

# **Rugby World Cup 2011 (Empowering) Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

The purpose of this Bill is to enable consent and regulatory approvals for temporary Rugby World Cup 2011-related activities and facilities to be considered expeditiously. The Bill establishes and empowers the Rugby World Cup Authority (the **Authority**) as a consenting body for the purpose of determining applications for temporary regulatory approvals. It also empowers the Minister for the Rugby World Cup to grant urgent approvals for temporary activities and facilities where the need for these was not, for good reason, foreseen and they are reasonably necessary for the successful staging of the tournament. The Bill includes sunset provisions to disestablish the Authority after the conclusion of the tournament.

The objectives of the Bill are to—

- enable applications for activities and facilities that are reasonably necessary for the proper conduct of the Rugby World Cup 2011 to be considered and determined within time frames that align with the tournament schedule:
- accommodate the determination of urgent approvals for activities and facilities necessary for the proper conduct of the Rugby World Cup 2011 where the need has arisen in unfore-

seen circumstances and applications could not be granted in the time available under any other enactment:

- maximise the benefits for New Zealanders from the staging of the tournament, including benefits from the associated increase in economic activity;
- meet visitors' expectations and enhance New Zealand's international reputation as a major events destination.

The main measures contained in the Bill are as follows:

- an Authority is established to consider applications for temporary approvals relating to activities and facilities reasonably necessary for the proper conduct of the tournament and its associated events;
- the Authority is empowered to declare activities or facilities, or a class of activity or facility, to be a "Rugby World Cup permitted activity"; that is, a temporary activity or facility that may be carried out or constructed without further permission being required;
- the Minister for the Rugby World Cup is empowered, on the recommendation of the Authority, to advise the Governor-General, as a result of an unforeseen circumstance of urgency, to make regulations to declare an activity or facility to be a "Rugby World Cup permitted activity" for a specified time within the period 1 August 2011 to 31 October 2011;
- the Minister is also empowered, on the recommendation of the Authority, to grant urgent approvals that will apply during the period 1 September 2011 to 31 October 2011, where these are necessary for the proper conduct of the Rugby World Cup 2011;
- a temporary Rugby World Cup liquor licensing scheme is established, under which the Authority may grant Rugby World Cup liquor licences, in order to enable the additional hospitality requirements for the Rugby World Cup 2011 to be met.

### **Clause by clause analysis**

*Clause 1* sets out the Title of the Bill.

*Clause 2* provides that the Bill, except for *Part 4*, comes into force on the day after the date of the Royal assent; *Part 4* (except *clauses*

*45(2), 50, and 51*) comes into force on 1 July 2011; and *clauses 45(2), 50, and 51* on 1 September 2011.

## **Part 1**

### **Preliminary provisions**

*Clause 3* relates to the purpose of the Bill, which is to enable the expeditious determination of approvals for activities and facilities that are reasonably necessary for the proper conduct of the Rugby World Cup 2011.

*Clause 4* contains the definitions for the Bill, the key ones being the definitions of activity, approval, Authority, declaration, facility, Rugby World Cup 2011, Rugby World Cup permitted activity, and statutory person or body.

The effect of *clause 5* is to exclude from the scope of the Bill the Acts listed in *subclause (1)*, to exclude from the scope of *Part 3* the Acts listed in *subclause (2)*, and to exclude from the scope of *Parts 3 and 4* the Act specified in *subclause (3)*.

*Clause 6* provides that the Act will bind the Crown.

*Clause 7* provides for the expiry of *Parts 4 and 5* on 31 October 2011, and of the rest of the Bill 1 year later.

## **Part 2**

### **Establishment of Rugby World Cup Authority**

#### *Authority to be established*

*Clause 8* establishes the Authority and provides for its continuation until it is dissolved under *clause 13*.

*Clause 9* sets out the functions of the Authority and provides for certain matters to which the Authority must have regard when exercising its functions. These matters include facts relevant to the nature of the Rugby World Cup 2011 and the particular requirements generated by that event, as well as matters relating to the public interest.

*Clause 10* sets out the powers of the Authority.

*Clause 11* relates to the appointment of the members of the Authority. In particular, the Minister must ensure that the Authority has available sufficient members with the necessary knowledge, skill, and experience to deal with the matters that are within the jurisdiction of

the Authority. The chairperson of the Authority must be a current or former Judge or a lawyer of at least 7 years' standing.

*Clause 12* provides for members of the Authority to be appointed by the chairperson as a panel to constitute the Authority for the purpose of determining particular applications. There is provision for a single member to constitute the Authority for the purpose of certain applications or at certain stages in the process of an application.

*Clause 13* provides for the dissolution of the Authority by Order in Council when its functions are completed and any appeals determined.

*Clause 14* applies the provisions of *Schedule 1* to the Authority. In particular, the Authority is empowered to regulate its own procedures and require information and expert assistance to assist it in carrying out its functions.

#### *Administrative secretariat*

*Clause 15* requires each territorial authority in whose district approvals or declarations are needed under the Bill, to ensure that there is support for the Authority, including offices and general registration and other administrative support. The clause sets out the basic functions of an administrative secretariat, with provision in *clause 84* for regulations to be prescribed for the purpose of an administrative Secretariat.

## **Part 3**

### **Approvals and declarations**

#### Subpart 1—Applications to Authority

*Clauses 16 to 18* set out the scope of the applications that may be made under *Part 3* and how they are to be lodged. Applications may seek approvals, declarations, or a change of conditions of an approval or declaration, or of existing approvals granted under other enactments. In addition, there is provision for applications relating to events that are not connected with the Rugby World Cup 2011, but for which event organisers wish to test whether a proposed activity (for example, traffic management) is likely to be adequate for the same purpose in relation to the Rugby World Cup 2011.

*Clauses 19 to 21* make further provision for applications, including the requirement for a deposit, in the nature of a fee, to meet the costs of processing and determining an application.

### Subpart 2—Jurisdiction, public notification, and making of submissions

#### *Preliminary question of jurisdiction*

*Clauses 22 and 23* relate to the preliminary jurisdictional threshold, namely, whether the approval or declaration sought relates to a matter reasonably necessary for the purposes of the Rugby World Cup 2011 (or a test event). The applicant also needs to establish that measures have been undertaken to obtain the necessary approval or declaration, but that it is unlikely that it could be obtained in time to enable the activity or facility to be undertaken or constructed under the enactment that would, but for this Bill, apply. A period of 5 working days is allowed for this preliminary decision to be made and notified to the applicant. There is a right of appeal on a question of law against a preliminary decision (*clause 43(1)*).

#### *Notification of applications*

*Clauses 24 and 25* deal with the requirement for notification of applications that meet the jurisdictional threshold. Unless the enactment that would normally apply to an application makes no provision for public notice to be given, all applications that meet the jurisdictional test must be publicly notified by the Authority. Any submissions must be made no later than 10 working days after the date when public notice of an application is given.

#### *Standing to make submissions*

*Clauses 26 to 28* establish who has standing to make a submission and be heard by the Authority in relation to an application. In addition to the applicant and the statutory body or person (eg, the relevant local authority or a statutory decision maker) that would otherwise have dealt with the application, persons may make a submission if they meet the test of an “affected person” (as determined under *clauses 27 and 28*).

### Subpart 3—Hearing and determination of applications

#### *Hearing*

*Clause 29* provides for a hearing, if the Authority considers it necessary or a person with a right to be heard so requests. The time frame for commencing any hearing is not later than 10 working days after the closing date for submissions, if public notice is given, and, in cases where public notice is not given, not later than 5 working days after notice is given as to whether there is to be a hearing. That notice must be given not later than 5 working days after the end of the submission period.

#### *Determination of applications*

*Clauses 30 and 31* set out the matters that the Authority must take into account in determining whether to grant an approval or make a declaration. These clauses prescribe, in particular, the latest expiry date for an approval or declaration granted or made by the Authority.

*Clause 32* provides that notice of the Authority's determinations must be given not later than 5 working days after notice is given under *clause 29(3)*, if there is no hearing, and, where there is a hearing, not later than 10 working days of the close of the hearing.

### Subpart 4—Further provisions applying to approvals and declarations

*Clauses 33 to 35* specify the effect of approvals granted or declarations made under *Part 3*, covering their commencement and expiry, and providing that the grant of an approval or making of a declaration has full force and effect, according to its terms, as if it were under the enactment that would, but for this Bill, apply. It is also clarified that an approval or declaration does not create a right to the use of land after its expiry, or qualify for recognition of certain ongoing rights under the Resource Management Act 1991.

Despite *clause 35(2)*, there is an option under *clause 36* for persons granted an approval under this Part to seek ongoing rights from the statutory person or body (eg, the local consent authority) under the enactment that would, but for this Bill, apply to the activity or facility.

### Subpart 5—Enforcement

*Clause 37* stipulates that the enactment that would otherwise apply to the activity or facility approved or in respect of which a declaration is made, under this Part will apply in relation to the monitoring and enforcement of those approvals and declarations.

#### *Enforcement by interim injunctive orders*

To enable expeditious enforcement under this Bill, *clauses 38 to 41* make provision for interim injunctive orders to be made by the Authority, on the application of a relevant statutory person or body, in order to deal with a matter with immediacy where the circumstances require it.

#### *Offences and penalties*

*Clause 42* provides for the same offence and penalty provisions to apply that would apply, but for this Bill, but separate provision is made for a breach of an interim injunctive order of the Authority.

### Subpart 6—Appeal rights

#### *Right of appeal on question of law only*

*Clause 43* spells out limited rights of appeal to the High Court, and applies *Schedule 2*, which sets out further provisions in relation to appeals. Any appeal must be brought not later than 5 working days after the Authority has notified the relevant determination.

## **Part 4** **Procedures available in circumstances of urgency**

#### *Purpose*

*Clause 44* sets out the purpose of this Part, which is to confer certain powers on the Minister to enable unforeseen matters of urgency to be dealt with in the final preparation stages for, or during, the Rugby World Cup 2011.

## Subpart 1—Declaration of status as Rugby World Cup permitted activity and grant of urgent approvals

### *Applications*

*Clause 45* provides—

- that a relevant statutory body or person may apply to the Authority for a recommendation that a specified activity, facility or class of activity or facility be declared by Order in Council to be a Rugby World Cup permitted activity for the period of time stated in the regulations; and
- that any person may apply to the Authority for a recommendation to the Minister that an urgent approval be granted.

The clause sets out the formal requirements for an application and *clause 46* provides for the Authority to regulate its own procedure, having regard to the urgency of the circumstances as disclosed in the application.

### *Declaration of status as Rugby World Cup permitted activity*

*Clause 47* sets out the matters relevant to the Authority's recommendation that an activity, facility, or class of activity or facility be declared a Rugby World Cup permitted activity.

*Clause 48* provides the power for a declaration to be made by the Governor-General by Order in Council on the advice of the Minister given after considering, and consulting on, the recommendation of the Authority.

*Clause 49* sets out the matters that must be included in any regulations, including the limits as to their commencement and expiry.

### *Grant of urgent approvals*

*Clause 50* sets out the criteria applicable to the Authority's decision-making in respect of an application for a recommendation that an urgent approval be granted by the Minister.

*Clause 51* requires the Minister to undertake certain consultation in respect of that recommendation before determining whether or not to grant an urgent approval. Urgent approvals cannot be granted to commence before 1 September 2011 or continue after 31 October



2011. The Minister's decision on an application made under this clause is final.

### Subpart 2—Miscellaneous provisions

#### *Effect of regulations and urgent approvals*

*Clauses 52 and 53* specify that the effect of these instruments is to override other restrictions that would, but for this Part, apply. Regulations and approvals made or granted under this Part are of no effect after the specified dates.

#### *Monitoring, enforcement, and appeal rights*

*Clause 54* makes the same provision for monitoring, enforcement, and appeal rights, as applies under *Part 3*.

#### *Offences and penalties*

*Clause 55* makes the same provision for offences and penalties as applies under *Part 3*.

## **Part 5**

### **Rugby World Cup liquor licences**

#### Subpart 1—Preliminary matters

*Clause 56* sets out the purpose of this Part and *clause 57* specifies definitions that apply. The purpose of the Part is to provide a temporary process for licensing the sale and supply of liquor in the context of the particular hosting responsibilities relating to the Rugby World Cup 2011. Key definitions are Rugby World Cup liquor licence, premises, and area.

#### Subpart 2—Rugby World Cup liquor licensing scheme

*Clause 58* sets out the purpose and scope of a licence granted under this Part, including that the Authority has responsibility for granting these licences, the limited period for which this type of licence is available, and that a licence may operate over more than a single premises and in outdoor areas outside of premises.

*Clause 59* specifies that only those eligible to hold an on-licence under the Sale of Liquor Act 1989 may apply for a licence under this Part. A licence granted under this Part takes the place of a valid on-licence for the period for which the Rugby World Cup liquor licence is issued.

*Clauses 60 to 63* deal with the detail of making an application to the Authority under this Part, including the information required by the Authority, the requirement for public notice of applications, and the time frames in which matters are to be handled. The right to object to an application is substantially the same as that under the Sale of Liquor Act 1989. Provision is made for batches of applications to be dealt with together where those applications relate to a particular area.

*Clauses 64 to 71* provide for substantially the same requirements as those under the Sale of Liquor Act 1989 in relation to the input into the Authority's inquiry by the local Police, the local Medical Officer of Health, and the local inspectorate, as well as the matters relevant to any objections. Other features that mirror those of the Sale of Liquor Act 1989 include the grant of a licence without a hearing, whether a hearing is required, the relevant criteria for, and the process of, decision making. However, shorter time frames are provided for as a means for dealing with the particular pressures likely to be encountered in the context of the Rugby World Cup 2011.

### Subpart 3—Conditions of Rugby World Cup liquor licences

Under *clause 72*, all licences are subject to what are substantially the same conditions as apply under the Sale of Liquor Act 1989, except that there is also a mandatory condition that drinking water be provided free of charge.

*Clause 73* sets out further matters in respect of which the Authority must impose conditions. The contents of the conditions are at the discretion of the Authority. In setting those conditions, the Authority must have regard to the purpose of both the Bill and this Part as well as to the site of the premises or area concerned and the times when persons are likely to be attending, or otherwise participating in, the Rugby World Cup 2011 tournament.

### Subpart 4—Management

Under *clauses 74 and 75*, substantially the same responsibilities arise as apply under the Sale of Liquor Act 1989.

### Subpart 5—Enforcement, offences, penalties, and appeal rights

#### *Enforcement*

*Clause 76* applies the relevant provisions of the Sale of Liquor Act 1989, as they relate to the powers of inspectors and members of the Police, as if the specified references in that Act were references to the specified terminology in this Part.

*Clause 77* provides for the Authority, on application of an inspector or member of the Police, to change the conditions of a licence, suspend a licence, or cancel it. The grounds are those specified for the Liquor Licensing Authority under the Sale of Liquor Act 1989. However, this clause also permits the Authority to proceed with an *ex parte* application in order to ensure that immediate relief is available in a case of a serious breach of this Part or of the conditions of the licence.

*Clause 78* provides for the Authority to suspend or cancel a manager's certificate. In both cases, an application must be considered and determined within 24 hours of the application being made to the Authority.

*Clause 79* replicates for the Authority the powers available under section 134 of the Sale of Liquor Act 1989 where public health and safety (specifically, fire precaution) requirements arise.

#### *Offences and penalties*

*Clauses 80 to 84* replicate the offence and penalty provisions of the Sale of Liquor Act 1989, whilst providing as necessary for modification of the terminology that applies. All offences are prosecuted under the Summary Proceedings Act 1957.

#### *Amendment to Sale of Liquor Act 1989*

*Clause 85* provides for the amendment of the Sale of Liquor Act 1989 by including offences committed under the Bill as a relevant (but not mandatory) consideration in dealing with offences under the Sale of

Liquor Act 1989, even though the offence relates to a licence or other matter under the Bill, not under that Act.

#### *Infringement offences*

*Clause 86* provides for the infringement offences available under the Sale of Liquor Act 1989.

#### *Right of appeal on question of law only*

*Clause 87* provides a right of appeal on a question of law to the High Court for a person who is dissatisfied with a decision of the Authority under this Part. It applies the provisions of *Schedule 2*.

### **Part 6 Miscellaneous**

#### *Regulations*

*Clause 88* provides for regulations to be made covering any “machinery” requirements of the Authority or of special requirements for Rugby World Cup liquor licences.

#### *Service*

*Clause 89* defines the requirements for service under the Bill.

#### *Consequential amendment*

*Clause 90* includes the Authority in Schedule 1 of the Official Information Act 1982.

### **Regulatory impact statement**

The regulatory impact statement for the bill is available at:  
<http://www.med.govt.nz/med-ris>

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*Hon Murray McCully*

# **Rugby World Cup 2011 (Empowering) Bill**

Government Bill

## **Contents**

		Page
1	Title	6
2	Commencement	6
<b>Part 1</b>		
<b>Preliminary provisions</b>		
3	Purpose and overview	6
4	Interpretation	7
5	Limits to application of Act	10
6	Act binds the Crown	11
7	Expiry	11
<b>Part 2</b>		
<b>Establishment of Rugby World Cup Authority</b>		
<i>Authority to be established</i>		
8	Establishment of Authority	11
9	Functions of Authority	11
10	Powers of Authority	12
11	Membership of Authority	12
12	Chairperson to appoint panels to determine proceedings	13
13	Dissolution of Authority	14
14	Further provisions applying to Authority	14
<i>Administrative secretariat</i>		
15	Administrative secretariat to support Authority	14

**Rugby World Cup 2011 (Empowering) Bill**

---

**Part 3**

**Approvals and declarations**

Subpart 1—Applications to Authority

16	Applications for approvals, declarations, and change to conditions	15
17	Applications relating to test events	16
18	Method of making application	17
19	Information to be supplied with applications for approvals and declarations	17
20	Information to be supplied with applications for test approvals or declarations	19
21	Deposit to be paid to administrative secretariat	19

Subpart 2—Jurisdiction, public notification, and making of submissions

*Preliminary question of jurisdiction*

22	Preliminary consideration of application	20
23	Notice of preliminary decision	21

*Notification of applications*

24	Authority must give public notice of applications	21
25	Contents of public notice	22

*Standing to make submissions*

26	Submissions	23
27	Determination of affected person status	23
28	Determination of whether adverse effects more than minor	24

Subpart 3—Hearing and determination of applications

*Hearing*

29	Notice and conduct of hearing	24
----	-------------------------------	----

*Determination of applications*

30	Determination of applications for approvals	25
31	Determination of applications for declarations	26
32	Notice of determination	27

Subpart 4—Further provisions applying to approvals and declarations

33	Commencement of approvals and declarations	28
34	Expiry of approvals and declarations	29
35	Effect of approvals and declarations by Authority under this subpart	29

**Rugby World Cup 2011 (Empowering) Bill**

---

36	Continuing effect of approvals after expiry	30
	Subpart 5—Enforcement	
37	Monitoring and enforcement under this Part	31
	<i>Enforcement by interim injunctive orders</i>	
38	Applications for interim injunctive orders	31
39	Making of interim injunctive orders	32
40	Procedure in relation to interim injunctive orders	32
41	Effect and duration of interim injunctive order	33
	<i>Offences and penalties</i>	
42	Offences and penalties	33
	Subpart 6—Appeal rights	
	<i>Right of appeal on question of law only</i>	
43	Appeals	34
	<b>Part 4</b>	
	<b>Procedures available in circumstances of urgency</b>	
	<i>Purpose</i>	
44	Purpose of this Part	35
	Subpart 1—Declarations of status as Rugby World Cup permitted activity and grant of urgent approvals	
	<i>Applications</i>	
45	Applications for recommendation of Authority	35
46	Procedure of Authority	36
	<i>Declaration of status as Rugby World Cup permitted activity</i>	
47	Matters relevant to determination of application	36
48	Power to declare Rugby World Cup permitted activities	37
49	Contents of regulations	37
	<i>Grant of urgent approvals</i>	
50	Recommendation of Authority	38
51	Granting of urgent approvals	39
	Subpart 2—Miscellaneous provisions	
	<i>Effect of regulations</i>	
52	Effect of declaration made by Order in Council	39
	<i>Effect of urgent approval</i>	
53	Effect of urgent approval granted by Minister	40

---

**Rugby World Cup 2011 (Empowering) Bill**

---

	<i>Monitoring, enforcement, and appeal rights</i>	
54	Monitoring, enforcement, and appeals	40
	<i>Offences and penalties</i>	
55	Offences and penalties	41
	<b>Part 5</b>	
	<b>Rugby World Cup liquor licences</b>	
	Subpart 1—Preliminary matters	
56	Purpose	41
57	Interpretation	42
	Subpart 2—Rugby World Cup liquor licensing scheme	
58	Purpose and scope of Rugby World Cup liquor licence	43
59	Persons who may apply for and hold Rugby World Cup liquor licence	43
60	Applications for Rugby World Cup liquor licences	44
61	Applications relating to particular locations	45
62	Reports to Authority	45
63	Public notice of applications	46
64	Objections	47
65	Grant of unopposed applications without hearing	47
66	Matters relevant to considerations under <b>sections 64 and 65</b>	48
67	Hearing in case of opposed licence	48
68	Right to appear and be heard	49
69	Decision on the papers	50
70	Decision after hearing	50
71	Issue of licence	50
	Subpart 3—Conditions of Rugby World Cup liquor licences	
72	Conditions applying to all licences	51
73	Other conditions of licences	51
	Subpart 4—Management	
74	Responsibility for management and compliance	53
75	Further application of Sale of Liquor Act 1989	54
	Subpart 5—Enforcement, offences, penalties, and appeal rights	
	<i>Enforcement</i>	
76	Powers of inspectors and Police in relation to licensed premises or areas	54



---

**Rugby World Cup 2011 (Empowering) Bill**

---

77	Variation, suspension, or cancellation of licence	55
78	Suspension or cancellation of manager's certificate	56
79	Suspension of licence for public health or fire precaution requirements	57
	<i>Offences and penalties</i>	
80	Offence of licensee in respect of manager	57
81	Offences by licensee or manager	58
82	Offences by persons other than licensee or manager	58
83	Matters of evidence	59
84	Other provisions applying to offences and penalties under this Part	59
	<i>Amendment to Sale of Liquor Act 1989</i>	
85	Amendment to Sale of Liquor Act 1989	60
	136A Offences under Part 5 of Rugby World Cup 2011 (Empowering) Act 2010	60
	<i>Infringement offences</i>	
86	Infringement offences under this Part	60
	<i>Right of appeal on question of law only</i>	
87	Appeal	60
	<b>Part 6</b>	
	<b>Miscellaneous</b>	
	<i>Regulations</i>	
88	Regulations	61
	<i>Service</i>	
89	Service of notices and documents	62
	<i>Consequential amendment</i>	
90	Amendment to Official Information Act 1982	62
	<b>Schedule 1</b>	64
	<b>Further provisions applying to Authority</b>	
	<b>Schedule 2</b>	68
	<b>Further provisions relating to appeal procedure</b>	

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

- 1 Title**  
This Act is the Rugby World Cup 2011 (Empowering) Act **2010**.
- 2 Commencement** 5
- (1) **Part 4** (except **sections 45(2), 50, and 51**) comes into force on 1 July 2011.
- (2) **Sections 45(2), 50, and 51** come into force on 1 September 2011.
- (3) The rest of this Act comes into force on the day after the date on which it receives the Royal assent. 10

**Part 1****Preliminary provisions**

- 3 Purpose and overview**
- (1) The purpose of this Act is to enable applications to be determined expeditiously for activities or facilities reasonably necessary for the proper conduct of the seventh quadrennial international rugby world championships tournament scheduled to be held in New Zealand in 2011 (**Rugby World Cup 2011**). 15
- (2) To that end, this Act— 20
- (a) establishes the Rugby World Cup Authority under **Part 2**; and
- (b) provides for its role as an approval authority under **Part 3**—
- (i) to determine applications for approvals and test approvals for activities and facilities; and 25
- (ii) to make declarations and test declarations of specified activities or facilities, or class of activity or facility, as Rugby World Cup permitted activities; and 30
- (c) under **Part 4**,—
- (i) empowers the making of regulations, subject to a recommendation of the Authority, to declare an activity, facility, or class of activity or facility as a Rugby World Cup permitted activity in circum- 35

- stances of urgency that, for good reason, were not foreseen; and
- (ii) empowers the Minister, subject to a recommendation of the Authority, to grant urgent approvals for activities and facilities in circumstances of urgency that, for good reason, were not foreseen; and
- (d) provides, in **Part 5**, for an alternative and temporary process under which the Authority may grant Rugby World Cup liquor licences.

#### 4 Interpretation

In this Act, unless the context otherwise requires,—

**activity** includes—

- (a) a use, trade, business, occupation, and service that is undertaken or conducted for or in connection with the Rugby World Cup 2011; and
- (b) as relevant, a proposed activity

**administrative secretariat** means an administrative secretariat established under **section 15**

**ancillary events** means events, whether or not sporting events, wherever they occur, that are reasonably closely connected to the Rugby World Cup 2011

**application** means an application made to the Authority under this Act

**approval**—

- (a) means any type of approval that could be granted, given, or authorised by or under an enactment; and
- (b) includes a consent, licence, right, authorisation, permit, dispensation, exemption, waiver, and any other type of approval

**Authority** means the Rugby World Cup Authority established by **section 8**

**chairperson** means the person appointed under **section 11(2)** to be the chairperson of the Authority

**change of conditions**, in relation to an approval, a declaration, or a test approval or declaration, means 1 or more of the following:

- (a) to amend a condition:
- (b) to cancel a condition: 5
- (c) to impose a new condition

**condition**, in relation to an approval, includes a requirement, term, standard, rule, restriction, and prohibition

**declaration** means a declaration that an activity, facility, or class of activity or facility is a Rugby World Cup 2011 permitted activity, made— 10

- (a) by the Authority under **Part 3**:
- (b) by Order in Council under **subpart 1 of Part 4**

**district** has the same meaning as in section 5 of the Local Government Act 2002 15

**environment** has the meaning given in section 2 of the Resource Management Act 1991

**facility** means works, site, or a structure undertaken or constructed for or in connection with the Rugby World Cup 2011, and includes, as relevant, a proposed facility 20

**interim injunctive order** means an order that may be made by the Authority under **subpart 5 of Part 3 or subpart 2 of Part 4**

**land** includes land covered by water and the airspace above the land 25

**local authority** has the same meaning as in section 5 of the Local Government Act 2002

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act 30

**notice of determination** means—

- (a) a copy of any determination made by the Authority on an application for an approval or a declaration; or
- (b) a notice summarising such a determination 35

**panel** means a panel comprising members of the Authority who are appointed by the chairperson of the Authority under **section 12**

**public notice—**

- (a) means a notice published in a newspaper circulating in the area likely to be affected by the application to which the notice relates; and
- (b) if the Authority also publishes notices on an Internet site to which members of the public have free access, includes a notice published in that manner

**region** has the meaning given in section 5 of the Local Government Act 2002

**relevant statutory person or body** means the statutory person or body that would, but for this Act, have responsibility for determining a particular application

**Rugby New Zealand 2011 Limited** means the company of that name that—

- (a) is incorporated in New Zealand, is jointly owned by the New Zealand Rugby Union Incorporated and the Crown, and has its principal place of business in Wellington, New Zealand; and
- (b) is responsible to Rugby World Cup Limited for the planning, operational, and delivery requirements of the Rugby World Cup 2011

**Rugby World Cup 2011—**

- (a) means the seventh quadrennial international rugby world championship event scheduled to be held in New Zealand in 2011; and
- (b) includes all of the games comprising that tournament and events ancillary to it

**Rugby World Cup Limited** means the company of that name that is wholly owned by the International Rugby Board, incorporated under the laws of the Isle of Man, and having its principal place of business in Dublin, Ireland

**Rugby World Cup liquor licence and licence** have the meaning given in **section 57**

**Rugby World Cup permitted activity** means an activity or facility that may be undertaken or constructed without an approval that would, but for this Act, be required by or under another enactment or statutory planning instrument

**service** means service in accordance with **section 89**

**statutory person or body** means a person or body that, under any enactment other than this Act, is capable of—

- (a) granting, giving, or authorising an approval or test approval for an activity or facility; or
- (b) declaring an activity or facility, or a class of activity or facility, to be a Rugby World Cup permitted activity 5

**statutory planning instrument** means a planning instrument made under any enactment to regulate specified activities or the provision of specified facilities, including (but not limited to) district and regional plans, proposed plans, bylaws, conservation management plans, codes, and rules 10

**structure** includes—

- (a) a partially built structure; and
- (b) any part of a structure; and
- (c) a temporary structure or any part of such structure 15

**test approval or declaration** has the meaning given in **section 17(5)**

**test event** has the meaning given in **section 17(5)**

**urgent approval** means an approval granted by the Minister under **subpart 1 of Part 4**. 20

## 5 Limits to application of Act

- (1) This Act does not limit or affect—
  - (a) the Biosecurity Act 1993; or
  - (b) the Food Act 1981; or
  - (c) the Hazardous Substances and New Organisms Act 1996; or
  - (d) the Health Act 1956. 25
- (2) **Part 3** does not limit or affect—
  - (a) the Building Act 2004; or
  - (b) the Gambling Act 2003; or 30
  - (c) the transport legislation.
- (3) **Parts 3 and 4** do not limit or affect the Sale of Liquor Act 1989.
- (4) In this section, **transport legislation** means—
  - (a) the Civil Aviation Act 1990; and 35
  - (b) the Land Transport Act 1998; and
  - (c) the Maritime Security Act 2004; and

- (d) the Maritime Transport Act 1994; and
- (e) the Public Transport Management Act 2008; and
- (f) the regulations and rules made under any of those Acts.

**6 Act binds the Crown** 5  
This Act binds the Crown.

- 7 Expiry**
- (1) **Parts 4 and 5** expire on 31 October 2011.
  - (2) The rest of this Act expires on 31 October 2012.

## **Part 2**

### **Establishment of Rugby World Cup Authority** 10

#### *Authority to be established*

- 8 Establishment of Authority**
- (1) This section establishes the Rugby World Cup Authority.
  - (2) The Authority is a body corporate. 15
  - (3) The Authority continues in existence until it is dissolved in accordance with **section 13**.

- 9 Functions of Authority**
- (1) The functions of the Authority are— 20
    - (a) to determine all applications made under **Part 3**; and
    - (b) to make recommendations to the Minister in relation to—
      - (i) the making of regulations under **subpart 1 of Part 4**; 25
      - (ii) the granting of urgent approvals under that subpart; and
    - (c) to determine applications made under **Part 5** for Rugby World Cup liquor licences; and
    - (d) to the extent provided for by this Act, to undertake enforcement functions. 30
  - (2) In exercising its functions under this Act, the Authority must, to the extent relevant, have regard to—

- (a) the desirability of making proper preparation for the Rugby World Cup 2011; and
- (b) the need to ensure the efficient, safe, and lawful conduct of the Rugby World Cup 2011; and
- (c) the desirability of supporting the appropriate delivery of services by or through Rugby New Zealand 2011 Limited; and 5
- (d) the importance of ensuring—
  - (i) the safety of individuals participating in or attending the Rugby World Cup 2011; and 10
  - (ii) the security of property; and
  - (iii) that permanent adverse effects on the environment are avoided; and
  - (iv) that other adverse effects are, to the extent appropriate in the circumstances, avoided, remedied, or mitigated; and 15
- (e) the desirability of maximising the benefit to be derived during or after the Rugby World Cup 2011 from things done in preparation for, or in support of, the Rugby World Cup 2011. 20

## 10 Powers of Authority

- (1) For the purpose of carrying out its functions, the Authority has—
  - (a) full capacity to carry on or undertake any activity, do any act, or enter into any transaction; and 25
  - (b) for the purposes of **paragraph (a)**, full rights, powers, and privileges.
- (2) The Authority has the same functions, powers, privileges, and immunities in respect of every application made under this Act as the relevant statutory person or body would have but for this Act. 30

## 11 Membership of Authority

- (1) The Minister must appoint persons to be members of the Authority, by notice in the *Gazette*, after consultation with—
  - (a) the Minister of Justice; and 35
  - (b) the Minister for Economic Development; and
  - (c) the Minister for the Environment.



- (2) The Minister must appoint—
- (a) a member of the Authority who is a current, former, or retired Judge or a lawyer of at least 7 years' standing to be the chairperson of the Authority; and
  - (b) another member who is a lawyer of at least 7 years' standing to be its deputy chairperson. 5
- (3) In appointing members, the Minister must ensure that the Authority has available to it sufficient members with the knowledge, skill, and experience relevant to the Authority's functions and, in particular, knowledge, skill, or experience relating to— 10
- (a) the enactments relevant or likely to be relevant to those functions; and
  - (b) the matters that are likely to come before the Authority; and 15
  - (c) the regions where the Rugby World Cup 2011 will take place; and
  - (d) judicial processes.

## 12 Chairperson to appoint panels to determine proceedings

- (1) When any application is received by the Authority under this Act, the chairperson must appoint— 20
- (a) a panel selected from among the members of the Authority to constitute the Authority for the purpose of considering and determining the application; and
  - (b) a member of that panel to constitute the Authority for the purpose of making the preliminary determination required by **section 22(1)**; and 25
  - (c) either a panel or a member of the Authority who is a lawyer of at least 7 years' standing, as he or she considers appropriate, to constitute the Authority for the purpose of determining applications for interim injunctive and other enforcement orders under **subpart 5 of Part 3, subpart 2 of Part 4, or subpart 5 of Part 5.** 30
- (2) A panel must comprise at least 3 members including, as presiding officer, a lawyer of at least 7 years' standing (who may be the chairperson of the Authority). 35
- (3) In appointing a panel, the chairperson must have regard to the need for the panel to have available to it sufficient members

with the knowledge, skill, and experience relevant to the particular application before it.

- (4) The powers of the Authority are able to be exercised by a panel even if a member of that panel is absent for part of the proceedings of that panel, so long as the presiding officer of that panel and at least 1 other member are present. 5
- (5) In the event of disagreement on any matter before a panel,—
- (a) the decision of the majority of the members is the decision of the Authority; but
- (b) the decision of the presiding officer of the panel is, if the members are equally divided, the decision of the Authority. 10
- (6) The chairperson's exercise of the discretion under **subsection (1)** may not be questioned in proceedings before the Authority or in a court. 15

### **13 Dissolution of Authority**

- (1) The Authority is dissolved on the date specified in regulations made by the Governor-General by Order in Council, on the recommendation of the Minister.
- (2) The Order in Council must not be made unless the Authority has completed its functions and all appeals relating to its decisions have been decided. 20

### **14 Further provisions applying to Authority** **Schedule 1** applies to the Authority.

#### *Administrative secretariat*

25

### **15 Administrative secretariat to support Authority**

- (1) The territorial authority of each district in which an activity is to be undertaken or a facility constructed for or in relation to the Rugby World Cup 2011 must ensure that—
- (a) provision is made for premises for the Authority, as needed, and for the secretarial, recording, accounting, administrative, and technical facilities and services that are necessary to enable the Authority to carry out its functions; and 30

- (b) an administrative secretariat is established for the support of the Authority in exercising its functions in, or in relation to, a district.
- (2) The obligations under **subsection (1)** are in addition to the powers of a territorial authority under the Local Government Act 2002. 5
- (3) An administrative secretariat comprises administrative support staff employed by, or acting under delegation from, the chief executive of the territorial authority for the purpose of undertaking the functions of the administrative secretariat. 10
- (4) The functions of an administrative secretariat are—
- (a) to receive and register applications under **Parts 3, 4, and 5**; and
- (b) to forward applications to the Authority not later than the next working day after they are lodged with the administrative secretariat; and 15
- (c) to determine, in consultation with the chairperson of the Authority, the amount of any deposit to be paid in relation to each application made under those Parts; and
- (d) to perform any other functions for the support of the Authority that the chairperson of the Authority requests of the chief executive of the relevant territorial authority. 20

### Part 3

#### Approvals and declarations

##### Subpart 1—Applications to Authority 25

#### 16 Applications for approvals, declarations, and change to conditions

##### *Approvals*

- (1) Any person may apply to the Authority for an approval that would, but for this Part, be required by or under another enactment for an activity or facility reasonably necessary for the proper conduct of the Rugby World Cup 2011. 30

##### *Declarations*

- (2) Applications may also be made to the Authority to declare, in relation to a specified location or area, that a specified activity 35

or facility, or class of activity or facility, is a Rugby World Cup permitted activity.

- (3) An application for a declaration may be made only by the relevant statutory person or body.
- (4) A declaration may relate only to an activity or facility, or class of activity or facility, that is reasonably necessary for the proper conduct of the Rugby World Cup 2011. 5

*Changes to conditions*

- (5) A person who holds an approval or a declaration granted under this Part may apply to the Authority for a change to any conditions of the approval or declaration. 10
- (6) A person who holds an approval granted under any other enactment may apply to the Authority for a change to any conditions of the approval.
- (7) An application may not be made under **subsection (5) or (6)** unless the change sought is reasonably necessary for the proper conduct of the Rugby World Cup 2011. 15

**17 Applications relating to test events**

- (1) Applications may be made for test approvals or declarations relating to a test event. 20
- (2) A test approval or declaration may be granted—
- (a) subject to any conditions that the Authority considers appropriate; and
  - (b) for a specified term, which must not exceed the time required for the specified test event, in order to test the adequacy of the activity or facility. 25
- (3) A person who holds a test approval or declaration may apply to the Authority for a change to the conditions of a test approval or declaration.
- (4) The provisions of this Part (other than **section 19**) apply, with any necessary modifications, to an application under this section as if it were an application made under **section 16**. 30
- (5) In this Part,—

**test approval or declaration** means an approval or a declaration that—

- (a) is required for an activity or a facility or a class of activity or facility to be undertaken or constructed in relation to a test event; and 5
- (b) is necessary or desirable in order to test whether the activity or facility is adequate and appropriate for the purpose for which it would be required if the test event were part of the Rugby World Cup 2011

**test event** means an event, whether or not a sporting event, that is not organised and held as part of the Rugby World Cup 2011, but for which an approval or a declaration may be sought under this section to enable the testing of a particular activity or facility that is, or is likely to be, required for the Rugby World Cup 2011. 10 15

## 18 Method of making application

Applications for approvals and declarations under **section 16 or 17** must be—

- (a) made in writing, in the form and manner prescribed by regulations or as approved by the Authority; and 20
- (b) lodged for registration with the administrative secretariat; and
- (c) accompanied by—
  - (i) the information required by **section 19 or 20**, as the case requires; and 25
  - (ii) the deposit that the administrative secretariat may require under **section 20**.

## 19 Information to be supplied with applications for approvals and declarations

- (1) An application made under **section 16(1)** for an approval must— 30
  - (a) specify the activity or facility for which the approval is required; and
  - (b) specify the enactment or statutory planning instrument under which each application would, but for this Part, be made and determined and the statutory authority that 35

- would normally consider and determine the application;  
and
- (c) describe the land, location, or area to which the activity or facility relates and state why the site is suitable for that activity or facility. 5
- (2) An application made under **section 16(2)** for a declaration must—
- (a) describe the activity or facility, or class of activity or facility, in respect of which a declaration is sought; and
- (b) specify the enactment or statutory planning instrument that would apply, but for this Part; and 10
- (c) describe the land, location, or area where the proposed declaration is to apply and why that land, location, or area is a suitable site for the relevant Rugby World Cup permitted activity; and 15
- (d) provide information as to why the declaration is requested.
- (3) An application under **section 16(1) or (2)** must also include—
- (a) the full name and address of the applicant (which may include an email address) and other contact details, including an address for service; and 20
- (b) evidence that the activity or facility to which the application relates meets the criteria set out in **section 22(3)**; and 25
- (c) information on any planning or other preparation undertaken under the enactment that would, but for this Part, apply in relation to the activity or facility and why the application ought to be considered under this Part, rather than under that other enactment; and 30
- (d) any information that the applicant considers would assist in the determination of the application; and
- (e) maps and plans that describe the activity or facility and its location or proposed location; and
- (f) any conditions that the applicant considers appropriate to apply to the approval or declaration, if granted; and 35
- (g) an assessment of how the activity or facility to which the application relates is likely to promote the matters set out in **section 9(2)**.

- (4) An application made under **section 16(5) or (6)** in relation to a change to the conditions must—
- (a) describe the approval or declaration to which it relates; and
  - (b) identify the condition that is the subject of the request or the new condition that is sought; and 5
  - (c) provide information as to why the change or cancellation of the condition is requested or a new condition is sought; and
  - (d) include an assessment of how the change or cancellation of a condition or provision of a new condition is likely to promote the matters set out in **section 9(2)**; and 10
  - (e) include the information required by **subsection (3)(a), (d), and (e)**.
- 20 Information to be supplied with applications for test approvals or declarations** 15
- An application made under **section 17** must include—
- (a) a description of the test event, including—
    - (i) the location where it is to take place; and
    - (ii) the date and time when it is to take place; and 20
  - (b) a statement as to why a test approval or declaration is required and how it is to be used for the purpose of testing, as part of the preparation for the Rugby World Cup 2011, that an activity or facility is adequate and appropriate to achieve the intended outcome; and 25
  - (c) any other information relevant to the test event for which the test approval or declaration is required; and
  - (d) in the case of an application to change the conditions of a test approval or declaration, the information required under **section 19(4)**. 30
- 21 Deposit to be paid to administrative secretariat**
- (1) A deposit, as authorised by the Authority in accordance with regulations made under this Act, must be paid by an applicant to the administrative secretariat at the time of lodging an application under this Part. 35
  - (2) The purpose of the deposit is to recover the costs and expenses expected to be incurred by—

- (a) the Authority in determining applications made to the Authority under this Part; and
  - (b) the statutory person or body that would, but for this Part, be responsible for undertaking monitoring and enforcement of any approval, declaration, or test approval or declaration granted under this Part; and 5
  - (c) an administrative secretariat in carrying out its functions under this Act in relation to an application.
- (3) **Subsection (1)** does not apply if the applicant is a Minister of the Crown or a local authority. 10
- (4) If the deposit paid is more than the actual costs and expenses, the Authority must authorise the administrative secretariat to refund the excess to the applicant.
- (5) If the deposit is less than those costs and expenses, the applicant must pay the deficiency to the administrative secretariat before the Authority releases its determination. 15

## Subpart 2—Jurisdiction, public notification, and making of submissions

### *Preliminary question of jurisdiction*

- 22 Preliminary consideration of application** 20
- (1) The Authority must determine, in relation to every application made under **subpart 1**, whether the application meets the criteria set out in **subsection (3)**.
- (2) Before making that decision the Authority may request further information from the applicant, if it is satisfied that provision of the information will, in the circumstances, assist in the fair and timely determination of the relevant matters. 25
- Criteria*
- (3) The Authority must be satisfied that—
- (a) the application relates to an activity or facility that is reasonably necessary for the proper conduct of, as the case may be,— 30
    - (i) the Rugby World Cup 2011; or
    - (ii) a test event; and
  - (b) the applicant has undertaken all reasonably practicable measures to ensure that the necessary approval, declar- 35



- ation, test approval or declaration, or change to the conditions was obtained under the enactment that would have applied, but for this Part, or that the application could not reasonably have been made at an earlier date; and 5
- (c) it is unlikely that, but for this Part, the application could be determined in time to enable the activity to be undertaken or the facility constructed for the Rugby World Cup 2011 or the test event, as the case may be.
- 23 Notice of preliminary decision** 10
- Not later than 5 working days after receiving an application from the administrative secretariat as required by **section 15(4)(b)**, the Authority must give notice to the applicant of its determination under **section 22(1)**, advising the applicant that— 15
- (a) the application is not to be determined under this Act, if the Authority is not satisfied that the application meets the criteria in **section 22(3)**; or
- (b) the application is to be determined under this Act, if the Authority is satisfied that the application meets those 20 criteria.
- Notification of applications*
- 24 Authority must give public notice of applications**
- (1) If the Authority determines under **section 22** that an application is to be determined under this Act, the Authority must, not 25 later than 5 working days after notifying the applicant under **section 23**,—
- (a) give public notice of that application; and
- (b) serve on the relevant statutory person or body a copy of the application and of all documents and maps or plans 30 submitted with it.
- (2) However, **subsection (1)(a)** does not apply if the enactment or statutory planning instrument that would apply, but for this Act, makes no provision for public notice to be given of an application made under that enactment or statutory planning 35 instrument.

- (3) Despite **subsection (2)**, the Authority may give public notice of an application to which that subsection applies if it considers that there are special circumstances that warrant public notice being given.

## **25 Contents of public notice** 5

- (1) A public notice must specify—
- (a) the nature of the application, with details that include—
    - (i) the activity, facility, or test activity or facility for which an approval is sought or the activity or facility, or class of activity or facility, that would become a Rugby World Cup permitted activity; and 10
    - (ii) the land, location, or area where any approval, declaration, or test approval or declaration would apply; and 15
  - (b) the enactment that would, but for this Act, apply to the application; and
  - (c) the persons who are entitled to make a submission on the application; and
  - (d) how any submissions opposing or in support of the application must be made (which may include making submissions by electronic transmission); and 20
  - (e) the address for service of submissions to—
    - (i) the applicant; and
    - (ii) the relevant statutory person or body; and 25
  - (f) the date by which submissions must be received by the Authority (which must be not later than 10 working days after the date of the public notice); and
  - (g) where the application and all accompanying documents and plans may be inspected without charge and how to obtain further information on the application. 30
- (2) The Authority must supply a copy of an application and of the documents and any maps or plans submitted with it, if requested, on the payment of a reasonable fee fixed by the Authority. 35

*Standing to make submissions***26 Submissions**

- (1) After an application has been publicly notified, submissions may be made in support of, or opposing, the application by—
- (a) the applicant: 5
  - (b) the relevant statutory person or body:
  - (c) an affected person, as determined in accordance with **section 27**:
  - (d) a person with an interest greater than that of the general public in the matter to which the application relates. 10
- (2) No submissions may be made by any person on, or in relation to, trade competition or the effects of trade competition.
- (3) Submissions, including any request to be heard, must be—
- (a) made in the form and manner prescribed by regulation or as approved by the Authority; and 15
  - (b) lodged with the Authority by the date given in the public notice; and
  - (c) served on the applicant and the relevant statutory person or body without delay after being lodged with the Authority. 20

**27 Determination of affected person status**

- (1) A person is an affected person if the adverse effects on the person of an activity, facility, or class of activity or facility for which an approval, declaration, or test approval or declaration is sought are more than minor, as determined in accordance with **section 28**. 25
- (2) However, a person is not an affected person—
- (a) if, and to the extent that, the effects on that person relate to trade competition or the effects of trade competition; or 30
  - (b) if the person has given written approval to the activity, facility, or class or activity or facility and has not withdrawn that approval by written notice to the Authority before the Authority has made its determination on the matter; or 35
  - (c) if it is unreasonable in the circumstances to seek the person's written approval.

- (3) In determining whether a person is an affected person, the Authority must disregard an adverse effect that is of a temporary nature, having regard to the duration of the activity or facility for which an approval, a declaration, or a test approval or declaration is sought. 5

**28 Determination of whether adverse effects more than minor**

In determining, for the purposes of **section 27, 30, or 31**, whether an activity or facility will, or is likely to, have adverse effects on the environment that are more than minor (including on any person), the Authority must disregard— 10

- (a) any adverse effect of the activity or facility that—
- (i) relates solely to the site or location of the activity or facility; and
  - (ii) is expressly permitted by any statutory planning instrument or by a declaration made under this Part; and 15
  - (iii) is of a temporary nature, having regard to the duration of the approval, declaration, or test approval or declaration; and 20
- (b) any effect of the activity or facility on a person who has given written approval to the application; and
- (c) trade competition and the effects of trade competition.

Subpart 3—Hearing and determination of applications 25

*Hearing*

**29 Notice and conduct of hearing**

- (1) The Authority need not conduct a hearing in relation to an application unless—
- (a) it considers that a hearing is necessary; or 30
  - (b) a person with a right to be heard has requested to be heard.
- (2) The persons who have a right to be heard by the Authority are—
- (a) the applicant; and 35
  - (b) the relevant statutory person or body; and

- (c) any person who lodged a submission under **section 26**.
- (3) Not later than 5 working days after the closing date for submissions to be received under **section 26**, the Authority must give written notice to the persons referred to in **subsection (2)** as to— 5
- (a) whether the Authority is to conduct a hearing; and
- (b) if so, the date of its commencement.
- (4) A hearing must commence not later than—
- (a) 10 working days after the closing date for submissions to be lodged with the Authority, if public notice of an application is given under **section 24**; or 10
- (b) 5 working days after the notice given under **subsection (3)**, if public notice is not given.

*Determination of applications*

- 30 Determination of applications for approvals** 15
- (1) In determining an application made under **section 16(1) or (5) or 17** for an approval, a test approval, or a change to the conditions of an approval or a test approval, the Authority may grant the application, but only if it is satisfied that the effects on the environment of granting the application would be no more than minor, as determined in accordance with **section 28**. 20
- (2) **Subsection (1)** also applies, with the necessary modifications, to the determination of an application under **section 16(6)** to change the conditions of an approval granted, given, or authorised under another enactment. 25
- (3) In making a determination under **subsection (1) or (2)**, the Authority must take into account—
- (a) the particular circumstances of the application; and
- (b) the extent to which an approval, a test approval, or a change to the conditions of an approval or test approval, if granted, would promote the matters set out in **section 9(2)**. 30
- (4) The Authority may take into account—
- (a) the effect of an approval, a test approval, or a change to the conditions of an approval or a test approval, if 35

- granted, on activities or facilities that have been authorised under another enactment; and
- (b) the provisions of any statutory planning instruments that would, but for this Part, apply; and
- (c) whether the application meets the statutory requirements that would apply if it were made and determined under the enactment that would otherwise apply. 5
- (5) The Authority may grant the application in full or in part or decline the application.
- (6) If the Authority grants the application, the Authority— 10
- (a) must prescribe, as a condition of the approval, test approval, or change to the conditions,—
- (i) in the case of an approval or a change to the conditions of that approval, the duration of the approval or conditions, which may commence at any time provided for by the Authority and must, unless **section 36** applies, expire not later than 31 December 2011; and 15
- (ii) in the case of a test approval, the duration of the approval, which may commence not earlier than 1 week before the commencement of the relevant test event and must expire not later than the day after the final day of that event; and 20
- (b) may prescribe any other conditions that it considers appropriate. 25
- 31 Determination of applications for declarations**
- (1) In determining an application under **section 16(2) or (5) or 17** for a declaration, a test declaration, or a change to the conditions of a declaration or a test declaration, the Authority may grant the application, but only if it is satisfied that the effects on the environment of granting the application would be no more than minor, as determined in accordance with **section 28**. 30
- (2) In making a determination under **subsection (1)**, the Authority must take into account— 35
- (a) the particular circumstances of the application; and
- (b) the extent to which a declaration, test declaration, or change to the conditions of a declaration or test declar-

ation, if granted, would promote the matters set out in **section 9(2)**.

- (3) The Authority may take into account—
- (a) the effect of a declaration, test declaration, or change to the conditions of a declaration or test declaration, if granted, on activities or facilities that have been authorised under another enactment; and 5
  - (b) the provisions of any statutory planning instruments that would, but for this Part, apply; and
  - (c) whether the application meets the statutory requirements that would apply if it were made and determined under the enactment that would otherwise apply. 10
- (4) The Authority may grant the application in full or in part or decline the application.
- (5) If the Authority grants the application, it must— 15
- (a) prescribe, as a condition of the declaration or test declaration, the duration of the declaration or test declaration, which may commence,—
    - (i) in the case of a declaration, not earlier than 1 August 2011 and must expire not later than 31 October 2011; and 20
    - (ii) in the case of a test declaration, not earlier than 1 week before the commencement of the relevant test event and must expire not later than the day after the final day of that event; and 25
  - (b) prescribe the land, area, or location where the Rugby World Cup permitted activity may be undertaken or constructed; and
  - (c) direct the relevant statutory person or body to treat the specified activity or facility, or class of activity or facility, as a Rugby World Cup permitted activity. 30

### **32 Notice of determination**

- (1) If an application is not publicly notified under **section 24** or if a hearing is not conducted under **section 29**, the Authority must serve notice of its determination, as required by **subsection (3)**, on— 35
- (a) the applicant; and
  - (b) the relevant statutory person or body.

- (2) If an application is publicly notified (whether or not a hearing is conducted), the Authority must serve notice of its determination, as required by **subsection (3)**, on—
- (a) the applicant; and
  - (b) the relevant statutory person or body; and 5
  - (c) each person who lodged a submission on the application.
- (3) The required notice must be served,—
- (a) in the case of an application to which **subsection (1)** applies, not later than 5 working days after the notice given under **section 29(3)**; and 10
  - (b) in the case of an application to which **subsection (2)** applies, not later than 10 working days after—
    - (i) the closing date for submissions to be lodged under **section 26**, if no hearing is conducted; or 15
    - (ii) the end of the hearing, if a hearing is conducted.
- (4) A notice served under this section must include—
- (a) the reasons for the determination; and
  - (b) the provisions of any enactment and statutory planning instrument relevant to that determination; and 20
  - (c) the principal issues in contention and the main findings on them; and
  - (d) the reasons for any conditions that are imposed; and
  - (e) advice as to the right of appeal under **subpart 6**; and
  - (f) the date by which any appeal must be lodged. 25
- (5) A copy of a determination of the Authority and of any map or plan to which it refers must be—
- (a) kept at the place specified by the Authority; and
  - (b) made available for public inspection without charge during ordinary office hours. 30

#### Subpart 4—Further provisions applying to approvals and declarations

### 33 Commencement of approvals and declarations

Unless the Authority specifies a later date, an approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration commences— 35



- (a) when the time for lodging an appeal under **subpart 6** expires and no appeal has been lodged; or
- (b) if an appeal is lodged, when the High Court has determined the appeal or all appellants have withdrawn their appeals.

5

### 34 Expiry of approvals and declarations

An approval, a declaration, a test approval or declaration, or a change to the conditions of an approval or a declaration expires—

- (a) on the date specified by the Authority under **section 30 or 31**, as the case may be; or
- (b) if the Authority does not so specify, on the date specified in **section 30 or 31**, as the case may be.

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### 35 Effect of approvals and declarations by Authority under this subpart

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- (1) An approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration granted or made under this Part has full force and effect for its duration and according to its terms and conditions as if it were granted or made under the enactment or statutory planning instrument that would, but for this Part, apply.

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- (2) To avoid doubt, unless **section 36** applies, an activity or facility undertaken or constructed under an approval, a declaration, or a test approval or declaration granted or made under this Part does not—

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- (a) give rise to or create any right to the use of land after the expiry of the approval, declaration, or test approval or declaration; or

- (b) qualify, in the case of an approval that would, but for this Part, be required by or under the Resource Management Act 1991, for—

30

- (i) a certificate of compliance under section 139 of that Act; or

- (ii) an existing use certificate under section 139A of that Act.

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**36 Continuing effect of approvals after expiry**

- (1) A person to whom an approval is granted under this Part may apply to the relevant statutory person or body—
- (a) for an approval for the same activity or facility under the enactment or statutory planning instrument that would, but for this Part, apply; or 5
  - (b) for a certificate that certifies that the approval granted under this Part continues to have effect as if it were an approval granted under the enactment or statutory planning instrument that would, but for this Part, apply. 10
- (2) An approval granted under **subsection (1)(a)**—
- (a) applies subject to the enactment or statutory planning instrument under which it is granted; and
  - (b) may impose conditions in accordance with the requirements of that enactment or statutory planning instrument. 15
- (3) A certificate issued under **subsection (1)(b)**—
- (a) applies subject to the enactment or statutory planning instrument that would, but for this Act, apply; and
  - (b) may impose conditions in accordance with the requirements of that enactment or statutory planning instrument. 20
- (4) In addition, an approval granted or a certificate issued under **subsection (1)** must include a condition as to the duration of the approval or certificate. 25
- (5) An application under **subsection (1)** must be made not later than 1 month before the expiry of the approval.
- (6) The relevant statutory person or body may, in its discretion,—
- (a) allow the person to whom the approval was granted to continue to operate under the approval granted by the Authority under this Part until the relevant statutory person or body— 30
    - (i) grants a new approval under the enactment or statutory planning instrument that would, but for this Part, apply and all appeals are determined; or 35
    - (ii) issues a certificate under **subsection (1)(b)**; or
    - (iii) declines to grant a new approval under the enactment that would, but for this Part, apply or issue a certificate, and all appeals are determined; and

- (b) impose conditions in accordance with the requirements of that enactment or statutory planning instrument.

### Subpart 5—Enforcement

#### **37 Monitoring and enforcement under this Part**

- (1) The statutory person or body responsible for monitoring and enforcement under an enactment or statutory planning instrument that would, but for this Part, apply must carry out monitoring and enforcement in relation to approvals or test approvals granted, or declarations or test declarations made, under this Part. 5 10
- (2) That statutory person or body has the same powers for that purpose as that person or body has under the other enactment or statutory planning instrument.
- (3) The provisions for monitoring and enforcement under that other enactment or statutory planning instrument apply, with the necessary modifications. 15
- (4) To avoid doubt, any right of appeal that applies under the enactment or statutory planning instrument that would, but for this Part, apply also applies to enforcement proceedings taken in relation to activities or facilities for which approvals are granted or declarations made under this Part. 20

#### *Enforcement by interim injunctive orders*

#### **38 Applications for interim injunctive orders**

- (1) This section and **section 39** apply, in addition to the powers of enforcement available under **section 37**, in relation to activities or facilities for which approvals are granted or declarations made under this Part. 25
- (2) The relevant statutory person or body may apply to the Authority for an interim injunctive order to— 30
- (a) require a person to cease undertaking an activity or constructing a facility; or
- (b) prohibit a person from commencing an activity or beginning to construct a facility.
- (3) No undertaking as to damages may be required in relation to an application made under this section. 35

**39 Making of interim injunctive orders**

- (1) The Authority may make an interim injunctive order if, in its opinion, the application relates to an activity or a facility that—
- (a) contravenes, or is likely to contravene, the approval, declaration, or test approval or declaration granted for the activity or facility; and
  - (b) is, or is likely to be, noxious, dangerous, offensive, or objectionable to such an extent that it has, or is likely to have,—
    - (i) an adverse effect on the environment that is not of a temporary nature; or
    - (ii) a serious prejudicial effect on the proper conduct of the Rugby World Cup 2011.
- (2) If the Authority considers it necessary or desirable to avoid, mitigate, or remedy an effect of a kind described in **subsection (1)(b)**, an interim injunctive order may be made—
- (a) without requiring service of the application on the person against whom the order is sought; and
  - (b) without holding a hearing.
- (3) Before making an order, the Authority must consider—
- (a) the effect on the environment or on the conduct of the Rugby World Cup 2011 of not making the order; and
  - (b) whether any adverse effect is of a temporary nature only; and
  - (c) whether the Authority should hear the statutory person or body that applied for the order or the person against whom the order is sought; and
  - (d) any other matters that the Authority thinks fit.

**40 Procedure in relation to interim injunctive orders**

- (1) The Authority must serve a copy of any interim injunctive order on the person against whom the order is made without delay.
- (2) If the person against whom the order is made was not heard by the Authority before the order was made, that person may apply to the Authority, as soon as practicable after being served with the order, for an order changing or cancelling the interim order.
- (3) An application made under **subsection (2)** must be—

- (a) made in the form and manner prescribed by regulations or as approved by the Authority; and
  - (b) accompanied by the fee prescribed for the purpose in accordance with regulations made under this Part.
- (4) The Authority may confirm or cancel the interim injunctive order, or may issue a new interim injunctive order, as it thinks fit. 5

#### **41 Effect and duration of interim injunctive order**

- (1) An interim injunctive order made under this subpart takes effect according to its terms from the time that it is served or such later time as the order directs. 10
- (2) An order stays in force until—
- (a) the Authority cancels the order or issues a new order under **section 40(4)**; or
  - (b) the statutory person or body has sought and obtained an appropriate order under the enactment or statutory planning instrument that would, but for this Part, apply; or 15
  - (c) the person against whom the order was made, or another person directly affected by the order, has sought and obtained cancellation of, or a change to, the order under that enactment or statutory planning instrument. 20

#### *Offences and penalties*

#### **42 Offences and penalties**

- (1) The offences and penalties prescribed by or under an enactment that would, but for this Part, apply to an approval, a declaration, or a test approval or declaration apply to the breach of an approval, a declaration, or a test approval or declaration granted or made under this Part. 25
- (2) In an enactment that would apply, but for this Part, a reference to an approval that could be granted, given, or authorised under that enactment is to be read as a reference to an approval given under this Part. 30
- (3) Every person who breaches an interim injunctive order commits an offence and is liable, on summary conviction, to a fine,— 35

- (a) in the case of a natural person, not exceeding \$300,000; and
- (b) in the case of a person other than a natural person, not exceeding \$600,000; and
- (c) in each case, if the offence is a continuing offence, not exceeding \$10,000 for every day or part of a day during which the offence continues. 5

### Subpart 6—Appeal rights

#### *Right of appeal on question of law only*

- 43 Appeals** 10
- (1) A person or body that applied for an approval, a declaration, a test approval or declaration, or a change to the conditions of an approval, a declaration, or a test approval or declaration and is dissatisfied with the determination of the Authority under **section 22(1)** (which relates to the determination of the Authority as to jurisdiction) may appeal to the High Court, but only on a question of law. 15
  - (2) There is a right of appeal to the High Court, but only on a question of law, against a determination of the Authority made under— 20
    - (a) **section 30** (which relates to an application for an approval) for the applicant, the relevant statutory person or body, and any person who made a submission:
    - (b) **section 31** (which relates to an application for a declaration) for the applicant, the relevant statutory body, and any person who made a submission: 25
    - (c) **section 39 or 40(4)** (which each relate to interim injunctive orders) for—
      - (i) the statutory person or body that applied for an order; or 30
      - (ii) the person against whom the Authority makes an order.
  - (3) An appeal under this section must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**. 35

**Part 4**  
**Procedures available in circumstances of**  
**urgency**

*Purpose*

- 44 Purpose of this Part** 5
- (1) The purpose of this Part is to make provision for special procedures to apply in circumstances of urgency that, for good reason, were not foreseen.
- (2) The powers conferred by the Part may be exercised only in relation to an activity, facility, or a class of activity or facility— 10
- (a) that is necessary for the proper conduct of the Rugby World Cup 2011; and
- (b) for which an approval could not be granted, in the time available, under any other enactment.

Subpart 1—Declarations of status as Rugby World Cup permitted activity and grant of urgent approvals 15

*Applications*

- 45 Applications for recommendation of Authority**
- (1) Applications may be made to the Authority by the relevant statutory person or body, for a recommendation to the Minister that a specified activity or facility or specified class of activity or facility be declared by Order in Council to be a Rugby World Cup permitted activity. 20
- (2) Applications may be made to the Authority by any person, for a recommendation that the Minister grant an urgent approval for an activity or facility that is necessary for the proper conduct of the Rugby World Cup 2011. 25
- (3) Applications must—
- (a) be in the form and manner prescribed by regulations or as approved by the Minister; and 30
- (b) in relation to an application made under **subsection (1)**, give particulars relevant to the determination of the Authority under **section 47**; and

- (c) in relation to an application under **subsection (2)**, give information relevant to the determination of the Authority under **section 50**; and
- (d) include, as far as is relevant, the information required by **section 19(1) and (3)** (which relates to information required with an application to the Authority for an approval). 5

#### 46 Procedure of Authority

In determining an application made under **section 45(1) or (2)**, the Authority must regulate its own procedure, having regard to the urgency of the circumstances disclosed in the application. 10

#### *Declaration of status as Rugby World Cup permitted activity*

#### 47 Matters relevant to determination of application 15

- (1) Before the Authority makes a recommendation to the Minister on an application under **section 45(1)**, the Authority must be satisfied that it is reasonable to do so, having regard to—
  - (a) the circumstance of urgency that has arisen; and
  - (b) the nature and significance of the activity or facility to which the regulations, if made, would apply; and 20
  - (c) the location or area where the regulations, if made, would apply; and
  - (d) the extent (if any) to which the proposed Rugby World Cup permitted activity would be inconsistent with the requirements of— 25
    - (i) the enactment or statutory planning instrument that would, but for this Part, apply in relation to that activity; and
    - (ii) any relevant rule of law; and 30
  - (e) the likely impacts on persons or property of the proposed Rugby World Cup permitted activity being undertaken; and
  - (f) any matters relevant to securing public safety; and
  - (g) the extent and intensity of those impacts and whether they are, or are likely to be,— 35
    - (i) no more than temporary; or



- (ii) able to be remedied or mitigated; and
  - (h) whether the proposed regulations are necessary—
    - (i) to permit the proper conduct of the Rugby World Cup 2011:
    - (ii) to provide appropriately for hospitality in relation to the Rugby World Cup 2011: 5
    - (iii) to provide support for the appropriate delivery of services by Rugby New Zealand 2011 Limited; and
  - (i) the likely impact on the proper conduct of the Rugby World Cup 2011 if the regulations are not made; and 10
  - (j) the matters set out in **section 9(2)**; and
  - (k) any other matter that the Authority considers relevant.
- (2) In determining an application, the Authority must state, with reasons,— 15
  - (a) whether it recommends that the declaration sought should be granted; and
  - (b) if so, any terms and conditions that it recommends.
- 48 Power to declare Rugby World Cup permitted activities**
  - (1) The Governor-General may, on the advice of the Minister given after considering the recommendation of the Authority received under **section 47**, by Order in Council, make regulations to declare as a Rugby World Cup permitted activity— 20
    - (a) a specified activity or facility:
    - (b) a specified class of activity or facility. 25
  - (2) However, before the Minister may give advice to the Governor-General under **subsection (1)**, the Minister must, in relation to the recommendation of the Authority, consult—
    - (a) the Minister for Economic Development; and
    - (b) each Minister of the Crown who would, but for this subpart, be responsible for the enactment that would otherwise apply to the proposed activity or facility or class of activity or facility. 30
- 49 Contents of regulations**
  - (1) Regulations made under **section 48(1)** must— 35
    - (a) describe the activity, facility, or class of activity or facility to which they apply; and

- (b) describe the location or area where they apply; and
  - (c) state the date on which the regulations commence, which must not be earlier than 1 August 2011; and
  - (d) state the date on which the regulations expire, which must not be later than 31 October 2011; and 5
  - (e) prescribe any conditions required by the Authority in its recommendation given under **section 47**; and
  - (f) prescribe any other conditions—
    - (i) necessary or desirable to secure public safety:
    - (ii) required to avoid, control, or mitigate any adverse impacts of a Rugby World Cup permitted activity on the environment. 10
- (2) Regulations may include requirements for, or relating to, matters such as the cessation of an activity or the dismantling or removal of a facility— 15
- (a) during the Rugby World Cup 2011; or
  - (b) after the conclusion of the Rugby World Cup 2011.

*Grant of urgent approvals*

**50 Recommendation of Authority**

- (1) Before determining an application made under **section 45(2)**, the Authority must be satisfied that— 20
- (a) it is reasonable to do so, having regard to the matters set out in **sections 9(2) and 47(1)**; and
  - (b) the approval is necessary—
    - (i) to secure public safety; or 25
    - (ii) to avoid seriously compromising the proper conduct of the Rugby World Cup 2011; or
    - (iii) to provide support for the appropriate delivery of services by or through Rugby New Zealand 2011 Limited. 30
- (2) In determining an application under this section, the Authority must state, with reasons,—
- (a) whether it recommends that the urgent approval should be granted; and
  - (b) if so, the terms and conditions that it recommends. 35

**51 Granting of urgent approvals**

- (1) Before determining whether or not to grant an urgent approval, the Minister must, in relation to the recommendation of the Authority received under **section 50(2)**, consult—
- (a) the Minister for Economic Development; and 5
  - (b) each Minister of the Crown who would, but for this subpart, be responsible for the enactment that would otherwise apply to the proposed activity or facility or class of activity or facility.
- (2) The Minister may grant an application for an urgent approval in full or in part, or decline the application. 10
- (3) In granting an application, the Minister must—
- (a) specify the date on which the approval commences, which must not be earlier than 1 September 2011; and
  - (b) specify the date on which the approval expires, which must not be later than 31 October 2011; and 15
  - (c) impose conditions on the approval that the Minister considers appropriate, having regard to the recommendation of the Authority and advice received in the course of consultation under **subsection (1)**. 20
- (4) A decision of the Minister under this section is final.

**Subpart 2—Miscellaneous provisions***Effect of regulations***52 Effect of declaration made by Order in Council**

- (1) Regulations made under **section 48** have full force and effect, despite any restriction, prohibition, or limitation on the relevant activity or facility, or class of activity or facility, under any rule of law, enactment, or statutory planning instrument that would, but for this Part, apply. 25 30
- (2) To avoid doubt, an activity undertaken or a facility constructed in reliance on regulations made under this Part does not give rise to, or create, any right to use land after the expiry of the regulations.

*Effect of urgent approval***53 Effect of urgent approval granted by Minister**

- (1) An urgent approval granted under **section 51** has full force and effect, for its duration and according to its terms and conditions, despite any restriction, prohibition, or limitation on the activity or facility under any rule of law, enactment, or statutory planning instrument that would, but for this Part, apply. 5
- (2) To avoid doubt, an activity undertaken or a facility constructed in reliance on an urgent approval does not give rise to, or create, any right based on the use of land after the expiry of the approval. 10

*Monitoring, enforcement, and appeal rights***54 Monitoring, enforcement, and appeals**

- (1) The provisions of **subpart 5 of Part 3** (which relate to monitoring, enforcement, and offences and penalties) apply to an activity or a facility permitted under this Part as if— 15
- (a) a reference to a declaration made under **Part 3** were a reference to a Rugby World Cup permitted activity declared by Order in Council in regulations made under this Part; and 20
- (b) a reference to an approval granted under that Part were a reference to an urgent approval granted under this Part.
- (2) There is a right of appeal to the High Court, but only on a question of law, against a determination of the Authority on an application for a recommendation to the Minister— 25
- (a) made under **section 45(1)**, by the statutory person or body that made the application:
- (b) made under **section 45(2)**, by the person who made the application.
- (3) An appeal under this section must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**. 30

*Offences and penalties***55 Offences and penalties**

- (1) The provisions of **section 42** apply as if a breach of a regulation made under this Part were a breach of a declaration made, or an approval granted, under **Part 3**. 5
- (2) The penalties prescribed for offences under **Part 3** apply to offences under this Part.

**Part 5****Rugby World Cup liquor licences**

## Subpart 1—Preliminary matters 10

**56 Purpose**

- (1) The purpose of this Part is to establish a temporary process for licensing the sale and supply of liquor to the public during the period of the Rugby World Cup 2011, as an alternative to the process under the Sale of Liquor Act 1989, whilst having regard to— 15
- (a) the significance of that tournament (or any particular part of it), the scale of the hospitality that is needed, and any relevant circumstances, such as the times at which games are scheduled; and 20
- (b) the need to ensure that priority is given to—
- (i) matters of public health and safety; and
- (ii) the minimisation of harm to persons and property.
- (2) To that end, this Part provides for the Authority— 25
- (a) to consider and determine applications for Rugby World Cup liquor licences; and
- (b) to grant licences subject to terms and conditions that—
- (i) are appropriate, having regard to the particular circumstances applying during the period of the Rugby World Cup 2011; and 30
- (ii) ensure that public health and safety are protected as far as is reasonably practicable during the period of the Rugby World Cup 2011.

- (3) The Sale of Liquor Act 1989 does not apply to, or in relation to, licences issued under this Part, except to the extent that the Sale of Liquor Act 1989 is applied by this Part.

## 57 Interpretation

In this Part, unless the context otherwise requires,— 5

**application** includes a group of applications for a Rugby World Cup liquor licence that relate to a particular geographical location

**area** means an area consisting of more than 1 premises or a defined outdoor area that is subject to a Rugby World Cup liquor licence 10

**inspector** means an inspector appointed under the Sale of Liquor Act 1989

**licensee** means the person to whom a Rugby World Cup liquor licence is granted 15

**liquor** has the meaning given in section 2 of the Sale of Liquor Act 1989

**manager** has the meaning given in **section 74(1)**

**premises** means premises subject to a Rugby World Cup liquor licence, and includes temporary premises 20

**restricted area**, in relation to premises or an area subject to a Rugby World Cup liquor licence, means any part of the premises or area so designated by the Authority where a person under the age of 18 years must not be admitted

**Rugby World Cup liquor licence** and **licence** mean a licence issued under this Part and having the purpose and scope set out in **section 58** 25

**supervised area**, in relation to premises or an area subject to a Rugby World Cup liquor licence, means any part of the premises or area so designated by the Authority where a person under the age of 18 years must not be admitted unless accompanied by the person's parents or guardian 30

**territorial authority** has the meaning given in section 5 of the Local Government Act 2002.

Subpart 2—Rugby World Cup liquor  
licensing scheme

**58 Purpose and scope of Rugby World Cup liquor licence**

- (1) A Rugby World Cup liquor licence authorises the licensee— 5
- (a) to sell and supply liquor to any person present on premises, or in an area described in a licence, for consumption on those premises or in that area; and
  - (b) to allow the consumption of liquor in accordance with **paragraph (a)**.
- (2) **Subsection (1)** does not permit the sale or supply of liquor to, or consumption of liquor by, a person under the age of 18 years or a person who is intoxicated. 10
- (3) A Rugby World Cup liquor licence—
- (a) comes into force on 9 September 2011 and expires on 31 October 2011, unless the licence specifies a shorter period; and 15
  - (b) authorises the sale and supply of liquor on the days and during the hours that are specified by the licence; and
  - (c) applies to or in respect of premises or an area defined in the licence as the premises or area where the licence applies. 20
- (4) The premises or area described in a licence may be 1 or more of the following:
- (a) a single premises:
  - (b) a specified outdoor area, with or without premises, the part or whole of which is defined as an area where a licence applies. 25

**59 Persons who may apply for and hold Rugby World Cup liquor licence**

- (1) Only persons who hold, or who are eligible to hold, an on-licence under the Sale of Liquor Act 1989 may apply for a Rugby World Cup liquor licence. 30
- (2) To avoid doubt, a Rugby World Cup liquor licence granted under this Part to a person who holds an on-licence under the Sale of Liquor Act 1989 applies, for its duration, instead of the on-licence granted under that Act and, for the period for 35

which the Rugby World Cup liquor licence is in effect, a licence granted under that Act is suspended.

**60 Applications for Rugby World Cup liquor licences**

- (1) Applications may be made at any time in accordance with this section for a Rugby World Cup liquor licence to be issued by the Authority. 5
- (2) Applications made under this section must—
- (a) be made in writing, in the form and manner prescribed by regulations or as approved by the Authority; and
  - (b) be made by, and in the name of, the person who will hold the licence, if the application is granted; and 10
  - (c) include an address for service of the applicant; and
  - (d) be lodged for registration with the administrative secretariat; and
  - (e) be accompanied by the deposit that the administrative secretariat may require under **section 21**. 15
- (3) Applications must include—
- (a) information relevant to the matters set out in **section 66(1)**; and
  - (b) any conditions sought by the applicant; and 20
  - (c) information as to why the application is made under this Act; and
  - (d) information as to how the premises or area to which the application relates is reasonably closely connected to the Rugby World Cup 2011; and 25
  - (e) if the application relates to premises, a certificate from the local authority that the proposed use of the premises meets any requirements of—
    - (i) the Resource Management Act 1991; and
    - (ii) the building code made under the Building Act 2004. 30
- (4) Applications must be forwarded to the Authority by the administrative secretariat on the first working day after being lodged, if the administrative secretariat is satisfied that an application contains the information required by **subsection (3)**. 35
- (5) If an application does not contain the necessary information, it must be returned to the applicant who, upon payment of any



further deposit required by the administrative secretariat, may lodge another application.

- (6) At the same time as the administrative secretariat forwards an application to the Authority, the secretariat must provide a copy of each application, both in hard copy and by electronic means, to— 5
- (a) the constable in charge of the police station nearest to the premises or area in respect of which the licence is sought; and
  - (b) the Medical Officer of Health of the district within which those premises or that area is situated; and 10
  - (c) an inspector.

#### **61 Applications relating to particular locations**

- (1) The Authority may, in its discretion, publish notices— 15
- (a) inviting applications for Rugby World Cup liquor licences in relation to a specified geographical area; and
  - (b) specifying the date by which all applications in relation to the specified geographical location must be received by the Authority.
- (2) This section does not limit **section 60(1)**. 20

#### **62 Reports to Authority**

- (1) When a constable, an inspector, and a Medical Officer of Health receive an application from the administrative secretariat under **section 60(6)**, each must— 25
- (a) inquire into the application; and
  - (b) report to the Authority in the form and manner prescribed by regulations or as approved by the Authority, stating— 30
    - (i) whether there is any matter on which he or she opposes the application;
    - (ii) any conditions that he or she considers should be imposed on the licence.
- (2) Reports must be returned to the Authority not later than 15 working days after the date that the application was forwarded by the administrative secretariat under **section 60(6)**. 35
- (3) The Authority must—

- (a) provide a copy of each report to the applicant; and
- (b) make a copy of each report available for inspection at the place specified in the notice given under **section 63(1)**.

- 63 Public notice of applications** 5
- (1) Unless provided otherwise in this Part, the Authority must—
- (a) give public notice of an application not later than 5 days after the application is lodged with the administrative secretariat; and
  - (b) advise where copies of an application may be inspected. 10
- (2) However, before notifying an application, the Authority must be satisfied that—
- (a) the application relates to premises or an area that is reasonably closely connected to the Rugby World Cup 2011; and 15
  - (b) granting the licence would promote the purpose of this Part.
- (3) The Authority may notify and determine applications—
- (a) singly and in the order that they are lodged with the administrative secretariat; or 20
  - (b) together as a group, in the case of applications that relate to a particular area.
- (4) If the Authority determines to process a group of applications together,—
- (a) it must advise the relevant applicants of that intention and give public notice of the applications, at the time and in the manner prescribed by regulations or as the Authority thinks appropriate; and 25
  - (b) each applicant must comply with **subsection (5)** in respect of that applicant’s application. 30
- (5) The applicant (and in the case of a group of applications, each applicant) must ensure that notice of an application is attached, in the form and manner prescribed by regulations or as approved by the Authority, to a conspicuous place on or adjacent to the premises or area to which the application relates, unless the Authority agrees, in writing, that it is impracticable or unreasonable to do so. 35

**64 Objections**

- (1) A person who has an interest greater than that of the general public may object to an application for a Rugby World Cup liquor licence.
- (2) Objections must be made in writing to the Authority, in the form and manner prescribed by regulations or as approved by the Authority, not later than 5 working days after the public notice given under **section 63(1)**. 5
- (3) Objections may relate only to—
- (a) the suitability of the applicant: 10
  - (b) the premises or area for which a licence is sought, whether the application relates to—
    - (i) a single premises; or
    - (ii) more than 1 premises in a specified area; or
    - (iii) an area: 15
  - (c) the matters set out in **section 66(1)**.
- (4) In the case of an applicant who holds a current on-licence under the Sale of Liquor Act 1989, any objection may relate only to—
- (a) any extension of the premises to which that licence relates: 20
  - (b) the matters set out in **section 66(1)**.

**65 Grant of unopposed applications without hearing**

- (1) The chairperson of the Authority must, without delay, appoint a panel to determine without a hearing an application for a Rugby World Cup liquor licence unless— 25
- (a) the reports received under **section 62** contain matters in opposition to the grant of a Rugby World Cup liquor licence; or
  - (b) an objection is received under **section 64**. 30
- (2) In making a determination on whether to grant the application, the Authority must have regard to the matters set out in **section 66**.

**66 Matters relevant to considerations under sections 64 and 65**

- (1) The matters relevant for the purposes of **sections 64 and 65** are—
- (a) the days on which liquor may be sold or supplied for consumption on the premises or in the area to which the Rugby World Cup liquor licence applies, which must not be outside the period prescribed in **section 58(3)(a)**; and 5
  - (b) the hours during which liquor may be sold or supplied for consumption on the premises or within the area to which the licence applies; and 10
  - (c) the nature and location of the premises or area in respect of which the licence is sought; and
  - (d) the applicant’s proposals for how the premises or area will be managed during the period for which any licence is granted; and 15
  - (e) the parts of the premises or area (if any) in respect of which a licence is sought that the applicant proposes should be designated as restricted areas or supervised areas; and 20
  - (f) the steps that the applicant will take to ensure that the conditions of any licence are observed; and
  - (g) the applicant’s proposal to engage in— 25
    - (i) the sale or supply of goods other than liquor or food; or
    - (ii) the provision of services other than those directly related to the sale or supply of liquor and food; and
  - (h) any matters raised in the reports received by the Authority under **section 62**. 30
- (2) The Authority must not take into account any prejudicial effect that the grant of a Rugby World Cup liquor licence may have on the business conducted under any other licence granted under this Part or under the Sale of Liquor Act 1989. 35

**67 Hearing in case of opposed licence**

- (1) This section applies if, in relation to an application,—

- (a) a report is received under **section 62** that includes any matter in opposition to the application; or
- (b) an objection is received under **section 64**.
- (2) The Authority must convene a hearing if it is satisfied that a hearing is necessary, unless— 5
  - (a) an application or all the applications in a group of applications are withdrawn; or
  - (b) having considered the application and the reports received under **section 62**, the Authority believes the objection is vexatious or based on grounds outside the scope of this Part; or 10
  - (c) no objectors request a public hearing.
- (3) A hearing must be convened not later than 15 working days after the closing date for objections under **section 64**.
- (4) The Authority must give not less than 10 working days' written notice of the hearing, advising the date, time, and place of the hearing, to— 15
  - (a) the applicant or group of applicants; and
  - (b) each objector; and
  - (c) the persons that provided reports under **section 62**. 20
- (5) The persons notified under **subsection (4)(a) and (b)** are entitled to make written submissions.
- (6) Submissions must be lodged with the Authority, in the form and manner prescribed by regulations or as approved by the Authority. 25

## **68 Right to appear and be heard**

The following persons have a right to appear and be heard in any public hearing convened by the Authority under this Part:

- (a) the persons who are entitled to make a written submission under **section 67(5)** and who did so; and 30
- (b) the persons notified under **section 67(4)(c)**; and
- (c) a member of the fire service established under the Fire Service Act 1975 authorised to undertake fire safety inspections or person authorised by the relevant local authority to do so; and 35
- (d) any other person who satisfies the Authority that he or she has a particular interest greater than that of the pub-

lic generally in the application that is the subject of the hearing.

**69 Decision on the papers**

- (1) If the Authority is satisfied that a hearing is not necessary, it must, after considering an application and any reports and objections, determine the application on the papers. 5
- (2) The Authority must—
- (a) notify its decision in accordance with **section 70**, as if there had been a hearing; and
  - (b) if a licence is granted, issue that licence. 10

**70 Decision after hearing**

- The Authority must, not later than 5 working days after the conclusion of any hearing under **section 67**, determine the application and notify its decision in writing, with reasons, to— 15
- (a) the applicant, and in the case of a decision on a group of applications, each applicant; and
  - (b) each person who made a submission and was heard at the hearing; and
  - (c) each person or body that exercised the right, or was permitted by the Authority, to appear under **section 68**. 20

**71 Issue of licence**

- (1) In the case of a successful application, the chairperson must ensure that a Rugby World Cup liquor licence is issued— 25
- (a) in the form prescribed by regulations made under this Act; and
  - (b) subject to any requirements imposed as a prior condition of the licence being met.
- (2) The premises or area that is the subject of an application for a licence is not subject to a Rugby World Cup liquor licence until a licence is issued. 30

### Subpart 3—Conditions of Rugby World Cup liquor licences

#### 72 Conditions applying to all licences

- (1) A licence granted under this Part is, unless expressly stated otherwise, subject to the following conditions: 5
- (a) the licensee must ensure that at all times there is displayed,—
- (i) on the exterior of the premises or within the area subject to the licence, a sign that is easily read by persons immediately outside the principal entrance of the premises or within the area; and 10
- (ii) inside the premises or at a suitable site within the area subject to the licence, so as to be easily read by persons entering the premises or within the area, a copy of the licence and its conditions; and 15
- (b) the licensee has available, for consumption on the premises or in the area,—
- (i) a reasonable range of non-alcoholic refreshments for sale or supply; and
- (ii) drinking water free of charge; and 20
- (c) the licensee is not obliged to sell or supply liquor at any time or to any person.
- (2) The sign required by **subsection (1)(a)(i)** must state that a Rugby World Cup liquor licence is held in respect of the premises or area and the days and hours of opening that apply under that licence. 25
- (3) **Subsection (1)(c)** applies subject to the Human Rights Act 1993.
- (4) If the licensee is the holder of an on-licence under the Sale of Liquor Act 1989, the Rugby World Cup liquor licence must be displayed beside the on-licence. 30
- (5) **Subsection (4)** does not limit **section 59(2)**.

#### 73 Other conditions of licences

- (1) In granting any licence under this Part, the Authority must impose conditions relating to the following matters: 35

- (a) the days on which liquor may be sold or supplied, which may only be within the period prescribed in **section 58(3)(a)**; and
  - (b) the hours during which liquor may be sold or supplied; and 5
  - (c) the sale and supply of low-alcohol beverages; and
  - (d) actions that are prohibited in order to discourage the excessive consumption of liquor by persons on the premises or in the area; and
  - (e) the maximum number of patrons permitted on the premises or in the area at any one time; and 10
  - (f) the provision of information about, or assistance with, alternative forms of transport from the premises or area.
- (2) Different conditions may be imposed under **subsection (1)(a) and (b)** in respect of different parts of the premises or area. 15
- (3) In granting a licence under this Part, the Authority may impose conditions relating to—
- (a) the designation of the whole or a specified part or parts of the premises or area to which the licence applies as a restricted area or supervised area: 20
  - (b) the provision of food for consumption on the premises or in the area to which the licence applies:
  - (c) any limits on when liquor may be served, and what quantity or kind of liquor may be served: 25
  - (d) the types and sizes of vessels in which drinks must be served:
  - (e) information that the licensee must provide to patrons as a means to promote responsible consumption of alcohol: 30
  - (f) the number of security staff that must be in attendance at any time and the means to control access to the premises or area, including an emergency evacuation plan:
  - (g) any other security measures that are required:
  - (h) other conditions that the Authority considers necessary or desirable to minimise harm to persons or property. 35
- (4) In determining the conditions to be imposed in respect of a licence, the Authority must have regard to—
- (a) the purpose of this Part and of this Act; and



- (b) the days and times when persons are likely to be attending a game that is part of the Rugby World Cup 2011 or otherwise participating in that tournament; and
- (c) the site of the premises or area in relation to the neighbouring land use. 5

#### Subpart 4—Management

#### 74 Responsibility for management and compliance

- (1) In this Part, **manager** has the meaning given in section 2 of the Sale of Liquor Act 1989, and the provisions of that Act apply, in relation to a person who is, or may be appointed as, a manager under this Part, as if a reference to—
  - (a) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence; and
  - (b) a licence were a reference to a Rugby World Cup liquor licence. 15
- (2) The licensee is responsible for ensuring that the management of the premises or area is appropriately carried out in accordance with—
  - (a) the conditions of the licence to which the premises or area is subject; and 20
  - (b) the provisions of this Part.
- (3) At all times when liquor is sold or supplied to the public on premises or in an area subject to a Rugby World Cup liquor licence,—
  - (a) a manager must be on duty; and 25
  - (b) the manager is responsible for compliance with—
    - (i) the provisions of this Part; and
    - (ii) the conditions of the Rugby World Cup liquor licence; and
  - (c) the name of the manager must be displayed inside the premises, or within the area, subject to a Rugby World Cup liquor licence and, for the purposes of this Part, the named person is to be treated as the manager of the premises or area at that time; and 30
  - (d) the licensee must take all reasonable steps to enable the manager to comply with his or her obligations under this Part. 35

**75 Further application of Sale of Liquor Act 1989**

- (1) The following provisions of the Sale of Liquor Act 1989 apply under this Part:
- (a) section 223 (which relates to service on licensees and managers); and 5
  - (b) sections 225 to 225B (which relate to the notification of changes to companies that hold licences); and
  - (c) section 226 (which permits duplicate licences to be issued in certain circumstances); and
  - (d) section 227 (which relates to the voluntary surrender of a licence); and 10
  - (e) section 228 (which enables a temporary alternative licence to be issued in certain circumstances).
- (2) Those provisions apply as if a reference to—
- (a) a licensee or manager under the Sale of Liquor Act 1989 were a reference under this Part: 15
  - (b) the District Licensing Agency, the Licensing Authority, or the Secretary of the District Licensing Agency or Licensing Authority were a reference to the Authority under this Part: 20
  - (c) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence under this Part.

Subpart 5—Enforcement, offences,  
penalties, and appeal rights 25

*Enforcement*

**76 Powers of inspectors and Police in relation to licensed premises or areas**

- (1) The provisions of section 131(1) to (3) of the Sale of Liquor Act 1989 apply to the powers of inspectors to enter premises or an area subject to a Rugby World Club liquor licence. 30
- (2) The following provisions of the Sale of Liquor Act 1989 apply to the powers of constables in relation to premises or an area subject to a Rugby World Cup liquor licence:
- (a) sections 173(1) to (3) and 174(1) to (5) (which confer powers for the closure of premises in the case of rioting or fighting); and 35

- (b) sections 175(1) to (3) and 176(1) to (3) (which confer powers for constables to enter licensed premises without warrant and to demand information); and
- (c) sections 177 and 177A (which relate to the execution of a search warrant and confer power to seize samples). 5
- (3) The provisions of the Sale of Liquor Act 1989 referred to in **subsections (1) and (2)** apply under this section as if a reference in those sections to—
  - (a) a licence were a reference to a Rugby World Cup liquor licence; and 10
  - (b) licensed premises were a reference to premises or an area subject to a Rugby World Cup liquor licence; and
  - (c) a licensee or a manager were a reference to a licensee or a manager under this Part; and
  - (d) a provision of the Sale of Liquor Act 1989 were a reference to that Act as applied by this Part. 15

#### 77 Variation, suspension, or cancellation of licence

- (1) An inspector or constable may, at any time, apply to the Authority for an order to—
  - (a) vary or revoke a condition of a Rugby World Cup liquor licence; or 20
  - (b) impose any new condition relating to a matter specified in **section 66(1)**; or
  - (c) suspend or cancel a licence.
- (2) The grounds on which an order may be sought are that— 25
  - (a) the provisions of this Part or the conditions of a licence have been breached;
  - (b) the licensee has used the licence, or permitted the licence to be used, in an improper way;
  - (c) the conduct of the licensee shows that the person is not suitable to hold a licence: 30
  - (d) the premises or area subject to the licence are being used in a disorderly manner so as to be obnoxious to neighbouring residents or to the public.
- (3) The Authority must, without delay, serve an application 35 lodged under **subsection (1)** on the licensee of the relevant premises or area.
- (4) The Authority must ensure that—

- (a) an application is considered and determined within 24 hours of being lodged; and
  - (b) an opportunity to be heard and to call, examine, and cross-examine witnesses is given to—
    - (i) the inspector or constable, as the case may be; 5  
and
    - (ii) the licensee.
- (5) If the Authority is satisfied that any ground in **subsection (2)** is established and that it is desirable to make an order, it must make the appropriate order, as permitted under **subsection (1)**. 10
- (6) Despite **subsections (3) and (4)**, if the Authority is of the opinion that an application relates to a serious breach under **subsection (2)**, it may make orders, without hearing from the licensee, to— 15
- (a) suspend the licence for any period that the Authority considers appropriate in the circumstances; or
  - (b) cancel the licence.
- 78 Suspension or cancellation of manager’s certificate**
- (1) An inspector or constable may, at any time, apply to the Authority for an order to suspend or cancel a manager’s certificate. 20
- (2) The grounds on which an order may be sought are that—
- (a) the manager has failed to manage the premises or area subject to a Rugby World Cup liquor licence in a proper manner in accordance with the provisions of this Part and the conditions of the licence: 25
  - (b) the conduct of the manager shows that the manager is not suitable to hold the certificate.
- (3) The Authority must, without delay, serve an application made under **subsection (1)** on the manager and on the licensee of the relevant premises or area. 30
- (4) The Authority must ensure that—
- (a) an application is considered and determined within 24 hours of being made; and 35
  - (b) an opportunity to be heard and to call, examine, and cross-examine witnesses is given to—

- (i) the inspector or constable; and
  - (ii) the manager; and
  - (iii) if appropriate, the licensee.
- (5) If the Authority is satisfied that any ground in **subsection (2)** is established and that it is desirable to make an order, it must make the appropriate order. 5

**79 Suspension of licence for public health or fire precaution requirements**

- (1) This section applies if a Medical Officer of Health or member of the fire service established under the Fire Service Act 1975 has reason to believe that persons using the premises or area are likely to be injured or their safety is likely to be endangered because of the failure of the licensee of premises or an area subject to a Rugby World Cup liquor licence to comply with any requirements relating to public health and safety. 10 15
- (2) The Medical Officer of Health or member of the fire service may apply to the Authority for immediate suspension of the licence.
- (3) The Authority must, as a matter of urgency,—
- (a) summon the licensee to appear not later than 24 hours after the summons is served, to establish good reasons why the licence should not be cancelled; or 20
  - (b) if the Authority is satisfied, on the evidence of the applicant, that the health and safety of persons using the premises or area are in danger, either— 25
    - (i) suspend the licence until it is satisfied that everything necessary or desirable to remedy the default has been done and there is no further likelihood of danger; or
    - (ii) order the closure of the premises or of the area and cancel the licence. 30

*Offences and penalties*

**80 Offence of licensee in respect of manager**

- (1) A licensee commits an offence and is liable to a fine not exceeding \$5,000 who fails, without reasonable excuse,— 35

- (a) to appoint a manager for the purposes of **section 74**;  
or
  - (b) to ensure compliance with that section.
- (2) However, the licensee is not responsible for an offence against this Part by a manager except if the licensee was a party to the offence. 5

### **81 Offences by licensee or manager**

- (1) The offences under sections 131(5), 154A, 155(1), 161, 164, 165, 166(1), 167, 168, 169, 171, and 175(5) of the Sale of Liquor Act 1989 (offences by a licensee or manager against that Act) are to be treated as if they were offences by a licensee or manager against this Part. 10
- (2) The penalties prescribed under the sections of the Sale of Liquor Act 1989 referred to in **subsection (1)** apply under this section as if they were prescribed under this Part. 15
- (3) The provisions referred to in **subsection (1)** apply as if a reference to—
- (a) a licence were a reference to a Rugby World Cup liquor licence under this Part; and
  - (b) a licensee or manager were a reference to a licensee or manager under this Part; and 20
  - (c) licensed premises or premises were a reference to premises or an area subject to a Rugby World Cup liquor licence under this Part; and
  - (d) the conditions of a licence were a reference to the conditions of a Rugby World Cup liquor licence; and 25
  - (e) a provision of the Sale of Liquor Act 1989 were a reference to that provision of that Act as applied by this Part.

### **82 Offences by persons other than licensee or manager**

- (1) The offences in sections 131(4), 151, 152, 153, 154, 155(2), 160, 162, 163, 166(2), 170, 172, and 175(4) of the Sale of Liquor Act 1989 (offences against that Act by persons other than a licensee or manager) are offences against this Part. 30
- (2) The penalties prescribed in the sections of the Sale of Liquor Act 1989 referred to in **subsection (1)** apply under this section as if they were prescribed under this Part. 35

- (3) The provisions referred to in **subsection (1)** apply as if a reference to—
- (a) a licence were a reference to a Rugby World Cup liquor licence; and
  - (b) a licensee or manager were a reference to a licensee or manager under this Part; and 5
  - (c) unlicensed premises were a reference to premises or an area that is not subject to a Rugby World Cup liquor licence; and
  - (d) the conditions of a licence were a reference to the conditions of a Rugby World Cup liquor licence; and 10
  - (e) a provision of the Sale of Liquor Act 1989 were a reference to that provision of that Act as applied by this Part.

### **83 Matters of evidence**

Sections 178 to 180 of the Sale of Liquor Act 1989 (which relate to matters of evidence) apply, with the necessary modifications, as if the proceedings in relation to offences against the provisions of this Part were offences against the provisions of that Act. 15

### **84 Other provisions applying to offences and penalties under this Part**

- (1) Offences against this Part are punishable on summary conviction. 20
- (2) On the conviction of a person for an offence against this Part, the Court may declare liquor found in the possession of the offender or on the premises where the offence occurred, together with the containers and packages, to be forfeited to the Crown. 25
- (3) The exemption under section 157 of the Sale of Liquor Act 1989 applies, with the necessary modification, to the supply of liquor on premises or in an area subject to a Rugby World Cup liquor licence. 30
- (4) Section 184 of the Sale of Liquor Act 1989 (which relates to the notification of any prosecution or conviction) applies as if the offence against provisions of this Part were an offence against the provisions of that Act. 35

- (5) The Registrar of the court that entered the conviction must also send a notice of a conviction under this Part to the Authority.

*Amendment to Sale of Liquor Act 1989*

**85 Amendment to Sale of Liquor Act 1989**

- (1) Section 84 amends the Sale of Liquor Act 1989. 5
- (2) The following section is inserted above the Part 7 heading:

**“136A Offences under Part 5 of Rugby World Cup 2011 (Empowering) Act 2010**

To avoid doubt, an offence committed under **Part 5** of the Rugby World Cup (Empowering) Act **2010** may be taken into account, if and to the extent that it is relevant, for the purposes of applying the provisions of this Act.” 10

*Infringement offences*

**86 Infringement offences under this Part**

Sections 162A to 162D of the Sale of Liquor Act 1989 apply, with any necessary modifications, in relation to the relevant offences under **section 82** as they do to offences under sections 162 and 163 of that Act. 15

*Right of appeal on question of law only*

**87 Appeal**

- (1) A person or body that applied for a Rugby World Cup liquor licence under this Part may appeal to the High Court, but only on a question of law, if that person or body is dissatisfied with— 20
- (a) the decision of the Authority under **section 69 or 70**;  
or 25
- (b) the conditions imposed on a licence under **section 73**.
- (2) An appeal under this section must be made in accordance with the High Court Rules, except to the extent that those rules are inconsistent with **Schedule 2**.



## Part 6 Miscellaneous

### *Regulations*

#### **88 Regulations**

- The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations that prescribe—
- (a) procedural and other requirements for 1 or more administrative secretariats: 5
  - (b) procedures for the purposes of the Authority: 10
  - (c) the content of forms required under this Act:
  - (d) the purposes for which a deposit may be authorised under this Act:
  - (e) how the amount of a deposit is to be calculated, including whether the deposit must provide for the full cost recovery by, or a fair and reasonable contribution to the costs of,— 15
    - (i) the Authority in determining an application:
    - (ii) the statutory person or body responsible for monitoring and enforcing the activity or facility to which an application relates: 20
    - (iii) an administrative secretariat, in providing support to the Authority:
  - (f) the deposit that may be authorised in relation to applications for test approvals or declarations: 25
  - (g) the method by which a deposit must be allocated between the Authority, a statutory person or body in relation to any monitoring and enforcement functions it has, and an administrative secretariat:
  - (h) the fee payable in relation to an application for interim injunctive orders under this Act: 30
  - (i) the form, contents, colour, and size of print of a Rugby World Cup liquor licence, including the form and other matters required for licences issued in respect of a group of applications: 35
  - (j) any requirements as to the display of a licence and signs required by this Act:

- (k) such other matters as are contemplated by or necessary for giving effect to the provisions of this Act and its due administration.

*Service*

- 89 Service of notices and documents** 5
- (1) A notice or other document that must be served on, or given to, a person under this Act may be in writing or given electronically and is sufficiently served if it is—
- (a) delivered to that person; or
  - (b) sent by electronic means to the electronic address supplied; or 10
  - (c) left at that person's usual or last known place of residence or business in New Zealand; or
  - (d) posted in a letter addressed to that person by name at that place of residence or business in New Zealand; or 15
  - (e) sent in the prescribed manner (if any); or
  - (f) if a person has specified an address for service, delivered, left at, or posted to that address.
- (2) If the person is absent from New Zealand, the notice or document may be served on or given to the person's agent in New Zealand. 20
- (3) If the person is deceased, the notice or document may be served on or given to the person's personal representative.
- (4) If a notice or document is to be served on a Minister of the Crown, service on the chief executive of the appropriate department of State is service on the Minister. 25
- (5) If a notice or document is to be served on a body, whether incorporated or unincorporated, service on an officer of the body or on its registered office is service on the body.
- (6) This section does not apply to a notice or document served or given in any proceedings in any court. 30

*Consequential amendment*

- 90 Amendment to Official Information Act 1982**
- (1) This section amends the Official Information Act 1982.

- (2) Schedule 1 is amended by inserting the following item in its appropriate alphabetical order: “Rugby World Cup Authority”.
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**Schedule 1****s 14****Further provisions applying to Authority****Part 1****Administrative matters relevant to Authority**

- 1 Functions and powers of deputy chairperson of Authority** 5  
The person appointed to be deputy chairperson of the Authority has and may exercise the functions and powers and perform the duties of the chairperson of the Authority if—
- (a) the office of chairperson is vacant; or
  - (b) the chairperson is unable, for any reason, to perform the functions and duties and exercise the powers of the chairperson. 10
- 2 Term of appointment**
- (1) The members of the Authority are appointed until the expiry of the term stated by the Minister in the notice of appointment or until the Authority is dissolved under **section 13**, whichever is the sooner. 15
  - (2) The Minister may, by notice in writing, remove a member from office at any time for inability to perform the functions of office, legal incapacity, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Minister. 20
  - (3) A member may resign by notice in writing to the Minister.
- 3 Powers of delegation**
- (1) The Authority may, as appropriate, delegate to the administrative secretariat any of its powers, duties, and discretions relating to— 25
    - (a) the giving of notice:
    - (b) the service of applications and other documents:
    - (c) the provision of copies of applications and other documents and the fee charged for copies: 30
    - (d) the persons or classes of persons to be served with copies of an application and other documents:
    - (e) whether further information is required in relation to an application.

Part 1—*continued*

- (2) The chairperson may delegate to the deputy chairperson or a member of the Authority the functions conferred on the chairperson by **section 12**.
- 4 Validity of appointments**  
The appointment of a person as a member, chairperson, or deputy chairperson of the Authority is not invalid because of a defect in the appointment. 5
- 5 Validity of member’s acts**  
Anything done by a person as a member, chairperson, or deputy chairperson is valid— 10  
(a) despite any defect in the appointment:  
(b) even though the occasion for the person acting or for the appointment had not arisen or had ceased.
- 6 Remuneration and travelling allowances**  
The members of the Authority are entitled to receive— 15  
(a) remuneration determined by the Minister in accordance with the fees framework for members of statutory and other bodies; and  
(b) payment of reimbursing allowances or actual and reasonable expenses incurred in undertaking the functions of the Authority. 20
- 7 Members’ liability**  
A member of the Authority is not liable for anything done or omitted in the performance of the functions of the Authority, if done or omitted in good faith. 25
- 8 No entitlement to compensation**  
A member of the Authority is not entitled to compensation or any other payment or benefit if he or she ceases to hold office as a member of the Authority.

Part 1—*continued***9 Judicial notice**

Every court and person acting judicially must take judicial notice of the signature of the chairperson of the Authority or the presiding officer of a panel attached to a document that appears to be made or issued by the Authority.

5

## Part 2

Provisions relating to procedures of  
Authority**10 Authority to regulate its own procedure**

(1) Subject to this Act, the Authority may regulate its own procedure.

10

(2) The authority may conduct its proceedings or any part of them by teleconference or by any other means of communication that allows individuals a reasonable opportunity to participate in the proceedings.

15

**11 Powers of Authority to require information or expert assistance**

For the purpose of performing its functions under this Act, the Authority may—

- (a) require reports to be provided to it on any matter relevant to a determination before the Authority: 20
- (b) appoint persons with relevant expertise to assist the Authority with its consideration of an application.

**12 Waiver and extension of time limits**

(1) If the Authority, in its discretion, considers it necessary for the fair determination of an application, it may, of its own motion or at the request of the person or body who made an application,—

25

- (a) waive a failure to comply with a time or method specified by or under this Act for serving documents: 30
- (b) extend a time period specified by or under this Act, whether or not the time period has expired.

Part 2—*continued*

- (2) Before granting a waiver or extension, the Authority must take into account—
- (a) the matters set out in **section 9(2)**; and
  - (b) the interests of any person who, in its opinion, is likely to be directly affected by a waiver or extension. 5
- (3) The Authority must not grant an extension of time—
- (a) exceeding twice the maximum time period specified by or under this Act; and
  - (b) unless there are exceptional circumstances that justify the extension. 10
- (4) The Authority must ensure that notice of the grant of a waiver or extension is notified to—
- (a) the person who applied for the approval or declaration; and
  - (b) the relevant statutory body. 15

**13 Representation at hearing**

Any person entitled to be heard may be represented by counsel or by a duly authorised representative.

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## Schedule 2

ss 43, 87

### Further provisions relating to appeal procedure

#### 1 Notice of appeal

- (1) A person who wishes to exercise a right of appeal to the High Court under this Act must file a notice of appeal with the Registrar of the High Court not later than 5 working days after notice is given of the relevant determination of the Authority. 5
- (2) At the same time as a notice of appeal is filed under **subclause (1)**, the appellant must serve a copy of the notice, as appropriate, on— 10
- (a) the Authority, in the case of an appeal under **section 43(1) or 87**; and
  - (b) the Authority and on every person who had a right to be heard by the Authority under **section 29(2)** and who exercised that right, in the case of an appeal under **section 43(2)(a) or (b)**; and 15
  - (c) the Authority, the statutory person or body that applied for the order, the person against whom the order is made, and any other party to the proceedings before the Authority, in the case of an appeal under **section 43(2)(c) or 54(2)**. 20
- (3) Every notice of appeal must specify—
- (a) the determination or part of the determination that is appealed against; and 25
  - (b) the error of law alleged by the appellant; and
  - (c) the question of law to be resolved; and
  - (d) the grounds of appeal; and
  - (e) the relief sought.
- (4) As soon as is reasonably practicable after receiving notice of an appeal, the Authority must provide to the Registrar of the High Court a copy of the whole of the determination appealed against. 30

#### 2 Right to appear and be heard on appeal

- (1) The persons who are served with a notice of appeal under **clause 1(2)** may appear and be heard in relation to that appeal. 35



- 
- (2) Not later than 5 working days after being served with a notice of appeal, any person wishing to appear and be heard on the appeal must serve notice of that intention to—
- (a) the appellant; and
  - (b) the Registrar of the High Court; and 5
  - (c) the Authority.
- (3) Any person entitled to be heard may be represented by counsel.
- 3 Parties to appeal**
- (1) The parties to an appeal to the High Court are the appellant and the persons and bodies served under **clause 1(2)**. 10
- (2) The Registrar of the High Court must ensure that the parties to an appeal are served with—
- (a) every document relating to the appeal that is filed in the High Court; and
  - (b) notice of the date set down for hearing the appeal. 15
- 4 Orders of the High Court**
- (1) The High Court may, on application by a party or of its own motion, make orders directing the Authority to lodge with the Registrar of the High Court—
- (a) anything in the possession of the Authority relevant to the appeal: 20
  - (b) any report on a specified matter that records findings of fact by the Authority that are not set out in its determination:
  - (c) any report in respect of a specified matter setting out, as far as is reasonably practicable, the reasons or considerations of the Authority that are not set out in its determination. 25
- (2) Application for orders under this clause must be made—
- (a) in the case of the appellant, not later than 10 working days after the date on which the notice of appeal is filed; or 30
  - (b) in the case of any other party to the appeal, not later than 10 working days after the notice of appeal was served on that party. 35
- (3) The High Court may make an order under this clause—

- (a) only if it is satisfied that it is not otherwise able to make a proper determination of a point of law; and
- (b) subject to the conditions that the High Court thinks fit.

## **5 Additional appeals on questions of law**

- (1) Any party to an appeal filed under **clause 1**, other than the appellant, may file a notice with the Registrar of the High Court that the determination of the Authority is in error on questions of law other than those raised in the appellant's notice of appeal. 5
- (2) A notice must be— 10
- (a) filed not later than 10 working days after the date of service of the notice of appeal under **clause 1(2)**; and
  - (b) served on the other parties to the appeal in accordance with **clause 1(1) and (3)**.

## **6 Dismissal of appeal**

The High Court may dismiss an appeal if the appellant does not—

- (a) appear at the hearing of the appeal; or
- (b) proceed with the appeal with due diligence and another party applies to the Court to dismiss the appeal. 20

## **7 Extension of time**

The High Court may, on the application of any party to an appeal, extend any period of time prescribed in this schedule or by the High Court Rules, provided that the time period as extended does not exceed twice the maximum time period so prescribed. 25

## **8 Appeal to be set down for hearing**

The Registrar of the High Court must set the appeal down for hearing as soon as practicable after the appellant has notified the Registrar that— 30

- (a) the notice of appeal has been served on all parties; and
- (b) either no application has been filed under **clause 4(2)** or any application has been dealt with; and
- (c) the appeal is ready for hearing.

**9 Further right of appeal**

- (1) No appeal may be made to the Court of Appeal from a determination of the High Court under this Act.
- (2) However, a party may apply to the Supreme Court for leave to bring an appeal to that court against a determination of the High Court, and for this purpose sections 12 to 14 of the Supreme Court Act 2003 apply with any necessary modifications. 5
- (3) If leave is declined by the Supreme Court because exceptional circumstances have not been established under section 14 of the Supreme Court Act 2003, that court may remit the proposed appeal to the Court of Appeal if the Supreme Court considers that a further appeal from the determination of the High Court is justified. 10
- (4) Any determination of the Court of Appeal under **subclause (3)** is final. 15
- (5) Despite any enactment to the contrary,—
  - (a) an application for leave for the purposes of **subclause (2)** must be filed no later than 10 working days after the determination of the High Court; and 20
  - (b) the Supreme Court or the Court of Appeal, as the case may be, must determine an application for leave or an appeal under this section as a matter of priority and urgency.