

# **Statutes Amendment Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Statutes Amendment Bill consists entirely of amendments to Acts and is therefore an omnibus Bill that may be introduced by virtue of standing order 258(1)(f). It is intended that the Bill will be divided into separate Bills at the committee of the whole House stage.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill comes into force on the day after the date on which it receives the Royal assent.

## **Part 1**

### **Agricultural Compounds and Veterinary Medicines Act 1997**

*Part 1* amends the Agricultural Compounds and Veterinary Medicines Act 1997.

*Clauses 4 to 7* make minor drafting amendments.

## **Part 2**

### **Animal Products Act 1999**

*Part 2* amends the Animal Products Act 1999.

*Clauses 9 to 13* make minor drafting amendments.

## **Part 3**

### **Armed Forces Discipline Act 1971**

*Part 3* amends the Armed Forces Discipline Act 1971.

*Clause 15* amends the definition of competent service authority so that it includes Judges of the Court Martial. The Act allows competent service authorities to give certain orders and directions relating to the carrying out of punishments.

*Clause 16* amends section 92A(4) to correct a cross-reference to provisions of the Act that were repealed and substituted by section 34 of the Armed Forces Discipline Amendment Act (No 2) 2007.

*Clause 17* amends section 112 (which relates to the certification of charges). Certification involves a legally trained officer certifying that the charge discloses an offence against the Act, is properly drawn, and is otherwise correct in law. Currently, whether a charge is required to be certified depends on whether the disciplinary officer may impose certain punishments if the accused is found guilty (including, currently, a fine of any amount). One amendment to the section raises the threshold at which certification is required to a situation where a fine that exceeds 7 days' basic pay may be imposed. The section is also amended to require certification if a compensation order for an amount that exceeds 7 days' basic pay may be made.

*Clause 18* amends section 117R(3)(c) (which requires certification of the charge if the disciplinary officer intends to impose a fine). The amendment raises the threshold at which certification is required to a situation where the fine exceeds 7 days' basic pay.

*Clause 19* amends section 117ZA (which provides for orders for compensation and restitution) to require the charge to be certified if the disciplinary officer intends to make a compensation order for an amount that exceeds 7 days' basic pay.

*Clause 20* amends section 150 to authorise the making of rules of procedure that provide for the payment of fees, allowances, and ex-

penses of witnesses and interpreters giving evidence before a military tribunal or a court of inquiry. Currently, there is no authority to make rules providing for the payment of fees and allowances of witnesses or any payments to interpreters. The power (in section 150(k) and (s)) to make rules providing for the expenses of members of the Court Martial and the remuneration and expenses of members of a court of inquiry is redundant in practice and is removed.

*Clause 21* repeals and substitutes section 154(2) to clarify that the Reconsidering Authority, when considering a petition for reconsideration, only has the power to remit a punishment or part of a punishment.

#### **Part 4**

### **Births, Deaths, Marriages, and Relationships Registration Act 1995**

*Part 4* amends the Births, Deaths, Marriages, and Relationships Registration Act 1995.

*Clause 23* repeals the definition of delivery as the term is not used in the Act.

*Clause 24* amends section 8 by omitting the reference to the Civil Aviation Regulations 1953, which are no longer in force, and substituting a reference to the Civil Aviation Act 1990.

*Clause 25* amends section 9(2) by inserting a *new paragraph (ba)*. *New paragraph (ba)* means a birth certificate need not be signed by a parent who is overseas, if the parent cannot be contacted within a period of time that is reasonable in the circumstances.

*Clause 26* amends section 12A to replace references to “birth record” and “birth register” with references to “birth information” for consistency with other provisions of the Act.

*Clause 27* amends section 13(3) to replace “registrar” with “Registrar” for consistency of usage within the Act.

*Clause 28* amends section 36 by omitting the reference to the Civil Aviation Regulations 1953, which are no longer in force, and substituting a reference to the Civil Aviation Act 1990.

*Clause 29* amends section 54 to add a reference to section 57. Section 57 includes a provision that relates to the registration of service marriages.

*Clause 30* repeals section 61 as Registrars and celebrants no longer keep register books. Section 61 required the Registrar-General to notify a Registrar or celebrant who solemnised a marriage of the dissolution of the marriage or a conviction for bigamy in relation to the marriage so that the dissolution or conviction could be recorded in the Registrar's or celebrant's register book.

*Clause 31* amends section 76(3)(c) to correct a cross-reference.

## **Part 5**

### **Building Act 2004**

*Part 5* amends the Building Act 2004.

*Clause 33* repeals and replaces section 177, which specifies building consent authority decisions in relation to which the chief executive may (on application or on his or her own initiative) make determinations binding on the parties concerned (unless revisited by a District Court on an appeal). *New section 177* is simpler and more comprehensive than section 177, the detailed drafting of which has resulted in some gaps and anomalies. Section 177 prevents determinations being sought or made, for example, in respect of a building consent authority's refusal to issue a notice to fix. *New section 177*, by contrast, allows determinations in respect of any exercise, failure or refusal to exercise, or proposed or purported exercise by any specified authority of any specified power of decision. *New section 177* also corrects the gap in the numbering of the subparagraphs of section 177(b).

*Clauses 34 to 37* amend sections 208 to 211. The amendments permit specified persons to appeal to a District Court against written directions given by the chief executive under section 190 and requiring an applicant or another party who has contributed unreasonably to costs or delays to meet some or all of the other party's costs in respect of, or in respect of an application for, determinations—

- by the chief executive under subpart 1 of Part 3; and
- in relation to compliance with the building code, specified decisions of a building consent authority or territorial authority, or a territorial authority's or regional authority's exercise of, or failure to exercise, specified powers; and

- against which all or any of the specified persons have made an appeal to a District Court under section 208(1)(a) (whether or not that appeal has been determined).

The amendments ensure that not only a determination, but also a related costs direction, can be confirmed, reversed, modified, referred back, or remade by a District Court on an appeal. They therefore avoid costs not following the event because a determination is, but a related costs direction cannot be, reversed or modified on appeal.

*Clause 38* corrects a drafting error in section 271(2)(b), which allows a product certification body to lift the suspension of a product certificate if satisfied that the proprietor of the certified building method or product has within a reasonable period rectified the matter that led to the suspension. The error is that section 271(2)(b) refers to that matter being rectified by the product certification body.

*Clause 39* amends section 412(2) to ensure that the Regulations (Disallowance) Act 1989 does not apply to compliance documents (which are not legislative but administrative in character) that incorporate material by reference.

*Clause 40* amends Schedule 1, which specifies building work for which a building consent is not required. One amendment is to make clearer (without changing its substance) the exemption for repairs to or certain replacements of open-vented water storage heaters connected to solid-fuel heaters or other supplementary heat exchangers. That exemption applies only to repairs or replacements of that kind using the same pipework. The other amendment makes it clear that the exemption for alterations to existing sanitary plumbing in a dwelling (for example, replacing a bath with a shower or moving a toilet) does not apply when a building consent is required for repairs to or replacements of water storage heaters connected to solid-fuel heaters or other supplementary heat exchangers.

## **Part 6**

### **Charitable Trusts Act 1957**

*Part 6* amends the Charitable Trusts Act 1957.

*Clause 42* substitutes *new sections 26 and 26A* which relate to the dissolution of a Board. The amendment provides for the Registrar's declaration of dissolution, and any revocation of a declaration, to be published on an Internet site for a period of not less than 20 working

days, in addition to the current requirement for publication in the *Gazette*.

*Clause 43* amends section 28, which relates to the Registrar's obligation to keep a register of all matters that the Act, or regulations made under the Act, require the Registrar to record. The amendment provides for the register to be kept in any manner that the Registrar thinks fit, including in an electronic form.

## **Part 7**

### **Chatham Islands Council Act 1995**

*Part 7* amends the Chatham Islands Council Act 1995.

*Clause 45* amends section 7(1) by adding a *new paragraph (c)* to provide that the functions, duties, and powers of the Chatham Islands Council include those of a regional authority under the Building Act 2004.

## **Part 8**

### **Companies Act 1993**

*Part 8* amends the Companies Act 1993.

*Clause 47* amends section 3 to provide that the public notice of certain matters required to be given by the Registrar under sections 319(1)(c), 320(1), 328(3)(a), and 360A(2)(b) (which relate to, for example, the Registrar's intention to remove a company from the New Zealand register where the company has ceased to carry on business) must be given by publication of the notice in the *Gazette*. This replaces the current requirement for notice of these matters to be given by publication in the *Gazette* and the newspapers specified in section 3(1) and (2). The amendment also requires the Registrar to ensure that a copy of the notice published in the *Gazette* is available for not less than 20 working days on an Internet site maintained by or on behalf of the Registrar.

*Clauses 48 and 49* correct a cross-reference contained in sections 239AEM(2) and 310G(2).

## **Part 9**

### **Conservation Act 1987**

*Part 9* amends the Conservation Act 1987.

*Clause 51* amends section 26ZD(7) to provide that regional Fish and Game Council annual general meetings must be held within 4 months following the end of their financial year, instead of within 3 months.

*Clause 52* amends section 26ZR by substituting subsection (2). *New subsection (2)* provides that the offence provisions in section 26ZR(1) do not apply to actions taken by designated and authorised persons under section 26ZR(2) for the purpose of taking or destroying any freshwater fish or using in any water any hazardous substance, narcotic substance, or electric fishing device. This amendment restores section 26ZR(2) to its original form before it was inadvertently amended by section 149 of the Hazardous Substances and New Organisms Act 1996.

*Clause 53* substitutes section 26ZZQ to provide that a person in charge of a dog (as well as the owner of the dog) commits an offence if the dog attacks and seriously injures or kills protected wildlife in a controlled dog area or open dog area.

*Clause 54* amends Schedule 1 by omitting a reference to Part 5 of the Fisheries Act 1983, which was repealed by section 136 of the Conservation Law Reform Act 1990.

## **Part 10**

### **Copyright Act 1994**

*Part 10* amends the Copyright Act 1994.

*Clause 56* amends section 50, which sets out definitions used in sections 51 to 56C. The definition of prescribed library currently includes a reference to law libraries provided and maintained under section 375(1) of the Lawyers and Conveyancers Act 2006. That section contemplated that law libraries formerly provided and maintained by District Law Societies under the Law Practitioners Act 1982 would be taken over by whatever incorporated societies replaced District Law Societies. However, when the Lawyers and Conveyancers Act 2006 came into force, the New Zealand Law Society took over the provision and maintenance of the former District Law Society libraries. The definition of **prescribed library** in section 50 of the Copyright Act 1994 is therefore amended to include a reference to law libraries provided and maintained by the New Zealand Law Society, in order to retain the intended effect of the current provision.

## **Part 11**

### **Coroners Act 2006**

*Part 11* amends the Coroners Act 2006.

*Clause 58* amends section 140(a) so that it enables regulations to be made prescribing not only fees, allowances, and travelling allowances and expenses, but also salaries, for specialist advisers, witnesses, doctors, analysts, and pathologists, who—

- perform any function under the Act; or
- give evidence for the purposes of an inquiry conducted, or at an inquest held, under the Act.

Section 45(a) of the Coroners Act 1988 enabled regulations to be made prescribing salaries of that kind. The power to do that was, however, not brought forward in the Coroners Act 2006 (which contains separate provisions for coroners' salaries and allowances). It has since been confirmed to be necessary (for example, to enable pathologists to be paid by way of prescribed salaries instead of by way of prescribed fees).

## **Part 12**

### **Court Martial Act 2007**

*Part 12* amends the Court Martial Act 2007.

*Clause 60* amends Schedule 1 (which relates to alternative offences under the Armed Forces Discipline Act 1971 of which an accused may be convicted by the Court Martial) to replace an incorrect cross-reference.

## **Part 13**

### **Court Martial Appeals Act 1953**

*Part 13* amends the Court Martial Appeals Act 1953.

*Clause 62* amends section 6 (which relates to appeals against decisions of the Court Martial relating to bail). The amendment clarifies the powers that the Court Martial Appeal Court has in relation to the decision appealed against.

*Clause 63* amends section 9EA (which relates to appeals against findings relating to fitness to stand trial) to replace an incorrect cross-reference.



**Part 14**  
**Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980**

*Part 14* amends the Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980.

*Clause 65* amends the Long Title to include a reference to the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel, which New Zealand signed in September 2006.

*Clause 66* extends the definition of United Nations operation to include operations for the purpose of delivering humanitarian, political, or development assistance in peace building, and also operations for the purpose of delivering emergency humanitarian assistance. The effect of this amendment is to widen the protection given by certain of the offence provisions of the principal Act to persons connected with the United Nations who are present, in an official capacity, in areas where those United Nations operations are conducted. The amendment is required by the Optional Protocol and must be enacted before New Zealand can ratify it.

**Part 15**  
**Crown Entities Act 2004**

*Part 15* amends the Crown Entities Act 2004.

*Clause 68* amends section 28, which provides for the appointment of members of a statutory entity. The amendment replaces the requirement in current section 28(3)(c) for individual notices of appointment to be published separately (and exactly) in the *Gazette*. Instead, the information about an appointment must be notified in the *Gazette* rather than each individual notice of appointment. The amendment enables information about an appointment to be published together with information about other appointments to save costs and for administrative convenience.

**Part 16**  
**Defence Act 1990**

*Part 16* amends the Defence Act 1990.

*Clause 70* amends section 58 (which relates to unit and other non-public funds). The section provides that the accounts of those funds may, if considered desirable by the Controller and Auditor-General, be audited by the Auditor-General. The amendment clarifies that the Auditor-General has powers for that purpose under the Public Audit Act 2001.

*Clause 71* corrects an incorrect cross-reference in section 90 (which relates to documents that may be evidence in proceedings under Part 7 (dealing with offences punishable by civil courts)).

### **Part 17**

#### **Dog Control Act 1996**

*Part 17* amends the Dog Control Act 1996.

*Clause 73* amends section 31, which requires a territorial authority to classify certain dogs as dangerous dogs. The amendment substitutes a *new subsection (1)*, which clarifies that the descriptions of the dogs in paragraphs (a) to (c) are not cumulative, but are separate descriptions.

### **Part 18**

#### **Electoral Act 1993**

*Part 18* amends the Electoral Act 1993.

*Clause 75* substitutes a *new section 93* that simplifies the process for updating the electoral roll where changes to an elector's details are required as a result of a marriage or civil union. *New section 93*—

- removes the obligation for a party to an intended marriage or civil union to provide information to the Registrar-General at the request of the Chief Registrar (the request of the Chief Registrar is unnecessary because parties to a marriage or civil union provide information to the Registrar-General under the Births, Deaths, Marriages, and Relationships Registration Act 1995); and
- requires the Registrar-General to provide information to the Chief Registrar rather than the local Registrar of Electors; and
- requires the Registrar-General to provide details of registered marriages and civil unions rather than details of intended marriages and civil unions; and

- preserves a manual system for ascertaining whether individuals want to change the details under which they are registered.

## **Part 19**

### **Epidemic Preparedness Act 2006**

*Part 19* amends the Epidemic Preparedness Act 2006.

*Clause 77* replaces sections 17 and 18 of the principal Act with a new section 18.

Section 17 provides for the giving notice of a motion to disallow an immediate modification order. The giving of notices of motion is already provided for in the Standing Orders of the House of Representatives, so strictly section 17 is unnecessary.

At present, section 18 refers back to a notice of a motion given under section 17. The new section 18 simply provides that an immediate modification order is disallowed if the House resolves to disallow it within 6 sitting days after it is made.

*Clause 78* modifies section 19 of the principal Act to reflect the language of the new section 18.

*Clause 79* repeals section 20 of the principal Act, which provides for the lapsing of notices of motion to disallow immediate modification orders. The lapsing and withdrawal of notices of motion are also provided for in Standing Orders, so strictly section 20 is also unnecessary.

*Clause 80* modifies section 21(1) of the principal Act to reflect the language of the new section 18.

*Clause 81* replaces section 22 of the principal Act with a new section. At present section 22 leaves open the possibility of disallowing an immediate modification order under the Regulations (Disallowance) Act 1989, so long as a notice of motion to disallow it has not earlier lapsed or not been agreed to. Under the new section, it will not in any circumstances be possible to disallow an immediate modification order under the Regulations (Disallowance) Act 1989, even if no action to disallow it has been taken within the 6 sitting days after it is made.

## **Part 20**

### **Fire Service Act 1975**

*Part 20* amends the Fire Service Act 1975.

*Clause 83* substitutes a *new section 21A(1)(d)* to clarify that a relevant building includes one where hazardous substances are present in quantities exceeding the prescribed minimum amount and is not restricted to a building or part of a building used to store or process hazardous substances.

## **Part 21**

### **Flags, Emblems, and Names Protection Act 1981**

*Part 21* amends the Flags, Emblems, and Names Protection Act 1981.

*Clause 85* amends section 20(3) of that Act by adding the name “New Zealand Food Safety Authority” and the abbreviation “NZFSA”. The effect is to prohibit the unauthorised use of that name or that abbreviation.

## **Part 22**

### **Immigration Advisers Licensing Act 2007**

*Part 22* amends the Immigration Advisers Licensing Act 2007.

*Clause 87* amends section 7 to make it clear that a person acting under or pursuant to the Ombudsmen Act 1975, or any other enactment that confers functions on the Ombudsmen, is not considered to be providing immigration advice for the purposes of the Immigration Advisers Licensing Act 2007. Other enactments that confer functions on the Ombudsmen include the Official Information Act 1982, the Local Government Official Information and Meetings Act 1987, and the Protected Disclosures Act 2000.

*Clause 88* amends section 23, which provides for the upgrade of licences. The amendment provides for the continuation of a licence that would otherwise expire before the application to upgrade the licence is determined.

## **Part 23**

### **Incorporated Societies Act 1908**

*Part 23* amends the Incorporated Societies Act 1908 (the **Act**).

*Clause 90* substitutes a *new section 28*, which relates to the dissolution of a society incorporated under the Act (a **society**). *New clause 28* provides for the Registrar's declaration of dissolution of a society, and any revocation of a declaration, to be published on an Internet site for a period of not less than 20 working days, in addition to the current requirement for publication in the *Gazette*.

*Clause 91* amends section 33, which relates to the Registrar's obligation to keep a register of all matters that the Act, or regulations made under the Act, require the Registrar to record. The amendment provides for the register to be kept in any manner that the Registrar thinks fit, including in an electronic form.

*Clause 92* amends section 34A to clarify that the Registrar's powers relating to inspection of registers, records, and other specified materials that are kept by a society apply to any of those things in an electronic form.

## **Part 24**

### **Insolvency Act 2006**

*Part 24* amends the Insolvency Act 2006.

*Clause 94* amends section 35 to reflect new terminology relating to charging orders in the High Court Rules.

## **Part 25**

### **Juries Amendment Act 2008**

*Part 25* amends the Juries Amendment Act 2008 (the **Amendment Act**), which itself amends the Juries Act 1981 (the **principal Act**). The amendments relate to sections 4 and 11 of the Amendment Act, which relate to jury districts and deferral of jury service. Those sections are not in force but, under section 2(2) of the Amendment Act, are to come into force on a date or dates to be appointed.

*Clause 96* amends section 4 of the Amendment Act, which amends section 5 of the principal Act, which relates to jury districts. The amendments relate to overlapping jury districts. They therefore also relate to the Governor-General's power, set out in section 5(4) of the

principal Act and exercised on the advice of the Minister of Justice, to declare jury district boundaries by notice in the *Gazette* in such a way as to ensure that—

- no place is included in 2 or more District Court jury districts; and
- no place included in a jury district for a Court town is more than 45 km by the most practicable route from the courthouse in that town.

In considering the advice to be given to the Governor-General, the Minister of Justice is required by section 5(5) of the principal Act to have regard to—

- the convenience of the residents in getting to and from a court for jury service; and
- the principle in criminal cases that, so far as practicable, the jury should be drawn from the community in which the alleged offence occurred; and
- the desirability of ensuring that, so far as practicable, the number of persons on the respective jury lists for different districts is roughly equal.

Jury districts (whether for a Court town at which sittings of the High Court are held, or for a Court town at which jury trials are held before a District Court) are expanded by the *new section 5(3)(b)* of the principal Act (substituted by section 4(1) of the Amendment Act). They are expanded so that they comprise every place within not 30 km (as previously), but 45 km, by the most practicable route from the courthouse in the Court town in which jury trials may be held. This expansion has increased the incidence of overlapping High Court jury districts and District Court jury districts (for example, from courthouses in Tauranga and Rotorua, and also from courthouses in Palmerston North and Wanganui). The amendments ensure that the Governor-General's power under section 5(4) of the principal Act to declare jury district boundaries applies not only in respect of overlapping District Court jury districts, but also in respect of overlapping High Court jury districts.

*Clause 97* amends section 11 of the Amendment Act, which inserts into the principal Act *new sections 14B and 14C*, which relate to deferral of jury service. Under *new section 14B* the Registrar may

permit a person summoned to attend as a juror on an occasion to defer that person's attendance to a time that—

- is within 12 months after the date on which the person is required to attend under the summons; and
- is specified by the Registrar; and
- the person has indicated would be more convenient.

However, only 1 deferral may be permitted in respect of a jury summons and, before permitting a person to defer his or her jury service, the Registrar must be satisfied, on a written application for the purpose made by or on behalf of that person, that, because of 1 or more specified matters, attendance on that occasion would cause or result in undue hardship or serious inconvenience to that person, any other person, or the general public. The specified matters are as follows:

- the nature of that person's occupation or business, or of any special and pressing commitment arising in the course of that person's occupation or business:
- that person's disability:
- that person's state of health, or family commitments, or other personal circumstances.

The amendments do not affect the grounds on which the Registrar may, on an application, permit a deferral of jury service, but ensure that, if deferral is permitted,—

- any jury service of a person summoned to attend as a juror is deferred not to a time specified when the Registrar permits deferral, but instead to a time within a period that lasts for at least 1 month, that starts at least 8 weeks, and ends no later than 1 year, after the date on which the person is required to attend under the summons, and that is specified at the time that the Registrar permits deferral:
- the person's details are included, in accordance with the jury rules, in any later panel that is compiled under the Juries Act 1981 for jury trials to be held in the court and that is so compiled at a time that enables the person to be summoned to attend for jury service at a time within the period specified for the person's deferred jury service:
- if no jury trials are to be held during that period, the person is no longer liable to serve as a juror as a result of the summons in relation to which the application for deferral was made (and

that the Registrar must promptly serve on the person written notice to that effect):

- the jury rules may prescribe the method or methods of service on the person of a Registrar's written notice that the person is no longer liable to serve as a juror as a result of the summons in respect of which the application for deferral was made.

## **Part 26**

### **Marriage Act 1955**

*Part 26* amends the Marriage Act 1955.

*Clause 99* substitutes *new section 11*, which sets out the same criteria for entering an applicant's name on the list of marriage celebrants as are specified in the Civil Union Act 2004 in respect of an applicant seeking appointment as a civil union celebrant. *New section 11* no longer requires the Registrar-General to be satisfied that entering a person's name on the list of marriage celebrants would be convenient for the residents of the locality in which that person resides.

## **Part 27**

### **Misuse of Drugs Act 1975**

*Part 27* amends the Misuse of Drugs Act 1975.

*Clause 101* amends section 31 by omitting from subsections (2) and (2A) references to registered post as a means of delivery of something to be analysed, and substituting a requirement that the delivery use a traceable system. This change is made because registered post is no longer available. In addition to the requirement that the delivery use a traceable system, the thing to be analysed must still be delivered in a sealed package.

## **Part 28**

### **National Parks Act 1980**

*Part 28* amends the National Parks Act 1980.

*Clause 103* substitutes a new definition of foreshore. The current definition refers to the definition in the Harbours Act 1950, which has been repealed.



*Clause 104* inserts a new section 51A. *New section 51A* empowers the Minister to do any thing or authorise a person to do any thing in a national park that the Minister considers appropriate for the proper and beneficial management, administration, and control of the park and that is not inconsistent with the park's management plan (if there is one). *New section 51A* essentially reinstates section 49(1)(f) as it was before section 49 was replaced by the National Parks Amendment Act 1996. Section 49 now applies only to concessions.

## **Part 29**

### **New Zealand Institute of Chartered Accountants Act 1996**

*Part 29* amends the Act that was previously called the Institute of Chartered Accountants of New Zealand Act 1996 by changing its Title and changing all references to the Institute of Chartered Accountants of New Zealand to New Zealand Institute of Chartered Accountants in order to reflect a change that the Institute has made to its name. It also makes a large number of consequential amendments to other enactments.

*Clause 105* states that this Part amends the Act that was previously called the Institute of Chartered Accountants of New Zealand Act 1996.

*Clause 106* amends the Long Title by changing a reference to the Institute of Chartered Accountants of New Zealand to New Zealand Institute of Chartered Accountants.

*Clause 107* amends the name of the principal Act, changing it from the Institute of Chartered Accountants of New Zealand Act 1996 to the New Zealand Institute of Chartered Accountants Act 1996. It also consequentially amends section 1(1) and specifies that all references in an enactment or in a document to the Institute of Chartered Accountants of New Zealand Act 1996 must be read as a reference to the New Zealand Institute of Chartered Accountants Act 1996.

*Clauses 108 to 110* amend references to the Institute of Chartered Accountants of New Zealand in 2 sections and in a heading to the New Zealand Institute of Chartered Accountants.

*Clause 111* inserts a new section 18A, which specifies that all references in an enactment or in a document to the Institute of Chartered

Accountants of New Zealand must be read as a reference to the New Zealand Institute of Chartered Accountants.

*Clause 112 and Schedule 1* consequentially amend various Acts by changing references to the Institute of Chartered Accountants of New Zealand to the New Zealand Institute of Chartered Accountants, and references to the Institute of Chartered Accountants of New Zealand Act 1996 to the New Zealand Institute of Chartered Accountants Act 1996.

*Clause 113 and Schedule 2* consequentially amend other enactments by changing references to the Institute of Chartered Accountants of New Zealand to the New Zealand Institute of Chartered Accountants, and references to the Institute of Chartered Accountants of New Zealand Act 1996 to the New Zealand Institute of Chartered Accountants Act 1996.

### **Part 30**

#### **New Zealand Superannuation and Retirement Income Act 2001**

*Part 30* amends the New Zealand Superannuation and Retirement Income Act 2001.

*Clause 115* amends section 20(1), which requires the chief executive in certain circumstances to grant a special disability allowance to the recipients of certain benefits for the purpose of defraying expenses arising from the hospitalisation of a spouse or partner.

At present the allowance cannot be granted unless the spouse or partner is in receipt of a reduced benefit under section 19(4) or (5). The effect of the amendment is that the requirement for the spouse or partner to be in receipt of a reduced benefit—

- continues to apply to a recipient whose spouse or partner is a patient in a hospital; but
- ceases to apply to a recipient whose spouse or partner is a resident assessed as requiring care and in respect of whom a funder is paying some or all of the cost of contracted care services under section 141 or 142 of the Social Security Act 1964.

*Minister of Finance’s statement on the  
consultation process followed in the  
formulation of an amendment to the New  
Zealand Superannuation and Retirement  
Income Act 2001 included in the Statutes  
Amendment Bill 2009*

### Introduction

Section 73 of the New Zealand Superannuation and Retirement Income Act 2001 (the **Act**) provides that the Minister must, on the introduction into the House of Representatives of a Government Bill that proposes an amendment to the Act, bring to the attention of the House the consultation process that was followed in the formulation of the proposed amendment. The term “Minister”, for the purposes of section 73, is defined in section 5 of the Act as the Minister of Finance.

That statement must include (without limitation)—

- (a) whether consultation has taken place with the parties that are in agreement with the Part proposed to be amended (as listed in Schedule 4 of the Act)
- (b) whether consultation has taken place with the Guardians (to the extent that the amendment relates to Part 2 of the Act)
- (c) the results of the consultation.

The Statutes Amendment Bill 2009 (the **Bill**) proposes amendments to Part 1 of the Act. It does not propose to amend Part 2, Part 3, Part 4 or any of the schedules of the Act.

### Consultation process

The Minister for Justice wrote to the leaders of ACT New Zealand, the Green Party, Labour Party, Māori Party, New Zealand First, Progressive Party, and United Future New Zealand advising them of the Government’s intention to introduce the Bill. The proposed amendments in the Bill included changes to section 69C(5) of the Social Security Act 1964 and section 20 of the New Zealand Superannuation and Retirement Income Act 2001 to correct a drafting error in relation to the special disability allowance. This amendment will remove any doubt that when a person has a spouse or partner in long-term residential care who is receiving residential care subsidy, that person is eligible for the special disability allowance to help offset the cost of expenses arising from having their spouse or partner in residential care.

No consultation was undertaken with the Guardians of New Zealand Superannuation as the Bill does not propose to amend Part 2 of the Act.

### **Results of the consultation**

ACT New Zealand, the Green Party, Labour Party, Māori Party, New Zealand First, Progressive Party, and United Future New Zealand have indicated that they will support the proposed amendment to the New Zealand Superannuation and Retirement Income Act 2001 in the Bill.

The Ministry of Social Development, as the government department responsible for administration of Part 1 of the Act, Veterans' Affairs New Zealand and the Treasury also support the proposed amendments to the Act.

Hon Bill English

Minister of Finance

## **Part 31**

### **Property Law Act 2007**

*Part 31* amends the Property Law Act 2007.

*Clause 117* amends section 139(1), which, to reduce uncertainty, identifies when a mortgagee enters into possession (and so becomes a mortgagee in possession) of the mortgaged land or goods. That occurs on the earlier of the dates specified in paragraphs (a) to (c). The mortgagee enters into possession,—

- under section 139(1)(a), on entering into, or taking, physical possession of the land or goods; and
- under section 139(1)(b), on first receiving any income from the land or goods as mortgagee in possession.

Section 139(1)(c), like the *new section 139(1)(c)* substituted by *clause 2*, relates to cases in which—

- the mortgagee is entitled under the mortgage to exercise a power to enter into possession of mortgaged land or goods; and
- the mortgagee exercises that power, as section 137(1)(c) contemplates, by applying to the court for an order for possession of the land or goods by the mortgagee; and

- the court responds to the mortgagee's application by making the order.

*New section 139(1)(c)* is substituted only to make it absolutely clear that, in cases of that kind, if the mortgagee has not earlier entered into possession under section 139(1)(a) or (b), the mortgagee is taken to have entered into possession of the land or goods on the date on which the mortgagee applies to the court for the order. This backdating of possession, by section 139(1)(c), to the date of application, enacted a long-standing common law rule. It was recommended by the Law Commission in paragraph 444 of (NZLC R29, 1994), which cited *Southpac Custodians Ltd v Bank of New Zealand* [1993] 1 NZLR 663 (CA) to show that it is “almost automatic” for the mortgagee, on applying for one, to obtain an order for possession. This backdating effect of section 139(1)(c) was, however, rejected in *Advanced Securities Ltd v Lee* (2008) 6 NZ ConvC 194,658; (2008) 9 NZCPR 755 (HC). In that case, Associate Judge Doogue rejected the backdating owing to the concern, addressed by a *new section 139(3)*, that it is difficult or impossible for the mortgagee to comply with section 156(1) by giving the current mortgagor, at the time when the mortgagee enters into possession of the land or goods under section 139(1)(c), written notice of the mortgagee's entry into possession. That concern also arises for the initial and further reports that a mortgagee in possession is required to make by sections 162 and 163.

*New section 139(3)*, which overrides section 139(1) and (2), therefore modifies sections 156, 162, and 163 in their application to a mortgagee who enters into possession under *new section 139(1)(c)* so that—

- the mortgagee's duty under section 156(1) to give notices of the mortgagee's entry into possession arise on the making of the order for possession or, as the case may be, within a period calculated by reference to the date of the making of that order; and
- the mortgagee's duties under section 162(1) and 163(1) to report must be performed within a period commencing on the making of the order for possession or, as the case may be, within a period commencing with the end of periods after the date of the making of that order.

**Part 32**  
**Protection of Personal and Property**  
**Rights Act 1988**

*Part 32* amends the Protection of Personal and Property Rights Act 1988.

*Clause 119* amends section 94A to enable witnesses from the same law firm or the same trustee corporation to separately advise and witness the signatures of people who are appointing each other mutually as attorneys, although each witness must otherwise be independent of the attorney under section 94A(4).

**Part 33**  
**Public Finance Act 1989**

*Part 33* amends the Public Finance Act 1989.

*Clause 121* amends section 65J(1)(b) so that, instead of requiring all costs, charges, and expenses incurred in connection with investments to simply be paid from a Crown Bank Account, it also permits the payment to be made from a Departmental Bank Account if the Minister so directs. This provides flexibility consistent with other similar provisions in the Public Finance Act 1989.

**Part 34**  
**Public Records Act 2005**

*Part 34* amends the Public Records Act 2005.

*Clause 123* amends section 46(2) to correct a reference from “controlling public office” to “controlling local authority”.

*Clause 124* amends section 65(2)(b) to correct a cross-reference from section “42(2)(a)(iii)” to “42(3)(c)”.

**Part 35**  
**Radiocommunications Act 1989**

*Part 35* amends the Radiocommunications Act 1989.

*Clause 126* amends section 131(1), which currently enables the Secretary (who is defined as the chief executive of the department that administers the Radiocommunications Act 1989) to grant licences for

the supply of radio apparatus. The amendment enables the licences to also cover the importation of radio apparatus for supply.

*Clause 127* amends section 132, so that it is an offence to import radio apparatus for supply or offer to import such apparatus for supply without an authorising licence under section 131.

*Clause 128(1)* amends section 134(1)(a) to provide that regulations may be made prohibiting the unlicensed importation for supply of radio apparatus of any class or classes, as well as just the unlicensed supply of such apparatus as at present.

*Clause 128(2)* amends the existing power in section 134(1)(g) to make regulations prohibiting or controlling the installation, use, sale, distribution, or manufacture of interfering equipment or susceptible equipment. The amendment provides that regulations may also prohibit or control the importation of interfering equipment or susceptible equipment.

The policy behind these amendments is to enable more effective enforcement of the existing regulatory powers over interfering equipment, susceptible equipment, and certain sorts of radio apparatus. The earliest point in the supply chain at which the existing empowering provisions provide for controls or prohibitions is at the point of supply (or, in the case of interfering equipment and susceptible equipment, at the point of manufacture). Imposing controls or prohibitions at the earlier point of importation for supply will more effectively promote the purposes of the Act.

## **Part 36**

### **Rates Rebate Act 1973**

*Part 36* amends the Rates Rebate Act 1973.

*Clause 130* amends the definition of income in section 2(1) to include all money received by partners of ratepayers.

## **Part 37**

### **Real Estate Agents Act 2008**

*Part 37* amends the Real Estate Agents Act 2008.

*Clause 132* amends section 69(1). Section 69(1) provides that a person may search the register of licensees, on payment of a prescribed

fee. *Clause 132* removes the requirement that a fee always be prescribed.

*Clause 133* repeals section 156(1)(j). That provision refers to the making of regulations for the purposes of section 138. Section 138 sets out general penalties for offences under the Act and has no relevance to the regulations that can be made under the Act.

### **Part 38**

#### **Securities Act 1978**

*Part 38* amends the Securities Act 1978.

*Clause 135* amends section 68B to correct a cross-reference error.

### **Part 39**

#### **Social Security Act 1964**

*Part 39* amends the Social Security Act 1964.

*Clause 137* corrects a minor drafting mistake in section 10A(1A).

*Clause 138* inserts a *new section 12S* to indicate that decisions of the High Court and Court of Appeal, given on appeals arising out of decisions of the Social Security Appeal Authority, may be subject to a further appeal to the Supreme Court in accordance with the Supreme Court Act 2003.

*Clause 139* amends section 61E to update the definition of weekly accommodation costs. The amendment reflects the fact that accommodation supplements need not be renewed, but are periodically reviewed.

*Clause 140* amends section 62 to remove an outdated reference to the renewal of a benefit. This reference is no longer appropriate as benefits no longer need to be renewed.

*Clause 141* amends section 69C(5), which requires the chief executive in certain circumstances to grant a special disability allowance to the recipients of certain benefits for the purpose of defraying expenses arising from the hospitalisation of a spouse or partner.

At present the allowance cannot be granted unless the spouse or partner is in receipt of a reduced benefit under section 75(3) or (4). The



effect of the amendment is that the requirement for the spouse or partner to be in receipt of a reduced benefit—

- continues to apply to a recipient whose spouse or partner is a patient in a hospital; but
- ceases to apply to a recipient whose spouse or partner is a resident assessed as requiring care and in respect of whom a funder is paying some or all of the cost of contracted care services under section 141 or section 142.

*Clause 142* amends section 72(a) by adding to the list of provisions providing for the payment of benefits that are exceptions to the general rule that a person is not entitled to receive more than one benefit in his or her own right section 61GA (which relates to childcare assistance) and section 23 of the Social Security (Working for Families) Amendment Act 2004 (which is a transitional provision under which the special benefit formerly paid under the now repealed section 61G can continue to be paid to people who were receiving it when that section was repealed).

*Clause 143* amends section 73 to remove outdated references to a former jurisdiction of the Maori Land Court to confer entitlements to the relatives of a deceased out of the deceased's estate.

*Clause 144* amends section 74AA, which provides that an applicant for certain kinds of benefit is not eligible for it unless he or she satisfies the following requirements:

- being a New Zealand citizen (or either holding or being deemed to hold a residence permit under the Immigration Act 1987, or being exempt from holding a residence permit under section 12 of that Act); and
- being ordinarily resident in New Zealand when he or she first applies for the benefit; and
- (unless he or she has refugee status under the Immigration Act 1987) having resided continuously in New Zealand for at least 2 years at any one time after becoming a New Zealand citizen (or being granted or being deemed to hold a residence permit under the Immigration Act 1987, or becoming exempt from holding a residence permit under section 12 of that Act).

The amendment exempts from those requirements applicants resident in a country with which New Zealand has a reciprocal social security agreement.

*Clause 145* amends section 79, which deems persons who are employed overseas and liable to New Zealand income tax to be resident in New Zealand. This is for the purpose of meeting eligibility criteria for benefits. However, to be eligible for New Zealand superannuation, a person must have been both resident and present in New Zealand for a specified number of years. With a view to these eligibility criteria, section 79 is amended to deem the persons covered by that section to be both resident and present in New Zealand. The deeming provision applies as from 23 June 1987, when the residential qualification of national superannuation (now New Zealand Superannuation) was changed to include a requirement of presence.

*Clause 146* amends section 80(8), which provides that the payment of a benefit is not subject to the usual stand-down if the applicant is returning to it after a period of temporary employment. The effect of the amendment is that payment of a benefit will also not be subject to stand-down if the applicant is returning to it after a period of part-time work of less than 26 weeks.

*Clause 147* amends section 96A(8) to correct a cross-reference.

*Clause 148* corrects a cross-reference in section 102(2)(h).

*Clause 149* amends section 132AC, which relates to the inflation adjustment of income limits prescribed for the purposes of childcare assistance. The amendment clarifies that the income limits to be adjusted are those in force immediately before the adjustment takes effect.

*Clause 150* amends section 155(2), which provides for the inflation adjustment of the income-from-assets exemption that is applied in assessing the extent to which a person's long-term residential care in a hospital or rest home is to be publicly funded. Section 155(2) requires the exemption to be increased on every 1 July by an amount that reflects the movement in the All Groups index number of the New Zealand Consumers Price Index (published by Statistics New Zealand) for the year ending on the previous 1 March. However, Statistics New Zealand publishes CPI figures for the previous 31 March, not 1 March. The amendment accordingly changes the reference from 1 March to 31 March.

## **Part 40**

### **Statistics Act 1975**

*Part 40* amends the Statistics Act 1975, for the purposes of—

- authorising a full range of transmission modes by which people may receive, fill in, and return schedules for all surveys, including the 5-yearly census of population and dwellings, including—
  - allowing the department to deliver schedules to respondents by electronic means; and
  - clarifying that respondents may fill in and return electronic schedules:
- improving the process for people to obtain a census schedule if they have not received one:
- updating the formal titles of census personnel.

*Clause 152* amends section 2 by inserting a definition of the phrase “means to access an electronic schedule”. The definition makes it clear that this phrase refers to a personal identification number, a password, an access code, an encryption key, or any other information or device, and does not include, for example, the provision of a modem or personal computer.

*Clause 153* amends section 19 by updating the titles of certain census personnel.

*Clause 154* substitutes a *new section 23(3)*. The existing subsection (3) requires the Statistician to publish the names and addresses of all census district supervisors for people to contact in order to obtain a schedule. The substituted subsection (3) omits the requirement to publish census district supervisors’ names and addresses, and instead requires the Statistician to publish details of how to obtain a schedule if one is not received.

*Clause 155* substitutes a *new section 25*. The existing section places a duty on a person who has failed to receive a schedule by personal delivery to obtain a schedule by applying to the nearest census district supervisor, or the Statistician, or an employee of the Department. The style of the substituted section is modernised and the following substantive changes are made:

- the reference to schedules being personally delivered is omitted, because in future other modes of delivery of schedules (or

the means to access electronic schedules), may be used, including electronic delivery:

- the substituted section is expressed as applying to a person who has not received “a schedule, or the means to access an electronic schedule”:
- instead of being required to contact the nearest census district supervisor, or the Statistician, or a Department employee to obtain a schedule, the requirement is to obtain a schedule in accordance with details that will be published by the Statistician under *new section 23(3)*.

*Clause 156(1)* amends section 26 by replacing subsection (2) with *new subsections (2) to (2F)*. The style of the substituted subsections is modernised, and the following substantive changes are made:

- *New subsection (2)* provides that the person in charge of a dwelling may discharge his or her duty to ensure that census schedules are returned by every person in that dwelling by sighting a confirmation of receipt of an electronic schedule issued by the Department.
- *New subsections (2A) and (2B)* set out what must happen when a person (other than the person in charge of a dwelling) is required to complete a census schedule, but does not choose to do so electronically, or is unable to do so electronically because the person in charge of the dwelling is unable or unwilling to provide a computer facility for the person to use. In these situations the person who is required to complete the schedule must ask the person in charge of the dwelling to supply a paper schedule, or contact the Department to arrange for delivery of a schedule.
- *New subsection (2C)* requires the person in charge of a dwelling to use reasonable endeavours to supply a paper schedule, if asked to do so.
- *New subsections (2D) to (2F)* apply to a person who is at a dwelling at the time of the census but who is not a member of the family of the occupier of the dwelling. The only substantive change to the law that is made by the substituted subsections is the addition of a reference to the possibility of a person in this situation completing an electronic schedule that is personal to himself or herself. A person to whom these sub-

sections applies is required to complete any census schedule that is personal to himself or herself, and also to supply to the occupier any details necessary to complete other schedules. The person must either personally return the schedule that he or she has completed or allow the occupier to return it. An existing proviso is retained, to the effect that if such a person is aged 15 years or over, and has completed a paper schedule, he or she may seal the schedule in an envelope before handing it to the occupier.

*Clause 156(2)* changes a reference to a census enumerator to a reference to a census collector.

*Clause 157* substitutes a *new section 30*, which sets out the methods by which survey schedules may be delivered. The substantive changes made—

- allow the Department to deliver either a schedule, or the means to access an electronic schedule; and
- permit delivery by electronic means, including by fax, email, and text messaging, to an address nominated by the recipient.

*Clause 158* amends section 31, which places an onus on people to complete and return the survey schedules that are delivered to them. The amendments allow a schedule to be completed and returned electronically.

## **Part 41**

### **Summary Proceedings Act 1957**

*Part 41* amends the Summary Proceedings Act 1957 (the **principal Act**).

*Clause 160* amends section 158 of the principal Act by correcting a reference to a provision in the now-repealed Evidence Act 1908 to a reference to the relevant provision in the Evidence Act 2006.

*Clause 161* amends section 166 of the principal Act by aligning the terminology used to current terminology used in the Corrections Act 2004.

*Clause 162* amends section 184 of the principal Act by removing a reference to a provision of the principal Act that has been repealed.

*Clause 163* amends section 184Q of the principal Act by correcting a reference to a provision in the now-repealed Evidence Act 1908 to a reference to the relevant provision in the Evidence Act 2006.

*Clause 164* amends section 184T of the principal Act by reinstating the option that was previously available in the principal Act of committing mentally impaired defendants to a secure facility, as an alternative to committing them to a psychiatric hospital or to prison.

*Clause 165* amends section 185D of the principal Act by correcting a cross-reference.

## **Part 42**

### **Takeovers Act 1993**

*Part 42* amends the Takeovers Act 1993.

*Clause 169(2) and (3)* update cross-references in section 8.

The effect of the other amendments in *Part 42* and *Schedule 3* is to replace the defined term “specified company” with “code company” in the Takeovers Act 1993 and other enactments, reflecting the use of the term “code company” in the Takeovers Code. The definition is unchanged.

## **Part 43**

### **Taratahi Agricultural Training Centre (Wairarapa) Act 1969**

*Part 43* amends the Taratahi Agricultural Training Centre (Wairarapa) Act 1969.

*Clause 185* amends section 3(2), which specifies the membership of the Taratahi Agricultural Training Centre (Wairarapa) Trust Board. One of the members is appointed on the nomination of the Farm Education and Training Association. That organisation has changed its name to the Agriculture Industry Training Organisation Incorporated. The amendment substitutes the new name in section 3(2)(d).

*Clause 186* amends section 11(3), which authorises the Board to secure payment of borrowed money by mortgage or charge against the training centre or any part of it or any of its personal property. The amendment authorises the Board to mortgage or charge any real or personal property owned by the Board.

## **Part 44**

### **Telecommunications Act 2001**

*Part 44* amends the Telecommunications Act 2001.

*Clauses 188 and 189* correct cross-reference errors in the Telecommunications Act 2001 made by the Telecommunications Amendment Act (No 2) 2006.

## **Part 45**

### **Trans-Tasman Mutual Recognition Act 1997**

*Part 45* amends the Trans-Tasman Mutual Recognition Act 1997.

*Clause 191* amends Category 2 of Schedule 1 to correct an error in the item relating to the Plant Variety Rights Act 1987. Currently, the year of this Act is incorrectly shown as 1981.

## **Part 46**

### **Wild Animal Control Act 1977**

*Part 46* amends the Wild Animal Control Act 1977.

*Clauses 193 and 194* amend sections 8(4) and 17(1) respectively by inserting “land” before “administered by the Department” to correct the omission.

## **Part 47**

### **Wills Act 2007**

*Part 47* amends the Wills Act 2007.

*Clause 196* amends section 11 to provide that—

- a will-maker need not actually sign his or her will in the presence of witnesses, but may acknowledge in the presence of witnesses that he or she signed the will earlier and that the signature on the will is his or her own;
- a witness need not include a statement of his or her attestation, but statements of this kind made by at least 2 witnesses are evidence of the will’s valid execution.

These amendments to section 11 ensure that it is consistent with the interpretation given to its predecessor.

---



*Hon Nathan Guy*

## **Statutes Amendment Bill**

Government Bill

### **Contents**

		Page
1	Title	10
2	Commencement	10
<b>Part 1</b>		
<b>Agricultural Compounds and Veterinary Medicines Act 1997</b>		
3	Principal Act amended	10
4	Waiver of notification	11
5	Reassessment of trade name products	11
6	Director-General may prohibit or restrict product	11
7	Form and content of certificate of compliance	11
<b>Part 2</b>		
<b>Animal Products Act 1999</b>		
8	Principal Act amended	11
9	Interpretation	11
10	Contents of and requirements for risk management programmes	11
11	Removal of business operator from coverage of wider risk management programme	12
12	Scope of regulated control schemes	12
13	Conditions of recognition	12
<b>Part 3</b>		
<b>Armed Forces Discipline Act 1971</b>		
14	Principal Act amended	12
15	Interpretation	12

**Statutes Amendment Bill**

---

16	Arrest of deserters from other armed forces	12
17	Charge must be certified if disciplinary officer may impose certain punishments	12
18	Procedures to be followed before imposing punishment	13
19	Orders for compensation and restitution	13
20	Rules of procedure	14
21	Authority must consider petition for reconsideration	14

**Part 4**

**Births, Deaths, Marriages, and Relationships  
Registration Act 1995**

22	Principal Act amended	14
23	Interpretation	14
24	Births on New Zealand aircraft or ships	14
25	Parents primarily responsible for notifying birth	14
26	Record of citizenship	15
27	Registration of certain still-births	15
28	Deaths on New Zealand aircraft or ships	15
29	Marriages outside New Zealand	15
30	Section 61 repealed	15
31	Restrictions on searches relating to adopted persons	15

**Part 5**

**Building Act 2004**

32	Principal Act amended	16
33	New section 177 substituted	16
	177 Application for determination	16
34	Appeals to District Court	17
35	Procedure for commencing appeal	17
36	Steps after appeal is commenced	17
37	Powers of District Court on appeal	18
38	Suspension or revocation of product certificate	18
39	Application of Regulations (Disallowance) Act 1989 to material incorporated by reference	18
40	Schedule 1 amended	18

**Part 6**

**Charitable Trusts Act 1957**

41	Principal Act amended	19
42	New sections 26 and 26A substituted	19
	26 Dissolution by Registrar	19
	26A Registrar may inquire whether Board still carrying on operations	20

**Statutes Amendment Bill**

---

43	Register of Boards and seal of Registrar	20
<b>Part 7</b>		
<b>Chatham Islands Council Act 1995</b>		
44	Principal Act amended	20
45	Functions, duties, and powers	21
<b>Part 8</b>		
<b>Companies Act 1993</b>		
46	Principal Act amended	21
47	Public notice	21
48	Transactions under netting agreement and effect on certain sections	21
49	Transactions under netting agreement and effect on certain sections	21
<b>Part 9</b>		
<b>Conservation Act 1987</b>		
50	Principal Act amended	21
51	Meetings of Fish and Game Councils	22
52	Using hazardous substances to catch or destroy fish	22
53	Section 26ZZQ substituted	22
	26ZZQ Dogs causing serious injury to protected wildlife	22
54	Schedule 1 amended	22
<b>Part 10</b>		
<b>Copyright Act 1994</b>		
55	Principal Act amended	23
56	Interpretation	23
<b>Part 11</b>		
<b>Coroners Act 2006</b>		
57	Principal Act amended	23
58	Regulations	23
<b>Part 12</b>		
<b>Court Martial Act 2007</b>		
59	Principal Act amended	23
60	Schedule 1 amended	23
<b>Part 13</b>		
<b>Court Martial Appeals Act 1953</b>		
61	Principal Act amended	23
62	Appeal against decision of Court Martial relating to bail	23

**Statutes Amendment Bill**

---

63	Appeal by accused against finding relating to fitness to stand trial	24
----	----------------------------------------------------------------------	----

**Part 14**

**Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980**

64	Principal Act amended	24
65	Long Title amended	24
66	Interpretation	24

**Part 15**

**Crown Entities Act 2004**

67	Principal Act amended	25
68	Method of appointment of members	25

**Part 16**

**Defence Act 1990**

69	Principal Act amended	25
70	Unit and other non-public funds	25
71	Evidence	26

**Part 17**

**Dog Control Act 1996**

72	Principal Act amended	26
73	Territorial authority to classify dangerous dogs	26

**Part 18**

**Electoral Act 1993**

74	Principal Act amended	26
75	New section 93 substituted	26
93	Notification of marriages and civil unions	27

**Part 19**

**Epidemic Preparedness Act 2006**

76	Principal Act amended	27
77	New section 18 substituted	28
18	When immediate modification orders disallowed	28
78	Disallowance has effect of revocation	28
79	Section 20 repealed	28
80	Notice of resolution to disallow immediate modification order	28
81	New section 22 substituted	28

**Statutes Amendment Bill**

---

22	Application of Regulations (Disallowance) Act 1989	28
<b>Part 20</b>		
<b>Fire Service Act 1975</b>		
82	Principal Act amended	28
83	Relevant building defined for purposes of sections 21B to 21H	29
<b>Part 21</b>		
<b>Flags, Emblems, and Names Protection Act 1981</b>		
84	Principal Act amended	29
85	Unauthorised use of certain commercial names	29
<b>Part 22</b>		
<b>Immigration Advisers Licensing Act 2007</b>		
86	Principal Act amended	29
87	What constitutes immigration advice	29
88	Upgrade of licence	30
<b>Part 23</b>		
<b>Incorporated Societies Act 1908</b>		
89	Principal Act amended	30
90	New section 28 substituted	30
28	Dissolution by Registrar	30
91	Registrar to keep register of incorporated societies	31
92	Powers of inspection of Registrar	31
<b>Part 24</b>		
<b>Insolvency Act 2006</b>		
93	Principal Act amended	31
94	Meaning of execution process	32
<b>Part 25</b>		
<b>Juries Amendment Act 2008</b>		
95	Principal Act amended	32
96	Jury districts	32
97	New sections 14B and 14C inserted	33
<b>Part 26</b>		
<b>Marriage Act 1955</b>		
98	Principal Act amended	35
99	New section 11 substituted	35
11	Other persons may be marriage celebrants	35

**Statutes Amendment Bill**

---

<b>Part 27</b>		
<b>Misuse of Drugs Act 1975</b>		
100	Principal Act amended	35
101	Evidence of analysis	36
<b>Part 28</b>		
<b>National Parks Act 1980</b>		
102	Principal Act amended	36
103	Interpretation	36
104	New section 51A inserted	36
	51A Other activities in parks	36
<b>Part 29</b>		
<b>New Zealand Institute of Chartered Accountants Act 1996</b>		
105	Principal Act amended	36
106	Long Title amended	37
107	Name of principal Act changed	37
108	Interpretation	37
109	Heading above section 4 substituted	37
110	Continuation of Society as Institute	37
111	New section 18A inserted	37
	18A References to Institute of Chartered Accountants of New Zealand	38
112	Amendments to other Acts	38
113	Amendments to other enactments	38
<b>Part 30</b>		
<b>New Zealand Superannuation and Retirement Income Act 2001</b>		
114	Principal Act amended	38
115	Special disability allowance	38
<b>Part 31</b>		
<b>Property Law Act 2007</b>		
116	Principal Act amended	39
117	When mortgagee becomes mortgagee in possession	39
<b>Part 32</b>		
<b>Protection of Personal and Property Rights Act 1988</b>		
118	Principal Act amended	39
119	Creation of enduring power of attorney	39

**Statutes Amendment Bill**

---

**Part 33**

**Public Finance Act 1989**

120	Principal Act amended	40
121	Payment of expenses relating to investment	40

**Part 34**

**Public Records Act 2005**

122	Principal Act amended	40
123	Basis for determining access status of local authority records	40
124	Transitional provisions	40

**Part 35**

**Radiocommunications Act 1989**

125	Principal Act amended	40
126	Licensing of supply of radio apparatus	41
127	Offence	41
128	Regulations	41

**Part 36**

**Rates Rebate Act 1973**

129	Principal Act amended	41
130	Interpretation	41

**Part 37**

**Real Estate Agents Act 2008**

131	Principal Act amended	42
132	Search of register	42
133	Regulations	42

**Part 38**

**Securities Act 1978**

134	Principal Act amended	42
135	Disclosure of information from inspection	42

**Part 39**

**Social Security Act 1964**

136	Principal Act amended	42
137	Review of decisions	42
138	New section 12S inserted	42
	12S Appeals to Supreme Court	42
139	Interpretation	43
140	Grant or renewal of benefit after death of applicant	43

**Statutes Amendment Bill**

---

141	Disability allowance	43
142	Limitation where applicant receiving another benefit or war pension	43
143	Limitation where applicant entitled to claim under Family Protection Act 1955 or Maori Affairs Act 1953	44
144	Residential requirements for certain benefits	44
145	Persons liable for income tax on earnings while employed overseas deemed to be resident in New Zealand	44
146	Commencement of benefits	44
147	Unemployment benefit: pre-benefit activities	45
148	Application and obligations of work test	45
149	Regulations relating to childcare assistance	45
150	Regulations relating to this Part	45

**Part 40  
Statistics Act 1975**

151	Principal Act amended	45
152	Interpretation	45
153	Employment of persons for collection of statistics	46
154	Census of population and dwellings	46
155	Section 25 substituted	46
	25 Duty of persons to obtain census schedule	46
156	Duty of occupier and other persons abiding in dwelling	47
157	New section 30 substituted	48
	30 Delivery of schedules	48
158	Onus to complete schedules	49

**Part 41  
Summary Proceedings Act 1957**

159	Principal Act amended	51
160	Withdrawal of information by prosecutor	51
161	Provision for person in custody to be present at taking of statement	51
162	Application of provisions of Part 2	51
163	High Court Judge must determine trial Court in certain cases	51
164	Dealing with defendant committed for trial or for sentence	51
165	Child complainant's evidence may be given by video record	52

**Part 42  
Takeovers Act 1993**

166	Principal Act amended	52
-----	-----------------------	----



**Statutes Amendment Bill**

---

167	Interpretation	52
168	Object of this Act	53
169	Functions of Panel	53
170	Annual fee in respect of funding of Panel	53
171	Power to make takeovers code	53
172	Objectives of takeovers code	53
173	Matters to be considered by Minister in making recommendations concerning takeovers code	53
174	Specific provisions applying to takeovers code	53
175	Takeovers code not to apply in certain cases	54
176	Temporary restraining orders	54
177	When Court may make pecuniary penalty orders and declarations of contravention	54
178	What declarations of contravention must state	54
179	Persons who may apply	54
180	Court may require person to give evidence or produce documents relating to interests in securities	54
181	False or misleading statement or information	54
182	Persons entitled to appear before Court	55
183	Consequential amendments	55
<b>Part 43</b>		
<b>Taratahi Agricultural Training Centre (Wairarapa) Act 1969</b>		
184	Principal Act amended	55
185	Taratahi Agricultural Training Centre (Wairarapa) Trust Board	55
186	Borrowing powers of Trust Board	55
<b>Part 44</b>		
<b>Telecommunications Act 2001</b>		
187	Principal Act amended	55
188	Matters to be included in final TSO cost calculation determination	56
189	Payment by liable persons to TSO provider	56
<b>Part 45</b>		
<b>Trans-Tasman Mutual Recognition Act 1997</b>		
190	Principal Act amended	56
191	Schedule 1 amended	56

<b>Part 46</b>		
<b>Wild Animal Control Act 1977</b>		
192	Principal Act amended	56
193	Hunting or killing of wild animals	56
194	Wild animals on land administered by the Department of Conservation under the Conservation Act 1987 or any other enactment	56
<b>Part 47</b>		
<b>Wills Act 2007</b>		
195	Principal Act amended	57
196	Requirements for validity of wills	57
<b>Schedule 1</b>		59
<b>Amendments to other Acts</b>		
<b>Schedule 2</b>		64
<b>Amendments to other enactments</b>		
<b>Schedule 3</b>		69
<b>Consequential amendments</b>		

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

- 1 Title**  
This Act is the Statutes Amendment Act **2009**.
- 2 Commencement**  
This Act comes into force on the day after the date on which it receives the Royal assent. 5

- Part 1**
- Agricultural Compounds and Veterinary Medicines Act 1997**
- 3 Principal Act amended**  
**This Part** amends the Agricultural Compounds and Veterinary Medicines Act 1997. 10

- 4 Waiver of notification**  
Section 15(3)(b)(i) is amended by omitting “this” and substituting “that”.
- 5 Reassessment of trade name products**  
(1) Section 29(1)(a) is amended by inserting “or group of trade name products” after “product”.
- (2) Section 29(2) is amended by adding “, and those sections apply with any necessary modifications”.
- 6 Director-General may prohibit or restrict product**  
(1) The heading to section 31 is amended by adding “**or group of products**”.
- (2) Section 31 is amended by inserting “or group of trade name products” after “product” in each place where it appears.
- 7 Form and content of certificate of compliance**  
Section 35B(3) is amended by omitting “faint” and substituting “form”.

## Part 2

### Animal Products Act 1999

- 8 Principal Act amended**  
**This Part** amends the Animal Products Act 1999. 20
- 9 Interpretation**  
Paragraph (a) of the definition of **verification** in section 4(1) is amended by inserting “or the scheme” after “requirements of the programme”.
- 10 Contents of and requirements for risk management programmes** 25  
Section 17(4) is amended by omitting “risk management programme risk management programme” and substituting “risk management programme”.

- 11 Removal of business operator from coverage of wider risk management programme**  
The heading to section 28A is amended by omitting “**business operator**” and substituting “**animal product business**”.
- 12 Scope of regulated control schemes** 5  
Section 39(3) is amended by repealing paragraph (b) and substituting the following paragraph:  
“(b) is satisfied that appropriate consultation has been carried out in accordance with section 163.”
- 13 Conditions of recognition** 10  
Section 105 is amended by omitting “agency person” in each place where it appears and substituting in each case “agency or person”.
- Part 3**
- Armed Forces Discipline Act 1971** 15
- 14 Principal Act amended**  
**This Part** amends the Armed Forces Discipline Act 1971.
- 15 Interpretation**  
The definition of **competent service authority** in section 2(1) is amended by inserting the following paragraph after paragraph (a):  
“(ab) includes every Judge; and” 20
- 16 Arrest of deserters from other armed forces**  
Section 92A(4) is amended by omitting “The provisions of subsections (3) to (7) of section 101 do not” and substituting “Section 101(3) to (5) does not” 25
- 17 Charge must be certified if disciplinary officer may impose certain punishments**  
(1) The heading to section 112 is amended by adding “**or make certain compensation orders**” 30

- (2) Section 112 is amended by repealing subsection (1) and substituting the following subsection:
- “(1) A disciplinary officer must, after a charge is referred to him or her under section 109 or 110 but before the accused is brought before him or her, consider whether he or she may, if the accused were found guilty,—
- 5 “(a) impose a punishment consisting of or including 1 or more of the following:
- “(i) detention:
- “(ii) reduction in rank: 10
- “(iii) a fine of an amount that exceeds the accused’s basic pay for a period of 7 days; or
- “(b) order the accused to pay an amount by way of compensation that exceeds the accused’s basic pay for a period of 7 days.” 15
- (3) Section 112(3) is amended by repealing paragraph (a) and substituting the following paragraph:
- “(a) he or she considers that, if the accused were found guilty,—
- “(i) a punishment consisting of or including 1 or more of the punishments referred to in **subsection (1)(a)** may be imposed; or 20
- “(ii) an order for compensation referred to in **subsection (1)(b)** may be made; and”.
- 18 Procedures to be followed before imposing punishment** 25
- Section 117R(3)(c) is amended by adding “of an amount that exceeds the offender’s basic pay for a period of 7 days”.
- 19 Orders for compensation and restitution**
- Section 117ZA is amended by adding the following subsection: 30
- “(3) The disciplinary officer must ensure that he or she has received a specified certificate if he or she intends to order the offender to pay an amount by way of compensation that exceeds the offender’s basic pay for a period of 7 days.”

**20 Rules of procedure**

(1) Section 150 is amended by repealing paragraph (k) and substituting the following paragraph:

“(k) providing for the payment of fees, allowances, and expenses of witnesses and interpreters giving evidence before a military tribunal or a court of inquiry and prescribing the amount of the fees, allowances, and expenses payable or the method by which they are to be calculated.”

(2) Section 150 is amended by repealing paragraph (s). 10

**21 Authority must consider petition for reconsideration**

Section 154 is amended by repealing subsection (2) and substituting the following subsection:

“(2) However, if the Authority remits a punishment or part of a punishment, it must not make a decision that has the effect of imposing a punishment more severe than the punishment that had effect before that remission.” 15

**Part 4**

**Births, Deaths, Marriages, and Relationships Registration Act 1995** 20

**22 Principal Act amended**

**This Part** amends the Births, Deaths, Marriages, and Relationships Registration Act 1995.

**23 Interpretation**

The definition of **delivery** in section 2 is repealed. 25

**24 Births on New Zealand aircraft or ships**

Section 8 is amended by omitting “Civil Aviation Regulations 1953” and substituting “Civil Aviation Act 1990”.

**25 Parents primarily responsible for notifying birth**

Section 9(2) is amended by inserting the following paragraph after paragraph (b): 30

“(ba) it is not reasonably practicable to obtain the other parent’s signature because—  
 “(i) he or she is overseas; and  
 “(ii) he or she cannot be contacted within a period of time that is reasonable in the circumstances; or”.

5

**26 Record of citizenship**

- (1) Section 12A(1) and (2) are amended by omitting “on the birth record” and substituting in each case “as part of the child’s birth information”.
- (2) Section 12A(3) is amended by repealing paragraph (b) and substituting the following paragraph:  
 “(b) any birth information registered under this Act or a former Act about the parents or parent of the person.”.

10

**27 Registration of certain still-births**

Section 13(3) is amended by omitting “registrar” and substituting “Registrar”.

15

**28 Deaths on New Zealand aircraft or ships**

Section 36 is amended by omitting “Civil Aviation Regulations 1953” and substituting “Civil Aviation Act 1990”.

**29 Marriages outside New Zealand**

20

Section 54 is amended by omitting “sections 56 and 58” and substituting “sections 56, 57, and 58”.

**30 Section 61 repealed**

Section 61 is repealed.

**31 Restrictions on searches relating to adopted persons**

25

Section 76(3)(c) is amended by omitting “section 11(4)(b)” in each place where it appears and substituting in each case “section 11(4)(a)”.

## Part 5 Building Act 2004

- 32 Principal Act amended**  
**This Part** amends the Building Act 2004.
- 33 New section 177 substituted** 5  
Section 177 is repealed and the following section substituted:
- “177 Application for determination**
- “(1) A party may apply to the chief executive for a determination in relation to either or both of the following:
- “(a) whether particular matters comply with the building code: 10
- “(b) the exercise, failure or refusal to exercise, or proposed or purported exercise by an authority in **subsection (2), (3), or (4)** of a power of decision to which this paragraph applies by virtue of that subsection. 15
- “(2) **Subsection (1)(b)** applies to any power of decision of a building consent authority in respect of all or any of the following:
- “(a) a building consent:
- “(b) an extension under section 52(b) of the period during which building work must be commenced before a building consent lapses: 20
- “(c) an extension under section 93(2)(b)(ii) of the period during which the authority must decide whether to issue a code compliance certificate:
- “(d) a code compliance certificate: 25
- “(e) a compliance schedule:
- “(f) a notice to fix.
- “(3) **Subsection (1)(b)** applies to any power of decision of a territorial authority in respect of, or under, all or any of the following: 30
- “(a) any waiver or modification of the building code under section 67:
- “(b) a certificate of acceptance under section 96:
- “(c) an exemption from building consent requirements under paragraph (k) of Schedule 1: 35
- “(d) an amendment to a compliance schedule under section 106, 107, or 109:
- “(e) a notice to fix:



- “(f) sections 112, 113, 115, and 116 (which relate to alterations to, or changes in the use of, a building) and 124 and 129 (which relate to dangerous, earthquake-prone, and insanitary buildings):
- “(g) a certificate for public use under section 363A: 5
- “(h) a certificate under section 224(f) of the Resource Management Act 1991.
- “(4) **Subsection (1)(b)** applies to any power of decision under this Act of a regional authority in respect of a dam.
- “(5) Nothing in this section limits or affects section 70(4) or 446(1)(c).” 10

### 34 Appeals to District Court

- (1) Section 208(1) is amended by inserting the following paragraph after paragraph (a):
- “(aa) a written direction given by the chief executive under section 190 to the applicant or another party, and requiring that person to meet some or all of the other party’s costs in respect of, or in respect of an application for, a determination against which all or any of the persons referred to in subsection (2) have made an appeal under paragraph (a) (whether or not that appeal has been determined); or” 15 20
- (2) Section 208(2)(a) is amended by inserting “or **(aa)**” after “subsection (1)(a)”. 20

### 35 Procedure for commencing appeal 25

Section 209(1)(a) is amended by inserting the following subparagraph after subparagraph (i):

- “(ia) in the case of an appeal under **section 208(1)(aa)**, the date of the written direction given by the chief executive under section 190; 30 or”.

### 36 Steps after appeal is commenced

Section 210(1)(b) is amended by inserting “or **(aa)**” after “section 208(1)(a)”.

**37 Powers of District Court on appeal**

- (1) Section 211(1)(a) is amended by inserting “, direction,” after “determination”.
- (2) Section 211(1)(c) is amended by omitting “make any determination or decision that the chief executive could have made” 5 and substituting “make or give any determination, direction, or decision that the chief executive could have made or given”.
- (3) Section 211(2) is amended by inserting “, direction,” after “determination”.
- (4) Section 211(3) is amended by inserting “, direction,” after “de- 10 termination” in the first place where it appears.

**38 Suspension or revocation of product certificate**

Section 271(2)(b) is amended by omitting “product certification body” and substituting “proprietor of the building method or product”.

 15**39 Application of Regulations (Disallowance) Act 1989 to material incorporated by reference**

Section 412(2) is amended by inserting “(other than a compliance document)” after “an instrument made or issued under this Act”.

 20**40 Schedule 1 amended**

- (1) Paragraph (a) of Schedule 1 is amended by repealing subparagraph (iv) and substituting the following subparagraph:
  - “(iv) repair or replacement of a water storage heater connected to a solid-fuel heater or other supplementary heat exchanger (other than— 25
  - “(A) repair of an open-vented water storage heater using the same pipework; or
  - “(B) replacement of an open-vented water storage heater with a comparable heater using 30 the same pipework):”.
- (2) Paragraph (ad) of Schedule 1 is amended by adding “and that is not repair or replacement to which **paragraph (a)(iv)** (other than **subsubparagraph (A) or (B)**) applies”.

## Part 6

### Charitable Trusts Act 1957

- 41 Principal Act amended**  
**This Part** amends the Charitable Trusts Act 1957.
- 42 New sections 26 and 26A substituted** 5  
 Section 26 is repealed and the following sections are substituted:
- “26 Dissolution by Registrar**
- “(1) The Registrar may make a declaration (a **declaration of dissolution**) that a Board is dissolved, if the Registrar is satisfied 10  
 that the Board—  
 “(a) is no longer carrying on its operations; or  
 “(b) has been registered because of a mistake of fact or law.
- “(2) The Registrar must ensure that, as soon as practicable after it 15  
 is made, the declaration of dissolution is—  
 “(a) recorded in the register; and  
 “(b) published—  
     “(i) in the *Gazette*; and  
     “(ii) on an Internet site maintained by, or on behalf of, 20  
         the Registrar, at all reasonable times, for a period  
         of not less than 20 working days.
- “(3) A society is dissolved at the time the declaration of dissolution  
 is recorded in the register, with effect from the date of the  
 declaration.
- “(4) If the Registrar is satisfied that a declaration of dissolution was 25  
 made in error and should be revoked, the Registrar may make a  
 declaration (a **declaration of revocation**) that the declaration  
 of dissolution is revoked.
- “(5) The Registrar must ensure that, as soon as practicable after it 30  
 is made, the declaration of revocation is—  
 “(a) recorded in the register; and  
 “(b) published—  
     “(i) in the *Gazette*; and  
     “(ii) on an Internet site maintained by, or on behalf of, 35  
         the Registrar, at all reasonable times, for a period  
         of not less than 20 working days.

- “(6) At the time the declaration of revocation is recorded in the register the society is revived, as if no dissolution had taken place, with effect from the time that the society was dissolved.
- “**26A Registrar may inquire whether Board still carrying on operations** 5
- “(1) It is sufficient to satisfy the Registrar, for the purposes of **section 26(1)**, that a Board is no longer carrying on its operations if—
- “(a) the Registrar sends a registered letter to the Board, addressed to the Board at its registered office, inquiring whether it is still carrying on its operations; and 10
- “(b) either—
- “(i) the Registrar does not receive a reply to the registered letter within 6 months after the date that the letter is posted; or 15
- “(ii) the letter is not delivered and is returned to the Registrar.
- “(2) Nothing in this section prevents the Registrar from satisfying himself or herself in any other manner that the Board is no longer carrying on its operations.” 20
- 43 Register of Boards and seal of Registrar**
- Section 28 is amended by inserting the following subsection after subsection (1):
- “(1A) The register may be kept in any manner that the Registrar thinks fit, including, either wholly or partly, by means of a device or facility— 25
- “(a) that records or stores information electronically or by other means; and
- “(b) that permits the information so recorded or stored to be readily inspected or reproduced in usable form.” 30

## Part 7

### Chatham Islands Council Act 1995

- 44 Principal Act amended**
- This Part** amends the Chatham Islands Council Act 1995.

**45 Functions, duties, and powers**

Section 7(1) is amended by adding “; and” and also by adding the following paragraph:

“(c) a regional authority under the Building Act 2004.”

**Part 8  
Companies Act 1993**

5

**46 Principal Act amended**

**This Part** amends the Companies Act 1993.

**47 Public notice**

Section 3 is amended by adding the following subsections:

10

“(3) However, subsections (1) and (2) do not apply to the public notice required to be given by the Registrar under sections 319(1)(c), 320(1), 328(3)(a), and 360A(2)(b).

“(4) The public notice required to be given by the Registrar under the provisions referred to in **subsection (3)** must be given by publishing the notice in at least 1 issue of the *Gazette*.

15

“(5) The Registrar must ensure that a copy of the notice referred to in **subsection (4)** is available on an Internet site maintained by or on behalf of the Registrar, at all reasonable times, for a period of not less than 20 working days.”

20

**48 Transactions under netting agreement and effect on certain sections**

Section 239AEM(2) is amended by omitting “292(3)” and substituting “292(4A)”.

**49 Transactions under netting agreement and effect on certain sections**

25

Section 310G(2) is amended by omitting “292(3)” and substituting “292(4A)”.

**Part 9  
Conservation Act 1987**

30

**50 Principal Act amended**

**This Part** amends the Conservation Act 1987.

**51 Meetings of Fish and Game Councils**

Section 26ZD(7) is amended by omitting “3 months” and substituting “4 months”.

**52 Using hazardous substances to catch or destroy fish**

Section 26ZR is amended by repealing subsection (2) and substituting the following subsection: 5

- “(2) Subsection (1) does not apply to actions taken by—
- “(a) a warranted officer or a fish and game ranger; or
  - “(b) any person authorised in writing for the purpose by the Director-General, the Director, or the appropriate Fish and Game Council.” 10

**53 Section 26ZZQ substituted**

Section 26ZZQ is repealed and the following section substituted:

- “26ZZQ Dogs causing serious injury to protected wildlife” 15**
- “(1) A person commits an offence if the person is the owner, or a person in charge, of a dog that attacks protected wildlife in a controlled dog area or an open dog area and causes—
- “(a) the death of protected wildlife; or
  - “(b) injury to protected wildlife so that it becomes necessary to destroy the wildlife to end its suffering. 20
- “(2) The person is liable on summary conviction to imprisonment for a term not exceeding 12 months or a fine not exceeding \$10,000, or both.
- “(3) The court must, on convicting the person, make an order for the destruction of the dog unless satisfied that the circumstances of the attack were exceptional and do not justify destruction.” 25

**54 Schedule 1 amended**

Schedule 1 is amended by omitting the item “Fisheries Act 1983: Part 5”. 30

**Part 10**  
**Copyright Act 1994**

- 55 Principal Act amended**  
**This Part** amends the Copyright Act 1994.
- 56 Interpretation** 5  
Paragraph (c) of the definition of **prescribed library** in section 50(1) is amended by inserting “or provided and maintained by the New Zealand Law Society” after “Lawyers and Conveyancers Act 2006”.

**Part 11** 10  
**Coroners Act 2006**

- 57 Principal Act amended**  
**This Part** amends the Coroners Act 2006.
- 58 Regulations** 15  
Section 140(a) is amended by inserting “salaries,” before “fees,”.

**Part 12**  
**Court Martial Act 2007**

- 59 Principal Act amended** 20  
**This Part** amends the Court Martial Act 2007.
- 60 Schedule 1 amended**  
Item 14 in Schedule 1 is amended by omitting “Section 22(3)(b)” and substituting “Section 44(3)(b)”.

**Part 13** 25  
**Court Martial Appeals Act 1953**

- 61 Principal Act amended**  
**This Part** amends the Court Martial Appeals Act 1953.
- 62 Appeal against decision of Court Martial relating to bail**  
Section 6 is amended by adding the following subsections:

- “(4) On an appeal under this section, the court may—
- “(a) confirm the decision; or
  - “(b) vary the decision; or
  - “(c) set the decision aside.
- “(5) If **subsection (4)(c)** applies, the court may make any other 5  
decision that—
- “(a) could have been made in the first place; and
  - “(b) the court thinks appropriate.”

- 63 Appeal by accused against finding relating to fitness to stand trial** 10  
Section 9EA(7) is amended by omitting “section 101E(c)” and substituting “section 101F(c)”.

#### Part 14

### Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980

 15

- 64 Principal Act amended**  
**This Part** amends the Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980. 20

- 65 Long Title amended**  
The Long Title is amended by omitting “1994;—” and substituting “1994; and” and also by inserting the following paragraph after paragraph (c):

- “(d) **the Optional Protocol to the Convention on the Safety of United Nations and Associated Personnel 1994;—**” 25

- 66 Interpretation**  
The definition of **United Nations operation** in section 2(1) is amended by adding “; or” and also by adding the following paragraphs: 30



- “(c) if the operation is for the purpose of delivering humanitarian, political or development assistance in peace building; or  
“(d) if the operation is for the purpose of delivering emergency humanitarian assistance”. 5

### **Part 15 Crown Entities Act 2004**

**67 Principal Act amended**

**This Part** amends the Crown Entities Act 2004.

**68 Method of appointment of members** 10

- (1) Section 28(3) is amended by omitting “; and” in the second place where it appears and also by repealing paragraph (c).  
(2) Section 28 is amended by adding the following subsection:  
“(4) The responsible Minister must ensure that the following are notified in the *Gazette* as soon as is reasonably practicable after an appointment is made: 15  
“(a) the name of the appointee and the statutory entity; and  
“(b) the date on which the appointment takes effect; and  
“(c) the term of the appointment.”

### **Part 16 Defence Act 1990** 20

**69 Principal Act amended**

**This Part** amends the Defence Act 1990.

**70 Unit and other non-public funds**

Section 58(11) is amended by omitting “which for that purpose shall have all such powers as it has under that Act in respect of public money” and substituting “who for that purpose has all of the powers that he or she has under the Public Audit Act 2001 for the purposes of exercising or performing his or her functions, duties, or powers”. 25  
30

**71 Evidence**

Section 90 is amended by omitting “section 147(2) of that Act” and substituting “sections 71 to 74 of the Court Martial Act 2007”.

**Part 17**

5

**Dog Control Act 1996****72 Principal Act amended**

**This Part** amends the Dog Control Act 1996.

**73 Territorial authority to classify dangerous dogs**

Section 31 is amended by repealing subsection (1) and substituting the following subsection: 10

“(1) A territorial authority must classify a dog as a dangerous dog if—

“(a) the owner of the dog has been convicted of an offence in relation to the dog under section 57A(2); or 15

“(b) the territorial authority has, on the basis of sworn evidence attesting to aggressive behaviour by the dog on 1 or more occasions, reasonable grounds to believe that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife; 20  
or

“(c) the owner of the dog admits in writing that the dog constitutes a threat to the safety of any person, stock, poultry, domestic animal, or protected wildlife.”

**Part 18**

25

**Electoral Act 1993****74 Principal Act amended**

**This Part** amends the Electoral Act 1993.

**75 New section 93 substituted**

Section 93 is repealed and the following section substituted: 30

- “93 Notification of marriages and civil unions**
- “(1) In this section, **Registrar-General** means the Registrar-General appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995.
- “(2) As soon as is reasonably practicable after the registration of a marriage under Part 7 of the Births, Deaths, Marriages, and Relationships Registration Act 1995, or the registration of a civil union under Part 7A of that Act, the Registrar-General must provide to the Chief Registrar the following information in respect of each of the parties to the marriage or civil union:
- “(a) full name:
  - “(b) date of birth:
  - “(c) usual residential address:
  - “(d) date of marriage or civil union.
- “(3) **Subsection (4)** applies if a party to the marriage or civil union is—
- “(a) registered as an elector of any district; or
  - “(b) a person who has applied under section 82(2) for registration as an elector.
- “(4) The Chief Registrar must—
- “(a) send to the party to the marriage or civil union a notice asking for details of any changes resulting from the marriage or civil union that may be required to the name, address, and occupation under which he or she is registered on the roll; and
  - “(b) if a change is required, amend the roll in accordance with the details supplied.
- “(5) If an amendment to the roll is required under **subsection (4)** and the amendment does not appear on the main or supplementary roll printed for any election, the person is, if otherwise qualified, entitled to vote at the election under his or her former name as it appears on the roll.”

**Part 19**

**Epidemic Preparedness Act 2006**

- 76 Principal Act amended** 35  
 This **Part** amends the Epidemic Preparedness Act 2006.

- 77 New section 18 substituted**  
 Sections 17 and 18 are repealed and the following section is substituted:
- “18 When immediate modification orders disallowed**  
 An immediate modification order is disallowed if, within 6 5  
 sitting days after the day on which it was made, the House  
 of Representatives resolves to disallow it.”
- 78 Disallowance has effect of revocation**  
 Section 19 is amended by omitting “notice of motion to dis-  
 allow it is agreed to” and substituting “House of Representa- 10  
 tives resolves to disallow it”.
- 79 Section 20 repealed**  
 Section 20 is repealed.
- 80 Notice of resolution to disallow immediate modification  
 order** 15  
 Section 21(1) is amended by omitting “a resolution disallow-  
 ing an immediate modification order is agreed to by the House  
 of Representatives” and substituting “the House of Representa-  
 tives resolves to disallow an immediate modification order”.
- 81 New section 22 substituted** 20  
 Section 22 is repealed and the following section substituted:
- “22 Application of Regulations (Disallowance) Act 1989**  
 An immediate modification order cannot be disallowed under  
 the Regulations (Disallowance) Act 1989.”

**Part 20** 25  
**Fire Service Act 1975**

- 82 Principal Act amended**  
**This Part** amends the Fire Service Act 1975.

- 83 Relevant building defined for purposes of sections 21B to 21H**  
 Section 21A(1) is amended by repealing paragraph (d) and substituting the following paragraph:  
 “(d) a place where hazardous substances are present in quantities exceeding the prescribed minimum amounts, whatever the purpose for which the building is used.”.

**Part 21**  
**Flags, Emblems, and Names Protection**  
**Act 1981**

- 84 Principal Act amended**  
**This Part** amends the Flags, Emblems, and Names Protection Act 1981.

- 85 Unauthorised use of certain commercial names**  
 Section 20(3) is amended by adding:  
 “(r) the name ‘New Zealand Food Safety Authority’;  
 “(s) the word ‘NZFSA’.”

**Part 22**  
**Immigration Advisers Licensing Act 2007**

- 86 Principal Act amended**  
**This Part** amends the Immigration Advisers Licensing Act 2007.
- 87 What constitutes immigration advice**  
 Section 7 is amended by adding the following subsection as subsection (2):  
 “(2) To avoid doubt, a person is not considered to be providing immigration advice within the meaning of this Act if the person provides the advice in the course of acting under or pursuant to—  
 “(a) the Ombudsmen Act 1975; or  
 “(b) any other enactment by which functions are conferred on Ombudsmen holding office under that Act.”

**88 Upgrade of licence**

Section 23 is amended by adding the following subsections:

- “(4) If an application for an upgrade of a licence has been made but not determined before the date on which the licence would otherwise expire, the licence continues in force until the application is determined. 5
- “(5) The grant of an upgrade of a licence takes effect from the date of expiry of the previous licence (as determined before the application of **subsection (4)**) or the date on which it is granted, whichever occurs first.” 10

**Part 23****Incorporated Societies Act 1908****89 Principal Act amended**

**This Part** amends the Incorporated Societies Act 1908.

**90 New section 28 substituted**

15

Section 28 is repealed and the following section substituted:

**“28 Dissolution by Registrar**

- “(1) The Registrar may make a declaration (a **declaration of dissolution**) that a society is dissolved, if the Registrar is satisfied that the society— 20
- “(a) is no longer carrying on its operations; or
- “(b) has been registered because of a mistake of fact or law.
- “(2) The Registrar must ensure that, as soon as practicable after it is made, the declaration of dissolution is—
- “(a) recorded in the register; and 25
- “(b) published—
- “(i) in the *Gazette*; and
- “(ii) on an Internet site maintained by, or on behalf of, the Registrar, at all reasonable times, for a period of not less than 20 working days. 30
- “(3) A society is dissolved at the time the declaration of dissolution is recorded in the register, with effect from the date of the declaration.
- “(4) If the Registrar is satisfied that a declaration of dissolution was made in error and should be revoked, the Registrar may make a 35

declaration (a **declaration of revocation**) that the declaration of dissolution is revoked.

“(5) The Registrar must ensure that, as soon as practicable after it is made, the declaration of revocation is—

“(a) recorded in the register; and 5

“(b) published—

“(i) in the *Gazette*; and

“(ii) on an Internet site maintained by, or on behalf of, the Registrar, at all reasonable times, for a period of not less than 20 working days. 10

“(6) At the time the declaration of revocation is recorded in the register the society is revived, as if no dissolution had taken place, with effect from the time that the society was dissolved.”

## 91 Registrar to keep register of incorporated societies 15

Section 33 is amended by inserting the following subsection after subsection (1):

“(1A) The register may be kept in any manner that the Registrar thinks fit, including, either wholly or partly, by means of a device or facility— 20

“(a) that records or stores information electronically or by other means; and

“(b) that permits the information so recorded or stored to be readily inspected or reproduced in a usable form.”

## 92 Powers of inspection of Registrar 25

Section 34A is amended by inserting the following subsection after subsection (1):

“(1A) To avoid doubt, in subsection (1) **registers, records, accounts, books, or papers** includes any of those things in an electronic form.” 30

## Part 24 Insolvency Act 2006

### 93 Principal Act amended

**This Part** amends the Insolvency Act 2006.

**94 Meaning of execution process**

Section 35 is amended by repealing paragraph (d) of the definition of **execution process** and substituting the following paragraph:

“(d) having an interim charging order made final under rule 17.59 of the High Court Rules:” 5

**Part 25****Juries Amendment Act 2008****95 Principal Act amended**

**This Part** amends the Juries Amendment Act 2008. 10

**96 Jury districts**

(1) Section 4 is amended by inserting the following subsection before subsection (1):

“(1AA) Section 5(1) is amended by adding ‘(in this section referred to as a High Court jury district)’.” 15

(2) Section 4(1) is amended by omitting “if the jury district is a District Court jury district,” from new section 5(3)(b) of the Juries Act 1981.

(3) Section 4(3) is repealed and the following subsection substituted: 20

“(3) Section 5 is amended by repealing subsection (4) and substituting the following subsection:

“ (4) If, by virtue of subsection (3), a place would be in 2 or more jury districts (both or all of which are High Court jury districts, or both or all of which are District Court jury districts), the boundaries of each of those districts must be declared by the Governor-General, by notice in the *Gazette* given on the advice of the Minister of the Crown who is responsible for the Ministry of Justice, in such a way as to ensure that— 25

“( & ) no place is included in 2 or more jury districts; and

“( & ) no place included in a jury district for a Court town is more than 45 km by the most practicable route from the courthouse in that town.’ ” 30 35



**97 New sections 14B and 14C inserted**

(1) Section 11(1) is amended by repealing subsection (1) of new section 14B of the Juries Act 1981 and substituting the following new subsection:

“(1) The Registrar may permit a person summoned to attend as a juror on an occasion to defer that person’s attendance to serve as a juror to a time within a period that—

“(a) starts at least 8 weeks, and ends no later than 1 year, after the date on which the person is required to attend under the summons; and

“(b) is specified by the Registrar but lasts for at least 1 month; and

“(c) the person has indicated would be a more convenient period for the commencement of any jury service of that person that may result from the person having been summoned to attend as a juror.”

(2) Section 11(1) is amended by repealing subsection (1) of new section 14C of the Juries Act 1981 and substituting the following new subsection:

“(1) After accepting an application under section 14B, the Registrar must—

“(a) promptly record in some way the exercise of the power of deferral in respect of the summons in relation to which the application under section 14B was made; and

“(b) promptly delete the person’s details from the panel that was—

“(i) compiled under section 13(1); and

“(ii) the basis of the issue of that summons; and

“(c) if a later panel is compiled under section 13(1) because jury trials are to be held in the court and that later panel is so compiled at a time that enables the person to be summoned for jury service at a time within the period specified for the person under **section 14B(1)(b)**, ensure the person’s details are included, in accordance with the jury rules, in that later panel and promptly issue under section 13(1), and on the basis of that later panel, a replacement summons that states a time within that period; and

- “(d) if satisfied that no jury trials are to be held in the court during the period specified for the person under **section 14B(1)(b)** and therefore that it is unnecessary to compile under section 13(1) a later panel at a time that would enable the person to be summoned to attend for jury service at a time within that period, promptly serve on the person, in accordance with the jury rules, written notice that the person is no longer liable to serve as a juror as a result of the summons in relation to which the application under section 14B was made.”
- (3) Section 11(2) is amended by repealing paragraph (a) of new section 13(3A) of the Juries Act 1981 and substituting the following new paragraph:
- “(a) the Registrar has, following an application under section 14B, permitted the person to defer that person’s jury service and—
- “(i) the person is summoned under a replacement summons issued under **section 14C(1)(c)** (in which case the person is liable to serve until the end of the week for which the person is summoned under the replacement summons); or
- “(ii) the Registrar has served on the person a written notice under **section 14C(1)(d)** (in which case the person is no longer liable to serve as a juror as a result of the summons in respect of which the application under section 14B was made); or”.
- (4) Section 11(5) is repealed and the following subsection substituted:
- “(5) Section 35(1) is consequentially amended by repealing paragraph (d) and substituting the following new paragraphs:
- “(d) prescribing the method or methods by which either or both of the following applications can be made:
- “( & ) an application under section 14B for deferral of jury service:
- “( & ) an application under section 15 or 16 to be excused from jury service:
- “(da) prescribing the method or methods of service for a written notice under **section 14C(1)(d)**.”

## Part 26 Marriage Act 1955

- 98 Principal Act amended**  
**This Part** amends the Marriage Act 1955.
- 99 New section 11 substituted** 5  
Section 11 is repealed and the following section substituted:
- “11 Other persons may be marriage celebrants**
- “(1) Any person may apply to the Registrar-General to have his or her name entered on the list.
- “(2) The application must— 10
- “(a) be made in a form approved for the purpose by the Registrar-General; and
- “(b) contain, or be accompanied by, such information as the Registrar-General requires; and
- “(c) be accompanied by the prescribed fee (if any). 15
- “(3) The Registrar-General may approve an application made under **subsection (1)** and enter the applicant’s name on the list if the Registrar-General is satisfied that—
- “(a) the applicant is—
- “(i) a Justice of the Peace; or 20
- “(ii) a person who is otherwise of good character; and
- “(b) the applicant will conscientiously perform the duties of a marriage celebrant under this Act and under the Births, Deaths, Marriages, and Relationships Registration Act 1995; and 25
- “(c) it is in the interests of the public generally, or of a particular community (whether defined by geography, interest, belief, or some other factor) that the person be a marriage celebrant.”

## Part 27 Misuse of Drugs Act 1975

- 100 Principal Act amended** 30  
**This Part** amends the Misuse of Drugs Act 1975.

**101 Evidence of analysis**

- (1) Section 31(2) is amended by omitting “or by registered post” and substituting “using a traceable system”.
- (2) Section 31(2A) is amended by omitting “or by registered post” and substituting “using a traceable system”.

5

**Part 28****National Parks Act 1980****102 Principal Act amended**

**This Part** amends the National Parks Act 1980.

**103 Interpretation**

10

Section 2 is amended by repealing the definition of **foreshore** and substituting the following definition:

“**foreshore** means any land covered and uncovered by the flow and ebb of the tide at mean spring tides”.

**104 New section 51A inserted**

15

The following section is inserted after section 51:

**“51A Other activities in parks**

“(1) The Minister may do, or authorise a person to do, any thing that the Minister considers appropriate for the proper and beneficial management, administration, and control of a park.

20

“(2) If there is a management plan for the park, the Minister must not do, or authorise a person to do, any thing that is inconsistent with the management plan.

“(3) If the Minister authorises a person to do any thing, the Minister may impose any terms and conditions the Minister considers appropriate in the circumstances, including a condition requiring the payment of fees.”

25

**Part 29****New Zealand Institute of Chartered Accountants Act 1996**

30

**105 Principal Act amended**

**This Part** amends the Act that was previously called the Institute of Chartered Accountants of New Zealand Act 1996.

- 106 Long Title amended**  
 Paragraph (a) of the Long Title is amended by omitting “**Institute of Chartered Accountants of New Zealand**” and substituting “**New Zealand Institute of Chartered Accountants**”.
- 107 Name of principal Act changed**  
 (1) From the commencement of this section,—  
 (a) the Institute of Chartered Accountants of New Zealand Act 1996 is called the New Zealand Institute of Chartered Accountants Act 1996; and  
 (b) a reference in an enactment or in a document to the Institute of Chartered Accountants of New Zealand Act 1996 must, unless the context otherwise requires, be read as a reference to the New Zealand Institute of Chartered Accountants Act 1996.  
 (2) Section 1(1) is consequentially amended by omitting “Institute of Chartered Accountants of New Zealand” and substituting “New Zealand Institute of Chartered Accountants”.
- 108 Interpretation**  
 The definition of **Institute** in section 2 is amended by omitting “Institute of Chartered Accountants of New Zealand” and substituting “New Zealand Institute of Chartered Accountants”.
- 109 Heading above section 4 substituted**  
 The heading above section 4 is repealed and the following heading substituted: “*New Zealand Institute of Chartered Accountants*”.
- 110 Continuation of Society as Institute**  
 Section 4(1) is amended by omitting “Institute of Chartered Accountants of New Zealand” and substituting “New Zealand Institute of Chartered Accountants”.
- 111 New section 18A inserted**  
 The following section is inserted after section 18:

**“18A References to Institute of Chartered Accountants of New Zealand**

A reference in an enactment or in a document to the Institute of Chartered Accountants of New Zealand must, unless the context otherwise requires, be read as a reference to the New Zealand Institute of Chartered Accountants.” 5

**112 Amendments to other Acts**

The Acts specified in **Schedule 1** are amended in the manner set out in that schedule.

**113 Amendments to other enactments** 10

The enactments specified in **Schedule 2** are amended in the manner set out in that schedule.

**Part 30**

**New Zealand Superannuation and Retirement Income Act 2001** 15

**114 Principal Act amended**

**This Part** amends the New Zealand Superannuation and Retirement Income Act 2001.

**115 Special disability allowance**

Section 20(1) is amended by repealing paragraphs (b) and (c) and substituting the following paragraph: 20

“(b) the person’s spouse or partner is either—

“(i) a patient in a hospital (as defined in section 19(1)) who is in receipt of a reduced benefit under section 19(4) or (6); or 25

“(ii) a resident assessed as requiring care (as defined in section 136 of the Social Security Act 1964), and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or 142 of that Act.” 30

### Part 31 Property Law Act 2007

- 116 Principal Act amended**  
**This Part** amends the Property Law Act 2007.
- 117 When mortgagee becomes mortgagee in possession** 5
- (1) Section 139(1) is amended by repealing paragraph (c) and substituting the following paragraph:
- “(c) the date of the mortgagee’s application to the court for the order if—
- “(i) the mortgagee applies to the court for an order for possession of the land or goods; and 10
- “(ii) the court, in response to the mortgagee’s application, makes the order.”
- (2) Section 139 is amended by adding the following subsection:
- “(3) Despite subsections (1) and (2), sections 156, 162, and 163 15  
apply to a mortgagee who becomes a mortgagee in possession under **subsection (1)(c)** of this section—
- “(a) as if the references in sections 156(1) and 162(1) to the mortgagee’s entering into possession were references to the making of the order for possession of the land or goods by the mortgagee; and 20
- “(b) as if the references in sections 156(1)(b) and (c) and 163(1)(a) to the date of entry into possession were references to the date of the making of that order.”

### Part 32 25 Protection of Personal and Property Rights Act 1988

- 118 Principal Act amended**  
**This Part** amends the Protection of Personal and Property Rights Act 1988. 30
- 119 Creation of enduring power of attorney**  
Section 94A is amended by inserting the following subsection after subsection (4):

- “(4A) If 2 people appoint each other as attorney, a witness to the signature of one person as donor (**witness A**) does not fail to be independent for the purposes of subsection (4) by reason only that the witness of the other person as donor (**witness B**)—
- “(a) is a lawyer or legal executive in the same firm as witness A; or 5
- “(b) is an officer or employee of the same trustee corporation as witness A.”

### Part 33

#### Public Finance Act 1989

10

#### 120 Principal Act amended

**This Part** amends the Public Finance Act 1989.

#### 121 Payment of expenses relating to investment

Section 65J(1)(b) is amended by adding “or, if the Minister directs, a Departmental Bank Account”.

15

### Part 34

#### Public Records Act 2005

#### 122 Principal Act amended

**This Part** amends the Public Records Act 2005.

#### 123 Basis for determining access status of local authority records

20

Section 46(2) is amended by omitting “controlling public office” and substituting “controlling local authority”.

#### 124 Transitional provisions

Section 65(2)(b) is amended by omitting “42(2)(a)(iii)” and substituting “42(3)(c)”.

25

### Part 35

#### Radiocommunications Act 1989

#### 125 Principal Act amended

**This Part** amends the Radiocommunications Act 1989.

30



**126 Licensing of supply of radio apparatus**

Section 131(1) is amended by inserting “and importation for supply” after “supply”.

**127 Offence**

(1) Section 132(1) is amended by inserting “and importation for supply” after “supply”. 5

(2) Section 132 is amended by repealing subsection (2) and substituting the following subsection:

“(2) Every person commits an offence who, not being the holder of a licence issued under section 131 authorising that person to do so, does any of the following: 10

“(a) supplies or imports for supply any restricted radio apparatus:

“(b) offers to supply or to import for supply any restricted radio apparatus: 15

“(c) possesses for supply any restricted radio apparatus.”

**128 Regulations**

(1) Section 134(1)(a) is amended by inserting “and importation for supply” after “supply”.

(2) Section 134(1)(g) is amended by omitting “or manufacture” and substituting “manufacture, or importation”. 20

**Part 36****Rates Rebate Act 1973****129 Principal Act amended**

**This Part** amends the Rates Rebate Act 1973.

25

**130 Interpretation**

Paragraph (b) of the definition of **income** in section 2(1) is amended by inserting “or partner” after “spouse” in each place where it appears.

**Part 37**  
**Real Estate Agents Act 2008**

- 131 Principal Act amended**  
**This Part** amends the Real Estate Agents Act 2008.
- 132 Search of register** 5  
Section 69(1) is amended by inserting “(if any)” after “fee”.
- 133 Regulations**  
Section 156(1)(j) is repealed.

**Part 38**  
**Securities Act 1978** 10

- 134 Principal Act amended**  
**This Part** amends the Securities Act 1978.
- 135 Disclosure of information from inspection**  
Section 68B(1) is amended by omitting “section 67” and substituting “section 67A”. 15

**Part 39**  
**Social Security Act 1964**

- 136 Principal Act amended**  
**This Part** amends the Social Security Act 1964.
- 137 Review of decisions** 20  
Section 10A(1A) is amended by omitting “district” and substituting “benefits”.
- 138 New section 12S inserted**  
The following section is inserted after section 12R:
- “12S Appeals to Supreme Court** 25  
“(1) Any person affected by a determination of the High Court made under section 12Q, or a determination of the Court of Appeal made under section 12R, may apply, in accordance

with the Supreme Court Act 2003, to the Supreme Court for leave to appeal against the determination.

“(2) **Subsection (1)** is by way of explanation only.”

**139 Interpretation**

Paragraph (b) of the definition of **weekly accommodation costs** in section 61E is amended by omitting “or subsequent renewal” and substituting “or any subsequent review”. 5

**140 Grant or renewal of benefit after death of applicant**

(1) The heading to section 62 is amended by omitting “or renewal”. 10

(2) Section 62 is amended by omitting “or for the renewal of a benefit”.

(3) Section 62 is amended by omitting “or renew”.

**141 Disability allowance**

Section 69C(5) is amended by repealing paragraphs (b) and (c) and substituting the following paragraph: 15

“(b) the recipient’s spouse or partner is either—

“(i) a patient in a hospital (as defined in section 75(1)) who is in receipt of a reduced benefit under section 75(3) or (4); or 20

“(ii) a resident assessed as requiring care (as defined in section 136), and in respect of whom a funder (as defined in that section) is paying some or all of the cost of contracted care services (as defined in that section) under section 141 or 142,—”. 25

**142 Limitation where applicant receiving another benefit or war pension**

Section 72(a) is amended by omitting “and 69C” and substituting “61GA, and 69C, and section 23 of the Social Security (Working for Families) Amendment Act 2004”. 30

**143 Limitation where applicant entitled to claim under Family Protection Act 1955 or Maori Affairs Act 1953**

- (1) The heading to section 73 is amended by omitting “**or Maori Affairs Act 1953**”.
- (2) Section 73(1) is amended by omitting “or under Part 11 of the Maori Affairs Act 1953” in both places where it appears. 5
- (3) Section 73(3) is amended by omitting “or Part 11 of the Maori Affairs Act 1953”.

**144 Residential requirements for certain benefits**

Section 74AA is amended by inserting the following subsection after subsection (1): 10

- “(1A) Subsection (1) does not apply to a person at a time when—
- “(a) there is in force under section 19(1) of the Social Welfare (Transitional Provisions) Act 1990 an order declaring that the provisions contained in an agreement or convention with the government of another country set out in a schedule to the order have force and effect so far as they relate to New Zealand; and 15
- “(b) he or she is ordinarily resident in that country.”

**145 Persons liable for income tax on earnings while employed overseas deemed to be resident in New Zealand** 20

- (1) Section 79(1) is amended by inserting “, on or after 23 June 1987,” after “the return”.
- (2) Section 79(1)(a) and (b) are amended by inserting “and present” after “to have been resident”. 25

**146 Commencement of benefits**

Section 80(8) is amended by repealing paragraph (c) and substituting the following paragraph:

- “(c) the employment—
- “(i) was temporary employment, whether or not the person was aware it would be temporary employment when accepting the offer; or 30
- “(ii) was part-time work for a period of less than 26 weeks, whether or not the person was aware it

would be part-time work for a period of less than 26 weeks when accepting the offer; and”.

**147 Unemployment benefit: pre-benefit activities**

Section 96A(8) is amended by omitting “section 11D(5)” and substituting “section 11D(7)”. 5

**148 Application and obligations of work test**

Section 102(2)(h) is amended by omitting “(2B)” and substituting “(2C)”.

**149 Regulations relating to childcare assistance**

Section 132AC is amended by repealing subsection (3) and substituting the following subsection: 10

“(3) For the purposes of any adjustment required under subsection (2), the amount of—

“(a) any income limit to be adjusted is the amount in force immediately before the adjustment takes effect; and 15

“(b) any increase must be rounded up to the nearest whole dollar amount, but any subsequent adjustment must be calculated on the amount of the increase without the rounding.”

**150 Regulations relating to this Part** 20

Section 155(2) is amended by omitting “1 March” and substituting “31 March”.

**Part 40**  
**Statistics Act 1975**

**151 Principal Act amended** 25

**This Part** amends the Statistics Act 1975.

**152 Interpretation**

Section 2 is amended by inserting the following definition in its appropriate alphabetical order:

“**means to access an electronic schedule** means a personal identification number, a password, an access code, an encryp- 30

tion key, or any other information or device that the Department requires a person to use in order to access an electronic schedule”.

**153 Employment of persons for collection of statistics**

Section 19(1)(b) is amended by omitting “controllers” and substituting “managers” and also by omitting “enumerators” and substituting “collectors”. 5

**154 Census of population and dwellings**

Section 23 is amended by repealing subsection (3) and substituting the following subsection: 10

“(3) At a suitable time after the Proclamation made under subsection (2), the Statistician must publish, in whichever newspapers and by whichever other means the Statistician considers sufficient for notifying the public of New Zealand, the following information about the census: 15

“(a) the date of the census:

“(b) details of where to seek advice and guidance related to the census:

“(c) details of how to obtain a schedule if one has not been received.” 20

**155 Section 25 substituted**

Section 25 is repealed and the following section substituted:

**“25 Duty of persons to obtain census schedule**

“(1) A person who for any reason has not received either a schedule relating to a census of population and dwellings, or a means to access an electronic schedule, must obtain either a schedule, or a means to access an electronic schedule, in accordance with the details published by the Statistician of how to obtain a schedule. 25

“(2) A person who obtains a schedule, or a means to access an electronic schedule under **subsection (1)**, must— 30

“(a) retain the completed schedule until it is collected by a census collector; or

“(b) return the completed schedule in accordance with any instructions received from the Statistician when the 35

schedule, or the means to access the electronic schedule, was obtained.

- “(3) The fact that neither a schedule, nor a means to access an electronic schedule, was delivered to a person is not a defence to a prosecution under this Act for failure to fill in a schedule.” 5

**156 Duty of occupier and other persons abiding in dwelling**

- (1) Section 26 is amended by repealing subsection (2) and substituting the following subsections:

- “(2) If a person in respect of whom particulars are required to be furnished under subsection (1) chooses to fill in and return an electronic schedule, the occupier or person in charge of the dwelling may comply with his or her duty under subsection (1) by— 10

- “(a) sighting a confirmation of receipt of the schedule that is issued electronically by the Department— 15  
 “(i) to the person who returned the schedule; or  
 “(ii) to the occupier or person in charge of the dwelling; or

- “(b) obtaining verbal confirmation from the Department that it has received the electronic schedule. 20

- “(2A) **Subsection (2B)** applies if, either,—

- “(a) a person in respect of whom particulars are required to be furnished under subsection (1) does not choose to use an electronic schedule; or

- “(b) the occupier or person in charge of a dwelling is unwilling or unable to provide a computer facility for that person to use to access an electronic schedule. 25

- “(2B) If this subsection applies, the person in respect of whom particulars are required to be furnished under **subsection (1)** must— 30

- “(a) ask the occupier or person in charge of the dwelling to supply a paper schedule; or

- “(b) obtain a paper schedule in accordance with the details published by the Statistician of how to obtain a schedule. 35

- “(2C) An occupier or a person in charge of a dwelling who is asked under **subsection (2B)(a)** to supply a paper schedule to a person must make reasonable endeavours to do so.

- “(2D) Any person in respect of whom particulars are required to be furnished under **subsection (1)**, and who is not a member of the family of the occupier or person in charge of the dwelling, must—
- “(a) fill in any schedule or schedules that are personal to himself or herself; and 5
- “(b) furnish to the occupier or person in charge of the dwelling any particulars necessary for filling in any other schedule or schedules.
- “(2E) A person who fills in a schedule pursuant to **subsection (2D)(a)** must,— 10
- “(a) in the case of a paper schedule,—
- “(i) return the schedule in accordance with any instructions received from the Statistician when the schedule was obtained; or 15
- “(ii) hand the schedule to the occupier or person in charge of the dwelling;
- “(b) in the case of an electronic schedule, either—
- “(i) return the schedule himself or herself; or
- “(ii) allow the occupier or person in charge of the dwelling to return the schedule. 20
- “(2F) A person who is aged 15 years or over may deliver a paper schedule that he or she filled in pursuant to **subsection (2D)(a)** to the occupier or person in charge of the dwelling in a sealed envelope endorsed with the following information: 25
- “(a) the census district number;
- “(b) the census sub-district number;
- “(c) the schedule number or numbers;
- “(d) the person’s name.”
- (2) Subsection 26(3) is amended by omitting “enumerator” and substituting “collector”. 30

### 157 New section 30 substituted

Section 30 is repealed and the following section substituted:

#### “30 Delivery of schedules

- “(1) Delivery to any person of a schedule for the purposes of this Act is effected by delivering to that person, by any of the methods described in **subsection (2)**,— 35
- “(a) a schedule; or



- “(b) the means to access an electronic schedule.
- “(2) A schedule, or the means to access an electronic schedule, may be delivered—
  - “(a) by personal delivery to a person; or
  - “(b) by post addressed to the person by name, or by office,— 5
    - “(i) at the person’s last known place of abode or business; or
    - “(ii) at any address given by the person; or
  - “(c) by post addressed to the occupier of the dwelling or premises; or 10
  - “(d) by electronic means, including (without limitation) by fax, email, or text messaging, to an address nominated by the person for the purpose of delivery of a schedule or the means to access an electronic schedule; or
  - “(e) if any other person is authorised to act on behalf of the person, by delivery to that other person by any of the methods set out in **paragraphs (a) to (c)**. 15
- “(3) The time that delivery of a schedule or the means to access an electronic schedule is, in the absence of proof to the contrary, deemed to be effected is,— 20
  - “(a) if delivery is effected by post, the time when in the ordinary course of post delivery would be expected; and
  - “(b) if delivery is effected by electronic means, the time when the electronic communication enters the associated information system.” 25

**158 Onus to complete schedules**

- (1) Section 31 is amended by repealing subsections (1), (2), and (3) and substituting the following subsections:
  - “(1) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with **section 30** to a person, together with a notice that the schedule must be filled in and returned to the Department within a stated time, that person must,— 30
    - “(a) fill in, sign, and return the schedule to the Department within the stated time; or 35
    - “(b) access, fill in, and return the electronic schedule to the Department within the stated time.

- “(2) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with **section 30** at any dwelling or part of a dwelling, together with a notice that the schedule must be filled in by the occupier of the dwelling or part of a dwelling, or in his or her absence by some other member of the household, and must be returned to the Department within a stated time, the occupier must ensure that—
- 5
- “(a) the schedule is filled in, signed, and returned to the Department within the stated time; or 10
- “(b) the electronic schedule is accessed, filled in, and returned to the Department within the stated time.
- “(2A) **Subsection (2)** applies whether or not the occupier, or any other member of the household,—
- “(a) is specifically named in the schedule; or 15
- “(b) is personally served with the schedule or the means to access an electronic schedule.
- “(3) If a schedule purporting to be issued under this Act, or the means to access an electronic schedule, is delivered in accordance with **section 30** at any factory, farm, mine, workshop, office, or place of business or other activity of any person, or to that person’s agent, or to the occupier of that factory, farm, mine, workshop, office, or place, together with a notice that the schedule must be filled in by that person or that occupier and must be returned to the Department within a stated time, that person or that occupier must—
- 20
- “(a) fill in, sign, and return the schedule to the Department within the stated time; or
- “(b) access, fill in, and return the electronic schedule to the Department within the stated time. 25
- “(3A) **Subsection (3)** applies whether or not the person or the occupier—
- “(a) is specifically named in the schedule; or
- “(b) is personally served with the schedule or the means to access an electronic schedule.” 30
- (2) Section 31(4) is amended by inserting “or the means to access an electronic schedule” after “schedule”.
- (3) Section 31(5) is amended by inserting “or the means to access an electronic schedule” after “schedule”.
- 35

## Part 41

### Summary Proceedings Act 1957

- 159 Principal Act amended**  
**This Part** amends the Summary Proceedings Act 1957.
- 160 Withdrawal of information by prosecutor** 5  
 Section 158(2)(b) is amended by omitting “13A(6)(d) of the Evidence Act 1908” and substituting “109(1)(d) of the Evidence Act 2006”.
- 161 Provision for person in custody to be present at taking of statement** 10  
 (1) Section 166(a) is amended by omitting “Superintendent of the penal institution” and substituting “manager of the prison”.  
 (2) Section 166(b) is amended by omitting “Superintendent” and substituting “manager”.
- 162 Application of provisions of Part 2** 15  
 Section 184(2) is amended by repealing paragraph (e).
- 163 High Court Judge must determine trial Court in certain cases** 20  
 Section 184Q(6) is amended by omitting “13C of the Evidence Act 1908” and substituting “112 of the Evidence Act 2006”.
- 164 Dealing with defendant committed for trial or for sentence**  
 (1) Section 184T(3) is amended by omitting “psychiatric hospital” and substituting “hospital or secure facility”.  
 (2) Section 184T is amended by repealing subsection (4) and substituting the following subsections: 25  
 “(4) Before making an order under subsection (3), the District Court must be satisfied, on the production of a certificate or certificates by 2 health assessors, that—  
 “(a) the defendant is mentally impaired; and  
 “(b) the defendant’s mental condition requires that, in the defendant’s own interest, the defendant should be detained in a hospital or secure facility instead of in a prison. 30

- “(5) In subsections (3) and **(4)**,—
- “(a) **health assessor** has the same meaning as in section 4(1) of the Criminal Procedure (Mentally Impaired Persons) Act 2003:
- “(b) **hospital** has the same meaning as in section 2(1) of the Mental Health (Compulsory Assessment and Treatment) Act 1992: 5
- “(c) **secure facility** has the same meaning as in section 9(2) of the Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003.” 10

**165 Child complainant’s evidence may be given by video record**

Section 185D(2) is amended by omitting “185C(1)” and substituting “185C(2)”.

**Part 42**  
**Takeovers Act 1993**

15

**166 Principal Act amended**

**This Part** amends the Takeovers Act 1993.

**167 Interpretation**

- (1) Section 2(1) is amended by inserting the following definition 20  
in its appropriate alphabetical order:  
“**code company** means a company that—
- “(a) is a party to a listing agreement with a registered exchange and that has securities that confer voting rights quoted on the registered exchange’s market; or 25
- “(b) was within **paragraph (a)** at any time during a period specified in the takeovers code (being a period not exceeding 12 months before any date or the occurrence of any event referred to in the code); or
- “(c) has 50 or more shareholders” 30
- (2) The definition of **security** in section 2(1) is amended by omitting “specified company” in each place where it appears and substituting in each case “code company”.
- (3) The definition of **specified company** in section 2(1) is repealed. 35

- 
- 168 Object of this Act**  
Section 4 is amended by omitting “specified companies” in each place where it appears and substituting in each case “code companies”.
- 169 Functions of Panel** 5  
(1) Section 8(1)(a) and (c) are amended by omitting “specified companies” in each place where it appears and substituting in each case “code companies”.  
(2) Section 8(1)(d) is amended by omitting “Part 3 of this Act” and substituting “Parts 3 and 4”. 10  
(3) Section 8(2) is amended by omitting “Part 3 of this Act” and substituting “Parts 3 and 4”.
- 170 Annual fee in respect of funding of Panel**  
Section 17(1) is amended by omitting “specified company” and substituting “code company”. 15
- 171 Power to make takeovers code**  
Section 19(1) is amended by omitting “specified companies” and substituting “code companies”.
- 172 Objectives of takeovers code**  
Section 20(1)(b) is amended by omitting “specified companies” and substituting “code companies”. 20
- 173 Matters to be considered by Minister in making recommendations concerning takeovers code**  
Section 21(b) and (f) are amended by omitting “specified company” in each place where it appears and substituting in each case “code company”. 25
- 174 Specific provisions applying to takeovers code**  
Section 22 is amended by omitting “specified company” in each place where it appears and substituting in each case “code company”. 30

- 
- 175 Takeovers code not to apply in certain cases**  
Section 23 is amended by omitting “specified company” in each place where it appears and substituting in each case “code company”.
- 176 Temporary restraining orders** 5  
Section 33 is amended by omitting “specified company” in each place where it appears and substituting in each case “code company”.
- 177 When Court may make pecuniary penalty orders and declarations of contravention** 10  
Section 33M(c)(i) is amended by omitting “specified company” and substituting “code company”.
- 178 What declarations of contravention must state**  
Section 33O(e) is amended by omitting “specified company” and substituting “code company”. 15
- 179 Persons who may apply**
- (1) Section 35(1)(b) is amended by omitting “specified company’s” and substituting “code company’s”.
- (2) Section 35(1) and (3) are amended by omitting “specified company” in each place where it appears and substituting in each case “code company”. 20
- (3) Section 35(3)(a) is amended by omitting “specified company’s” and substituting “code company’s”.
- 180 Court may require person to give evidence or produce documents relating to interests in securities** 25  
Section 42(1)(a) is amended by omitting “specified company” and substituting “code company”.
- 181 False or misleading statement or information**  
Section 44B(1)(b)(i) is amended by omitting “specified company” and substituting “code company”. 30

**182 Persons entitled to appear before Court**

- (1) Section 44V(c) is amended by omitting “specified company’s” and substituting “code company’s”.
- (2) Section 44V is amended by omitting “specified company” in each place where it appears and substituting in each case “code company”.

**183 Consequential amendments**

The enactments specified in **Schedule 3** are amended in the manner set out in that schedule.

**Part 43**

10

**Taratahi Agricultural Training Centre  
(Wairarapa) Act 1969**

**184 Principal Act amended**

**This Part** amends the Taratahi Agricultural Training Centre (Wairarapa) Act 1969.

15

**185 Taratahi Agricultural Training Centre (Wairarapa) Trust Board**

Section 3(2)(d) is amended by omitting “Farm Education and Training Association” and substituting “Agriculture Industry Training Organisation Incorporated”.

20

**186 Borrowing powers of Trust Board**

Section 11(3) is amended by omitting “the training centre or any part thereof or any of its personal property” and substituting “any real or personal property owned by the Board”.

**Part 44**

25

**Telecommunications Act 2001**

**187 Principal Act amended**

**This Part** amends the Telecommunications Act 2001.

**188 Matters to be included in final TSO cost calculation determination**  
Section 93E(e) is amended by omitting “paragraph (c)” and substituting “paragraph (d)”.

**189 Payment by liable persons to TSO provider** 5  
Section 94(1) is amended by omitting “section 92(f) and (g)” and substituting “section 93E(d) and (e)”.

**Part 45**  
**Trans-Tasman Mutual Recognition Act**  
**1997**

10

**190 Principal Act amended**  
**This Part** amends the Trans-Tasman Mutual Recognition Act 1997.

**191 Schedule 1 amended** 15  
Category 2 of Schedule 1 is amended by omitting the item relating to the Plant Variety Rights Act 1981 and substituting the following item: “Plant Variety Rights Act 1987”.

**Part 46**  
**Wild Animal Control Act 1977**

**192 Principal Act amended** 20  
**This Part** amends the Wild Animal Control Act 1977.

**193 Hunting or killing of wild animals**  
The proviso to section 8(4) is amended by inserting “land” before “administered by the Department”.

**194 Wild animals on land administered by the Department of Conservation under the Conservation Act 1987 or any other enactment** 25  
Section 17(1) is amended by inserting “land” before “administered by the Department”.



**Part 47**  
**Wills Act 2007**

**195 Principal Act amended**

**This Part** amends the Wills Act 2007.

**196 Requirements for validity of wills**

5

(1) Section 11 is amended by repealing subsections (3) and (4) and substituting the following subsections:

“(3) The will-maker must—

“(a) sign the document; or

“(b) direct another person to sign the document on his or her behalf in his or her presence. 10

“(4) At least 2 witnesses must—

“(a) be together in the will-maker’s presence when the will-maker—

“(i) complies with **subsection (3)**; or 15

“(ii) acknowledges that—

“(A) he or she signed the document earlier and that the signature on the document is his or her own; or

“(B) another person directed by him or her signed the document earlier on his or her behalf in his or her presence; and 20

“(b) each sign the document in the will-maker’s presence.

“(5) As evidence of compliance with **subsection (4)**, at least 2 witnesses may each state on the document, in the will-maker’s presence, the following: 25

“(a) that he or she was present with the other witnesses when the will-maker—

“(i) signed the document; or

“(ii) acknowledged that he or she signed the document earlier and that the signature on the document is his or her own; or 30

“(iii) directed another person whose signature appears on the document to sign the document on his or her behalf in his or her presence; or 35

- “(iv) acknowledged that another person directed by him or her signed the document earlier on his or her behalf in his or her presence; and
- “(b) that he or she signed the document in the will-maker’s presence. 5
- “(6) No particular form of words is required for the purposes of **subsection (5)**.”
- (2) This section is treated as having come into force on 1 November 2007.
-

**Schedule 1**  
**Amendments to other Acts**

s 112

**Biosecurity Act 1993 (1993 No 95)**

Section 95B(3): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 5

Section 141B(3): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Building Research Levy Act 1969 (1969 No 23)**

10

Section 12(1): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Building Societies Act 1965 (1965 No 22)**

Section 100(1)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 15

**Commodity Levies Act 1990 (1990 No 127)**

Section 15(3): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 20

**Companies Act 1993 (1993 No 105)**

Section 199(1)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 25

Section 286(1)(f): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Financial Advisers Act 2008 (2008 No 91)**

Definition of **chartered accountant** in section 5: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 30

**Financial Reporting Act 1993 (1993 No 106)**

Section 25: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Section 26: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”. 5

**Friendly Societies and Credit Unions Act 1982 (1982 No 118)**

Section 63(1)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 10

Section 123(1)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Gambling Act 2003 (2003 No 51)**

15

Section 212: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Industrial and Provident Societies Act 1908 (1908 No 81)**

Section 19(2): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 20

**Lawyers and Conveyancers Act 2006 (2006 No 1)**

Section 116(5): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 25

Section 150(f): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

Section 188(2)(d)(iv): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 30

**Lawyers and Conveyancers Act 2006 (2006 No 1)**—*continued*

Clause 6(d) of Schedule 2: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Heading to clause 8 of Schedule 2: omit “**Institute of Chartered Accountants**” and substitute “**New Zealand Institute of Chartered Accountants**”.

Clause 8 of Schedule 2: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”.

Clause 10(2)(b)(iv) of Schedule 3: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Maori Community Development Act 1962 (1962 No 133)**

Section 28(e): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Maori Fisheries Act 2004 (2004 No 78)**

Section 107(2)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Motor Vehicle Sales Act 2003 (2003 No 12)**

Section 162(3): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Prisoners’ and Victims’ Claims Act 2005 (2005 No 74)**

Section 54(5): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Racing Act 2003 (2003 No 3)**

Section 13(1)(b): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

Clause 13(3) of Schedule 3: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 5

**Real Estate Agents Act 1976 (1976 No 9)**

Section 72: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 10

Section 91: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”.

**Receiverships Act 1993 (1993 No 122)**

15

Section 37(1)(i): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Securities Act 1978 (1978 No 103)**

Section 2C(1)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 20

Item 5 in Schedule 2: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 25

**Securities Transfer Act 1991 (1991 No 119)**

Paragraph (c) of the definition of **authorised transaction** in section 2: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 30

**Superannuation Schemes Act 1989 (1989 No 10)**

Definition of **auditor** in section 2(1): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Te Ture Whenua Maori Act 1993 (1993 No 4)**

5

Section 277(4): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

**Trustee Act 1956 (1956 No 61)**

Section 83B(1): omit “Institute of Chartered Accountants of New Zealand Act 1996” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants Act 1996”. 10

**Unclaimed Money Act 1971 (1971 No 28)**

Section 5(1)(j): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 15

**Wool Industry Restructuring Act 2003 (2003 No 40)**

Section 52(2): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 20

**Schedule 2****s 113****Amendments to other enactments****Airport Authorities (Airport Companies Information Disclosure) Regulations 1999 (SR 1999/242)**

Definition of **SSAP 23** in regulation 2(1): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 5

**Commodity Levies (Eggs) Order 2004 (SR 2004/469)**

Clause 24(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 10

Clause 25(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Commodity Levies (Fish) Order 2002 (SR 2002/50)**

15

Clause 21(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Clause 22(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 20

**Commodity Levies (Meat) Order 2004 (SR 2004/91)**

Clause 26(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 25

Clause 27(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Commodity Levies (Nelson–Marlborough Dredge Oysters) Order 2001 (SR 2001/235)**

30

Clause 22(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.



**Commodity Levies (Nelson–Marlborough Dredge Oysters)  
Order 2001 (SR 2001/235)—*continued***

Clause 23(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Commodity Levies (Tamarillos) Order 2003 (SR 2003/319)**

Clause 23(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Clause 24(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Commodity Levies (Winegrapes) Order 2004 (SR 2004/249)**

Clause 24(1): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Clause 25(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Commodity Levies (Wool) Order 2004 (SR 2004/92)**

Clause 24(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Clause 25(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Deer Industry New Zealand Regulations 2004 (SR 2004/323)**

Regulation 31(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

Regulation 32(2): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Lawyers and Conveyancers Act (Trust Account) Regulations  
2008 (SR 2008/183)**

Definition of **chartered accountant** in regulation 3(1): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”. 5

Regulation 21(2)(a): omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute “New Zealand Institute of Chartered Accountants Act 1996”.

Regulation 33(3)(b): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 10

**Securities Act (Friendly Societies) Exemption Notice 2002 (SR  
2002/291)**

Clause 10(1): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 15

**Securities Act (Kawaroa Consultancy Limited) Exemption  
Notice 2006 (SR 2006/14)**

Clause 19 of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”. 20

Clause 20(c) of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Securities Act (KCL Investments Limited) Exemption Notice  
2006 (SR 2006/274)** 25

Clause 19 of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”.

Clause 20(c) of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 30

**Securities Act (KCL Investments Limited) Exemption Notice  
2007 (SR 2007/101)**

Clause 19 of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”. 5

Clause 20(c) of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Securities Act (One Riccarton Road Limited) Exemption Notice  
2007 (SR 2007/264)**

10

Clause 19(2)(c) of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Securities Act (Real Property Proportionate Ownership  
Schemes) Exemption Notice 2002 (SR 2002/315)**

15

Clause 19 of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” in each place where it appears and substitute in each case “New Zealand Institute of Chartered Accountants”.

Clause 20(2)(c) of Schedule 1: omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 20

**Securities Act (Venture Capital Schemes) Exemption Notice  
2008 (SR 2008/218)**

Clause 8(1)(c)(ii): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”. 25

Clause 10(1)(c)(ii): omit “Institute of Chartered Accountants of New Zealand” and substitute “New Zealand Institute of Chartered Accountants”.

**Securities Markets (Investment Advisers and Brokers)**

**Regulations 2007 (SR 2007/374)**

Definition of **chartered accountant** in regulation 3: omit “Institute of Chartered Accountants of New Zealand Act 1996” and substitute 5  
“New Zealand Institute of Chartered Accountants Act 1996”.

---

---

**Schedule 3**  
**Consequential amendments**

**s 183**

**Companies Act 1993 (1993 No 105)**

Paragraph (j) of Schedule 4: omit “specified company” and substitute “code company”. 5

Notes to Schedule 4: omit “specified company” and substitute “code company”.

**Takeovers Amendment Act 2006 (2006 No 48)**

Section 31: omit “specified company” in each place where it appears and substitute in each case “code company”. 10

**Takeovers Code Approval Order 2000 (SR 2000/210)**

Rule 3(3) of the Schedule: omit “specified company” and substitute “code company”.