labour members of the Committee noted that overseas investors do not receive the full range of government services paid for out of taxes but because they do receive some benefits they should pay some tax, albeit at lower rates.

### III. LEGISLATION RELATED TO NEW ZEALAND'S INTERNATIONAL OBLIGATIONS

This Part sets out the legislation dealt with during the current interval that concerns New Zealand's international obligations. It is divided into two sections, the first listing the Acts that were enacted and the second listing the regulations that were made.

#### *A. Acts of Parliament*

Acts of Parliament relating to New Zealand's international obligations are identified as: (1) Acts simply amending legislation that has implemented treaties; (2) Acts improving compliance with treaties that have already been implemented; or (3) Acts implementing new treaty obligations.

#### 1. Acts Simply Amending Legislation that Implemented Treaties

*Anti-Money Laundering and Countering Financing of Terrorism Amendment Act 2012*

This Act amends the *Anti-Money Laundering and Countering Financing of Terrorism Act 2009*, which implements various recommendations of the Financial Action Task Force (established 1989).

*Births, Deaths, Marriages, and Relationships Registration Amendment Act 2013*

This Act amends the *Births, Deaths, Marriages, and Relationships Registration Act 1995*, which implements the International Covenant on Civil and Political Rights (1966) [article 24].

*Child Support Amendment Act 2013*

This Act amends the *Child Support Act 1991*, which implements the Convention on the Rights of the Child (1989).

Children, Young Persons, and Their Families Amendment Act 2012

This Act amends the Children, Young Persons, and Their Families Act 1989, which implements the Arrangement between New Zealand and Australian States and Territories regarding the transfer of children subject to child protection orders (2000).

Children, Young Persons, and Their Families (Indexation–Budget Measures) Amendment Act 2012

As above.

Commerce (International Co-operation, and Fees) Amendment Act 2012

This Act amends the Commerce Act 1987, which implements the Trans-Tasman Mutual Recognition Arrangement (1998). Among other things, the amendments allow the Minister, on behalf of the Government of New Zealand, to enter into co-operation arrangements concerning overseas regulators.

Conservation Amendment Act 2012

This Act amends the Conservation Act 1987, which implements the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971) and the Convention for the Protection of the World Cultural and Natural Heritage (1972).

Conservation (Natural Heritage Protection) Act 2013

The Act amends a number of Acts, including the Conservation Act 1987, which implements the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971) and the Convention for the Protection of the World Cultural and Natural Heritage (1972).

Continental Shelf Amendment Act 2013

This Act amends the Continental Shelf Act 1964, which implements the Convention on the Law of the Sea (1982) and the Treaty between the Government of Australia and the Government of New Zealand Establishing Certain Exclusive Economic Zone Boundaries and Continental Shelf Boundaries (2004).

Corrections Amendment Act 2013

This Act amends the Corrections Act 2004, which implements the United Nations Standard Minimum Rules for the Treatment of Prisoners (1955, amended 1977) and the Convention on the Rights of the Child (1989).

Crimes Amendment Act 2013

This Act amends the Crimes Act 1961, which implements the Convention relating to the Status of Refugees (1951) [article 31], the International Covenant on Civil and Political Rights (1966), the Convention on the Elimination of All Forms of Discrimination against Women (1979) [articles 3, 4, 6, and 15], the Convention on the Physical Protection

of Nuclear Material and Nuclear Facilities (1980), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984), the Recommendations of Financial Action Task Force (Task Force established 1989), the Convention on the Rights of the Child (1989), the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991), ILO Convention 182 (1999): Concerning the Worst Forms of Child Labour, the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (1997), the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000), the Convention against Transnational Organised Crime (2000), the Protocol against the Smuggling of Migrants, by Land, Sea and Air, supplementing the Convention against Transnational Organised Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime (2000).

#### Crown Minerals Amendment Act 2013

This Act amends the Crown Minerals Act 1991, which amends the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971).

#### Crown Minerals Amendment Act 2013 Amendment Act 2013

This Act amends the Crown Minerals Amendment Act 2013, which amends the Crown Minerals Act 1991, which amends the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971).

#### Customs and Excise (Tobacco Products–Budget Measures) Amendment Act 2012

This Act amends the Customs and Excise Act 1996, which implements the Customs Convention on the Temporary Importation of Private Road Vehicles (1954), the Customs Convention on Containers (1972), the Recommendations of Financial Action Task Force (Task Force established 1989), the Protocol of Amendment to the International Convention on the Simplification and Harmonization of Customs Procedures (1999), the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008) and the ASEAN-Australia-New Zealand Free Trade Area (2009). The Act also implements a standard for motor fuel testing established by the American Society for Testing and Materials International (ASTM D2699:79).

#### Customs and Excise (Budget Measures–Motor Spirits) Amendment Act 2013

As above.

**Dumping and Countervailing Duties Amendment Act 2012**

This Act amends the Dumping and Countervailing Duties Act 1988, which implements the Agreement on Implementation of Article VI of the GATT (anti-dumping code) (1979), the Agreement establishing the World Trade Organization (1994) and the Agreement between New Zealand and Singapore on Closer Economic Partnership (2001).

**Education (Student Allowances Indexation–Budget Measures) Amendment Act 2012**

This Act amends the Education Act 1989, which implements ILO Convention 10 (1921): Minimum Age (Agriculture), ILO Convention 58 (1936): Minimum Age (Sea), ILO Convention 59 (1937): Minimum Age (Industry), the Convention against Discrimination in Education (1960) and ILO Convention 122 (1964): Employment Policy.

**Education Amendment Act 2013**

As above.

**Evidence Amendment Act 2013**

This Act amends the Evidence Act 2006, which implements the Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (1961), the International Covenant on Civil and Political Rights (1966) [articles 14 and 17], the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1970), the Convention on the Civil Aspects of International Child Abduction (1980) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984) [articles 9 and 15].

**Fair Trading (International Co-operation) Amendment Act 2012**

This Act amends the Fair Trading Act 1986, which implements the UN Guidelines for Consumer Protection (1985) and Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008). Among other things, the amendments allow the Minister, on behalf of the Government of New Zealand, to enter into co-operation arrangements concerning overseas regulators.

**Fair Trading (Soliciting on Behalf of Charities) Amendment Act 2012**

This Act amends the Fair Trading Act 1986, which implements the UN Guidelines for Consumer Protection (1985) and Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the

Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008).

#### Films, Videos, and Publications Classification Amendment Act 2012

This Act amends the Films, Videos, and Publications Classification Act 1993, which implements the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications (1923), the Protocol to amend the Convention for the Suppression of the Circulation of, and Traffic in, Obscene Publications (1947), the International Covenant on Civil and Political Rights (1966) [articles 3, 15, and 19], the Convention on the Elimination of All Forms of Discrimination against Women (1979) [article 5], ILO Convention 182 (1999): Worst Forms of Child Labour and the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (2000).

#### Fisheries Amendment Act 2012

This Act amends the Fisheries Act 1996, which implements the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982) and the United Nations Fish Stocks Agreement (1995).

#### Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013

This Act amends the Holidays Act 2003, which implements ILO Convention 52 (1936): Holidays with Pay and ILO Convention 101 (1952): Holidays with Pay (Agriculture).

#### Immigration Amendment Act 2013

This Act amends the Immigration Act 2009, which implements the ILO Convention 97 (1949): Migration for Employment, the Convention relating to the Status of Refugees (1951), the International Covenant on Civil and Political Rights (1966), the Protocol relating to the Status of Refugees (1967), the Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (1984), the Convention against Transnational Organised Crime (2000), the Protocol against the Smuggling of Migrants, by Land, Sea and Air, supplementing the Convention against Transnational Organised Crime (2000) and the Protocol to Prevent, Suppress and Punish Trafficking of Persons, especially Women and Children, supplementing the Convention against Transnational Organised Crime (2000).

### Local Electoral Amendment Act 2013

This Act amends the Local Electoral Act 2001, which implements the International Covenant on Civil and Political Rights (1966) [articles 21 and 25] and the Convention on the Elimination of All Forms of Discrimination against Women (1979) [Part I and article 7].

### Marriage (Definition of Marriage) Amendment Act 2013

This Act amends the Marriage Act 1955, which implements the Convention relating to the Status of Refugees (1951) [article 12], the International Covenant on Economic, Social and Cultural Rights (1966) [article 10], the Convention on the Rights of the Child (1989) and the Convention on the Elimination of All Forms of Discrimination against Women (1979) [article 16].

### Misuse of Drugs Amendment Act 2013

This Act amends the Misuse of Drugs Act 1975, which implements the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), the Protocol to the Single Convention on Narcotic Drugs (1972), the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980), the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), the Recommendations of Financial Action Task Force (Task Force established 1989) and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991).

### Prisoners' and Victims' Claims (Continuation and Reform) Amendment Act 2013

This Act amends the Prisoners' and Victims' Claims Act 2005, which implements the Universal Declaration of Human Rights (1948), the Convention relating to the Status of Refugees (1951), the Convention on the Elimination of All Forms of Racial Discrimination (1963), the International Covenant on Civil and Political Rights (1966), the Optional Protocol to the International Covenant on Civil and Political Rights (1966) and the Convention on the Elimination of All Forms of Discrimination against Women (1979).

### Privacy Amendment Act 2013

This Act amends the Privacy Act 1993, which implements various aspects of the Recommendation of the Council of the Organisation for Economic Co-operation and Development Concerning the Protection of Privacy and Transborder flows of Personal Data (1980).

### Radiocommunications Amendment Act 2012

This Act amends the Radiocommunications Act 1989, which implements the Convention on International Civil Aviation (1944), the International Convention for the Safety of Life at Sea (1974), the Radio Regulations

annexed to the International Telecommunication Convention (1982) and Annex 14 of the Free Trade Agreement between the Government of New Zealand and the Government of the People's Republic of China (2008), which sets out the Agreement between the Government of New Zealand and the Government of the People's Republic of China on Cooperation in the Field of Conformity Assessment in Relation to Electrical and Electronic Equipment and Components (2008).

Sentencing (Aggravating Factors) Amendment Act 2012

This Act amends the Sentencing Act 2002, which implements the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities (1980) and the Convention on the Marking of Plastic Explosives for the Purpose of Detection (1991).

Social Security (Benefit Categories and Work Focus) Amendment Act 2013

This Act amends the Social Security Act 1964, which implements ILO Convention 44 (1934): Unemployment Provision, ILO Convention 122 (1964): Employment Policy, and the Convention on Social Security between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of New Zealand (1969).

Social Security (Indexation–Budget Measures) Amendment Act 2012

As above.

Social Security (Youth Support and Work Focus) Amendment Act 2012

As above.

Summary Offences (Alcohol Reform) Amendment Act 2012

This Act amends the Summary Offences Act 1981, which implements the International Covenant on Civil and Political Rights (1966) [articles 14, 17, 19, and 21].

Telecommunications (International Co-operation) Amendment Act 2012

This Act amends the Telecommunications Act 2001, which implements the International Telecommunication Convention with Annexes, Final Protocol, and Additional Protocols I to VII, and Annexed Radio Regulations (1932) and the Constitution of the Asia–Pacific Telecommunity (1979).

2. Acts Improving Compliance with Treaties Already Implemented

Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012

This Act amends the Climate Change Response Act 2002, which implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). The amendments modify the emissions trading scheme.



### Conservation Amendment Act 2013

This Act amends the Conservation Act 1987, which implements the Convention on Wetlands of International Importance especially as Waterfowl Habitat (1971) and the Convention for the Protection of the World Cultural and Natural Heritage (1972). The amendment inserts a definition of the RAMSAR Secretariat into the principal Act, which is the body responsible for co-ordination of the Convention on Wetlands of International Importance especially as Waterfowl Habit (1971).

### International Finance Agreements Amendment Act 2013

This Act amends the International Finance Agreements Act 1961, which implements the Articles of Agreement of the International Monetary Fund (1945), the Articles of Agreement of the International Finance Corporation (1945), the Articles of Agreement of the International Finance Corporation (1955), the Resolution of Board of Governors Setting Forth the Terms and Conditions Governing Admission to Membership in the International Monetary Fund (1961), the Resolution of Board of Governors Setting Forth the Terms and Conditions Governing Admission to Membership in the International Bank for Reconstruction and Development (1961), the Resolution of Board of Governors Setting Forth the Terms and Conditions Governing Admission to Membership in the International Finance Corporation (1961) and the Convention Establishing the Multilateral Investment Guarantee Agency (1985). The amendments adjust Schedule 1 of the principal Act, which sets out the Articles of Agreement of the International Monetary Fund, in the light of reforms adopted in 2008. They also adjust Schedule 2 of the principal Act, which sets out the Articles of Agreement of the International Bank for Reconstruction and Development, in the light of reforms adopted in 2010. In addition, the amendments add a new s 10 to the principal Act that allows the Schedules of the principal Act, which set out the relevant international agreements, to be kept up to date by Order in Council.

### Sale and Supply of Alcohol Act 2012

This Act replaces the Sale of Liquor Act 1989, which implements the International Covenant on Civil and Political Rights (1966) [article 14] and ILO Convention 59 (1937): Minimum Age (Industry).

### 3. Acts Implementing New Treaties<sup>13</sup>

#### Antarctica (Environmental Protection: Liability Annex) Amendment Act 2012

This Act amends the Antarctica (Environmental Protection) Act 1994, which implements the Antarctic Treaty (1959), the Protocol on Environmental Protection to the Antarctic Treaty (1991), the Convention

13 The Acts listed under this heading supplement the list of Acts known to have implications for New Zealand's international obligations set out in Part V of Mark Gobbi "In Search of International Standards and Obligations Relevant to New Zealand Acts" (2007) 4 NZYIL 349 at 366-393.

for the Conservation of Antarctic Seals (1972) and the Convention on the Conservation of Antarctic Marine Living Resources (1980). The amendments implement Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty on Liability Arising from Environmental Emergencies (2005) and aspects of the International Convention on Tonnage Measurement of Ships (1969).

#### Biosecurity Law Reform Act 2012

This Act amends the Biosecurity Act 1993. The amendments implement aspects of the United Nations Convention on the Law of the Sea (1982), the World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1995) and the Convention for the Control and Management of Ships' Ballast Water and Sediments (2004).

This Act also amends the Maritime Transport Act 1994, which implements the International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1924), the Protocol to International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1968), the Convention on Civil Liability for Oil Pollution Damage (1969), the International Convention on Tonnage Measurement of Ships (1969), the International Convention on the Establishment of an International Fund for Compensation for Oil Pollution Damage (1971), the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1972), the Protocol relating to Intervention on the High Seas in Cases of Pollution by Substances other than Oil (1973), the International Convention for the Prevention of Pollution from Ships (1973), the Convention on Limitation of Liability for Maritime Claims (1976), the Protocol to the International Convention for the Prevention of Pollution from Ships (1978), the International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978), the Protocol to International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1979), the United Nations Convention on the Law of the Sea (1982), the International Convention on Salvage (1989), the Protocol to the Convention on Limitation of Liability for Maritime Claims (1996) and the Protocol to the Convention on the Prevention of Marine Pollution by Dumping of Wastes and other Matter (1996).

#### Cultural Property (Protection in Armed Conflict) Act 2012

This Act implements the Convention respecting the Laws and Customs of War on Land (Hague IV) (1907), the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954) and the Second Protocol to the Convention (1999).

Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012

This Act implements aspects of the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993).

Geneva Conventions (Third Protocol – Red Crystal Emblem) Amendment Act 2012

This Act amends the Geneva Conventions Act 1958, which implements the Geneva Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field (1949), the Geneva Convention for the Amelioration of the Condition of Wounded, Sick, and Shipwrecked Members of Armed Forces at Sea (1949), the Geneva Convention relative to the Treatment of Prisoners of War (1949), the Geneva Convention relative to the Protection of Civilian Persons in Time of War (1949), the Protocol Additional to the Conventions and relating to the protection of victims of international armed conflicts (1977) and the Protocol Additional to the Conventions and relating to the protection of victims of non-international armed conflicts (1977). The amendments implement the Protocol Additional to the Geneva Conventions (1949) and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) (2005).

*B. Regulations*<sup>14</sup>

This section sets out the regulations made during the current interval that relate to New Zealand's international obligations.<sup>15</sup>

Climate Change (Eligible Industrial Activities) Amendment Regulations (No 2) 2012

These regulations are made under s 161A(1) of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (Eligible Industrial Activities) Regulations 2010 to adjust the relevant electricity allocation factor.

Climate Change (Forestry Sector) Amendment Regulations 2012

These regulations are made under ss 163, 166, 167 and 168 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto

14 The regulations listed under this heading supplement the list of regulations known to have implications for New Zealand's international obligations set out in Part V of Mark Gobbi "In Search of International Standards and Obligations relevant to New Zealand Regulations" (2007-2008) 5 NZYIL 327 at 343-372.

15 This list of regulations does not include commencement orders for Acts that implement international obligations.

Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (Forestry Sector) Regulations 2008 to replace references to the chief executive with references to the Environmental Protection Authority.

#### Climate Change (Forestry Sector) Amendment Regulations (No 2) 2012

These regulations are made under ss 163, 167, 168 and 186F of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (Forestry Sector) Regulations 2008 to pick up consequential changes owing to the enactment of the Climate Change Response (Emissions Trading and Other Matters) Amendment Act 2012.

#### Climate Change (General Exemptions) Amendment Order 2013

This order is made under s 60 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (General Exemptions) Order 2009 to add an exemption for the injection of natural gas into, or the extraction of natural gas from, an underground storage facility by a person who carries out the activity of mining natural gas, other than for export.

#### Climate Change (Other Removal Activities) Amendment Regulations 2012

These regulations are made under ss 163 and 168 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (Other Removal Activities) Regulations 2009 to reflect the removal of the exemption for HFC-245fa and HFC-365mfc and to prescribe criteria for registering as a participant in relation to hydrofluorocarbon and perfluorocarbon removal activity.

#### Climate Change (Synthetic Greenhouse Gas Levies) Regulations 2013

These regulations are made under ss 233(4), 235(4), 245 and 246 of the Climate Change Response Act 2002. The Act implements the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997). These regulations amend the Climate Change (Synthetic Greenhouse Gas Levies) Regulations 2013 to prescribe the rates of the levies imposed in relation to certain motor vehicles and goods.

**Cultural Property (Protection in Armed Conflict) (Convention Emblem) Regulations 2013**

These regulations are made under s 43 of the Cultural Property (Protection in Armed Conflict) Act 2012. The Act implements the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954), the Second Protocol to the Convention (1999) and the Convention respecting the Laws and Customs of War on Land (Hague IV) (1907). The regulations specify the form of the distinctive emblem of the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954).

**Cultural Property (Protection in Armed Conflict) (Forms) Regulations 2013**

These regulations are made under s 43 of the Cultural Property (Protection in Armed Conflict) Act 2012. The Act implements the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954), the Second Protocol to the Convention (1999) and the Convention respecting the Laws and Customs of War on Land (Hague IV) (1907). These regulations prescribe certain forms under the Act.

**District Courts (Cultural Property (Protection in Armed Conflict) Act 2012) Amendment Rules 2013**

These rules are made under s 122 of the District Courts Act 1947. The amendments make a consequential change to the District Court Rules 2009 that is required by the coming into force of the Cultural Property (Protection in Armed Conflict) Act 2012, which implements the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954), the Second Protocol to the Convention (1999) and the Convention respecting the Laws and Customs of War on Land (Hague IV) (1907).

**Double Tax Agreements (Papua New Guinea) Order 2013**

This order is made under s BH 1 of the Income Tax Act 2007. This order gives effect to the Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (2012).

**Exclusive Economic Zone and Continental Shelf (Environmental Effects—Permitted Activities) Regulations 2013**

These regulations are made under ss 27(1), 30(1) and 35 of the Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012. The Act implements the United Nations Convention on the Law of the Sea (1982) and the Convention on Biological Diversity (1993). The regulations state the activities that are permitted for the purposes of the Act and the conditions for undertaking those activities.

Fisheries (High Seas Fishing Notifications—Commission for the Conservation of Antarctic Marine Living Resources) Amendment Notice 2012

This notice is made under s 113C of the Fisheries Act 1996, which implements the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982). It amends the Fisheries (High Seas Fishing Notifications—Commission for the Conservation of Antarctic Marine Living Resources) Notice 2009 to update the list of international conservation and management measures that have been adopted by the Commission for the Conservation of Antarctic Marine Living Resources.

Fisheries (High Seas Fishing Notifications—Commission for the Conservation of Southern Bluefin Tuna) Amendment Notice 2012

This notice is made under s 113C of the Fisheries Act 1996. The Act implements the Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982). It amends the Fisheries (High Seas Fishing Notifications—Commission for the Conservation of Southern Bluefin Tuna) Notice 2009 to update the list of international conservation and management measures that have been adopted by the Commission for the Conservations of Southern Bluefin Tuna.

Fisheries (High Seas Fishing Notifications: Western and Central Pacific Fisheries Commission) Amendment Notice 2013

This notice is made under s 113C of the Fisheries Act 1996. It amends the principal notice, which gives notice that the Western and Central Pacific Fisheries Commission is an organisation or arrangement within the definition of a global, regional, or sub-regional fisheries organisation or arrangement in Part 6A of the Fisheries Act 1996. The amendment updates the list of international conservation and management measures that have been adopted by the Western and Central Pacific Fisheries Commission. These measures apply to ships that are on the high seas in an area that the Commission covers and that are registered under the Ship Registration Act 1992 or fly the New Zealand flag.

Fisheries (Sharks—High Seas Protection) Regulations 2012

These regulations are made under s 297(1) of the Fisheries Act 1996. The Act implements the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks (1982). These regulations implement a prohibition required by the Convention on the Conservation of Migratory Species of Wild Animals (1979).

#### Hazardous Substances (Tank Wagons and Transportable Containers) Amendment Regulations 2012

These regulations are made under ss 76(1) and 140(1)(c) of the Hazardous Substances and New Organisms Act 1996, which implements the Stockholm Convention on Persistent Organic Pollutants (2004). They amend the Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004 to apply certain standards that comply with Chapter 6.7 of the UN Recommendations on the Transport of Dangerous Goods—Model Regulations (2011).

#### High Court (Cultural Property (Protection in Armed Conflict) Act 2012) Amendment Rules 2013

These rules are made under s 51C of the Judicature Act 1908. The amendments make a consequential change to the High Court Rules that is required by the coming into force of the Cultural Property (Protection in Armed Conflict) Act 2012, which implements the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954), the Second Protocol to the Convention (1999) and the Convention respecting the Laws and Customs of War on Land (Hague IV) (1907).

#### International Criminal Court Amendment Regulations 2012

These regulations are made under s 179 of the International Crimes and International Criminal Court Act 2000, which implements the Rome Statute of the International Criminal Court (1998). The amendments make consequential changes principal regulations to account for the enactment of the Search and Surveillance Act 2012.

#### International War Crimes Tribunals Amendment Regulations 2012

These regulations are made under s 60 of the International War Crimes Tribunals Act 1995, which implements the Statutes for the International Criminal Tribunal for the Former Yugoslavia (1993) and the International Criminal Tribunal for Rwanda (1994). The amendments make consequential changes principal regulations to account for the enactment of the Search and Surveillance Act 2012.

#### Layout Designs (Eligible Countries) Amendment Order 2012

This order is made under s 37 of the Layout Designs Act 1994. It amends the Layout Designs (Eligible Countries) Order 2000 adjusts the list of countries that have joined the World Trade Organization and are party to GATT Agreement on Trade-Related Aspects of Intellectual Property Rights (1994).

#### Mutual Assistance in Criminal Matters Amendment Regulations 2012

These regulations are made under s 65 of the Mutual Assistance in Criminal Matters Act 1992, which implements the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons,

Including Diplomatic Agents (1973), the Convention on the Safety of United Nations and Associated Personnel (1994), the Convention Against the Taking of Hostages (1979) and aspects of the agreements set out in Schedule 1 of the Act. The amendments make consequential changes to the principal regulations to account for the enactment of the Search and Surveillance Act 2012.

#### Overseas Investment (Australia) Amendment Regulations 2013

These regulations are made under s 61(1)(i) of the Overseas Investment Act 2005. They amend the Overseas Investment Regulations 2005 to implement an obligation under the Protocol on Investment to the New Zealand-Australia Closer Economic Relations Trade Agreement (2011) to treat certain Australian investors as New Zealand investors.

#### Patents, Designs and Trade Marks Convention Order 2012

This order is made under s 20 of the Designs Act 1953, s 77 of the Patents Act 1953, and s 200 of the Trade Marks Act 2002. It updates the list of convention countries for the empowering Acts, adding countries that have signed the Paris Convention for the Protection of Industrial Property (1979) or who have joined the World Trade Organization.

#### Securities Act (Overseas Companies) Exemption Notice 2013

This notice is made under ss 70B and 70D of the Securities Act 1978. The notice recognises the adequacy of the regulation of securities offerings in certain overseas jurisdictions, including those jurisdictions that have regulatory bodies that are ordinary members of the International Organization of Securities Commissions (IOSCO) and are signatories to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (2002).

#### Securities Act (Overseas Companies) Exemption Amendment Notice 2013

This notice is made under ss 70B and 70D of the Securities Act 1978. It amends the Securities Act (Overseas Companies) Exemption Notice 2013 to add Germany to a list of jurisdictions in respect of which exemptions are granted, partly because Germany is a member of the International Organization of Securities Commissions (IOSCO) and a signatory to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (2002).

#### Securities Act (Overseas Employee Share Purchase Schemes) Exemption Amendment Notice 2013

This notice is made under ss 70B and 70D of the Securities Act 1978. It amends the Securities Act (Overseas Companies) Exemption Notice 2013 to add Hong Kong and Spain to a list of jurisdictions in respect of which exemptions are granted, partly because Germany is a member of



the International Organization of Securities Commissions (IOSCO) and a signatory to the IOSCO Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (2002).

#### Tokelau (Exclusive Economic Zone) Fishing Regulations 2012

These regulations are made under ss 8 and 11 of the Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977 and s 4 of the Tokelau Act 1948. It implements aspects of the Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (1987).

#### Trade Marks Amendment Regulations 2012

These regulations are made under s 199 of the Trade Marks Act 2002. They amend the Trade Marks Regulations 2003 to enable full implementation of the Singapore Treaty on the Law of Trademarks (2006), the Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks (1979) and the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (1989 as amended 2007).

#### Trade Marks (International Registration) Regulations 2012

These regulations are made under ss 199(m) and 199A of the Trade Marks Act 2002. They implement the Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (1989 as amended 2007).

#### United Nations Sanctions (Democratic People's Republic of Korea) Amendment Regulations 2013

These regulations are made under s 2 of the United Nations Act 1946. They give effect to resolution 2094 of the Security Council of the United Nations (2013).

#### United Nations Sanctions (Guinea-Bissau) Regulations 2012

These regulations are made under s 2 of the United Nations Act 1946. They give effect to resolution 2048 of the Security Council of the United Nations (2012).

#### United Nations Sanctions (Sierra Leone) Regulations Revocation Order 2012

This order is made under s 16 of the Acts and Regulations Publication Act 1989. It revokes the United Nations Sanctions (Sierra Leone) Regulations 1997 to give effect to Resolution 1940 of the Security Council of the United Nations (2010) to lift the arms embargo and other sanctions that the United Nations had imposed on Sierra Leone.

### Wildlife (Oceanic Whitetip Shark) Order 2012

This order is made under s 7BA(2) of the Wildlife Act 1953. It implements a prohibition that was adopted by the Western and Central Pacific Fisheries Commission, which was established by the Convention for the Conservation and Management of Highly Migratory Fish Stocks in the Western and Central Pacific Ocean (2004).

### Various Land Transport Rules:

Part 11 of the Land Transport Act 1998 provides for the making of rules with respect to various aspects of land transport. Many of these rules incorporate international standards or implement international obligations. The following rules were made during the current interval:

#### *External Projections Amendment 2012 (rule 32008/2)*

The rule requires that external projections on vehicles be designed and maintained with due regard to the safety of other motor vehicles, and the safety of pedestrians and cyclists. The Rule cites as an approved vehicle standard Council Directive 92/114/EEC of 17 December 1992 relating to the external projections forward of the cab's rear panel of motor vehicles of category N.

#### *Vehicle Exhaust Emissions Amendment 2012 (rule 33001/6)*

The rule, which has the aim of achieving improvements in air quality by reducing the level of harmful emissions from motor vehicles, applies to motor vehicles that are required to be certified for entry into, or operation in, service. The amendments update the required emissions standards, which take into account international best practice, including a slew of specified American, Australian, Californian, European, Japanese and United Nations standards. The Australian standards are particularly relevant because of the Trans-Tasman Mutual Recognition Arrangement (1998).

### Various Maritime Rules:

Section 36(1) of the Maritime Transport Act 1994 provides for the making of rules for the purposes of the implementation of technical standards, codes of practice, performance standards and other requirements of certain conventions. Section 36(1)(u) of the Act provides for the making of rules for prescribing or providing for such matters as may be necessary to enable New Zealand to become a party to any international convention, protocol or agreement relating to maritime transport as may be recommended by the International Maritime Organization. The following rules were made during the current interval:

#### *Maritime Rules: Part 40D—Design, Construction and Equipment – Fishing Ships—Amendment 2012*

These amendments adjust many of the requirements of the principal rules, which implement the Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels (1993).

#### Various Marine Protection Rules:

Section 386(1) of the Maritime Transport Act 1994 provides for the making of rules for the purposes of implementing New Zealand's obligations under any marine protection convention, to enable New Zealand to become a party to a convention, protocol or agreement relating to the protection of the marine environment and to implement international practices and standards relating to the protection of the marine environment that the International Maritime Organisation recommends. The following marine protection rules were made during the current interval:

*Marine Protection Rules: Part 170—Prevention of Pollution from Garbage from Ships—Amendment 2012*

These amendments adjust some of the requirements of the principal rules, which implement the International Convention for the Prevention of Pollution from Ships (1973), particularly the technical standards contained in Annex V of the Convention.

*Marine Protection Rules: Part 200—Offshore Installations—Discharges—Amendments 2012*

These amendments adjust some of the requirements of the principal rules, which implement the International Convention on Oil Pollution Preparedness, Response and Cooperation (1990) and the International Convention for the Prevention of Pollution from Ships (1973), particularly the technical standards contained in Annex V of the latter Convention.

#### IV. JUDICIAL DECISIONS RELATED TO NEW ZEALAND'S INTERNATIONAL OBLIGATIONS

This Part sets out the reported and unreported judicial decisions rendered during the current interval that concern New Zealand's international obligations. It divides the reported cases into those cases reported in the New Zealand Law Reports (NZLR) series in which international obligations were determinative, those cases reported in the NZLR series in which international obligations were cited but not determinative, and those cases reported in other series. It also identifies the international agreements that were referenced and sets out the distribution of these references among the various courts.

##### *A. Reported Cases*

###### 1. NZLR Cases in which International Obligations were Determinative

*Daina Shipping Company v Te Runanga O Ngati Awa* [2013] 2 NZLR 799, [2013] BCL 174, [2013] NZHC 500 (High Court, Tauranga, Woodhouse J), maritime law case that cites the Convention on Limitation of Liability and Liability for Maritime Claims (1976):

The High Court held that the objective of the Convention and, more specifically, art 11 was to make it difficult to break a ship owner's general right to limited liability for damage incurred as a result of grounding. Consequently, after finding that the Court had the relevant jurisdiction, it allowed the application for a limitation fund to give effect to the provisions in the Convention and in the Transport Act 1994.

*U v Attorney-General* [2013] 2 NZLR 115, [2012] NZCA 616, [2013] NZFLR 193 (Court of Appeal, Arnold, French and Miller JJ), custody case that cites the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (1993):

The Court of Appeal held that the scheme of the Convention, its mandatory language and its underlying child protection purpose meant that intercountry adoptions that did not satisfy the requirements would not be recognised. Consequently, the Court enforced Parliament's intention to abide specifically by arts 2, 4 and 5.

*United States of America v Dotcom* [2013] 2 NZLR 139, [2013] NZCA 38 (Court of Appeal, Arnold, France and French JJ), criminal procedure and extradition case that cites the bilateral Treaty on Extradition between New Zealand and the United States (1970), European Convention on Extradition (1957), the Convention relating to Extradition between Member States of the European Union (1966) and the Convention against Transnational Organised Crime (2000):

The Court of Appeal observed that where information is required from a requesting state, the mechanism in art 12 of the Treaty on Extradition between New Zealand and the United States of America (1970) should be used as opposed to ordering disclosure even where a disclosure order may be appropriate.

## 2. NZLR Cases in which International Obligations were Cited but Not Determinative

*C v Holland* [2012] 3 NZLR 672, [2012] NZHC 2155 (High Court, Christchurch, Whata J), tort law case that cites the International Covenant on Civil and Political Rights (1966), Universal Declaration of Human Rights (1948) and the European Convention on Human Rights (1950)

*Discovery Geo Corporation v STP Energy Pte Ltd* [2013] 2 NZLR 122, [2012] NZHC 3549 (High Court, Wellington, Kos J), arbitration case that cites the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

*Ex Ced Foods (formerly Cedenco Foods) (in liq), Re ANZ National Bank Ltd v Sheahan; SS Farms Australia Pty Ltd (in liq), Re Sheahan v ANZ Bank NZ Ltd (No 2); Lock v ANZ Bank NZ Ltd* [2013] 1 NZLR 674, [2012] NZHC 3037 (High Court, Auckland, Heath J) bankruptcy and insolvency case that cites the Model Law on Cross-Border Insolvency (1997)

*JMM v Legal Services Agency; Meredith v Legal Services Agency* [2013] 1 NZLR 517, [2012] NZCA 573 (Court of Appeal, Ellen France, Randerson and Stevens JJ), human rights and legal aid case that cites the International Covenant on Civil and Political Rights (1966)

*Kapa v R* [2013] 3 NZLR 1, [2012] NZSC 119, (2012) 25 CRNZ 845 (Supreme Court, Elias CJ, McGrath, William Young, Chambers and Glazebrook JJ), criminal law case that cites the United Nations Declaration of Basic Principles for Victims of Crime and Abuse of Power (1985)

*M v Minister of Immigration* [2013] 2 NZLR 1 (Court of Appeal, Randerson, French and Venning JJ) human rights and immigration case that cites the Convention on the Rights of the Child (1989), the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966) and the Universal Declaration of Human Rights (1948)

*New Zealand Maori Council v Attorney-General* [2013] 3 NZLR 31, [2013] NZSC 6 (Supreme Court, Elias CJ, McGrath, William Young, Chambers and Glazebrook JJ), Maori customary rights over water (and, more specifically, rivers) case that cites the United Nations Declaration on the Rights of Indigenous Peoples (2007) and the Vienna Convention on the Law of Treaties (1969)

*Orlov v New Zealand Law Society* [2013] 1 NZLR 390, [2012] NZHC 2154 (High Court, Auckland, Heath J), administrative law and judicial review case that cites the International Covenant on Civil and Political Rights (1966)

*Orlov v New Zealand Law Society; Evgeny Orlov v New Zealand Law Society* [2013] 3 NZLR 652, [2013] NZCA 230 (Court of Appeal, Stevens, Wild and French JJ), administrative law and judicial review of standards committee case that cites the International Covenant on Civil and Political Rights (1966)

*Re Greenpeace of New Zealand Inc* [2013] 1 NZLR 339, [2012] NZCA 533 (Court of Appeal, Harrison, Stevens and White JJ) charitable trusts case that cites the Convention on the Prohibition of the Development, Production and Stock Piling of Bacteriological (biological) weapons and toxin weapons and on their Destruction (1972), the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993) and the Treaty on the Non-Proliferation of Nuclear Weapons (1970)

*Takamore v Clarke* [2013] 2 NZLR 733, [2012] NZSC 116 (Supreme Court, Elias CJ, Tipping, McGrath, William Young and Blanchard JJ), execution of estate case citing the European Convention on Human Rights (1950), the International Covenant on Civil and Political Rights (1966) and the United Nations Declaration on the Rights of Indigenous Peoples (2007)

*Zurich Australian Insurance Ltd v Cognition Education Ltd* [2013] 3 NZLR 219, [2013] BCL 186, [2013] NZCA 180 (Court of Appeal, Stevens, French and Young JJ), arbitration and administrative law case that cites the United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958), the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

3. Cases Reported in Other Series that Reference International Obligations

*Alison Justine Duncan v Commissioner of Police* [2013] NZCA 477 (Court of Appeal, France, Young and Cooper JJ), property forfeiture case that cites the United Nations Convention on the Rights of the Child (1989)

*AS v DD* [2013] NZFC 1933 (Family Court, New Plymouth, Judge Courtney), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the United Nations Convention on the Rights of the Child (1989)

*Aspec Construction Wellington Ltd v Delta Developments Ltd* [2013] NZHC 5 (High Court, Wellington, MacKenzie J), arbitration case that cites the Model Law on International Commercial Arbitration (1966)

*Attorney-General v IDEA Services Ltd* [2013] 2 NZLR 512 (High Court, Wellington, Mallon, Grant and Ineson JJ), human rights and discrimination due to age case that cites the European Convention on Human Rights (1950)

*Austin v Winfield* [2013] NZFC 5112 (Family Court, Christchurch, Judge McMeeken), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*AW v AM* [2012] NZFC 7230 (Family Court, Auckland, Judge Burns), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*B-LT v DG* [2013] NZFC 574 (Family Court, Rotorua, Judge MacKenzie), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*B v B* [2012] NZHC 2957 (High Court, Dunedin, Heath J), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Blackmore v Parks* [2013] NZFC 3701 (Family Court, Auckland, Judge Burns), custody case that cites the Hague Convention on the Civil Aspects of the International Child Abduction (1980)

*BMP v KFP* [2012] NZFC 6240 (Family Court, Greymouth, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Britz v R; JAB v R* [2012] NZCA 606 (Court of Appeal, Randerson, MacKenzie and Courtney JJ), criminal law and sexual offences case that cites the United Nations Convention on the Rights of Persons with Disabilities (2006)

*Bruno v Bruno* [2013] NZFC 3314 (Family Court, Levin, Judge Binns), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*Carter Holt Harvey HBU Ltd v Tasman District Council* [2012] NZRMA 143 (Environment Court, Wellington, Judge Dwyer, Commissioner Sutherland and Deputy Commissioner O Borlae), environmental law case that cites the RAMSAR (formally, Convention on Wetlands of International Importance especially as Waterfowl Habitat) Convention (1971)

*Chief Executive of the Ministry of Social Development (MSD) v CD* [2013] NZFC 2041 (Family Court, Greymouth, Judge Somerville), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Chief Executive of the Ministry of Social Development (MSD) v DAH* [2013] NZFC 465 (Family Court, Dunedin, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Chief Executive of the Ministry of Social Development (MSD) v DMC* [2013] NZFC 918 (Family Court, Dunedin, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Chief Executive of the Ministry of Social Development (MSD) v TAM* [2013] NZFC 514 (Family Court, Christchurch, Judge Somerville), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Chief Executive of the Ministry of Social Development (MSD) v Van Buren* [2013] NZFC 4560 (Family Court, Christchurch, Judge Smith), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Child Poverty Action Group Incorporated (CPAG) v the Attorney-General* [2013] NZCA 402 (Court of Appeal, France, Randerson and Stevens JJ), constitutional law and human rights case that cites the United Nations Convention on the Rights of the Child (1989) and the International Covenant on Economic, Social and Cultural Rights (1966)

*Cognition Education Ltd v Zurich Australian Insurance Ltd t/a Zurich New Zealand* [2012] NZHC 3257 (High Court, Auckland, Associate Judge Bell), arbitration and judicial review case that cites the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

*Criminal Bar Association of New Zealand Inc v Attorney-General* [2013] NZCA 176 (Court of Appeal, Randerson, Stevens and Wild JJ), administrative law and legal aid case that cites the European Convention on Human Rights (1950)

*Critchlow v Markus* [2013] NZFC 2558 (Family Court, Christchurch, Judge Smith), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*D v Chief Executive of the Ministry of Social Development (MSD)* [2013] NZHC 1520 (High Court, Whangarei, Allan J), social security case that cites the United Nations Convention on the Rights of the Child (1989)

*DCG v DIG* [2012] NZFC 6234 (Family Court, Auckland, Judge Burns), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*Deliu v Hong* [2013] NZHC 735 (High Court, Auckland, Associate Judge Osborne), statement of claim case that cites the European Convention on Human Rights (1950)

*Deliu v New Zealand Law Society & Anor* [2013] NZHRRT 12 (Human Rights Review Tribunal, Auckland, Haines, Chair, Cook and Davies, Members), human rights case that cites the International Covenant on Civil and Political Rights (1966)

*DJA v KLH* [2012] NZFC 6300 (Family Court, Alexandra, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*DMD v RRW* [2013] NZFC 881 (Family Court, Rotorua, Judge Munro), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*Dotcom v United States of America* [2012] DCR 661 (District Court, North Shore, Judge Harvey), extradition case that cites the Treaty on Extradition between New Zealand and the United States (1970) and Convention against Transnational Organised Crime (2000)

*DPC v PMB* [2013] NZFC 1105 (Family Court, Auckland, Judge Walker), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*EJNW v JRB* [2012] NZFC 7020 (Family Court, Gisborne, Judge von Dadelszen), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Faitala v Terranova Homes & Care Ltd* (2012) 10 NZELC 79-017 (Employment Court, Wellington, Chief Judge Colgan and Judge Inglis), employment law case that cites the Minimum Wage-Fixing Machinery Convention (1928)

*FCD v SBD* [2012] NZFC 5731 (Family Court, Wellington, Judge Grace), custody case that cites the United Nations Convention on the Rights of the Child (1989)



*Harriman v Attorney-General* [2012] NZHC 2148 (High Court, Wellington, Mallon J), administrative law case that cites the International Covenant on Civil and Political Rights (1966)

*Hauptini v SRCC Holdings Limited* [2013] NZHRRT 23 (Human Rights Review Tribunal, Auckland, Haines, Chair, Cook and Musuku, Members), human rights case that cites the International Covenant on Civil and Political Rights (1966)

*Helu v Immigration and Protection Tribunal (No 2)* [2012] NZHC 2128, [2012] NZAR 889 (High Court, Auckland, Asher J), immigration law case that cites the International Covenant on Civil and Political Rights (1966)

*Highgate on Broadway Ltd v Devine* [2012] NZHC 2590 (High Court, Blenheim, Collins J), arbitration case that cites the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

*HJJ v CJJ* [2013] NZFLR 35, [2012] NZFC 7237 (Family Court, Papakura, Judge Druce), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Hutton v Provencocadmus Ltd (in rec)* (2012) 10 NZELR 483 (Employment Court, Auckland, Judge Inglis), employment law case that cites the Convention concerning the Protection of Workers' Claims in the event of the Insolvency of their Employer (1992)

*JHB v RKD* [2013] NZFC 2514 (Family Court, Invercargill, Judge Russell), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*JLE v JAR-B* [2013] NZFLR 1, [2012] NZFC 7298 (Family Court, Wellington, Judge Moss), criminal law and domestic violence case that cites the European Convention on Human Rights (1950)

*JMC v DBW* [2012] NZFC 6065 (Family Court, Christchurch, Judge Murfitt), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*John Alfred Vogel v Attorney-General and Ors* [2013] NZCA 545 (Court of Appeal, France, Young and Cooper JJ), constitutional law and human rights case that cites the International Covenant on Civil and Political Rights (1966)

*Jones v Wickliffe* [2012] NZHC 1960 (High Court, Rotorua, Associate Judge Abbot), civil procedure case that cites the Convention on Stolen or Illegally Exported Cultural Objects (1995) and the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)

*Keightley v Cotton* [2013] NZFC 3409 (Family Court, Lower Hutt, Judge O'Dwyer), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Kessler v Kessler* [2013] NZFC 4209 (Family Court, Oamaru, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Kim Roka Thompson v New Zealand Police* [2012] NZHC 2675, [2012] NZCA 2234 (High Court, Auckland, Priestley J), criminal law case that cites the International Covenant on Civil and Political Rights (1966)

*LH v PJH* [2012] NZFC 2986 (Family Court, Auckland, Judge Southwick), custody case that cites the United Nations Convention on the Recovery Abroad of Maintenance (1956)

*Lipp v Chaney* [2012] NZHC 1761 (High Court, Auckland, Gilbert J), arbitration case that cites the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

*Liu v Department of Labour* [2012] NZHC 2753, [2012] NZAR 1012 (High Court, Christchurch, Whata J), immigration and judicial review case that cites the United Nations Convention on the Rights of the Child (1989), the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966)

*LM v R* [2013] NZCA 145 (Court of Appeal, Harrison, Allan and Clifford JJ), criminal law case that cites the United Nations Convention on the Rights of the Child (1989)

*LVB v PJG* [2012] NZFC 9594 (Family Court, Auckland, Judge Burns), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*M v A* [2013] NZHC 831 (High Court, Tauranga, Collins J), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Manchester Securities Ltd v Body Corporate 172108* [2013] NZHC 177 (High Court, Auckland, Associate Judge Bell) insolvency case that cites the United Nations Commission on International Trade Law (1966) and the Model Law on International Commercial Arbitration (1966)

*Maritime New Zealand v Page* [2013] DCR 102 (District Court, Wellington, Judge Hastings), maritime law case that cites the United Nations Convention on the Law of the Sea (1966) and the International Convention for the Safety of Life at Sea (SOLAS) (1974)

*Marteley v Legal Services Commissioner* [2013] NZAR 875, [2013] NZHC 1278 (High Court, Wellington, Collins J), legal aid case that cites the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966)

*Ministry of Social Development (MSD) v M-LS* [2012] NZFC 8062 (Family Court, Waitakere, Judge Southwick), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*MLA v NJD* [2012] NZFC 5567 (Family Court, Wellington, Judge Grace), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*MMT V CSP* [2012] NZFC 9885 (Family Court, Palmerston North, Judge Binns), custody case that cites the Convention on the Civil Aspects of International Child Abduction (1980)

*MPM v PLFH* [2012] NZFC 5457 (Family Court, Dunedin, Judge Whitehead), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Nair v Chief Executive of the Dept of Labour* [2013] NZHC 358 (High Court, Napier, Woodhouse J), administrative law and immigration case that cites the International Covenant on Civil and Political Rights (1966) and the International Covenant on Economic, Social and Cultural Rights (1966)

*New Zealand Central Authority v Rhodes* [2013] NZFC 4954 (Family Court, Wellington, Judge Whitehead), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*New Zealand Climate Science Education Trust v National Institute of Water and Atmospheric Research Ltd* [2012] NZHC 3560 (High Court, Auckland, Venning J), environment and climate change case that cites the United Nations Framework Convention on Climate Change (1992) and the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)

*New Zealand Police v Joshua Edward Ponniah* [2014] DCR 75 (District Court, Christchurch, Neave J), criminal law and sexual offences case that cites the United Nations Convention on the Rights of the Child (1989)

*New Zealand Pork Industry Board v Director-General of the Ministry of Agriculture and Forestry* [2012] NZHC 1544 (High Court, Wellington, Williams J), biosecurity case that cites the Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) (1995)

*New Zealand Pork Industry Board v Director-General of the Ministry of Agriculture and Forestry* [2013] NZCA 65 (Court of Appeal, Harrison, Stevens and White JJ), biosecurity case that cites the Agreement on the Application of

Sanitary and Phytosanitary Measures (SPS) (1995), the Cartagena Protocol on Biosafety (2000) and the Statutes of the International Union for the Conservation of Nature and Natural Resources (1948)

*Nguyen v Minister of Immigration* [2012] NZHC 2608 (High Court, Auckland, Peters J), immigration case that cites the International Covenant on Civil and Political Rights (1966)

*O'Brien v Immigration and Protection Tribunal* [2012] NZHC 2599, [2012] NZAR 1033 (High Court, Wellington, France J), administrative law case that cites the United Nations Convention on the Rights of the Child (1989) and the International Covenant on Economic, Social and Cultural Rights (1966)

*OEN v TM* [2012] NZFC 5035 (Family Court, Manukau, Judge Southwick), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*PDH v VFS* [2013] NZFC 626 (Family Court, New Plymouth, Judge Courtney), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Police v M; Police v HM; New Zealand Police v Henry Manuseuga* [2013] DCR 187 (District Court, Porirua, Judge Davidson), evidence law case that cites the European Convention on Human Rights (1950)

*Police v Teddy* [2013] NZAR 299, [2013] NZHC 432 (High Court, Rotorua, Woolford J), criminal law case that cites the United Nations Convention on the Law of the Sea (1982)

*PS v SB* [2013] NZFC 2061 (Family Court, Nelson, Judge Callinicos), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*R v Colligan; R v Blair Matthew Colligan* [2013] DCR 25 (District Court, Greymouth, Judge Neave), criminal law case that cites the International Covenant on Civil and Political Rights (1966)

*R v Jeffries; R v RKJ* [2012] NZCA 608 (Court of Appeal, Ellen France, Harrison and French JJ), criminal law and sexual offences case that cites the European Convention on Human Rights (1950)

*R v N* [2012] NZHC 2042 (High Court, New Plymouth, Collins J), criminal proceedings case that cites the United Nations Convention on the Rights of the Child (1989)

*R v Wimonrat Konsaijan* [2012] NZHC 2293 (High Court, Auckland, Allan J), criminal law case that cites the United Nations Convention Against Transnational Organised Crime (2000)

*Re An Application by JAN and JGN Adopt a Child; Re Jan* [2013] NZFLR 1075, [2013] NZFC 3188 (Family Court, Masterton, Judge Walsh), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Re GAG* [2013] NZFC 1236 (Family Court, Wellington, Judge Ullrich), custody case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the United Nations Convention on the Rights of the Child (1989)

*Re NSC* [2013] NZFC 3034 (Family Court, North Shore, Judge Walker), custody case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and United Nations Convention on the Rights of the Child (1989)

*Re Pai; GI v Pai* [2013] NZFC 2983 (Family Court, Auckland, Judge Walker), custody case that cites the Hague Convention on protection of Children and Co-operation in Respect of Intercountry Adoption (1993)

*Re SKL* [2012] NZFC 4798 (Family Court, Auckland, Judge Southwick), custody case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993)

*Re SN* [2012] NZFC 9705 (Family Court, Manukau, Judge Malosi), custody case that cites the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (1993) and the Vienna Convention on the Law of Treaties (1969)

*Reese v Reese* [2013] NZFC 3623 (Family Court, Wanganui, Judge Whitehead), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*RJC v EDHC* [2013] NZFC 2100 (Family Court, Masterton, Judge Walsh), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*Royal Forest and Bird Protection Society of New Zealand Inc v Buller Coal Ltd* [2012] NZHC 2156, [2012] NRMA 552 (High Court, Christchurch, Whata J), environmental law case that cites the Kyoto Protocol to the United Nations Framework Convention on Climate Change (1998)

*RPT v AHH* [2012] NZFC 8223 (Family Court, Otahuhu, Mather J), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Samuela Faetalavai Helu v Immigration and Protection Tribunal And Anor* [2013] NZCA 276 (Court of Appeal, France, Wild and Young JJ), administrative law and immigration case that cites the European Convention on Human Rights (1950) and the International Covenant on Civil and Political Rights (1966)

*SH v JRDR* [2012] NZFC 8360 (Family Court, Nelson, Judge Walsh), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Siemer v Heron* [2012] NZHC 2802 (High Court, Auckland, Wylie J), security for costs case that cites the International Covenant on Civil and Political Rights (1966)

*SJV v JCT* [2013] NZFC 489 (Family Court, Dunedin, Judge Coyle), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*SL v SLN* [2013] NZFLR 1000, [2012] NZFC 7195 (Family Court, Levin, Judge Binns), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980) and the United Nations Convention on the Rights of the Child (1989)

*SLP v JRD* [2013] NZFC 288 (Family Court, Invercargill, Judge Smith), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*SMS v NDL* [2012] NZFC 7106 (Family Court, Hamilton, Judge Riddell), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*SRD v RBD* [2012] NZFC 7487 (Family Court, Wellington, Judge von Dadelszen), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*SRT v BBM* [2013] NZFLR 835, [2012] NZFC 7512 (Family Court, Tauranga, Judge Brown), custody case that cites the Hague Convention on the Civil Aspects of International Child Abduction (1980)

*Supreme Sikh Council of New Zealand v Minister of Immigration* [2012] NZHC 1754 (High Court, Auckland, Goddard J), administrative law and judicial review case that cites the International Covenant on Civil and Political Rights (1966) and the Universal Declaration of Human Rights (1948)

*Svitzer Salvage BV v Z Energy Ltd* [2012] NZHC 1650 (High Court, Wellington, Associate Judge Gendall), maritime and shipping law that cites the International Convention on Salvage (1989)

*Tamati Benson MASON v The Queen* [2013] NZCA 310 (Court of Appeal, France, Stevens and Miller JJ), criminal procedure case that cites the International Covenant on Civil and Political Rights (1966)

*Utumapu v Bull* [2013] NZAR 960, [2013] NZCA 175 (Court of Appeal, Harrison, Wild and French JJ), administrative law and employment law case that cites the Occupational Safety and Health Convention (1981)

*Wadsworth v Auckland Council* [2013] NZAR 430 (High Court, Auckland, Ellis J), local government case that cites the European Convention on Human Rights (1950)

*West Coast Environmental Network Inc (“WCENT”) v West Coast Regional Council* [2013] NZENVC 47 (Environment Court, Wellington, Judge Newhook, Commissioner Howie and Deputy Commissioner Blom), environmental law case that cites the RAMSAR (formally, Convention on Wetlands of International Importance especially as Waterfowl Habitat) Convention (1971)

*X v Chief Executive of the Ministry of Business, Innovation and Employment* [2013] NZAR 513, [2013] NZHC 642 (High Court, Whangarei, Heath J), immigration law case that cites the Universal Declaration of Human Rights (1948)

### B. Unreported Cases

*Chief Executive of the Ministry of Social Development v KMC* (FC Dunedin, FAM-2012-012-000618, Judge Flatley), custody case that cites the United Nations Convention on the Rights of the Child (1989)

*Commissioner of New Zealand Police v Ranga* (HC Wellington, CIV-2010-485-000964, Collins J), criminal proceedings case that cites the European Convention on Human Rights (1950)

*Taueki v Horowhenua District Council* (MLC Rotorua, A20090001234, 18 December 2012, Harvey J), Maori customary rights over lakes (and their contamination) case that cites the United Nations Declaration on the Rights of Indigenous Peoples (2007)

*United States of America v Dotcom* (HC Auckland, CIV-2012-404-3026, Winkelmann J) criminal procedure and extradition case that cites the bilateral Treaty on Extradition between New Zealand and the United States (1970) and the Vienna Convention on the Law of Treaties (1969)

### C. Distribution of References to International Agreements among Various Courts, NZLR Cases, Other Reported Cases, and Unreported Cases<sup>16</sup>

International obligations	NZLR	Other	Unrep	All	Total
Convention on the Rights of the Child (1989)	CA:1	CA: 2 HC: 4 DC: 1 FC: 32	FC: 1	CA: 3 HC: 4 DC: 1 FC: 33	41

16 Key: SC = Supreme Court, CA = Court of Appeal, HC = High Court, DC = District Court, FC = Family Court, MLC = Maori Land Court, EC = Employment Court, EnvC = Environment Court, HRRT = Human Rights Review Tribunal, \* = New Zealand is not a party to this agreement.

International Covenant on Civil and Political Rights (1966)	SC: 1 CA: 3 HC: 2	CA: 3 HC: 9 DC: 1 HRRT: 2		SC: 1 CA: 6 HC: 11 DC: 1 HRRT: 2	21
Hague Convention on the Civil Aspects of International Child Abduction (1980)		FC: 18		FC: 18	18
European Convention on Human Rights (1950)*	SC: 1 HC: 1	CA: 4 HC: 4 DC: 1 FC: 1	HC: 1	SC: 1 CA: 4 HC: 6 DC: 1 FC: 1	13
Model Law on International Commercial Arbitration (1966)	CA: 1 HC: 1	HC: 5		CA: 1 HC: 6	7
Convention on Protection of Children and Co-operation in respect of Inter-country Adoption (1993)	CA: 1	FC: 5		CA: 1 FC: 5	6
International Covenant on Economic, Social and Cultural Rights (1966)	CA: 1	CA: 1 HC: 3 FC: 1		CA: 2 HC: 3 FC: 1	6
United Nations Commission on International Trade Law (1966)	CA: 1 HC: 1	HC: 4		CA: 1 HC: 5	6
Universal Declaration of Human Rights (1948)	CA: 1 HC: 1	HC: 2		CA: 1 HC: 3	4
Treaty on Extradition between New Zealand and the United States (1970)	CA: 1	DC: 1	HC: 1	CA: 1 HC: 1 DC: 1	3
Convention against Transnational Organised Crime (2000)	CA: 1	HC: 1 DC: 1		CA: 1 HC: 1 DC: 1	3
United Nations Declaration on the Rights of Indigenous Peoples (2007)	SC: 2		MLC: 1	SC: 2 MLC: 1	3
Vienna Convention on the Law of Treaties (1969)	SC: 1	FC: 1	HC: 1	SC: 1 HC: 1 FC: 1	3
Convention on Wetlands of International Importance, especially as Waterfowl Habitat Convention (RAMSAR) (1971)		EnvC: 2		EnvC: 2	2
United Nations Convention on the Law of the Sea (1966)		HC: 1 DC: 1		HC: 1 DC: 1	2



Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)		HC: 2		HC: 2	2
Agreement on the Application of Sanitary and Phytosanitary Measures (SPS) (1995)		CA: 1 HC: 1		CA: 1 HC: 1	2
Catagena Protocol on Biosafety (2000)		CA: 1		CA: 1	1
Statutes of the International Union for the Conservation of Nature and Natural Resources (1948)		CA: 1		CA: 1	1
International Convention on Salvage (1989)		HC: 1		HC: 1	1
Occupational Safety and Health Convention (1981)		CA: 1		CA: 1	1
Convention on Limitation of Liability and Liability for Maritime Claims (1976)	HC: 1			HC: 1	1
European Convention on Extradition (1957)*	CA: 1			CA: 1	1
Convention relating to Extradition between Member States of the European Union (1966)*	CA: 1			CA: 1	1
International Convention for the Safety of Life at Sea (SOLAS) (1974)		DC: 1		DC: 1	1
Convention on the Prohibition of the Development, Production and Stock Piling of Bacteriological (biological) weapons and toxin weapons and on their Destruction (1972)	CA: 1			CA: 1	1
Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1993)	CA: 1			CA: 1	1
Treaty on the Non-Proliferation of Nuclear Weapons (1970)	CA: 1			CA: 1	1
United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (1958)	CA: 1			CA: 1	1

United Nations Convention on the Rights of Persons with Disabilities (2006)		CA: 1		CA: 1	1
Minimum Wage-Fixing Machinery Convention (1928)		EC: 1		EC: 1	1
Convention concerning the Protection of Workers' Claims in the event of the Insolvency of their Employer (1992)		EC: 1		EC: 1	1
Model Law on Cross-Border Insolvency (1977)	HC: 1			HC: 1	1
United Nations Declaration of Basic Principles for Victims of Crime and Abuse of Power (1985)	SC: 1			SC: 1	1
Convention on Stoles or Illegally Exported Cultural Objects (1995)		HC: 1		HC: 1	1
Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (1970)		HC: 1		HC: 1	1
United Nations Convention on the Recovery Abroad of Maintenance (1956)		FC: 1		FC: 1	1
United Nations Convention on Climate Change (1992)		HC: 1		HC: 1	1
<b>Totals</b>	<b>31</b>	<b>127</b>	<b>5</b>	<b>163</b>	<b>163</b>

## V. UPDATE OF MASTER LIST OF IMPLEMENTING ACTS

This Part updates the master list of implementing Acts set out in Part V of “In Search of International Standards and Obligations Relevant to New Zealand Acts” (2007) 4 *New Zealand Yearbook of International Law* 327 at 366-393 (as amended).<sup>17</sup> The master list should be amended as follows:

### **Antarctica (Environmental Protection) Act 1994**

Add “International Convention on Tonnage Measurement of Ships (1969)” after “Antarctic Treaty (1959)”.

<sup>17</sup> For previous amendments to the master list, see Gobbi (2012), above n 3, at 302-303; Mark Gobbi “Treaty Action and Implementation” (2011) 9 *NZYIL* 351 at 386; Mark Gobbi “Treaty Action and Implementation” (2010) 8 *NZYIL* 283 at 328-329; Mark Gobbi “Treaty Action and Implementation” (2009) 7 *NZYIL* 381 at 424-431; Mark Gobbi “Treaty Action and Implementation” (2008) 6 *NZYIL* 379 at 418-420; Mark Gobbi “Treaty Action and Implementation” (2007-2008) 5 *NZYIL* 279 at 326.

Add “Annex VI to the Protocol on Environmental Protection to the Antarctic Treaty on Liability Arising from Environmental Emergencies (2005)” after “Protocol on Environmental Protection to the Antarctic Treaty (1991)”.

**Antarctica (Environmental Protection) Act 1994**

Add the following entry after this entry:

**Anti-Money Laundering and Countering Financing of Terrorism Act 2009**

Recommendations of the Financial Action Task Force (established 1989)

**Bills of Exchange Act 1908**

Add the following entry after this entry:

**Biosecurity Act 1993**

United Nations Convention on the Law of the Sea (1982)

World Trade Organization Agreement on the Application of Sanitary and Phytosanitary Measures (1995)

Convention for the Control and Management of Ships’ Ballast Water and Sediments (2004)

**Crown Proceedings Act 1950**

Add the following entry after this entry:

**Cultural Property (Protection in Armed Conflict) Act 2012**

Convention respecting the Laws and Customs of War on Land (Hague IV) (1907)

Protection of Cultural Property in the Event of Armed Conflict (1954), the First Protocol to the Convention (1954)

Second Protocol to the Convention (1999)

**Evidence Act 2006**

Add “Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1970)” and “Convention on the Civil Aspects of International Child Abduction (1980)” after “International Covenant on Civil and Political Rights (1966)”.

**Evidence Act 2006**

Add the following entry after this entry:

**Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012**

United Nations Convention on the Law of the Sea (1982)

Convention on Biological Diversity (1993)

**Geneva Conventions Act 1958**

Add “Protocol Additional to the Geneva Conventions (1949) and relating to the Adoption of an Additional Distinctive Emblem (Protocol III) (2005)” after “Protocol Additional to the Conventions and relating to the protection of victims of non-international armed conflicts (1977)”.

**Maritime Security Act 1994**

Add “International Convention on Standards of Training, Certification and Watchkeeping for Seafarers (1978)” after “International Convention on Salvage (1989)”.

Add “Protocol to the Convention on Limitation of Liability for Maritime Claims (1996)” after “Protocol to the International Convention for the Prevention of Pollution from Ships (1978)”.

Add “United Nations Convention on the Law of the Sea (1982)” after “Protocol to International Convention for the Unification of Certain Rules of Law relating to Bills of Lading (1979)”.

**Reserve Bank of New Zealand Act 1989**

Add the following entry after this entry:

**Sale and Supply of Alcohol Act 2012**

International Covenant on Civil and Political Rights (1966) [article 14]

ILO Convention 59 (1937): Minimum Age (Industry)

**Sale of Liquor Act 1989**

Delete this entry.

## VI. UPDATE OF MASTER LIST OF IMPLEMENTING REGULATIONS

This Part updates the master list of implementing regulations set out in Part V of “In Search of International Standards and Obligations relevant to New Zealand Regulations” (2007-2008) 5 *New Zealand Yearbook of International Law* 327 at 343-372 (as amended).<sup>18</sup> The master list should be amended as follows:

**Climate Change (Stationary Energy and Industrial Processes) Regulations 2009**

Add the following entry after this entry:

18 For previous amendments to the master list, see Gobbi (2012), above n 3, at 302-306; Mark Gobbi “Treaty Action and Implementation” (2011) 9 *NZYIL* 351 at 386-389; Mark Gobbi “Treaty Action and Implementation” (2010) 8 *NZYIL* 283 at 330-335; Mark Gobbi “Treaty Action and Implementation” (2009) 7 *NZYIL* 381 at 425-431; Mark Gobbi “Treaty Action and Implementation” (2008) 6 *NZYIL* 379 at 421-423.

**Climate Change (Synthetic Greenhouse Gas Levies) Regulations 2013**

*Climate Change Response Act 2002, ss 233(4), 235(4), 245, and 246*

United Nations Framework Convention on Climate Change (1992)#

Kyoto Protocol to the United Nations Framework Convention on Climate Change (1997)#

**Corrections Regulations 2005**

Add the following entries after this entry:

**Cultural Property (Protection in Armed Conflict) (Convention Emblem) Regulations 2013**

*Cultural Property (Protection in Armed Conflict) Act 2012, s 43*

Convention respecting the Laws and Customs of War on Land (Hague IV) (1907)

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

First Protocol to the Convention (1954)

Second Protocol to the Convention (1999)

**Cultural Property (Protection in Armed Conflict) (Forms) Regulations 2013**

*Cultural Property (Protection in Armed Conflict) Act 2012, s 43*

Convention respecting the Laws and Customs of War on Land (Hague IV) (1907)

Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954)

First Protocol to the Convention (1954)

Second Protocol to the Convention (1999)

**Double Tax Agreements (Marshall Islands) Order 2010**

Add the following entry after this entry:

**Double Tax Agreements (Papua New Guinea) Order 2013**

*Income Tax Act 2007, s BH 1*

Agreement between the Government of New Zealand and the Government of the Independent State of Papua New Guinea for the Avoidance of Double Taxation and the Prevention of Fiscal Evasion with Respect to Taxes on Income (2012)

**Electricity (Safety) Regulations 2010**

Add the following entry after this entry:

**Exclusive Economic Zone and Continental Shelf (Environmental Effects-Permitted Activities) Regulations 2013**

*Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012, ss 27(1), 30(1) and 35*

United Nations Convention on the Law of the Sea (1982)

Convention on Biological Diversity (1993)

**Fisheries (Basking Shark–High Seas Protection) Regulations 2010**

Delete this entry.

**Fisheries (Schedule 6) Order 2012**

Add the following entry after this entry:

**Fisheries (Sharks–High Seas Protection) Regulations 2012<sup>19</sup>**

*Fisheries Act 1996, s 297(1)*

Convention on the Conservation of Migratory Species of Wild Animals (1979)

**Fisheries (White Pointer Shark–High Seas Protection) Regulations 2007**

Delete this entry.

**Hazardous Substances and New Organisms (Schedules 1AA and 2A) Order 2011**

Add the following entry after this entry:

**Hazardous Substances (Tank Wagons and Transportable Containers) Regulations 2004**

*Hazardous Substances and New Organisms Act 1996, ss 76(1) and 140(1)(c)*

Chapter 6.7 of the UN Recommendations on the Transport of Dangerous Goods-Model Regulations (2011)

**Land Transport (Driver Licensing) Rule 1999**

Add the following entry after this entry:

**Land Transport Rule 32008/2: External Projections 2001**

*Land Transport Act 1998, s 152*

The rule requires that external projections on vehicles be designed and maintained with due regard to the safety of other motor vehicles, and the safety of pedestrians and cyclists. The Rule cites as an approved vehicle standard Council Directive 92/114/EEC of 17 December 1992 relating to the external projections forward of the cab's rear panel of motor vehicles of category N.

19 These regulations replace the Fisheries (White Pointer Shark–High Seas Protection) Regulations 2007 (SR 2007/48) and the Fisheries (Basking Shark–High Seas Protection) Regulations 2010 (SR 2010/401), which were previously included in the database of regulations that implement international obligations.

**Maritime Rules: Part 35–Training and Examinations 1999**

Add the following entry after this entry:

**Maritime Rules: Part 40D–Design, Construction and Equipment – Fishing Ships–Amendment 2012**

*Maritime Transport Act 1994, s 36*

Protocol to the Torremolinos International Convention for the Safety of Fishing Vessels (1993)

**New Zealand (Australia New Zealand Food Standards Code) Food Standards 2002**

Add the following entry after this entry:

**Overseas Investment Regulations 2005**

*Overseas Investment Act 2005, s 61*

Protocol on Investment to the New Zealand-Australia Closer Economic Relations Trade Agreement (2011)

**Patents, Designs, and Trade Marks Convention Order 2000**

Replace this entry with the following entry:

**Patents, Designs, and Trade Marks Convention Order 2012**

*Designs Act 1953, s 20*

*Patents Act 1953, s 77*

*Trade Marks Act 2002, s 200*

Paris Convention for the Protection of Industrial Property (1979)

GATT Agreement on Trade-Related Aspects of Intellectual Property Rights (1994)

Agreement Establishing the World Trade Organization (1994)

**Resource Management (Marine Pollution) Regulations 1998**

Add the following entry after this entry:

**Securities Act (Overseas Companies) Exemption Notice 2013**

*Securities Act 1978, ss 70B and 70D*

International Organization of Securities Commissions Multilateral Memorandum of Understanding Concerning Consultation and Cooperation and the Exchange of Information (2002)

**Tariff (Specified AANZTA Parties) Order 2009**

Add the following entry after this entry:

**Tokelau (Exclusive Economic Zone) Fishing Regulations 2012**

*Tokelau (Territorial Sea and Exclusive Economic Zone) Act 1977, ss 8 and 11*

*Tokelau Act 1948, s 4*

Treaty on Fisheries between the Governments of Certain Pacific Island States and the Government of the United States of America (1987)

**Trade in Endangered Species Order 2008**

Add the following entry after this entry:

**Trade Marks Regulations 2003**

*Trade Marks Act 2002, s 199*

Nice Agreement Concerning the International Classification of Goods and Services for the Purpose of the Registration of Marks (1979)

Protocol relating to the Madrid Agreement Concerning the International Registration of Marks (1989 as amended 2007)

Singapore Treaty on the Law of Trademarks (2006)

**United Nations Sanction (Democratic People's Republic of Korea) Regulations 2006**

Add the following item:

Resolution 2094 of the Security Council of the United Nations (2013)

**United Nations Sanctions (Eritrea) Regulations 2010**

Add the following entry after this entry:

**United Nations Sanctions (Guinea-Bissau) Regulations 2012**

*United Nations Act 1946, s 2*

Resolution 2048 of the Security Council of the United Nations (2012)

**United Nations Sanctions (Sierra Leone) Regulations 1997**

Delete this entry.