

# **Immigration Act 2009 Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The Immigration Act 2009 (the **Act**) was assented to on 16 November 2009. Sections 475, 476, and 478 came into force the next day in accordance with section 2(4) of the Act. The rest of the Act comes into force on dates to be appointed by the Governor-General by Order in Council.

Section 474 of the Act authorises certain persons to exercise specified powers and functions before the relevant provisions of the Act have commenced. This is to enable effective implementation of the Act. The specified powers and functions that may be exercised early include—

- the Governor-General appointing members, including the chair, to the Immigration and Protection Tribunal:
- the chair of the Tribunal directing the education, training, and professional development of members of the Tribunal:
- the chair of the Tribunal developing a code of conduct for members of the Tribunal.

The reference to section 474 was inadvertently omitted from the commencement provision that brought sections 475, 476, and 478 into force.

Section 474 needs to be brought into force as soon as possible to allow necessary implementation work to be done. This Bill will bring section 474 into force on the day after the date on which it receives the Royal assent.

### Clause by clause analysis

*Clause 1* is the title clause. As there are currently 2 Immigration Acts in force (1987 and 2009 in part), the title clause explicitly refers to the 2009 Act as the enactment being amended.

*Clause 2* is the commencement clause. The Bill comes into force on the day after the date on which it receives the Royal assent.

*Clause 3* states that the Bill amends the Immigration Act 2009 (the **principal Act**).

*Clause 4* amends section 2 of the principal Act which is the commencement section. *Subclause (2)* inserts a *new subsection (5)* into section 2. This brings section 474 of the principal Act into force on the day after the date on which this Bill receives the Royal assent. Section 474 authorises certain persons to exercise specified powers and functions before the relevant provisions of the principal Act have commenced. *Subclause (1)* makes a consequential amendment to section 2(1) to take account of the new subsection inserted by *subclause (2)*.

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*Hon Jonathan Coleman*

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### **Contents**

	Page
1 Title	1
2 Commencement	1
3 Principal Act amended	1
4 Commencement	1

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the Immigration Act 2009 Amendment Act **2010**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5
- 3 Principal Act amended**  
This Act amends the Immigration Act 2009.
- 4 Commencement**
  - (1) Section 2(1) is amended by omitting “(4)” and substituting “**(5)**”. 10
  - (2) Section 2 is amended by adding the following subsection:

“(5) Section 474 comes into force on the day after the date on which the **Immigration Act 2009 Amendment Act 2010** receives the Royal assent.”

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