

Tribunals Powers and Procedures Legislation Bill

Government Bill

Explanatory note

General policy statement

The Tribunals Powers and Procedures Legislation Bill (the **Tribunals Bill**) and the Courts Matters Bill together form an integrated package of amendments that will contribute to the goal of a modern, efficient, and effective courts and tribunals system.

The Business Committee has agreed to the introduction of these 2 Bills as cognate Bills under Standing Order 269.

The Tribunals Bill is an omnibus Bill introduced under Standing Order 263(a). That Standing Order provides that an omnibus Bill to amend more than 1 Act may be introduced if the amendments deal with an interrelated topic that can be regarded as implementing a single broad policy.

The Tribunals Bill and the Courts Matters Bill amend tribunals and courts legislation respectively to—

- reduce the time it takes to hear and resolve matters and improve users' experience of the courts and tribunals system:
- enable greater use of modern technology to further improve efficiency, effectiveness, and timeliness:
- simplify and standardise statutory powers and procedures to improve productivity and efficiency:
- provide better consumer protection and redress, and greater access to justice.

The major initiatives in the Tribunals Bill are described below.

Tribunals' powers and procedures will be simpler and standardised

The Tribunals Bill will provide similar tribunals administered by the Ministry of Justice with a standard set of powers and procedures to improve productivity and administrative efficiency. For example, the Legal Complaints Review Officer will be able to

reduce the significant backlog of cases with the new powers to hear appropriate matters on the papers and to strike out meritless complaints. This will enable the parties to put the matter behind them and to move on with their lives sooner. These amendments will also make tribunal processes easier for the public to understand.

The standardisation of powers and procedures will also reduce the time it takes to hear and resolve matters, and will improve users' experience of tribunals. For example, members will be able to complete any part-heard cases after their successors have been appointed. This will ensure proceedings are not unnecessarily prolonged or delayed by appointment rounds, and members will have less uncertainty when appointments are under consideration.

In addition, users will benefit from new standard provisions governing—

- the striking out of meritless applications:
- the summoning of witnesses, including the creation of a new offence of failing to appear or co-operate at a hearing:
- the awarding of costs when a person has obstructed or unreasonably delayed proceedings:
- contempt, so that tribunals can maintain order and conduct proceedings efficiently:
- the use of audiovisual facilities in appropriate cases.

Tribunals will provide better consumer protection and redress

The Tribunals Bill will also enable some tribunals to provide better consumer protection and redress, and greater access to justice by providing a simpler, quicker, and cheaper alternative to a court case. For example,—

- the Disputes Tribunal monetary threshold will be increased from \$15,000 (or \$20,000, if all parties agree) to \$30,000:
- the Real Estate Agents Disciplinary Tribunal will be able to award monetary compensation of up to \$100,000 for financial losses arising from a real estate agent's unsatisfactory conduct:
- the Private Security Personnel and Private Investigators Licensing Authority will be able to discipline licensees and certificate holders for unsatisfactory conduct as well as for misconduct. Currently, the authority cannot sanction unsatisfactory conduct such as bullying.

One defunct and 2 rarely used tribunals will be disestablished

The Tribunals Bill will repeal the Birdlings Flat Land Titles Act 1993. The Commissioner completed the task of making orders relating to the division of land into separate titles at Birdlings Flat on Banks Peninsula in 2000.

The Tribunals Bill will also disestablish the Boards of Appeal established under the Health Act 1956 and the Maritime Appeal Authority established under the Maritime

Transport Act 1994. These tribunals have not received any new cases for several years. Any future cases will be heard in the District Court instead.

Departmental disclosure statement

The Ministry of Justice is required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2017&no=286>

Regulatory impact statement

The Ministry of Justice produced 2 regulatory impact statements in November 2013 and March 2014 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

Copies of these regulatory impact statements can be found at—

- <https://www.justice.govt.nz/justice-sector-policy/constitutional-issues-and-human-rights/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Clause by clause analysis

Clause 1 sets out the Title of the Act.

Clause 2 is the commencement clause and states that—

- sections 6, 7, 11, 20, 35, 38, 43, 44, 46 to 53, 55 to 58, 63 to 65, 67, 68, 70, 80, 87, 90, 98, 103(2) and (6), 106, 111(5) and (11), 116, 122, 126, 130(3), 135, 143, 163(3), (8), and (10), 170, 173(1), 174(1), 175, 179(2), 180, 182(1), 185(2), 187 to 189, 194(2), 196, 197(2), 198, 199(2), 208, 211, 214, 219(2), 227, 228, 232 to 234, 238(6), 242, 248, 254, 255, 258(1) and (4), 259, 261 to 265, 268, 269, 278, 290, 295, 307, 309, 310, 313, 316, 321(4), and 324 will come into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates:
- any provision that has not earlier been brought into force comes into force on **1 July 2020**:
- the rest of the Act comes into force on the day after the date the Act receives the Royal assent.

Delayed commencement is required to give time for developing technology systems and business processes to implement some of the provisions in the Bill.

Part 1

Amendments to Acts

Part 1 contains amendments to Acts that establish and govern the operations of 21 tribunals. Most of the provisions make changes to procedures using standardised wording in standard provisions to provide for consistency (with some exceptions) in the operation of tribunals. Those procedures include—

- approval of forms by a chief executive rather than being prescribed by regulations:
- allowing members whose term has expired to continue in office for the purpose of completing proceedings:
- appointment of temporary acting chairpersons, acting deputy chairpersons, or acting members:
- delegation of functions by a chairperson:
- requiring orderly and efficient operation of tribunals:
- allowing a tribunal to regulate its procedure as the tribunal thinks fit subject to the relevant Act, any regulations, and (where relevant) practice notes issued by the tribunal:
- providing rules for striking out, determining, and adjourning proceedings:
- service of notices and documents:
- creating an offence of contempt of a tribunal and providing a penalty of a fine not exceeding \$1,000:
- creating an offence of failing to comply with a summons and providing a penalty of a fine not exceeding \$1,000:
- issuing practice notes, online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions:
- making suppression orders and providing a penalty for breach of a suppression order of a fine not exceeding \$3,000:
- making requirements to publish decisions subject to suppression orders:
- standardising various terms of appointment with a term of up to 5 years:
- allowing tribunals to have electronic hearings, for example, by telephone.

Examples of exceptions to the use of a standard provision include where an Act already contains a similar provision or the standard provision is not appropriate for a particular jurisdiction. An example of the former is the omission of the standard suppression provision from the Immigration Act 2008 because that Act already contains an appropriate suppression provision. An example of the latter is the omission of the standard publication of decisions provision from the Prisoners' and Victims' Claims Act 2005 because it is considered to be inappropriate to publish decisions made by a

Victims' Special Claims Tribunal on claims made by victims against compensation awarded to prisoners.

Some of the amendments made by this Part are not for the purpose of standardising procedures but make other procedural changes to particular jurisdictions, for example, the amendments to the Disputes Tribunal Act 1988.

Part 1 also disestablishes boards of appeal under the Health Act 1956 and the Maritime Appeal Authority under Maritime Transport Act 1994 because these are no longer in operation. Amendments are made to those Acts so that appeals previously dealt with by these tribunals can be made to the District Court. A third defunct tribunal is disestablished in *Part 2*.

The legal effect of the amendments in *Part 1* are now explained in turn below.

Subpart 1—Amendment to Accident Compensation Act 2001

Clause 3 states that *subpart 1* amends the Accident Compensation Act 2001.

Clause 4 amends the regulation-making power in section 328 to allow a fee for filing a notice of appeal to be set by regulations.

Subpart 2—Amendments to Copyright Act 1994

Clause 5 states that *subpart 2* amends the Copyright Act 1994.

Clause 6 amends section 122J to replace the requirement for a form for an application to be prescribed with allowing a form to be approved by the chief executive after consultation with the chairperson of the Copyright Tribunal (the **Tribunal**).

Clause 7 amends section 122K to replace the requirement for a form for a notice of proceedings to be prescribed with allowing a form to be approved by the chief executive after consultation with the chairperson of the Tribunal.

Clause 8 amends section 206 to remove the limit of up to 5 members for the Tribunal and to clarify that the chairperson is a member for the purposes of other provisions in the Part.

Clause 9 amends section 207 by inserting the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings.

Clause 10 replaces section 209 to insert the standard provision for the appointment of a temporary acting chairperson or member.

Clause 11 inserts *new section 209A*, which contains the standard provision for delegation by the chairperson.

Clause 12 inserts *new section 211A*, which contains the standard provision for orderly and efficient operation.

Clause 13 amends section 213 by inserting the standard provision allowing the Tribunal to decide whether to deal with a proceeding on the papers.

Clause 14 amends section 214 to provide that the chairperson has the casting vote and to insert the standard provision allowing the Tribunal to regulate its procedure as it thinks fit, subject to the Act and any regulations.

Clause 15 inserts *new section 214A*, which contains the standard provision for striking out, determining, or adjourning proceedings.

Clause 16 amends section 217 by inserting the standard service provision allowing for service of a witness summons by either personal service or service by way of any form of prepaid delivery service that requires acknowledgement of receipt of delivery.

Clause 17 amends section 219 to limit personal liability for the chairperson and members.

Clause 18 amends section 221, which relates to contempt of the Tribunal. A witness is included in the list of people whom it is an offence to assault, threaten, intimidate, or intentionally insult, and any officer of the Tribunal (along with a constable) can remove a person who is excluded from the Tribunal.

Clause 19 inserts a *new cross-heading* and *new section 224A*, which contains the standard provision for issuing practice notes.

Clause 20 inserts *new sections 224B and 224C*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Clause 21 amends the regulation-making power in section 234 to allow fees for licensing scheme disputes to be set by regulations.

Subpart 3—Amendments to Customs and Excise Act 1996

Clause 22 states that *subpart 3* amends the Customs and Excise Act 1996.

Clause 23 amends section 216 to provide a penalty of a fine not exceeding \$3,000 for a breach of an order under section 257(7).

Clause 24 amends section 245 to change the limit of up to 7 years for appointments of a Customs Appeal Authority (an **Authority**) to up to 5 years, and inserts the standard provision allowing an Authority whose term has expired to continue in office for some purposes, including to complete proceedings.

Clause 25 replaces section 248 to insert the standard provision for the appointment of a temporary acting Authority.

Clause 26 repeals section 249.

Clause 27 inserts *new section 253A*, which contains the standard provision for orderly and efficient operation and requires the Ministry of Justice to provide the necessary resources to the Authorities.

Clause 28 amends section 254 by inserting the standard provision allowing an Authority to regulate its procedure as it thinks fit subject to the Act, any regulations, and any practice notes issued under *new section 274AA*. Section 254 is also amended to replace the requirement for a form for lodging an application to be prescribed with

allowing a form to be approved by the chief executive after consultation with the Authorities.

Clause 29 amends section 257. Subsection (4), relating to continuing a hearing in the absence of parties, is repealed as this is replaced by the standard provision contained in *new section 269*. *New subsection (6A)* is inserted to include the standard provision for electronic hearings, for example, by telephone. *New subsection (8)* is inserted, which states that the penalty for a breach of a suppression order under subsection (7) is in section 216.

Clause 30 amends section 262 to allow an officer of an Authority (as well as an Authority itself) to issue a witness summons if authorised to do so.

Clause 31 amends section 263 by inserting the standard service provision allowing for service of a witness summons by either personal service or service by way of any form of prepaid delivery service that requires acknowledgement of receipt of delivery.

Clause 32 replaces section 269 to insert the standard provision for striking out, determining, or adjourning proceedings.

Clause 33 amends section 271 to allow for enforcement of a costs order in the District Court.

Clause 34 inserts a *new cross-heading* and *new section 274AA*, which contains the standard provision for issuing practice notes.

Clause 35 inserts *new section 274AB*, which contains the standard provision for on-line publication of information about procedures, time frames, and progress of decisions.

Subpart 4—Amendments to Disputes Tribunal Act 1988

Clause 36 states that *subpart 4* amends the Disputes Tribunal Act 1988.

Clause 37 amends the interpretation section in the Act. New definitions of authenticated, chief executive, lodge, and writing are inserted into section 2. A reference is updated in the definition of claim. The definition of Registrar is replaced to recognise the creation of the new role of Disputes Tribunal Registrar under *new section 4B*, but a Registrar or Deputy Registrar of the District Court performing functions under the Act is also a Registrar under the Act.

Clause 38 inserts *new section 3A*, which gives effect to the transitional, savings, and related provisions set out in *new Schedule 1AA* (inserted into the principal Act by *clause 72*).

Clause 39 inserts *new section 4B*, which gives the chief executive the power to establish the Registry of the Disputes Tribunal and appoint the Disputes Tribunal Registrar. The functions of the Registrar are set out and an obligation is placed on the Ministry of Justice to provide the necessary resources to the Tribunal.

Clause 40 replaces section 6 to provide for scheduling of the sittings of the Disputes Tribunal (the **Tribunal**) by a Registrar and to require the Principal Disputes Referee to roster and train Referees. Before the Principal Disputes Referee gives any direc-

tions about rostering or training of Referees, he or she must consult the Chief District Court Judge.

Clause 41 amends section 6A to replace the term of appointment for the Principal Disputes Referee of 5 years with a term of up to 5 years and to simplify a reference to the chief executive.

Clause 42 amends section 6C, relating to the functions of the Principal Disputes Referee, by inserting the standard provisions for orderly and efficient operation and for the issue of practice notes.

Clause 43 inserts *new section 6D*, which contains the standard provision for delegation by the Principal Disputes Referee.

Clause 44 amends section 7, relating to the appointment of Referees, to add a requirement for Referees to hold a relevant qualification (for example, a qualification in law, mediation, or arbitration) or have had relevant training, and simplifies a reference to the chief executive. The standard provision allowing a Referee whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 7.

Clause 45 amends section 8 to simplify a reference to the chief executive and update 2 other references to recognise the creation of the new role of Disputes Tribunal Registrar under *new section 4B*.

Clause 46 amends section 10 by updating 3 references, including a reference to the Tribunal's monetary limit, which is increased from \$15,000 to \$30,000.

Clause 47 repeals section 12.

Clause 48 repeals section 13.

Clause 49 updates a reference in section 14 to the Tribunal's monetary limit.

Clause 50 updates the wording in section 18.

Clause 51 amends section 19 by inserting the standard provision for striking out, determining, or adjourning proceedings and updating references to the Tribunal's monetary limit. Subsection (7) is repealed because it is redundant following the extension of the Tribunal's monetary limit, and a reference to this subsection is removed from subsection (6).

Clause 52 amends section 20 to update a reference and to update the wording.

Clause 53 inserts *new section 20A*, which contains the standard provision for suppression orders (including a penalty for breach of a suppression order of a fine not exceeding \$3,000).

Clause 54 replaces section 21 to require Referees to give reasons for decisions and to record decisions in writing. The Tribunal is also required to provide a copy of a final decision to the parties.

Clause 55 amends section 24 by replacing subsections (1) and (2) to update wording and to amend subsection (1) to replace the requirement for a form for lodging a claim

to be prescribed with allowing a form to be approved by the chief executive after consultation with the Principal Disputes Referee.

Clause 56 amends section 25 to replace the requirement for a form for giving notice of hearing and a form for a notice of the claim to be prescribed with allowing these forms to be approved by the chief executive after consultation with the Principal Disputes Referee, and to update wording.

Clause 57 amends section 28 to add a reference to the authentication of an acknowledgement, which will be permitted as an alternative to signing an acknowledgement under section 29.

Clause 58 amends section 29 to replace the requirement for a form of acknowledgement from an applicant's insurer to be prescribed with allowing a form to be approved by the chief executive after consultation with the Principal Disputes Referee, and to allow an acknowledgement to be authenticated as an alternative to signing it.

Clause 59 amends the heading to section 31 to delete the reference to an insurer as a party.

Clause 60 amends section 38 to clarify the meaning of a majority interest for the purpose of identifying a possible party to proceedings.

Clause 61 inserts *new section 42A*, which contains the standard provision for electronic hearings, for example, by telephone.

Clause 62 amends section 44 to add a requirement for the Tribunal to act consistently with any practice notes issued under *new section 6C(1)(ha)*.

Clauses 63 to 65 amend sections 45, 46, and 47 to replace the requirement for forms to be prescribed with allowing forms to be approved by the chief executive after consultation with the Principal Disputes Referee.

Clause 66 repeals section 48, which provided that no filing fee was payable for enforcement of an order or a term of an agreed settlement.

Clause 67 amends section 49 so that the Tribunal may order only 1 rehearing unless it considers the interests of justice require more than 1 rehearing. The Tribunal may grant the rehearing on any conditions it considers appropriate, including a stay of proceedings. *Clause 67* also amends a typographical error.

Clause 68 amends section 50 to replace the requirement for a form for a notice of appeal to be prescribed with allowing a form to be approved by the chief executive after consultation with the Principal Disputes Referee.

Clause 69 amends section 53 to allow a Judge to vary an order made by the Tribunal.

Clause 70 inserts *new section 56A*, which contains the standard provision for online publication of information about procedures.

Clause 71 amends section 57 so that the ability of the Registrar to publish details of proceedings under the direction of the Minister is subject to *new section 20A*, which allows the Tribunal to make suppression orders (including a penalty for breach of a suppression order of a fine not exceeding \$3,000).

Clause 72 inserts *new Schedule 1AA* into the principal Act, which contains a transitional provision relating to persons who hold the position of Referee prior to new qualification requirements for that position, under amended section 7, coming into effect. (*New Schedule 1AA* is found in *Schedule 1* of the Bill.)

Clause 73 is the operational provision for the consequential amendments to the principal Act set out in *Schedule 2*. These amendments all recognise the change in the definition of Registrar so that there may now be more than 1 Registrar. Therefore, references to “the Registrar” are updated to “a Registrar”.

Subpart 5—Amendments to Education Act 1989

Clause 74 states that *subpart 5* amends the Education Act 1989.

Clause 75 amends the interpretation section by amending the definition of Authority to recognise that more than 1 Student Allowance Appeal Authority (**Authority**) will be now be able to be established under section 304, and by repealing the definition of member.

Clause 76 replaces section 304 with *new sections 304 to 304C*. *New section 304* states that the Minister may appoint 1 or more Authorities. Currently, only a single Authority can be appointed. The function of an Authority is to hear appeals against decisions made about student allowances (listed in section 305). An Authority is appointed for a term of up to 5 years. *New section 304* also contains the standard provision allowing an Authority whose term has expired to continue in office for some purposes, including to complete proceedings.

New section 304A states that an Authority may be removed from office in certain circumstances or may resign. An Authority is a statutory board, is entitled to receive certain remuneration and allowances, and is not personally liable for acts or omissions in certain circumstances.

New section 304B contains the standard provision for the appointment of a temporary acting Authority.

New section 304C contains the standard provision for orderly and efficient operation.

Clause 77 amends section 305 by inserting the standard provision for striking out, determining, or adjourning proceedings and updates references to the Authority.

Clause 78 amends section 306 by inserting the standard provision allowing the Tribunal to regulate its procedure as it thinks fit subject to the Act, any regulations, and any practice notes issued under *new section 306AA*, and updates references to the Authority.

Clause 79 inserts *new section 306AA*, which contains the standard provision for issuing practice notes.

Clause 80 inserts *new sections 306AB and 306AC*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Subpart 6—Amendments to Health Act 1956

Clause 81 states that *subpart 6* amends the Health Act 1956.

Clause 82 amends section 54 so that appeals are made to the District Court rather than a board of appeal.

Clause 83 replaces section 55. References to a board of appeal are replaced by references to the District Court and the format and language of the section are updated.

Clause 84 replaces section 59. A reference to a board of appeal is replaced by a reference to the District Court and the format and language of the section are updated.

Clause 85 repeals section 124, thereby disestablishing boards of appeal.

Subpart 7—Amendments to Human Rights Act 1993

Clause 86 states that *subpart 7* amends the Human Rights Act 1993.

Clause 87 amends section 92BA to replace the requirement for a form for lodging an application to be prescribed with allowing a form to be approved by the chief executive after consultation with the Chairperson of the Human Rights Review Tribunal (the **Tribunal**) or, if more than 1 Chairperson is appointed, with both of them.

Clause 88 amends section 100 by inserting part of the standard provision allowing a Chairperson whose term has expired to continue in office for some purposes, including to complete proceedings.

Clause 89 amends section 101 relating to the maintaining of a panel by the Minister for appointment to the Tribunal in particular cases. Panel members may be included on the panel for a period of up to 5 years, and the Minister may approve the person's inclusion on the panel for further periods. Section 101 is also amended by inserting *new subsection (4)*, which contains part of the standard provision allowing a member of the panel to continue in office for some purposes, including to complete proceedings, when the period for which they have been approved as a member of the panel expires.

Clause 90 inserts *new section 101A*, which contains the standard provision for delegation by a Chairperson.

Clause 91 replaces section 102 to insert the standard provision for the appointment of temporary acting Chairperson.

Clause 92 amends section 103 by replacing references to a Deputy Chairperson with references to an acting Chairperson following the amendment to section 102.

Clause 93 inserts *new section 103A*, which contains the standard provision for orderly and efficient operation. If more than 1 Chairperson is appointed, they must act together in making arrangements for the orderly and efficient operation of the Tribunal members.

Clause 94 amends section 104 by inserting the standard provisions allowing the Tribunal to decide whether to deal with a proceeding on the papers, and for electronic hearings, for example, by telephone. *Clause 94* also inserts the standard provision al-

lowing the Tribunal to regulate its procedure as it thinks fit subject to the Act, any regulations, and any practice notes issued under *new section 121A* and replaces the requirement for forms for the purposes of the Act to be prescribed with allowing forms to be approved by the chief executive after consultation with the Chairperson of the Tribunal or, if more than 1 Chairperson is appointed, all of them.

Clause 95 amends section 110 by inserting the standard service provision allowing for service of a witness summons by either personal service or service by way of any form of prepaid delivery service that requires acknowledgement of receipt of delivery. Section 110(3), relating to service by registered post, is repealed because this form of post no longer exists.

Clause 96 replaces section 115 to insert the standard provision for striking out, determining, or adjourning proceedings.

Clause 97 inserts *new section 121A*, which contains the standard provision for issuing practice notes.

Clause 98 inserts *new sections 121B and 121C*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Subpart 8—Amendments to Immigration Act 2009

Clause 99 states that *subpart 8* amends the Immigration Act 2009.

Clause 100 makes a minor amendment to section 219 for sense.

Clause 101 amends section 353 to make it an offence to breach a suppression order under clause 18(4) of Schedule 2. The penalty for this offence is provided in section 355.

Clause 102 amends section 355 to provide a penalty for an offence under *new section 353(2)(d)*, which is a fine not exceeding \$3,000.

Clause 103 amends Schedule 2, which relates to procedures in the Immigration and Protection Tribunal (the **Tribunal**). *New clause 1(5)* contains the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings. Clause 11 is amended to replace the requirement for a form of a summons to be prescribed with allowing a form to be approved by the chief executive after consultation with the chair of the Tribunal. Clause 11 is also amended by replacing 2 references to the Tribunal with a reference to the chair and deputy chair.

New clauses 18A and 18B of Schedule 2 contain the standard provisions for electronic hearings, for example by telephone, and for the online publication of information about procedures, time frames, and progress of decisions. Clause 19 is amended by making publication of decisions also subject to clause 18(4), which allows the Tribunal to make suppression orders.

Subpart 9—Amendments to Immigration Advisers Licensing Act 2007

Clause 104 states that *subpart 9* amends the Immigration Advisers Licensing Act 2007.

Clause 105 inserts *new section 41A*, which contains the standard provision for orderly and efficient operation of the Immigration Advisers Complaints and Disciplinary Tribunal (the **Tribunal**).

Clause 106 inserts *new section 41B*, which contains the standard provision for delegation by the chair.

Clause 107 inserts *new section 50A*, which contains the standard provision for suppression orders. The penalty for breaching a suppression order is provided for in *new section 70A* (and is a fine not exceeding \$3,000).

Clause 108 amends section 53 so that when the Tribunal is considering whether a licence should be suspended, the matters currently in section 53(1)(b) and (c) are alternatives rather than both needing to be present in a particular case.

Clause 109 inserts *new sections 70A to 70C*, which provide a penalty of a fine not exceeding \$3,000 for breach of a suppression order and create offences of failing to comply with a summons and of contempt of the Tribunal, which are both punishable by a penalty of a fine not exceeding \$1,000.

Clause 110 amends section 93 to change the period of time before a notice or document sent to a person is to be treated as being received from 7 days to 9 days.

Clause 111 amends the Schedule of the Act. *Clause 2* is amended by increasing the term of appointment of members from up to 3 years to up to 5 years, and the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 2. *New clause 3A* contains the standard provision for the appointment of a temporary acting chair or member. *Clause 6* is amended to allow the Tribunal to issue a summons to a witness and to replace the requirement for a form for an witness summons to be prescribed with allowing a form to be approved by the chief executive after consultation with the chair of the Tribunal. *Clause 6* is also amended by the replacement of 2 references to the Tribunal with a reference to the chair of the Tribunal.

Clause 8 is replaced by *new clauses 8 to 8B*. *New clause 8* includes in the existing power to take evidence, a power to require documents be verified. *New clause 8A* contains the standard provision for electronic hearings, for example, by telephone. *New clause 8B* requires decisions of the Tribunal to be in writing.

In clause 10, references to rules are replaced with references to regulations. *New clauses 12 to 14* contain the standard provisions for issuing practice notes, online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Subpart 10—Amendments to Lawyers and Conveyancers Act 2006

Clause 112 states that *subpart 10* amends the Lawyers and Conveyancers Act 2006.

Clauses 113 and 114 relate to the Legal Complaints Review Officer. A typographical error in section 179 is removed. The standard service provision allowing for service of a notice by either personal service or service by way of any form of prepaid delivery service that requires acknowledgement of receipt of delivery is also added to sections 179 and 182.

Clause 115 inserts *new section 192A*, which contains the standard provision for orderly and efficient operation by the Legal Complaints Review Officer.

Clause 116 amends section 198 to replace the requirement for a form for an application for review to be prescribed with allowing a form to be approved by the chief executive after consultation with the Legal Complaints Review Officer.

Clause 117 replaces section 205 to insert the standard provision for striking out, determining, or adjourning proceedings by the Legal Complaints Review Officer.

Clause 118 amends section 206 by inserting the standard provisions allowing the Legal Complaints Review Officer to decide whether to deal with a proceeding on the papers, and for electronic hearings, for example, by telephone. Section 206 is also amended by inserting *new subsections (3A) and (3B)*, which give the Legal Complaints Review Officer the power to determine a claim where a party fails to do specified things. Section 206 is also amended by making publication of decisions also subject to *new section 211A*, which allows the Legal Complaints Review Officer to make suppression orders.

Clause 119 inserts *new section 211A*, which contains the standard provision for suppression orders by the Legal Complaints Review Officer.

Clause 120 amends the heading to section 215 by replacing the reference to costs or expenses with a reference to costs, expenses, or compensation, and states that a compensation order made by the Legal Complaints Review Officer may be enforced as if it were a District Court order.

Clause 121 inserts a *new cross-heading* and *new section 215A*, which contains the standard provision for issuing practice notes.

Clause 122 inserts *new section 215B*, which contains the standard provision for online publication of information about procedures, time frames, and progress of decisions by the Legal Complaints Review Officer.

Clause 123 inserts *new section 233A*, which contains the standard provision for the appointment of temporary acting members of the Lawyers and Conveyancers Disciplinary Tribunal (the **Tribunal**).

Clause 124 inserts *new section 238A*, which contains the standard provision allowing the Tribunal to decide whether to deal with a proceeding on the papers.

Clause 125 inserts *new section 249A*, which contains the standard provision for issuing practice notes.

Clause 126 inserts *new sections 249B and 249C*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions by the Tribunal.

Clause 127 amends section 258 to allow monetary orders of the Tribunal to be enforced as a debt in a court and amendments are made to widen the types of courts in which this may be done.

Clause 128 inserts *new section 262A*, which makes it an offence to breach a suppression order made by the Legal Complaints Review Officer under *new section 211A* or the Tribunal under section 240 (including a penalty for breach of a suppression order of a fine not exceeding \$3,000).

Clause 129 amends Schedule 3. Clause 1 is amended to increase the term for which the Legal Complaints Review Officer may be appointed from a term of up to 3 years to a term of up to 5 years, and part of the standard provision allowing the Legal Complaints Review Officer, when his or her term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 1. Some wording in clause 3(1) relating to the appointment of deputies is updated.

Clause 130 amends Schedule 4. Clause 2 is amended to increase the term for which a member of the Tribunal may be appointed from a term of up to 3 years to a term of up to 5 years, and part of the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 2. Clause 6 is replaced to allow the Disciplinary Tribunal to issue a witness summons, and a new definition of writing is included in *new subclause (5)*. *New clause 12* requires the Tribunal to give decisions in writing and to state the reasons for decisions.

Subpart 11—Amendments to Legal Services Act 2011

Clause 131 states that *subpart 11* amends the Legal Services Act 2011.

Clause 132 amends section 53 relating to the period in which an application for review may be filed in the Legal Aid Tribunal (the **Tribunal**) by replacing a reference to 3 months with a reference to 60 working days.

Clause 133 inserts *new sections 55A and 55B*, which contain the standard provision allowing the Tribunal to regulate its procedure as it thinks fit subject to the Act and any regulations, and part of the standard provision for striking out proceedings.

Clause 134 inserts *new section 57A*, which contains the standard provision for suppression orders.

Clause 135 inserts *new section 57B*, which contains the standard provision for the online publication of information about procedures, time frames, and progress of decisions by the Tribunal.

Clause 136 amends section 58 to make publication of decisions under that section subject to *new section 57A*, which allows the Tribunal to make suppression orders.

Clause 137 inserts *new section 66A*, which contains the standard provision for the appointment of a temporary acting chairperson or member of the Tribunal.

Clause 138 relates to the Review Authority (the **Authority**) and inserts *new section 85A*, which contains part of the standard provision for striking out proceedings.

Clause 139 inserts *new section 86A*, which contains the standard provision for suppression orders.

Clause 140 amends section 87A to provide that the functions of a Deputy Review Authority (a **Deputy Authority**) are subject to *new sections 87D to 87F*.

Clause 141 inserts *new section 87C*, which contains the standard provision for the appointment of a temporary acting Authority or Deputy Authority.

Clause 142 inserts a *new cross-heading* and *new section 87D*, which contains the standard provision for issuing practice notes.

Clause 143 inserts *new sections 87E and 87F*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Clause 144 inserts *new section 112A* to make it an offence to breach a suppression order under *new section 57A or 86A*.

Clause 145 amends Schedule 3. Clause 1 is amended to increase the term for which a member of the Tribunal may be appointed from a term of up to 3 years to a term of up to 5 years, and part of the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 3. Clause 18 is amended to increase the term for which the Authority may be appointed from a term of up to 3 years to a term of up to 5 years, and the standard provision allowing the Authority, when that person's term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 18.

Clause 25 of Schedule 3 is replaced with the standard provision allowing the Authority to regulate its procedure as it thinks fit subject to the Act and any regulations.

Subpart 12—Amendments to Maritime Transport Act 1994

Clause 146 states that *subpart 12* amends the Maritime Transport Act 1994.

Clause 147 amends section 52(2B) to remove a redundant reference to an appeal to the Maritime Appeal Authority continued under section 82 because section 82 is repealed. *Clause 147* also amends section 52(5) to provide that appeals under section 52 may be made to the District Court under section 424 of the Act.

Clause 148 repeals section 82, which, along with the insertion of *new section 82A*, has the effect of disestablishing the Maritime Appeal Authority. This Authority is not required as appeals under section 52 will now be made to the District Court under section 424.

Clause 149 inserts *new section 82A*, which disestablishes the Maritime Appeal Authority and states that no compensation is payable to a person who ceases to hold office as a result.

Clause 150 amends section 191 to remove a redundant reference to the Maritime Appeal Authority.

Clause 151 amends section 207(1)(d) to clarify that the Maritime Appeal Authority is disestablished under *new section 82A*.

Clause 152 inserts *new section 425(2A)*, which requires the District Court, when hearing an appeal under section 52, to have regard to the potential effect on the risk to maritime safety of the suspended person being employed as a seafarer.

Clause 153 amends section 426 to remove a redundant reference to section 52.

Clause 154 amends section 445 to remove a redundant reference to the Maritime Appeal Authority.

Clause 155 repeals Schedule 2 of the principal Act, which contains provisions relating to the Maritime Appeal Authority and is therefore redundant.

Subpart 13—Amendments to Motor Vehicle Sales Act 2003

Clause 156 states that *subpart 13* amends the Motor Vehicle Sales Act 2003.

Clause 157 amends section 84 to state that an adjudicator may be reappointed, and part of the standard provision allowing an adjudicator whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 84.

Clause 158 inserts *new section 85A*, which contains the standard provision for the appointment of a temporary acting adjudicator.

Clause 159 amends section 88 relating to the maintaining of a panel by the Minister for appointment to a Motor Vehicle Disputes Tribunal (a **Tribunal**) in particular cases. Panel members may be included on the panel for a period of up to 5 years, and the Minister may approve the person's inclusion on the panel for further periods. Subsection (3) is repealed because the subject matter is now dealt with in *new subsections (1A) and (1B)*. Section 88 is also amended by inserting *new subsection (5)*, which contains part of the standard provision allowing a member of the panel to continue in office for some purposes, including to complete proceedings, when the period for which they have been approved as a member of the panel expires.

Clause 160 amends section 94 by making publication of decisions also subject to *new clause 13A in Schedule 1*, which allows a Tribunal to make suppression orders.

Clause 161 inserts a *new cross-heading* and *new sections 110A and 110B*, which create offences of breach of suppression orders and contempt of a Tribunal. Penalties for both offences are provided in *new section 116A*.

Clause 162 inserts *new section 116A*, which provides a penalty of a fine for the offences in *new sections 110A and 110B* and *new clause 9H of Schedule 1*. For the offence in *new section 110A* (breach of a suppression order), the penalty is a fine not exceeding \$3,000. For the offences in *new section 110B* (contempt of a Tribunal) and *new clause 9H of Schedule 1* (failure to give evidence), the penalty is a fine not exceeding \$1,000.

Clause 163 amends Schedule 1, which relates to the procedure of Tribunals. Clause 1 is amended so that the procedure of a Tribunal is subject to any practice notes issued

under *new clause 17 of Schedule 1*. *New clause 2A* is inserted into Schedule 1, which contains the standard provision for orderly and efficient operation. Clause 4 is amended to replace the requirement for a form for an application to be prescribed with allowing a form to be approved by the chief executive after consultation with all adjudicators.

Clause 8 is amended to replace a requirement for hearings to be held in private with a requirement that hearings must be in public, unless a Tribunal orders otherwise. *New subclause (1A)* is inserted to provide that a hearing may be held in private if the relevant adjudicator is of the opinion that it is proper to do so, having regard to the interests of any party and to the public interest. The standard provision for electronic hearings, for example, by telephone, is also added to clause 8.

New clauses 9A to 9H are inserted into Schedule 1. *New clause 9A* contains the standard provision allowing a Tribunal to decide whether to deal with a proceeding on the papers. *New clause 9B* contains the standard provision for striking out, determining, or adjourning proceedings. *New clause 9C* contains rules relating to the taking of evidence, including the requirements for a charge of perjury. *New clause 9D* gives Tribunals the power to summons witnesses. *New clause 9E* contains requirements for service of a summons issued under *new clause 9D*. These include a requirement for payment of a sum for expenses to a witness at the time of service or at any other reasonable time. *New clause 9F* extends the obligation to attend a hearing to any time or place to which proceedings have been adjourned if certain expenses have been paid to the witness. *New clause 9G* states that the expenses payable to a witness are as provided for in the Witnesses and Interpreters Fees Regulations 1974. *New clause 9H* makes it an offence to fail to give evidence. The penalty for this offence is set out in *new section 116A*.

Clause 163 also inserts into Schedule 1 a *new clause 13A*, which contains the standard provision for suppression orders, and *new clauses 17 and 18*, which contain the standard provisions for issuing practice notes and online publication of information about procedures, time frames, and progress of decisions.

Subpart 14—Amendments to Prisoners’ and Victims’ Claims Act 2005

Clause 164 states that *subpart 14* amends the Prisoners’ and Victims’ Claims Act 2005.

Clause 165 amends section 27 to replace the further period after which a notice or document is treated as having been served from the seventh day after which it was posted to 5 working days after it is posted.

Clause 166 amends section 43 to change the penalty for breaching a suppression order for an individual from a fine not exceeding \$1,000 to a fine not exceeding \$3,000.

Clause 167 amends section 45 so that the procedure of a Victims’ Special Claims Tribunal (a **Tribunal**) is subject to any practice notes issued under *new section 60A*.

Clause 168 inserts *new section 58A*, which contains the standard provision for orderly and efficient operation by a Tribunal.

Clause 169 inserts *new section 60A*, which contains the standard provision for issuing practice notes (by the Chief District Court Judge).

Clause 170 inserts *new section 60B*, which contains the standard provision for online publication of information about procedures, time frames, and progress of decisions.

Subpart 15—Amendments to Private Security Personnel and Private Investigators Act 2010

Clause 171 states that *subpart 15* amends the Private Security Personnel and Private Investigators Act 2010.

Clause 172 amends the interpretation section by replacing the definition of Licensing Authority or Authority to recognise that more than 1 Private Security Personnel Licensing Authority (an **Authority**) will be now be able to be established under section 87 and more than 1 Deputy Private Security Personnel Licensing Authority (a **Deputy Authority**) will be now be able to be established under section 91.

The definition of an offence of dishonesty is amended to include any offence described in section 127 of the Social Security Act 1964.

A new definition of unsatisfactory conduct is inserted.

Clauses 173 to 175 amend sections 24, 25, and 27 to replace the requirement for a form for an application for a licence (in sections 24 and 25) or a form for a notice of application for a licence (in section 27) to be prescribed with allowing these forms to be approved by the chief executive after consultation with all Authorities.

Clauses 176 and 177 amend sections 28 and 29 to remove unnecessary references to the Authority.

Clause 178 amends section 31(1) and (2) to update references to the Authority.

Clause 179 amends section 34 to update a reference to the Authority and to replace the requirement for a form for a licence to be prescribed with allowing a form to be approved by the chief executive after consultation with all Authorities.

Clause 180 amends section 40 to replace the requirement for a form for an application for approval to be prescribed with allowing a form to be approved by the chief executive after consultation with all Authorities.

Clause 181 amends section 41 to update 2 references to the Authority.

Clause 182 amends section 46 to replace the requirement for a form for an application for a certificate of approval to be prescribed with allowing a form to be approved by the chief executive after consultation with all Authorities, and to add the words “if any” to clarify that the prescribing of a fee is optional.

Clause 183 amends sections 49 to remove unnecessary references to the Authority.

Clause 184 amends section 51 to update a reference to the Authority.

Clause 185 amends section 54 to update a reference to the Authority and to replace the requirement for a form for a certificate of approval to be prescribed with allowing a form to be approved by the chief executive after consultation with all Authorities.

Clause 186 amends section 58 to update references to the Authority.

Clause 187 amends section 62 to add being adjudged bankrupt to the grounds for disqualification of an applicant for a licence or certificate of approval under the Act.

Clause 188 and 189 amend sections 73 and 74 to update references to the Authority and to add unsatisfactory conduct as a ground for a complaint against a licensee and a certificate holder. Unsatisfactory conduct is defined in section 4, and a finding of unsatisfactory conduct is subject to different actions by an Authority than other types of behaviour that can be the subject of disciplinary action. These actions are listed in *new section 78(1B)*.

Clauses 190 and 191 amend sections 75 and 76 to update references to the Authority.

Clause 192 amends section 77 to update a reference to the Authority, and *new subsections (8) and (9)*, which contain the standard provision allowing an Authority to decide whether to deal with a proceeding on the papers, are also added to section 77.

Clause 193 inserts *new sections 77A to 77C*. *New section 77A* contains the standard provision allowing an Authority to regulate its procedure as it thinks fit subject to the Act, any regulations, and any practice notes issued under *new section 96A*. *New section 77A* also contains the standard provision for electronic hearings, for example, by telephone. *New section 77B* contains the standard provision for suppression orders, which makes it an offence to breach a suppression order (including a penalty for breach of a suppression order of a fine not exceeding \$3,000). *New section 77C* creates an offence of contempt of an Authority, which is punishable by a penalty of a fine not exceeding \$1,000.

Clause 194 amends section 78 to update a reference to the Authority. Section 78 is also amended by inserting *new subsections (1A) and (1B)*, which relate to actions an Authority can take following a finding of unsatisfactory conduct. These actions are listed in *new subsection (1B)*.

Clause 195 amends section 79 to update a reference to the Authority.

Clause 196 amends section 80 by inserting *new subsection (1)(aa)*, which adds a ground for the cancellation of a licence relating to a person's character, circumstances, or background.

Clause 197 amends section 81 to update a reference to the Authority and insert *new subsections (1A) and (1B)*, which provide 5 new things that an Authority may order if he or she is satisfied that unsatisfactory conduct has been proved.

Clause 198 amends section 82 to update a reference to the Authority.

Clause 199 amends section 83 to correct a typographical error and to add a new discretionary ground for cancellation of a certificate.

Clause 200 amends section 87 to allow 1 or more Authorities to be appointed. Currently only a single Authority can be appointed.

Clause 201 inserts *new section 88A*, which contains the standard provision for orderly and efficient operation. An Authority is responsible for making arrangements to ensure the orderly and efficient operation of any Deputy Authority. If more than 1 Authority is appointed, they must act together in making arrangements for any Deputy Authority.

Clause 202 amends section 89 to correct a typographical error.

Clause 203 amends section 90 to increase the term for which an Authority may be appointed from a term of up to 3 years to a term of up to 5 years, and the standard provision allowing an Authority whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 90.

Clause 204 amends section 91 to allow a Deputy Authority to resign and to allow the Governor-General to remove a Deputy Authority for specified reasons. The standard provision allowing a Deputy Authority whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 91. Subsection (5) is repealed because its content is now in *new subsection (3B)* and a typographical error is corrected.

Clauses 205 and 206 amend sections 92 and 93 to update references to the Authority.

Clause 207 inserts *new section 96A*, which contains the standard provision for issuing practice notes.

Clause 208 inserts *new sections 96B and 96C*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Clauses 209 to 211 amend sections 97 and 98, and replace section 111 to update references to the Authority.

Clauses 212 and 213 together repeal section 114(1)(a) and insert *new section 114A* to replace the requirement for forms for the purposes of the Act to be prescribed with allowing forms to be approved by the chief executive.

Clause 214 replaces section 117 to update a reference to the Authority.

Clause 215 is the operational provision for the consequential amendments to the principal Act set out in *Schedule 3*. These amendments follow the change from a single Authority to the appointment of 1 or more Authorities under section 87.

Subpart 16—Amendments to Real Estate Agents Act 2008

Clause 216 states that *subpart 16* amends the Real Estate Agents Act 2008.

Clause 217 amends section 24 to provide that fees relating to the Real Estate Agents Disciplinary Tribunal (the **Tribunal**) payable under regulations are payable to the Ministry of Justice rather than the Registrar or the Real Estate Agents Authority.

Clause 218 amends section 74 to allow complaints to be dealt with by the Registrar, and if the Registrar decides not to deal with a complaint he or she can refer it to a Complaints Assessment Committee (a **Committee**).

Clause 219 amends section 93 to correct a typographical error and gives a Committee an additional action to take after making a determination under section 89(2)(b) that a licensee has engaged in unsatisfactory conduct. Under *new section 93(1)ha*, the Committee may refer the matter to the Tribunal to consider whether to make a compensation order under *new section 110(5)*.

Clause 220 amends section 100 to correct a reference and to change the number of members who may be appointed to the Tribunal from up to 5 to at least 3.

Clause 221 amends section 101 to simplify the language.

Clause 222 amends section 107 to remove the words in the heading referring to hearings being in public because some hearings will not be in public, for example, a hearing on the papers under *new section 107A*. The standard provision for electronic hearings, for example, by telephone, is also added to section 107.

Clause 223 inserts *new section 107A*, which contains the standard provision allowing the Tribunal to decide whether to deal with a proceeding on the papers.

Clause 224 amends section 108 to provide a penalty for breach of a suppression order, which is a fine not exceeding \$3,000.

Clause 225 amends section 109 to update a term.

Clause 226 inserts *new section 109A*, which contains the standard provision for striking out, determining, or adjourning proceedings.

Clause 227 amends section 110 to provide for the ability of the Tribunal to make a compensation order for a case referred to it by a Committee, despite the Tribunal itself not being satisfied (because it has not heard the case itself) that a licensee has engaged in unsatisfactory conduct.

Clause 228 inserts *new section 110A* allowing the Tribunal to make an award of costs.

Clause 229 amends section 111 to remove the right of appeal against a decision by a Committee that a complaint or allegation be considered by the Tribunal. Section 111 is also amended to set a time for appeal to the Tribunal against a determination by a Committee of 20 working days, but allows the Tribunal to accept a late appeal within 60 working days if it is satisfied that exceptional circumstances prevented the appeal being made in time. *Clause 229* also adds *new paragraph (ab)* to the list of items in subsection (2) that must accompany a notice of appeal against a determination of a Committee. The new item provided in *new paragraph (ab)* is a prescribed fee (if any).

Clause 230 amends section 112 to add *new paragraph (ab)* to the list of items in subsection (2) that must accompany an application to review a determination of a Registrar. The new item provided in *new paragraph (ab)* is a prescribed fee (if any).

Clause 231 inserts *new section 115A*, which contains the standard provision for issuing practice notes.

Clause 232 inserts *new section 115B*, which contains the standard provision for online publication of information about procedures, time frames, and progress of decisions.

Clause 233 inserts *new section 116A*, which sets a time for appeal to the High Court of 20 working days but allows the High Court to accept a late appeal within 60 working days if it is satisfied that exceptional circumstances prevented the appeal being made in time.

Clause 234 inserts *new section 120A*, which sets a time for appeal to the Court of Appeal of 20 working days but allows the Court of Appeal to accept a late appeal within 60 working days if it is satisfied that exceptional circumstances prevented the appeal being made in time.

Clause 235 inserts a *new cross-heading* and *new sections 153A and 153B*, which create offences of failing to comply with a summons and contempt of the Tribunal respectively. In both cases, the penalty is a fine not exceeding \$1,000.

Clause 236 amends section 154 to allow service of a notice or document to an email address or fax number provided by the person being served, and changes the period of time before a notice or document sent to a person is treated as being received from when the letter would have been delivered in the ordinary course of the post to 5 working days after it was posted.

Clause 237 amends section 156 to provide a regulation-making power to prescribe fees relating to the functions of the Tribunal.

Clause 238 amends Schedule 1. Clause 1 is amended to increase the term for which members of the Tribunal may be appointed from a term of up to 3 years to a term of up to 5 years, and the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 1.

New clause 3A is inserted and contains the standard provision for the appointment of a temporary acting chairperson, deputy chairperson, or member of the Tribunal. Terminology is updated in clause 4. Clause 6 is amended to allow parties to request that a witness be summoned and to replace the requirement for a form for an application to be prescribed with allowing a form to be approved by the chief executive after consultation with the chairperson of the Tribunal.

In clauses 6 and 9 the words “books, papers, documents, records, or things” are replaced with “document, information, or thing” for consistency with amended section 109 and the new offence provision in *new section 153A*. Clause 6 is also amended to include the chairperson or the deputy chairperson as persons who may issue a summons.

Subpart 17—Amendments to Residential Tenancies Act 1986

Clause 239 states that *subpart 17* amends the Residential Tenancies Act 1986.

Clause 240 inserts *new section 67A*, which contains the standard provision for the appointment of a temporary acting Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, or Tenancy Adjudicator of the Tenancy Tribunal (the **Tribunal**).

Clause 241 amends section 68 to increase the term for which Tenancy Adjudicators may be appointed from a term of up to 3 years to a term of up to 5 years, to allow Tenancy Adjudicators to be reappointed, and to add the standard provision allowing a Tenancy Adjudicator whose term has expired to continue in office for some purposes, including to complete proceedings.

Clause 242 inserts *new section 71A* to allow delegation by the Principal Tenancy Adjudicator.

Clause 243 amends section 88 to allow a Registrar to seal an order made by a Tenancy Mediator, but also to allow a Registrar to decline to seal the order and refer it to a Tenancy Adjudicator in certain circumstances. At present, only a Tenancy Adjudicator can seal an order made by a Tenancy Mediator.

Clause 244 inserts *new section 92A*, which contains the standard provision for striking out proceedings. A provision for adjourning proceedings in the absence of a party is already contained in section 92.

Clause 245 amends section 96 by inserting the standard provision for electronic hearings, for example, by telephone, and a reference to section 115, which provides the Principal Tenancy Adjudicator with the power to issue practice directions, is also added to subsection (5).

Clause 246 amends section 106 to replace “warrant for the recovery of the premises” with “warrant for the recovery of land”.

Clause 247 inserts *new section 111A*, which provides a penalty for breach of a suppression order of a fine not exceeding \$3,000.

Clause 248 inserts *new sections 115A and 115B*, which contain the standard provisions for the online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions by the Tribunal.

Subpart 18—Amendments to Sale and Supply of Alcohol Act 2012

Clause 249 states that *subpart 18* amends the Sale and Supply of Alcohol Act 2012.

Clause 250 inserts *new sections 179A and 179B*, which contain the standard provisions for the appointment of a temporary acting chairperson, deputy chairperson, or member of the Alcohol Regulatory and Licensing Authority (the **Authority**) and for orderly and efficient operation.

Clause 251 amends section 181 to increase the term for which members may be appointed to the Authority from a term of up to 3 years to a term of up to 5 years, and the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 181.

Clause 252 amends section 202 by inserting the standard provision for electronic hearings, for example, by telephone.

Clause 253 inserts *new section 211A* to create an offence of contempt of the Authority, which is punishable by a penalty of a fine not exceeding \$1,000.

Clause 254 amends section 280 to replace the requirement for a form for an application to be prescribed with allowing a form to be approved by the chief executive after consultation with the chairperson of the Authority.

Clause 255 amends section 285 to replace the requirement for a form for an application to be prescribed with allowing a form to be approved by the chief executive after consultation with the chairperson of the Authority.

Subpart 19—Amendments to Secondhand Dealers and Pawnbrokers Act 2004

Clause 256 states that *subpart 19* amends the Secondhand Dealers and Pawnbrokers Act 2004.

Clause 257 amends the interpretation section by replacing the definition of Licensing Authority or Authority to recognise that more than 1 Licensing Authority of secondhand dealers and pawnbrokers (an **Authority**) will be now be able to be established under section 70 and more than 1 Deputy Licensing Authority of secondhand dealers and pawnbrokers (a **Deputy Authority**) will be now be able to be established under section 71.

Clause 258 amends section 8 to update references to the Authority and to add a requirement that the chief executive consult with all Authorities before approving a form for an application for a licence. The requirement for an application to be accompanied by 2 photographs is replaced by a requirement for 1 photograph.

Clause 259 amends section 10 by inserting *new subsections (5) and (6)*, which allow an Authority to waive disqualification for a minor offence after taking into account specified matters.

Clause 260 amends section 15 to update a reference to the Authority.

Clause 261 amends section 16 to allow an Authority to suspend a licence (rather than cancel it) and sets limits for the term of a suspension.

Clause 262 amends section 17 by inserting *new subsection (1A)*, which requires the form for advising of a change in details included on a licence application to be approved by the chief executive after consultation with all Authorities and allows for the charging of a prescribed fee.

Clause 263 amends section 21 to replace the function of approving a form for an application for a certificate by the Authority with approval of the form by the chief executive after consultation with all Authorities. The requirement for an application to be accompanied by 2 photographs is replaced by a requirement for 1 photograph, and the requirement for an application to be accompanied by a statutory declaration is removed. A change is made to subsection (1)(d) to clarify that the prescribing of a fee is optional and a reference to the Authority in subsection (2) is updated.

Clause 264 amends section 23 to add matters that an Authority must take into account when considering whether to waive a disqualification. These are the same matters that must be considered when deciding whether to issue a licence under section 10.

Clause 265 amends section 26 to update references to the Authority. *New subsections (4) and (5)* are inserted allowing an Authority to require an applicant to attend a hearing in person.

Clauses 266 and 267 amend sections 30 and 31 to update references to the Authority.

Clause 268 amends section 42 by inserting *new subsection (3A)*, which lists information that must be included in a dealers record for a functioning motor vehicle, and by inserting *new subsection (6)*, which contains a new definition of functioning motor vehicle.

Clause 269 amends section 44 to include a reference to a functioning motor vehicle in the list of information in a dealer's record that must be kept for not less than 3 years.

Clause 270 amends section 70 to allow 1 or more Authorities to be appointed. Currently only a single Authority can be appointed. The standard provision allowing an Authority whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 70.

Clause 271 amends section 71 to update references to the Authority and to provide that a Deputy Authority may be appointed for a term of up to 5 years and may be reappointed. The standard provision allowing a Deputy Authority whose term has expired to continue in office for some purposes, including to complete proceedings, is added to section 71 in *new subsection (2A)*. Subsection (2) is repealed because its substance is now in *new subsection (2A)*.

Clause 272 amends section 72 to update references to the Authority and Deputy Authority.

Clause 273 inserts *new sections 74A and 74B*, which contain the standard provision for orderly and efficient operation and create an offence of contempt of an Authority, which is punishable by a penalty of a fine not exceeding \$1,000.

Clause 274 amends section 75 to update references to the Authority.

Clause 275 inserts *new sections 76A to 76C*, which contain the standard provisions allowing an Authority to regulate its procedure as it thinks fit subject to the Act and any regulations, for electronic hearings, for example, by telephone, allowing an Authority to decide whether to deal with a proceeding on the papers, and for suppression orders (including a penalty for breach of a suppression order of a fine not exceeding \$3,000).

Clause 276 replaces section 77 to update references to the Authority and to remove a redundant transitional provision.

Clause 277 inserts *new section 77A*, which contains the standard provision for issuing practice notes.

Clause 278 inserts *new sections 77B and 77C*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Clauses 279 to 281 replace section 78 and amend sections 81 and 82 to update references to the Authority.

Clause 282 amends section 84 to update references and to allow regulations to be made providing an exemption from paying fees.

Clause 283 is the operational provision for the consequential amendments to the principal Act set out in *Schedule 4*. These amendments follow the change from a single Authority to the appointment of 1 or more Authorities under section 70.

Subpart 20—Amendments to Social Security Act 1964

Clause 284 states that *subpart 20* amends the Social Security Act 1964.

Clause 285 amends section 12A to update terminology and to provide for appointment of a deputy chairperson to whom the chairperson of the Social Security Appeal Authority (the **Authority**) may delegate functions.

Clause 286 amends section 12B to increase the term for which members of the Authority may be appointed from a term of 3 years to a term of up to 5 years, and the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 12B.

Clause 287 amends section 12D to update terminology.

Clause 288 replaces section 12E with *new section 12E*, which contains the standard provision for the appointment of a temporary acting chairperson, deputy chairperson, or member of the Authority.

Clause 289 inserts *new sections 12IA and 12IB*, which contain the standard provision for orderly and efficient operation and create an offence of contempt of the Authority, which is punishable by a penalty of a fine not exceeding \$1,000.

Clause 290 amends section 12K relating to procedure for appeals. References to 3 months are replaced with references to 60 working days for the time in which an appeal must be lodged. A reference in subsection (7) to 10 clear days is replaced with a reference to 10 working days as the minimum period for giving notice of the hearing to the parties.

Clause 291 inserts *new sections 12KA and 12 KB*, which contain the standard provisions allowing the Authority to decide whether to deal with a proceeding on the papers and for electronic hearings, for example, by telephone.

Clause 292 inserts *new section 12MA*, which contains the standard provision for striking out, determining, or adjourning proceedings.

Clause 293 amends section 12N to update terminology and include a reference to deputy chairperson, and to change the penalty for publishing any part of proceedings unless ordered by the Authority from a fine not exceeding \$100 to a fine not exceeding \$3,000.

Clause 294 inserts *new section 12PA*, which contains the standard provision for issuing practice notes.

Clause 295 inserts *new section 12PB*, which contains the standard provision for online publication of information about procedures, time frames, and progress of decisions.

Clause 296 amends section 12Q relating to appeals to the High Court by changing 3 references to 14 days to references to 14 working days. Subsections (4) to (8) are amended to update terminology and to include references to a deputy chairperson.

Subpart 21—Amendments to Taxation Review Authorities Act 1994

Clause 297 states that *subpart 21* amends the Taxation Review Authorities Act 1994.

Clause 298 inserts *new section 5A*, which contains the standard provision for the appointment of a temporary acting Taxation Review Authority (an **Authority**).

Clause 299 amends section 6 to change the term for which an Authority may be appointed from a term of up to 7 years to a term of up to 5 years, and the standard provision allowing an Authority whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to section 6. Section 6(2) is repealed because the subject matter is now dealt with in *new subsection (4)*.

Clause 300 inserts *new section 13AB*, which contains the standard provision for orderly and efficient operation and places an obligation on the Ministry of Justice to provide the necessary resources to the Authorities.

Clause 301 amends section 16 so that the procedure of an Authority is subject to any practice notes issued under *new section 25B*.

Clause 302 inserts *new sections 20A and 20B*, which contain the standard provisions allowing an Authority to decide whether to deal with a proceeding on the papers and for electronic hearings, for example, by telephone.

Clause 303 replaces section 21 to insert the standard provision for striking out, determining, or adjourning proceedings.

Clause 304 amends section 22 to update a reference to the new strike out provision in *new section 21*.

Clause 305 amends section 25 to include a requirement that a decision must contain reasons for the decision.

Clause 306 inserts *new sections 25A to 25C*, which contain standard provisions for suppression orders (including a penalty for breach of a suppression order of a fine not exceeding \$3,000), to create an offence of contempt of an Authority (which is punishable by a penalty of a fine not exceeding \$1,000), and for issuing practice notes.

Clause 307 inserts *new sections 25D and 25E*, which contain standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Subpart 22—Amendments to Weathertight Homes Resolution Services Act 2006

Clause 308 states that *subpart 22* amends the Weathertight Homes Resolution Services Act 2006.

Clause 309 amends section 27 to replace the function of approving a form for an application to the Weathertight Homes Tribunal (the **Tribunal**) by the chair of the Tri-

bunal with approval of the form by the chief executive after consultation with the chair.

Clause 310 amends section 62 to replace the function of approving a form for an application to the Tribunal by the chair with approval of the form by the chief executive after consultation with the chair.

Clause 311 inserts *new section 103A*, which contains the standard provision for the appointment of a temporary acting chair or member.

Clause 312 inserts *new section 106A*, which contains the standard provision for orderly and efficient operation.

Clause 313 amends section 107, which relates to delegation of duties by the chair, to replace the function of approving forms by the chair with approval of forms by the chief executive after consultation with the chair.

Clause 314 inserts *new section 109AA*, which contains the standard provision allowing the Tribunal to regulate its procedure as it thinks fit, subject to the Act and any regulations.

Clause 315 inserts *new section 109A*, which contains the standard provision for striking out, determining, or adjourning proceedings.

Clause 316 inserts *new sections 114A and 114B*, which contain the standard provisions for online publication of information about procedures, time frames, and progress of decisions and online publication of final written decisions.

Clause 317 amends section 115, which relates to contempt of the Tribunal, to include a witness in the list of people whom it is an offence to assault, threaten, intimidate, or intentionally insult.

Clause 318 inserts *new section 115A* providing a penalty for breach of a suppression order of a fine not exceeding \$3,000.

Clause 319 amends section 116, which relates to contempt of the Tribunal, to include any officer of the Tribunal as a person (along with a member of the police) who can remove a person who is excluded from a sitting of the Tribunal.

Clause 320 amends section 117 by inserting *new subsection (2)* to provide that a notice or document sent to a person is treated as being received 5 working days after it was posted.

Clause 321 amends Schedule 3. Clause 2 is amended to increase the term for which a member of the Tribunal may be appointed from a term of up to 3 years to a term of up to 5 years, and the standard provision allowing a member whose term has expired to continue in office for some purposes, including to complete proceedings, is also added to clause 2.

Clause 9 is amended to update terminology and to allow the chair or any officer of the Tribunal to issue a witness summons. Clause 9 is also amended to replace the function of approving the form of summons by the chair with approval of the form by the chief executive after consultation with the chair. *New clause 11* is inserted allowing the Tribunal to take evidence on oath or by other means.

Part 2

Repeal, revocation, and amendment of enactments

Clause 322 repeals the Birdlings Flat Land Titles Act 1993. The tribunal established by this Act no longer operates and therefore is to be disestablished.

Clause 323 makes a minor amendment to the Residential Tenancies Rules 2010.

Clause 324 is the operational provision for the repeal, revocation, and amendment of enactments listed in *Schedule 5*.

Hon Mark Mitchell

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Tribunals Powers and Procedures Legislation Act **2017**.

2 Commencement

- (1) **Sections 6, 7, 11, 20, 35, 38, 43, 44, 46 to 53, 55 to 58, 63 to 65, 67, 68, 70, 80, 87, 90, 98, 103(2) and (6), 106, 111(5) and (11), 116, 122, 126, 130(3), 135, 143, 163(3), (8), and (10), 170, 173(1), 174(1), 175, 179(2), 180, 182(1), 185(2), 187 to 189, 194(2), 196, 197(2), 198, 199(2), 208, 211, 214, 219(2), 227, 228, 232 to 234, 238(6), 242, 248, 254, 255, 258(1) and (4), 259, 261 to 265, 268, 269, 278, 290, 295, 307, 309, 310, 313, 316, 321(4), and 324** come into force on a date appointed by the Governor-General by Order in Council, and 1 or more orders may be made bringing different provisions into force on different dates. 5
- (2) Any provision specified in **subsection (1)** that has not earlier been brought into force comes into force on **1 July 2020**. 10
- (3) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent. 15

Part 1

Amendments to Acts

Subpart 1—Amendment to Accident Compensation Act 2001 20

3 Principal Act

This **subpart** amends the Accident Compensation Act 2001 (the **principal Act**).

4 Section 328 amended (Regulations relating to reviews and appeals)

After section 328(c), insert: 25

(ca) prescribing a fee that must accompany a notice of appeal:

Subpart 2—Amendments to Copyright Act 1994

5 Principal Act

This **subpart** amends the Copyright Act 1994 (the **principal Act**).

6 Section 122J amended (Application to Tribunal) 5

In section 122J(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal,”.

7 Section 122K amended (Notice of proceedings) 10

In section 122K(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”.

8 Section 206 amended (Membership of Tribunal)

(1) In section 206(1), delete “, but not more than 5,”.

(2) After section 206(4), insert: 15

(5) For the purposes of this Part, except for the reference in subsection (3), a reference to a **member** or **members** includes the chairperson.

9 Section 207 amended (Term of office of members of Tribunal)

Replace section 207(3) with:

(3) A member of the Tribunal continues in office despite the expiry of his or her term of office until— 20

(a) the member is reappointed; or

(b) the member’s successor is appointed; or

(c) the member is notified that a replacement member will not be appointed; or 25

(d) the member vacates or is removed from office.

(3A) A member who continues in office for any period under **subsection (3)**, unless he or she was removed from office, may act as a member during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office: 30

(b) hearing any other proceedings.

(3B) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 35

10 Section 209 replaced (Deputies of members)

Replace section 209 with:

209 Appointment of temporary acting chairperson or members

- (1) If the chairperson or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as the acting chairperson or an acting member for the period or purpose stated in the appointment. 5
- (2) No person may be appointed as the acting chairperson or an acting member unless he or she is eligible for appointment to the relevant position. 10
- (3) The acting chairperson or acting member is, while acting in the position, to be treated as the chairperson or a member of the Tribunal.
- (4) No appointment of an acting chairperson or acting member, no act done by an acting chairperson or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 15

11 New section 209A inserted (Delegation by chairperson of Tribunal)

After section 209, insert:

209A Delegation by chairperson of Tribunal

- (1) The chairperson of the Tribunal may delegate any of the chairperson's functions, duties, and powers to a member of the Tribunal who the chairperson is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 20
- (2) A delegation— 25
 - (a) must be in writing; and
 - (b) must be to a named person; and
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the chairperson. 30
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation.
- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary. 35
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 210 for work undertaken in that capacity.

12 New section 211A inserted (Orderly and efficient operation)

After section 211, insert:

211A Orderly and efficient operation

- (1) The chairperson of the Tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions— 5
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable the Tribunal to perform its functions. 10

13 Section 213 amended (Sittings of Tribunal)

- (1) Replace the heading to section 213 with “**Hearing**”.
- (2) After section 213(7), insert:
- (8) Despite anything in this Act to the contrary and except as provided in section 122L, the Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate. 15
- (9) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.
- (10) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the chairperson or the Tribunal considers it appropriate and the necessary facilities are available. 20

14 Section 214 amended (Procedure of Tribunal)

- (1) After section 214(3), insert:
- (3A) If the members are equally divided in opinion, the decision of the chairperson is the decision of the Tribunal. 25
- (2) Replace section 214(5) with:
- (5) The Tribunal may regulate its procedures as it sees fit, subject to this Act and any regulations made under it.

15 New section 214A inserted (Tribunal may strike out, determine, or adjourn proceeding) 30

After section 214, insert:

214A Tribunal may strike out, determine, or adjourn proceeding

- (1) The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it— 35
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or

<ul style="list-style-type: none"> (c) is frivolous or vexatious; or (d) is otherwise an abuse of process. 	
<ul style="list-style-type: none"> (2) If a party is neither present nor represented at the hearing of a proceeding, the Tribunal may— <ul style="list-style-type: none"> (a) strike out the proceeding; or (b) determine the proceeding in the absence of the party; or (c) adjourn the hearing. 	5
16 Section 217 amended (Service of summons)	
<ul style="list-style-type: none"> (1) Replace section 217(1) with: <ul style="list-style-type: none"> (1) A witness summons may be served by— <ul style="list-style-type: none"> (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or (b) delivering the summons to the witness at his or her usual place of residence by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness. (2) Repeal section 217(3). 	10 15
17 Section 219 amended (Privileges and immunities)	
After section 219(2), insert:	
<ul style="list-style-type: none"> (3) The Tribunal, the chairperson, and the members are not personally liable for any act done or omitted to be done by the Tribunal, the chairperson, or any member in good faith in the performance or exercise, or intended performance or exercise, of their functions, duties, or powers under this Act. 	20
18 Section 221 amended (Contempt of Tribunal)	
<ul style="list-style-type: none"> (1) In section 221(1)(a), replace “, the Tribunal or any member of it or any special adviser to or officer of the Tribunal,” with “the Tribunal or any member of it, a special adviser, a witness, or an officer of the Tribunal”. (2) In section 221(2), after “constable”, insert “or any officer of the Tribunal”. 	25
19 New section 224A and cross-heading inserted	
After section 224, insert:	
<i>Practice notes, procedural information, and publication of decisions</i>	
30	
224A Practice notes	
<ul style="list-style-type: none"> (1) The chairperson of the Tribunal may issue practice notes for any type of proceedings dealt with by the Tribunal as he or she thinks fit. (2) The practice notes must not be inconsistent with this Act or any regulations made under it. 	35

20 New sections 224B and 224C inserted

After section 224A, insert:

224B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site: 5

- (a) information about the purpose of the Tribunal and the ways that a person may use it:
- (b) any requirements that a person must meet to use the Tribunal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 10

224C Online publication of final written decisions

- (1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 15
- (3) **Subsections (1) and (2)** are subject to section 213(5).
- (4) Good reason not to publish a decision or part of it includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value: 20
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 25
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers. 30

21 Section 234 amended (Regulations)

After section 234(q), insert:

- (qa) prescribing fees in relation to licensing scheme disputes before the Tribunal:

Subpart 3—Amendments to Customs and Excise Act 1996

22 Principal Act

This **subpart** amends the Customs and Excise Act 1996 (the **principal Act**).

23 Section 216 amended (Offences in relation to Customs Appeal Authorities)

After section 216(6), insert:

5

- (7) A person who breaches an order made under section 257(7) is liable on conviction to a fine not exceeding \$3,000.

24 Section 245 amended (Term of office of Authority)

- (1) In section 245(1), replace “shall be appointed for such term, not exceeding 7 years” with “must be appointed for a term of up to 5 years”.

10

- (2) Replace section 245(4) with:

- (4) An Authority continues in office despite the expiry of his or her term of office until—

(a) the Authority is reappointed; or

(b) the Authority’s successor is appointed; or

15

(c) the Authority is notified that a replacement Authority will not be appointed; or

(d) the Authority vacates or is removed from office.

- (5) An Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as an Authority during that period for the purpose of—

20

(a) completing any appeal partly or wholly heard by the Authority before the expiry of his or her term of office:

(b) hearing any other appeal.

- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

25

25 Section 248 replaced (Sickness or incapacity)

Replace section 248 with:

248 Appointment of temporary acting Authority

30

- (1) If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment.

35

- (2) No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.
- (3) An acting Authority is, while acting in the position, to be treated as an Authority.
- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5
- 26 Section 249 repealed (Validity of appointment not to be questioned in proceedings)**
Repeal section 249. 10
- 27 New section 253A inserted (Orderly and efficient operation)**
After section 253, insert:
- 253A Orderly and efficient operation**
- (1) An Authority is responsible for making such arrangements as are practicable to ensure that he or she performs his or her functions— 15
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable each Authority to perform its functions.
- 28 Section 254 amended (Procedure)** 20
- (1) Replace section 254(1) with:
- (1) An Authority may regulate his or her procedures as he or she sees fit, subject to—
- (a) this Act and any regulations made under it; and
- (b) any practice notes issued under **section 274AA.** 25
- (2) In section 254(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the Authorities”.
- 29 Section 257 amended (Hearing)**
- (1) Repeal section 257(4). 30
- (2) After section 257(6), insert:
- (6A) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if an Authority considers it appropriate and the necessary facilities are available.
- (3) After section 257(7), insert: 35
- (8) The penalty for a breach of subsection (7) is set out in section 216.

30 Section 262 amended (Power to summon witnesses)

In section 262, insert as subsection (2):

- (2) The power to issue a witness summons may be exercised by an Authority or by any officer of an Authority purporting to act by the direction or with the authority of that Authority.

5

31 Section 263 amended (Service of summons)

- (1) Replace section 263(1) with:

- (1) A witness summons may be served by—
- (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or
 - (b) delivering the summons to the witness at his or her usual place of residence by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.

10

- (2) Repeal section 263(3).

32 Section 269 replaced (Authority may dismiss frivolous or vexatious appeal)

15

Replace section 269 with:

269 Authority may strike out, determine, or adjourn proceeding

- (1) An Authority may strike out, in whole or in part, a proceeding if satisfied that it—
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, an Authority may—
- (a) strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.

20

25

33 Section 271 amended (Power to award costs)

After section 271(2), insert:

30

- (3) If costs are awarded to a party or the Crown, but have not been paid in full, the Crown or party may file a copy of the order in the District Court where it may be enforced for so much of the amount that is still owing as if it were a judgment of the District Court.

34 New section 274AA and cross-heading inserted

After section 274, insert:

Practice notes, procedural information, and publication of decisions

274AA Practice notes

- (1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 5
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

35 New section 274AB inserted (Online publication of information about procedures, time frames, and progress of decisions) 10

After section 274AA, insert:

274AB Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Authorities and the ways that a person may use them: 15
- (b) any requirements that a person must meet to use the Authorities:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

Subpart 4—Amendments to Disputes Tribunal Act 1988 20**36 Principal Act**

This **subpart** amends the Disputes Tribunal Act 1988 (the **principal Act**).

37 Section 2 amended (Interpretation)

- (1) In section 2, insert in their appropriate alphabetical order:

authenticated, in relation to an acknowledgement under section 29, means— 25

- (a) that the acknowledgement is signed and dated; or
- (b) if the acknowledgement is in electronic form, that it, by the use of any electronic means, adequately identifies the person responsible for its content and the date of authentication

chief executive means the chief executive of the Ministry of Justice 30

lodge, except for the purposes of sections 50 and 51, in relation to a document, means to lodge or file the document in, or to send it by post or electronically to, any office of the Disputes Tribunal together with the filing fee (if any) that is payable, and **lodges**, **lodging**, and **lodged** have corresponding meanings

- writing**, except for the purposes of sections 6A, 6B, 7, and 40, includes writing in an electronic form, and **written record** has a corresponding meaning
- (2) In section 2, definition of **claim**, paragraph (a), replace “13” with “11”.
- (3) In section 2, replace the definition of **Registrar** with:
- Registrar** means— 5
- (a) the person appointed under **section 4B(1)** as the Disputes Tribunal Registrar; or
- (b) a Registrar or Deputy Registrar of the District Court performing functions under this Act
- (4) In section 2, definition of **work order**, replace “as may be specified in the order.” with “as may be specified in the order”. 10
- 38 New section 3A inserted (Transitional, savings, and related provisions)**
- After section 3, insert:
- 3A Transitional, savings, and related provisions**
- The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms. 15
- 39 New section 4B inserted (Registry of Disputes Tribunal)**
- After section 4A, insert:
- 4B Registry of Disputes Tribunal**
- (1) The chief executive may establish a Registry for the Disputes Tribunal and may appoint a person to be the Disputes Tribunal Registrar. 20
- (2) The office of Disputes Tribunal Registrar may be held in conjunction with any other office in the public service.
- (3) The functions of the Disputes Tribunal Registrar are—
- (a) to ensure the orderly and efficient administration of the Registry; and 25
- (b) to give directions or advice, as appropriate, to enhance the consistency of the Registry’s performance.
- (4) The Ministry of Justice must provide the resources and administrative support necessary to enable the Disputes Tribunal to perform its functions.
- 40 Section 6 replaced (Rostering and training of Referees)** 30
- Replace section 6 with:
- 6 Sittings of Tribunal and rostering and training of Referees**
- (1) A Registrar must schedule the days, times, and places for the regular sittings of the Tribunal and, when doing so, must implement any directions given under **subsection (2)**. 35

- (2) The Principal Disputes Referee is responsible for the rostering and training of Referees and may give any directions he or she considers necessary for these purposes. Before giving any direction, the Principal Disputes Referee must consult the Chief District Court Judge.
- 41 Section 6A amended (Appointment of Principal Disputes Referee)** 5
- (1) In section 6A(4), replace “5 years” with “up to 5 years”.
- (2) In section 6A(6)(b), replace “the chief executive of the Ministry of Justice” with “the chief executive”.
- 42 Section 6C amended (Functions and powers of Principal Disputes Referee)**
- (1) Replace section 6C(1)(a) with: 10
- (a) to undertake appropriate measures to ensure that the integrity of the office of Referee is maintained:
- (ab) to make such arrangements as are practicable to ensure that he or she and each Referee performs his or her functions— 15
- (i) in an orderly and efficient manner; and
- (ii) in a way that achieves the purposes of this Act:
- (2) After section 6C(1)(h), insert:
- (ha) to issue practice notes as he or she thinks fit, but that are not inconsistent with this Act or any regulations made under it:
- 43 New section 6D inserted (Delegation by Principal Disputes Referee)** 20
- After section 6C, insert:
- 6D Delegation by Principal Disputes Referee**
- (1) The Principal Disputes Referee may delegate any of his or her functions, duties, and powers to a Referee who the Principal Disputes Referee is satisfied has the necessary capability, skills, experience, and personal attributes to perform or exercise those functions, duties, and powers. 25
- (2) A delegation—
- (a) must be in writing; and
- (b) must be to a named person; and
- (c) is revocable at any time, in writing; and 30
- (d) does not prevent the performance or exercise of a function, duty, or power by the Principal Disputes Referee.
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 35

- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 9 for work undertaken in that capacity. 5
- 44 Section 7 amended (Appointment of Referees)**
- (1) Replace section 7(2) with:
- (2) A person is qualified to be appointed as a Referee only if that person—
- (a) holds a relevant qualification (for example, a qualification in law, mediation, or arbitration) or has had relevant training; and 10
- (b) has the personal attributes, knowledge, and experience so as to be capable of performing the functions of a Referee; and
- (c) has been recommended for appointment under section 8.
- (2) In section 7(6)(b), replace “the chief executive of the responsible department” with “the chief executive”. 15
- (3) After section 7(6), insert:
- (7) A Referee who continues in office for any period under subsection (6), unless he or she was removed from office, may act as a Referee during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Referee before the expiry of his or her term of office: 20
- (b) hearing any other proceedings.
- (8) A Referee who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 25
- 45 Section 8 amended (Selection of candidates for appointment or reappointment as Referees)**
- (1) In section 8, replace “the chief executive of the responsible department” with “the chief executive” in each place.
- (2) In section 8(2)(a), replace “a Registrar” with “the Disputes Tribunal Registrar or a Registrar of the District Court”. 30
- (3) Replace section 8(2)(b) with:
- (b) the Principal Disputes Referee or a Referee nominated by him or her; and
- 46 Section 10 amended (Jurisdiction of Tribunals)** 35
- (1) In section 10(1), replace “sections 11 and 12” with “section 11”.
- (2) Replace section 10(1A)(b) with:

- (b) the total amount sought in the proceedings does not exceed \$30,000.
- (3) In section 10(3),—
- (a) replace “Subject to section 13, for the purposes of subsection (1),” with “For the purposes of subsection (1),”;
- (b) replace “\$15,000” with “\$30,000”. 5
- 47 Section 12 repealed (Recovery of consequential loss)**
Repeal section 12.
- 48 Section 13 repealed (Extension of jurisdiction by agreement between the parties)**
Repeal section 13. 10
- 49 Section 14 amended (Abandonment to bring claim within jurisdiction)**
In section 14, replace “\$15,000” with “\$30,000”.
- 50 Section 18 amended (Functions of Tribunal)**
In section 18(4), replace “the Tribunal shall not be bound by the monetary restrictions provided for by subsections (4) to (7) of section 19” with “the Tribunal is not bound by the monetary restrictions in section 19(4) to (6)”. 15
- 51 Section 19 amended (Orders of Tribunal)**
- (1) Replace section 19(1)(g) with:
- (g) the Tribunal may strike out, in whole or in part, a proceeding if satisfied that it— 20
- (i) discloses no reasonable cause of action; or
- (ii) is likely to cause prejudice or delay; or
- (iii) is frivolous or vexatious; or
- (iv) is otherwise an abuse of process:
- (h) if a party is neither present nor represented at the hearing of a proceeding, the Tribunal may— 25
- (i) strike out the proceeding; or
- (ii) determine the proceeding in the absence of the party; or
- (iii) adjourn the hearing.
- (2) In section 19(5),— 30
- (a) replace “Subject to subsection (7), the monetary restrictions that apply” with “The monetary restrictions that apply”;
- (b) replace “\$15,000” with “\$30,000” in each place.
- (3) In section 19(6), delete “and subject to subsection (7),”.

(4) In section 19(6), replace “\$15,000” with “\$30,000”.

(5) Repeal section 19(7).

52 Section 20 amended (Power of Tribunal to award interest)

In section 20(4), replace “, section 13(2), and subsections (4) to (7) of section 19” with “and section 19(4) to (6)”.

5

53 New section 20A inserted (Suppression orders)

After section 20, insert:

20A Suppression orders

(1) The Tribunal may order that any part of any evidence given or the name of any witness not be published.

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(2) An order may be made subject to any conditions that the Tribunal considers appropriate.

(3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

54 Section 21 replaced (Reasons for decisions)

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Replace section 21 with:

21 Reasons for decisions

(1) A Referee must give reasons for his or her final decision in every proceeding.

(2) If a final decision is given orally at the end of a hearing, that decision must be recorded in writing and the reasons for that decision must be included in both—

20

(a) the oral decision; and

(b) the written record of the oral decision.

(3) The Tribunal must provide a copy of a final decision, including the written record of an oral decision, to the parties.

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(4) In this section, **final decision** means a decision that determines, or substantially determines, the outcome of any proceeding.

55 Section 24 amended (Lodging of claims)

Replace section 24(1) and (2) with:

(1) Proceedings are commenced by lodging a claim in a form approved by the chief executive after consultation with the Principal Disputes Referee, together with the prescribed fee (if any), with any office of the Tribunal.

30

(2) The Tribunal or a Registrar may, subject to subsections (3) and (4), order that the hearing be held at the place nearest, or at any place near, to where the claimant resides or carries on business.

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- 56 Section 25 amended (Notice of claim and of hearing)**
- (1) In section 25(1)(a) and (b), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.
- (2) In section 25(2), replace “direct the Registrar” with “direct a Registrar”. 5
- 57 Section 28 amended (Claims for relief where applicant insured)**
- In section 28(5)(c), after “an acknowledgement signed”, insert “or authenticated”.
- 58 Section 29 amended (Insurer may waive notice of proceedings)**
- Replace section 29(2) with: 10
- (2) Every acknowledgement lodged under subsection (1) must be in a form approved by the chief executive after consultation with the Principal Disputes Referee, and must be signed or authenticated by both the applicant and the applicant’s insurer.
- 59 Section 31 amended (Applicant to control conduct of case where insurer a party)** 15
- Replace the heading to section 31 with “**Applicant entitled to control conduct of case**”.
- 60 Section 38 amended (Right to appear at hearings)**
- In section 38(3)(b), replace “or holds a majority interest in it” with “or holds, directly or indirectly, at least a 50% interest in it”. 20
- 61 New section 42A inserted (Use of electronic facilities to hear matters)**
- After section 42, insert:
- 42A Use of electronic facilities to hear matters** 25
- The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Principal Disputes Referee or another Referee considers it appropriate and the necessary facilities are available.
- 62 Section 44 amended (Procedure where no provision made)**
- In section 44, after “any rules made under this Act”, insert “and any practice notes issued under **section 6C(1)(ha)**”. 30
- 63 Section 45 amended (Enforcement of orders except work orders)**
- In section 45(3), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.

- 64 Section 46 amended (Enforcement of work orders)**
In section 46(1), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.
- 65 Section 47 amended (Enforcement of agreed settlements)**
In section 47(2), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 5
- 66 Section 48 repealed (No filing fee payable)**
Repeal section 48.
- 67 Section 49 amended (Rehearings)**
- (1) Replace section 49(1) with: 10
- (1) The Tribunal may order the rehearing of a claim, following an application by a party and may grant the application on any terms it thinks fit.
- (1A) In any case, the Tribunal may order only 1 rehearing unless the Tribunal considers that the interests of justice require more than 1 rehearing.
- (2) After section 49(6), insert: 15
- (7) The Tribunal—
- (a) may grant, on any conditions that it considers appropriate, an application for a rehearing; and
- (b) may, in the meantime, stay proceedings.
- (8) To avoid doubt, an application for a rehearing under this section does not operate as a stay of proceedings. 20
- (3) In section 49, the compare note, replace “s 33” with “s 33; 1986 No 120 s 105(4), (5)”.
- 68 Section 50 amended (Appeals)**
In section 50(3), replace “the prescribed form” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 25
- 69 Section 53 amended (Powers of District Court Judge on appeal)**
After section 53(1)(b), insert:
- (ba) vary the order, the approval, or the variation, as the case may be; or
- 70 New section 56A inserted (Online publication of information about procedures, time frames, and progress of decisions)** 30
After section 56, insert:

56A	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site:	
	(a) information about the purpose of the Tribunal and the ways that a person may use it:	5
	(b) any requirements that a person must meet to use the Tribunal:	
	(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
71	Section 57 amended (Publication of orders)	
	In section 57, insert as subsection (2):	10
	(2) Subsection (1) is subject to section 20A .	
72	New Schedule 1AA inserted	
	Insert the Schedule 1AA set out in Schedule 1 of this Act as the first schedule to appear after the last section of the principal Act.	
73	Consequential amendments to principal Act	15
	Amend the principal Act as set out in Schedule 2 .	
	Subpart 5—Amendments to Education Act 1989	
74	Principal Act	
	This subpart amends the Education Act 1989 (the principal Act).	
75	Section 302 amended (Interpretation)	20
	(1) In section 302, definition of Authority , replace “the Student Allowance Appeal Authority established by section 304(1)” with “a Student Allowance Appeal Authority appointed under section 304(1) ”.	
	(2) In section 302, repeal the definition of member .	
76	Section 304 replaced (Student Allowance Appeal Authority)	25
	Replace section 304 with:	
304	Student Allowance Appeal Authorities	
	(1) The Minister may appoint 1 or more Student Allowance Appeal Authorities and may give the Authorities distinctive designations and from time to time change any designation.	30
	(2) The function of an Authority is to hear appeals in accordance with section 305.	
	(3) An Authority comprises a person appointed by the Minister for a term of up to 5 years from the date of his or her appointment, and any person may be reappointed.	

- (4) An Authority continues in office despite the expiry of his or her term of office until—
- (a) the Authority is reappointed; or
 - (b) the Authority’s successor is appointed; or
 - (c) the Authority is notified that a replacement Authority will not be appointed; or
 - (d) the Authority vacates or is removed from office.
- (5) An Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as an Authority during that period for the purpose of—
- (a) completing any appeal partly or wholly heard by the Authority before the expiry of the person’s term of office:
 - (b) hearing any other appeal.
- (6) An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard.

304A Other provisions relating to Student Allowance Appeal Authorities

- (1) Any person who is an Authority may, at any time,—
- (a) be removed from office by the Minister by notice in the *Gazette* for inability to adequately perform the duties of office, bankruptcy, neglect of duty, or misconduct, proved to the Minister’s satisfaction; and
 - (b) resign his or her office by written notice to the Minister.
- (2) An Authority is a statutory Board within the meaning of the Fees and Travelling Allowances Act 1951.
- (3) A person is entitled to receive—
- (a) remuneration by way of fees, salary, or allowances, for his or her services as an Authority:
 - (b) payment of travelling allowances or expenses in respect of time spent travelling, or in connection with the person’s function, as an Authority.
- (4) An Authority is not personally liable for any act done or omitted to be done by him or her in good faith in the performance or exercise, or intended performance or exercise, of his or her functions, duties, or powers under this Act.

304B Appointment of temporary acting Authority

- (1) If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment.

- (2) No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.
- (3) An acting Authority is, while acting in the position, to be treated as an Authority.
- (4) No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5
- 304C Orderly and efficient operation**
- An Authority is responsible for making such arrangements as are practicable to ensure that he or she performs his or her functions— 10
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- 77 Section 305 amended (Appeals)**
- (1) In section 305(3), replace “the Authority” with “an Authority”.
- (2) After section 305(3), insert: 15
- (3A) An Authority may strike out, in whole or in part, an appeal if satisfied that it—
- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process. 20
- (3B) If a party is neither present nor represented at the hearing of an appeal, an Authority may—
- (a) strike out the appeal; or
- (b) determine the appeal in the absence of the party; or
- (c) adjourn the hearing. 25
- (3) In section 305(4), replace “the Authority” with “an Authority”.
- (4) In section 305(5), replace “the Authority may” with “an Authority may”.
- 78 Section 306 amended (Procedures to be prescribed)**
- (1) In section 306(1)(a), replace “the Authority” with “an Authority”.
- (2) In section 306(1)(b), replace “the Authority” with “an Authority”. 30
- (3) Replace section 306(2) with:
- (2) An Authority may regulate his or her procedures as he or she thinks fit, subject to—
- (a) this Act and any regulations made under it; and
- (b) any practice notes issued under **section 306AA**. 35

- (4) In section 306(3), replace “the Authority” with “an Authority”.

79 New section 306AA inserted (Practice notes)

After section 306, insert:

306AA Practice notes

- (1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 5
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

80 New sections 306AB and 306AC inserted

After section 306AA, insert:

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306AB Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Authorities and how to commence an appeal: 15
- (b) any requirements that must be met for an appeal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

306AC Online publication of final written decisions

- (1) Every final written decision of an Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 20
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to section 405(6).
- (4) Good reason not to publish a decision or part of it includes the following: 25
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, an Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 30
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in an Authority. 35

Subpart 6—Amendments to Health Act 1956

81 Principal Act

This **subpart** amends the Health Act 1956 (the **principal Act**).

82 Section 54 amended (Restrictions on carrying on offensive trade)

In section 54(2), replace “the Board of Appeal” with “the District Court”. 5

83 Section 55 replaced (Appeal against decision of local authority or medical officer of health)

Replace section 55 with:

55 Appeal against decision refusing consent for offensive trade or refusing registration of premises for offensive trade 10

- (1) This section applies if—
- (a) consent to establish, or to erect or extend premises for, an offensive trade under section 54(1) is refused by a local authority or the medical officer of health; or
 - (b) a local authority refuses to register or renew the registration of premises for an offensive trade under section 54(5). 15
- (2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court.
- (3) If a local authority consents to the establishment of an offensive trade that will be located within 8 kilometres of the boundary of the district of any other local authority, that other local authority may appeal the decision to the District Court. 20
- (4) An appeal under this section must be brought within 3 months after the date on which the person or the other local authority is notified of the decision.

84 Section 59 replaced (Appeal against decision of local authority or medical officer of health) 25

Replace section 59 with:

59 Appeal against decision refusing consent for stock saleyard or refusing registration of premises for stock saleyard 30

- (1) This section applies if—
- (a) consent to establish or extend a stock saleyard under section 58(1) is refused by a local authority or the medical officer of health; or
 - (b) registration or renewal of registration of premises for a stock saleyard under section 58(3) is refused by a local authority.
- (2) A person who is refused consent, or registration or renewal of registration, may appeal to the District Court. 35

- (3) An appeal under this section must be brought within 3 months after the date on which the person is notified of the decision.
- 85 Section 124 repealed (Constitution and powers of boards of appeal)**
Repeal section 124.
- Subpart 7—Amendments to Human Rights Act 1993 5
- 86 Principal Act**
This **subpart** amends the Human Rights Act 1993 (the **principal Act**).
- 87 Section 92BA amended (Lodging of applications)**
In section 92BA, replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the Chairperson of the Tribunal (or, if 2 Chairpersons are appointed, with both of them)”.
- 88 Section 100 amended (Appointment and term of office)**
After section 100(4), insert:
- (5) A Chairperson who continues in office for any period under subsection (4) may act as a Chairperson during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
 - (b) hearing any other proceedings.
- (6) A Chairperson who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- 89 Section 101 amended (Panel)**
- (1) Replace section 101(1) with:
- (1) The Minister must maintain a panel of any number of persons that may be required to ensure the efficient and expeditious exercise of the jurisdiction of the Tribunal throughout New Zealand.
 - (1A) The Minister must specify a period of up to 5 years for which a person is approved as a member of the panel.
 - (1B) The Minister may approve the inclusion of a person on the panel for further periods of up to 5 years.
- (2) Replace section 101(4) with:
- (4) If subsection (3)(c) or (d) applies, or the period for which a person is approved as a member of the panel expires, the person may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

90 New section 101A inserted (Delegation by Chairperson of Tribunal)

After section 101, insert:

101A Delegation by Chairperson of Tribunal

- (1) A Chairperson of the Tribunal may delegate any of the Chairperson's functions, duties, and powers to a member of the panel who the Chairperson is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 5
- (2) A delegation—
 - (a) must be in writing; and
 - (b) must be to a named person; and 10
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the Chairperson.
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 15
- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 119 for work undertaken in that capacity. 20

91 Section 102 replaced (Deputy Chairperson)

Replace section 102 with:

102 Appointment of temporary acting Chairperson

- (1) If a Chairperson of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if a Chairperson considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as an acting Chairperson for the period or purpose stated in the appointment. 25
30
- (2) No person may be appointed as an acting Chairperson unless he or she is eligible for appointment as a Chairperson.
- (3) An acting Chairperson is, while acting in the position, to be treated as a Chairperson of the Tribunal.
- (4) No appointment of an acting Chairperson, no act done by an acting Chairperson, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 35

92 Section 103 amended (Vacation of office by Chairperson and Deputy Chairperson)

- (1) In the heading to section 103, replace “**Deputy Chairperson**” with “**acting Chairperson**”.
- (2) In section 103(1) to (3), replace “Deputy Chairperson” with “acting Chairperson”. 5

93 New section 103A inserted (Orderly and efficient operation)

After section 103, insert:

103A Orderly and efficient operation

- (1) A Chairperson of the Tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member of the panel performs his or her functions— 10
- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.
- (2) If more than 1 Chairperson is appointed, they must act together in making those arrangements. 15

94 Section 104 amended (Sittings of Tribunal)

- (1) After section 104(4), insert:
- (4A) Despite anything in this Act to the contrary, the Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate. 20
- (4B) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.
- (4C) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or Chairperson considers it appropriate and the necessary facilities are available. 25
- (2) Replace section 104(5) with:
- (5) The Tribunal may regulate its procedure as it thinks fit, subject to this Act and any regulations made under it, and any practice notes issued under **section 121A**.
- (6) Forms for use in the Tribunal may be approved by the chief executive of the Ministry of Justice after consultation with the Chairperson, or if more than 1 Chairperson is appointed, all of them. 30

95 Section 110 amended (Service of summons)

- (1) Replace section 110(1) with:
- (1) A witness summons may be served by— 35
- (a) delivering the summons personally to the witness or, if he or she refuses to accept it, bringing it to his or her attention; or

(b)	delivering the summons to the witness at his or her usual place of residence by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the witness.	
(2)	Repeal section 110(3).	
96	Section 115 replaced (Tribunal may dismiss trivial, etc, proceedings) Replace section 115 with:	5
115	Tribunal may strike out, determine, or adjourn proceedings	
(1)	The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—	
(a)	discloses no reasonable cause of action; or	10
(b)	is likely to cause prejudice or delay; or	
(c)	is frivolous or vexatious; or	
(d)	is otherwise an abuse of process.	
(2)	If a party is neither present nor represented at the hearing of a proceeding, the Tribunal may—	15
(a)	strike out the proceeding; or	
(b)	determine the proceeding in the absence of the party; or	
(c)	adjourn the hearing.	
97	New section 121A inserted (Practice notes) After section 121, insert:	20
121A	Practice notes	
(1)	A Chairperson of the Tribunal may issue practice notes as he or she thinks fit.	
(2)	The practice notes must not be inconsistent with this Act or any regulations made under it.	
(3)	If more than 1 Chairperson is appointed, they must act together in issuing practice notes.	25
98	New sections 121B and 121C inserted After section 121A, insert:	
121B	Online publication of information about procedures, time frames, and progress of decisions	30
	The following information must be published on an Internet site:	
(a)	information about the purpose of the Tribunal and the ways that a person may use it:	
(b)	any requirements that a person must meet to use the Tribunal:	

(c)	guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
121C Online publication of final written decisions		
(1)	Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.	5
(2)	A final written decision may be published in part if there is good reason for not publishing the full decision.	
(3)	Subsections (1) and (2) are subject to section 107(3).	
(4)	Good reason not to publish a decision or part of it includes the following:	
(a)	non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:	10
(b)	the decision falls into a category of decisions that are of limited public value:	
(c)	taking into account the presumption in subsection (1) in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.	15
(5)	In this section, final written decision means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:	20
(a)	a written reserved decision following an oral hearing:	
(b)	a written decision in any case considered on the papers.	

Subpart 8—Amendments to Immigration Act 2009

99	Principal Act	
	This subpart amends the Immigration Act 2009 (the principal Act).	25
100	Section 219 amended (Membership of Tribunal)	
	In section 219(3), replace “members” with “other members”.	
101	Section 353 amended (Offences in relation to Tribunal)	
	Replace section 353(2)(c) with:	
(c)	without sufficient cause, contravenes or fails to comply with any order made by the Tribunal under clause 10(3) of Schedule 2 or any term or condition of the order; or	30
(d)	breaches an order made under clause 18(4) of Schedule 2.	
102	Section 355 amended (Penalties: general)	
	After section 355(4), insert:	35

(4A) A person convicted of an offence against **section 353(2)(d)** is liable to a fine not exceeding \$3,000.

103 Schedule 2 amended

(1) In Schedule 2, replace clause 1(5) with:

(5) A member of the Tribunal continues in office despite the expiry of his or her term of office until— 5

(a) the member is reappointed; or

(b) a successor to the member is appointed; or

(c) the member is notified that a replacement member will not be appointed; or 10

(d) the member vacates or is removed from office.

(6) A member who continues in office for any period under **subclause (5)**, unless he or she was removed from office, may act as a member during that period for the purpose of—

(a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office: 15

(b) hearing any other proceedings.

(7) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 20

(2) In Schedule 2, clause 11(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chair of the Tribunal”.

(3) In Schedule 2, clause 11(2), after “exercised by the Tribunal,”, insert “by the chair or deputy chair of the Tribunal,”. 25

(4) In Schedule 2, clause 11(2), after “authority of the Tribunal”, insert “or the chair or deputy chair of the Tribunal”.

(5) In Schedule 2, after clause 18, insert:

18A Use of electronic facilities to hear matters

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or the chair of the Tribunal considers it appropriate and the necessary facilities are available. 30

(6) In Schedule 2, after **clause 18A**, insert:

18B Online publication of information about procedures, time frames, and progress of decisions 35

The following information must be published on an Internet site:

- (a) information about the purpose of the Tribunal and the ways that a person may use it:
- (b) any requirements that a person must meet to use the Tribunal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 5
- (7) In Schedule 2, clause 19(1), replace “Subject to subclauses (2) and (4)” with “Subject to subclauses (2) and (4) and clause 18(4)”.

Subpart 9—Amendments to Immigration Advisers Licensing Act 2007

104 Principal Act

This **subpart** amends the Immigration Advisers Licensing Act 2007 (the **principal Act**). 10

105 New section 41A inserted (Orderly and efficient operation)

After section 41, insert:

41A Orderly and efficient operation

The chair of the Tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions— 15

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

106 New section 41B inserted (Delegation by chair of Tribunal)

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After section 41A, insert:

41B Delegation by chair of Tribunal

- (1) The chair of the Tribunal may delegate any of the chair’s functions, duties, and powers to a member of the Tribunal who he or she is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 25
- (2) A delegation—
- (a) must be in writing; and
- (b) must be to a named person; and
- (c) is revocable at any time, in writing; and 30
- (d) does not prevent the performance or exercise of a function, duty, or power by the chair.
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 35

- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with clause 4 of the Schedule for work undertaken in that capacity. 5
- 107 New section 50A inserted (Suppression orders)**
After section 50, insert:
- 50A Suppression orders**
- (1) The Tribunal may order that any part of any evidence given or the name of any witness not be published. 10
- (2) An order may be made subject to any conditions that the Tribunal considers appropriate.
- 108 Section 53 amended (Suspension of licence pending outcome of complaint)**
Replace section 53(1)(b) and (c) with:
- (b) either— 15
- (i) the complaint has been referred to the Tribunal by the Registrar under section 45(3) or 46(2); or
- (ii) the complaint is being prepared for submission to the Tribunal; and
- 109 New sections 70A to 70C inserted** 20
After section 70, insert:
- 70A Offence of breaching suppression order**
A person who breaches an order made under **section 50A** is liable on conviction to a fine not exceeding \$3,000.
- 70B Offence to fail to comply with summons** 25
- (1) A person commits an offence who, after being summoned to attend to give evidence before the Tribunal or to produce to it any books, papers, documents, records, or things, without sufficient cause,—
- (a) fails to attend in accordance with the summons; or
- (b) refuses to be sworn or to give evidence, or having been sworn refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer concerning the subject of the inquiry; or 30
- (c) fails to produce any such paper, document, record, or thing.
- (2) A person commits an offence who—

- (a) wilfully obstructs or hinders the Tribunal or any member of it or any authorised person in any inspection or examination of papers, documents, records, or things; or
- (b) without sufficient cause, fails to comply with any requirement of the Tribunal or any authorised person made under clause 6(3) of the Schedule. 5
- (3) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$1,000.
- (4) No person summoned to attend the inquiry may be convicted of an offence against **subsection (1)** unless at the time of the service of the summons, or at some other reasonable time before the date on which that person was required to attend, there was made to that person a payment or tender of the amount fixed in accordance with clause 7 of the Schedule. 10
- 70C Contempt of Tribunal**
- (1) A person commits an offence who—
- (a) wilfully assaults, insults, or obstructs the Tribunal or any member of it, a witness, or an officer of the Tribunal during a sitting of the Tribunal or while a member, a witness, or an officer is going to, or returning from, a sitting of the Tribunal; or 15
- (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of the Tribunal; or 20
- (c) wilfully interrupts, or otherwise misbehaves, at a sitting of the Tribunal; or
- (d) wilfully and without lawful excuse disobeys any order or direction of the Tribunal in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000. 25
- (3) The Tribunal may order the exclusion from a sitting of the Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Tribunal or a constable may take any steps that are reasonably necessary to enforce the exclusion. 30

110 Section 93 amended (Service of notices)

In section 93(3), replace “7” with “9”.

111 Schedule amended

- (1) In the Schedule, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”. 35
- (2) In the Schedule, after clause 2(3), insert:

- (4) A member who continues in office for any period under subclause (3) may act as a member during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
 - (b) hearing any other proceedings. 5
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- (3) In the Schedule, after clause 3, insert:
- 3A Appointment of temporary acting chair or member 10**
- (1) If the chair or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chair or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice acting in consultation with the Minister, may appoint a suitable person as the acting chair or an acting member for the period or purpose stated in the appointment. 15
- (2) No person may be appointed as the acting chair or an acting member unless he or she is eligible for appointment to the relevant position.
- (3) The acting chair or acting member is, while acting in the position, to be treated as the chair or a member of the Tribunal. 20
- (4) No appointment of an acting chair or acting member, no act done by an acting chair or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 25
- (4) In the Schedule, replace clause 6(1) with:
- (1) For the purposes of any matter before the Tribunal, the Tribunal may, on its own initiative or at the request of a party, issue a summons to any person requiring that person to attend before the Tribunal and give evidence.
- (5) In the Schedule, clause 6(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chair of the Tribunal”. 30
- (6) In the Schedule, clause 6(3), after “exercised by the Tribunal”, insert “or the chair of the Tribunal”.
- (7) In the Schedule, clause 6(3), after “authority of the Tribunal”, insert “or the chair of the Tribunal”. 35
- (8) In the Schedule, replace clause 8 with:

8	Power to take evidence	
(1)	The Tribunal may take evidence on oath and, for that purpose, the Tribunal or any other person acting under the express or implied direction of the Tribunal may administer the oath.	
(2)	The Tribunal may require that any documents or information be verified by oath, statutory declaration, affidavit, or otherwise.	5
(3)	On any charge of perjury, it is sufficient to prove that the oath was administered, or the documents or information were verified, in accordance with this clause.	
8A	Use of electronic facilities to hear matters	10
	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Tribunal or the chair of the Tribunal considers it appropriate and the necessary facilities are available.	
8B	Decisions to be in writing and state reasons	15
	Every decision of the Tribunal must be in writing and must state the reasons for the decision.	
(9)	In the Schedule, clause 10(a), (b), and (c), replace “rules” with “regulations”.	
(10)	In the Schedule, after clause 11, insert:	
12	Practice notes	20
(1)	The chair of the Tribunal may issue practice notes as he or she thinks fit.	
(2)	The practice notes must not be inconsistent with this Act or any regulations made under it.	
(11)	In the Schedule, after clause 12 , insert:	
13	Online publication of information about procedures, time frames, and progress of decisions	25
	The following information must be published on an Internet site:	
(a)	information about the purpose of the Tribunal and the ways that a person may use it:	
(b)	any requirements that a person must meet to use the Tribunal:	
(c)	guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	30
14	Online publication of final written decisions	35
(1)	Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.	
(2)	A final written decision may be published in part if there is good reason for not publishing the full decision.	

- (3) **Subclauses (1) and (2)** are subject to **section 50A**.
- (4) Good reason not to publish a decision or part of it includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value: 5
 - (c) taking into account the presumption in **subclause (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 10
- (5) In this clause, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following:
- (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers. 15

Subpart 10—Amendments to Lawyers and Conveyancers Act 2006

112 Principal Act

This **subpart** amends the Lawyers and Conveyancers Act 2006 (the **principal Act**).

113 Section 179 amended (Notification of practitioner or former practitioner, partner, employer, or director) 20

- (1) In section 179(1)(b), delete “on”.
- (2) Replace section 179(3) with:
- (3) The notice may be served by—
 - (a) delivering it personally to the practitioner, former practitioner, related person or entity, partner, employer, or director or, if he or she refuses to accept it, bringing it to his or her attention; or 25
 - (b) delivering it to any of those persons at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the person named in the notice. 30

114 Section 182 amended (Application of money in satisfaction of expenses)

Replace section 182(3) with:

- (3) The notice may be served on a practitioner or former practitioner or his or her representative by— 35
 - (a) delivering it personally to the practitioner or former practitioner or, if he or she refuses to accept it, bringing it to his or her attention; or

- (b) delivering it to any of those persons at his or her usual place of residence or business by any form of prepaid delivery service that requires an acknowledgement of receipt of delivery from the person named in the notice.

115 New section 192A inserted (Orderly and efficient operation) 5

After section 192, insert:

192A Orderly and efficient operation

The Legal Complaints Review Officer is responsible for making such arrangements as are practicable to ensure that he or she and any Deputy Legal Complaints Review Officer performs his or her functions—

- (a) in an orderly and efficient manner; and
(b) in a way that achieves the purposes of this Act.

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116 Section 198 amended (Applications for review)

In section 198(a), replace “the prescribed form” with “a form approved by the Secretary for Justice after consultation with the Legal Complaints Review Officer”.

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117 Section 205 replaced (Power to decline to make further inquiry or investigation)

Replace section 205 with:

205 Legal Complaints Review Officer may strike out, determine, or adjourn application for review 20

- (1) The Legal Complaints Review Officer may strike out, in whole or in part, an application for review if satisfied that it—
- (a) discloses no reasonable cause of action; or
(b) is likely to cause prejudice or delay; or
(c) is frivolous or vexatious; or
(d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of an application for review, the Legal Complaints Review Officer may—
- (a) strike out the application; or
(b) determine the application in the absence of the party; or
(c) adjourn the hearing.

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118 Section 206 amended (Proceedings of Legal Complaints Review Officer)

- (1) Replace section 206(2) with:

- (2) Despite anything in this Act to the contrary, if it appears to the Legal Complaints Review Officer that a review can be adequately determined on the papers, he or she may, without the consent of the parties, do so on the basis of the information available, including any information obtained under section 204(b). 5
- (2A) Before doing so, he or she must give the parties a reasonable opportunity to comment on whether the review should be dealt with in that manner.
- (2B) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Legal Complaints Review Officer considers it appropriate and the necessary facilities are available. 10
- (2) After section 206(3), insert:
- (3A) The Legal Complaints Review Officer’s powers to determine a review are not affected by the failure of any party to— 15
- (a) make a submission or comment within the time allowed; or
 - (b) give specified information within the time allowed; or
 - (c) attend, or participate in, a hearing called by the Legal Complaints Review Officer; or
 - (d) do any other thing the Legal Complaints Review Officer asks for or directs.
- (3B) If any failure of the kind referred to in **subsection (3A)** occurs in adjudication proceedings, the Legal Complaints Review Officer may— 20
- (a) draw from the failure any reasonable inferences he or she thinks fit; and
 - (b) determine the claim concerned on the basis of the information available to him or her; and
 - (c) give any weight he or she thinks fit to information that— 25
 - (i) he or she asked for, or directed to be provided; but
 - (ii) was provided later than requested or directed.
- (3) In section 206(4), replace “subject to subsection (3),” with “subject to subsection (3) and **section 211A**,”.
- 119 New section 211A inserted (Suppression orders)** 30
- After section 211, insert:
- 211A Suppression orders**
- (1) The Legal Complaints Review Officer may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be made subject to any conditions that the Legal Complaints Review Officer considers appropriate. 35

120	Section 215 amended (Enforcement of orders for costs or expenses)	
(1)	In the heading to section 215, replace “costs or expenses” with “costs, expenses, or compensation”.	
(2)	After section 215(3), insert:	
(4)	A compensation order made by the Legal Complaints Review Officer is to be treated as an order of the District Court, and may be enforced accordingly.	5
121	New section 215A and cross-heading inserted	
	After section 215, insert:	
	<i>Practice notes, procedural information, and publication of decisions</i>	
215A	Practice notes	10
(1)	The Legal Complaints Review Officer may issue practice notes as he or she thinks fit.	
(2)	The practice notes must not be inconsistent with this Act or any regulations made under it.	
122	New section 215B inserted (Online publication of information about procedures, time frames, and progress of decisions)	15
	After section 215A, insert:	
215B	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site:	20
(a)	information about the purpose of the Legal Complaints Review Officer and the ways that a person may make use of the Legal Complaints Review Officer:	
(b)	any requirements that a person must meet to make use of the Legal Complaints Review Officer:	25
(c)	guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
123	New section 233A inserted (Appointment of temporary acting member)	
	After section 233, insert:	
233A	Appointment of temporary acting member	30
(1)	If a member of the Disciplinary Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as an acting member for the period or purpose stated in the appointment.	35

- (2) No person may be appointed as an acting member unless he or she is eligible for appointment as a member.
- (3) An acting member is, while acting in the position, to be treated as a member of the Tribunal.
- (4) No appointment of an acting member, no act done by an acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 5

124 New section 238A inserted (Hearing on papers)

After section 238, insert:

238A Hearing on papers 10

- (1) Despite anything in this Act to the contrary, the Disciplinary Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate.
- (2) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

125 New section 249A inserted (Practice notes) 15

After section 249, insert:

249A Practice notes

- (1) The chairperson of the Disciplinary Tribunal may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it. 20

126 New sections 249B and 249C inserted

After section 249A, insert:

249B Online publication of information about procedures, time frames, and progress of decisions 25

The following information must be published on an Internet site:

- (a) information about the purpose of the Disciplinary Tribunal and the ways that a person may use it:
- (b) any requirements that a person must meet to use the Disciplinary Tribunal: 30
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

249C Online publication of final written decisions

- (1) Every final written decision of the Disciplinary Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision. 5
- (3) **Subsections (1) and (2)** are subject to section 240.
- (4) Good reason not to publish a decision or part of it includes the following:
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 10
- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Disciplinary Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 15
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Disciplinary Tribunal and is any of the following:
- (a) a written reserved decision following an oral hearing: 20
- (b) a written decision in any case considered on the papers:
- (c) an oral decision transcribed by an official transcription service.

127 Section 258 amended (Enforcement of orders of Disciplinary Tribunal)

- (1) After section 258(2), insert:
- (2A) If the Disciplinary Tribunal, acting in accordance with this Act or any rules made under this Act, orders the New Zealand Law Society or the New Zealand Society of Conveyancers or any person to pay a fine, expenses, or other monetary amount to any other person, that amount is recoverable in any court of competent jurisdiction from that society or person by that other person as a debt due to that person. 25
- (2) In section 258(3), after “the High Court”, insert “or, in the case of an order to pay any amount referred to in subsection (2) or **(2A)**, in the office of any court of competent jurisdiction”. 30
- (3) In section 258(4), replace “High Court” with “court in which it was filed”.

128 New section 262A inserted (Offence of breaching suppression order) 35

After section 262, insert:

262A Offence of breaching suppression order

A person who breaches an order made under section **211A** or 240 is liable on conviction to a fine not exceeding \$3,000.

129 Schedule 3 amended

- (1) In Schedule 3, replace clause 1(1) with: 5
- (1) A person appointed as the Legal Complaints Review Officer must be appointed for a term of up to 5 years and may be reappointed.
- (2) In Schedule 3, after clause 1(2), insert:
- (3) A person who continues in office for any period under subclause (2) may act as the Legal Complaints Review Officer during that period for the purpose of— 10
- (a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (4) A person who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 15
- (3) In Schedule 3, replace clause 3(1) with:
- (1) Deputies to the person appointed as the Legal Complaints Review Officer may be appointed from time to time.

130 Schedule 4 amended

- (1) In Schedule 4, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”. 20
- (2) In Schedule 4, after clause 2(3), insert:
- (4) A member who continues in office for any period under subclause (3) may act as a member during that period for the purpose of— 25
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 30
- (3) In Schedule 4, replace clause 6 with:

6 Power to summon witnesses

- (1) For the purposes of its proceedings, the Disciplinary Tribunal may, on its own initiative or at the request of a party, issue in writing a summons requiring any person— 35

- (a) to attend at the time and place specified in the summons and to give evidence; and
- (b) to produce any papers, documents, records, or things in that person’s possession or under that person’s control that are relevant to the proceedings. 5
- (2) The Tribunal may require a person producing any of the things listed in **subclause (1)(b)** to do so under oath, by statutory declaration, or by other means.
- (3) The power to issue a witness summons may be exercised by the Tribunal, the chairperson, the deputy chairperson, the chairperson of a division, or any officer of the Tribunal purporting to act at the direction or with the authority of the Tribunal or any of those persons. 10
- (4) The Tribunal may—
- (a) require a copy of anything that is produced to be provided to any person appearing at the hearing; and
- (b) impose any terms and conditions on the provision of copies and the use that can be made of them. 15
- (5) For the purposes of **subclause (1)**, **writing** includes—
- (a) the recording of words in a permanent and legible form; and
- (b) the recording of words by electronic means that can be retrieved and read; and 20
- (c) the display of words by any form of electronic or other means of communication that is subsequently recorded by electronic means and that can, by any means, be retrieved and read.
- (4) In Schedule 4, after clause 11, insert:
- 12 Decisions to be in writing and state reasons** 25
- Every decision of the Tribunal must be in writing and must state the reasons for the decision.

Subpart 11—Amendments to Legal Services Act 2011

131 Principal Act

This **subpart** amends the Legal Services Act 2011 (the **principal Act**). 30

132 Section 53 amended (Application for review)

In section 53(2), replace “3 months” with “60 working days”.

133 New sections 55A and 55B inserted

After section 55, insert:

55A	Procedure	
	The Tribunal may regulate its procedures as it sees fit, subject to this Act and any regulations made under it.	
55B	Tribunal may strike out application for review	
	The Tribunal may strike out, in whole or in part, an application for review if satisfied that it—	5
	(a) discloses no reasonable cause of action; or	
	(b) is likely to cause prejudice or delay; or	
	(c) is frivolous or vexatious; or	
	(d) is otherwise an abuse of process.	10
134	New section 57A inserted (Suppression orders)	
	After section 57, insert:	
57A	Suppression orders	
(1)	The Tribunal may order that any part of any evidence given or the name of any witness not be published.	15
(2)	An order may be made subject to any conditions that the Tribunal considers appropriate.	
135	New section 57B inserted (Online publication of information about procedures, time frames, and progress of decisions)	
	After section 57A, insert:	20
57B	Online publication of information about procedures, time frames, and progress of decisions	
	The following information must be published on an Internet site:	
(a)	information about the purpose of the Tribunal and the ways that a person may use it:	25
(b)	any requirements that a person must meet to use the Tribunal:	
(c)	guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.	
136	Section 58 amended (Chairperson may direct publication of Tribunal decisions)	30
	In section 58, insert as subsection (2):	
(2)	Subsection (1) is subject to section 57A .	

137 New section 66A inserted (Appointment of temporary acting chairperson or member)

After section 66, insert:

66A Appointment of temporary acting chairperson or member

- (1) If the chairperson or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as the acting chairperson or an acting member for the period or purpose stated in the appointment. 5
10
- (2) No person may be appointed as the acting chairperson or an acting member unless he or she is eligible for appointment to the relevant position.
- (3) The acting chairperson or an acting member is, while acting in the position, to be treated as the chairperson or a member of the Tribunal.
- (4) No appointment of an acting chairperson or acting member, no act done by an acting chairperson or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 15

138 New section 85A inserted (Review Authority may strike out review)

After section 85, insert:

85A Review Authority may strike out review

The Review Authority may strike out, in whole or in part, a review if satisfied that it—

- (a) discloses no reasonable cause of action; or
(b) is likely to cause prejudice or delay; or
(c) is frivolous or vexatious; or
(d) is otherwise an abuse of process. 25

139 New section 86A inserted (Suppression orders)

After section 86, insert:

86A Suppression orders

- (1) The Review Authority may order that any part of any evidence given or the name of any witness not be published. 30
- (2) An order may be made subject to any conditions that the Review Authority considers appropriate.

140 Section 87A amended (Deputy Review Authority)

In section 87A(1), after “sections 85 to 87”, insert “and **87D to 87F**”.

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141 New section 87C inserted (Appointment of temporary acting Review Authority or Deputy Review Authority)

After section 87B, insert:

87C Appointment of temporary acting Review Authority or Deputy Review Authority

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- (1) If the Review Authority or a Deputy Review Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the Review Authority or a Deputy Review Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as the acting Review Authority or an acting Deputy Review Authority for the period or purpose stated in the appointment. 10
- (2) No person may be appointed as the acting Review Authority or an acting Deputy Review Authority unless he or she is eligible for appointment to the relevant position.
- (3) The acting Review Authority or an acting Deputy Review Authority is, while acting in the position, to be treated as the Review Authority or a Deputy Review Authority. 15
- (4) No appointment of an acting Review Authority or acting Deputy Review Authority and no act done by an acting Review Authority or acting Deputy Review Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 20

142 New section 87D and cross-heading inserted

After section 87C, insert:

Practice notes, procedural information, and publication of decisions

87D Practice notes

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- (1) The Review Authority may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

143 New sections 87E and 87F inserted

After section 87D, insert:

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87E Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Review Authority and the ways that a person may use the Review Authority: 35
- (b) any requirements that a person must meet to use the Review Authority:

- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

87F Online publication of final written decisions

- (1) Every final written decision of the Review Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 5
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to **section 86A**.
- (4) Good reason not to publish a decision or part of it includes the following: 10
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Review Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 15
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Review Authority. 20

144 New section 112A inserted (Offence of breaching suppression order)

After section 112, insert:

112A Offence of breaching suppression order

A person who breaches an order made under **section 57A or 86A** is liable on conviction to a fine not exceeding \$3,000. 25

145 Schedule 3 amended

- (1) In Schedule 3, clause 1(1), replace “3 years” with “5 years”.
- (2) In Schedule 3, in clause 3, insert as subclauses (2) and (3): 30
- (2) A member who continues in office for any period under subclause (1) may act as a member during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (3) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 35
- (3) In Schedule 3, clause 18(1), replace “3 years” with “5 years”.

- (4) In Schedule 3, after clause 18(2), insert:
- (3) The Review Authority continues in office despite the expiry of his or her term of office until—
- (a) the Review Authority is reappointed; or
 - (b) the Review Authority’s successor is appointed; or
 - (c) the Review Authority is notified that a replacement Review Authority will not be appointed; or
 - (d) the Review Authority vacates or is removed from office.
- (4) A person who continues in office for any period under **subclause (3)**, unless he or she was removed from office, may act as the Review Authority during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by them before the expiry of his or her term of office;
 - (b) hearing any other proceedings.
- (5) A person who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.
- (5) In Schedule 3, replace clause 25 with:
- 25 Procedure**
- The Review Authority may regulate his or her procedure as he or she thinks fit, subject to this Act and any regulations made under it.

Subpart 12—Amendments to Maritime Transport Act 1994

146 Principal Act

This **subpart** amends the Maritime Transport Act 1994 (the **principal Act**).

147 Section 52 amended (Suspension from work)

- (1) Replace section 52(2B) with:
- (2B) If the Director proposes to suspend a person, the Director must give the person notice under section 51, which applies as if the proposed suspension were a proposed adverse decision under that section.
- (2) Replace section 52(5) with:
- (5) A person who is the subject of a decision under this section may appeal the decision to the District Court under section 424.

148 Section 82 repealed (Continuation of Maritime Appeal Authority)

Repeal section 82.

- 149 New section 82A inserted (Maritime Appeal Authority disestablished)**
After section 82, insert:
- 82A Maritime Appeal Authority disestablished**
- (1) The Maritime Appeal Authority is disestablished.
- (2) No compensation is payable to a person who ceases to hold office as a result of the Maritime Appeal Authority being disestablished. 5
- 150 Section 191 amended (Maritime levies)**
In section 191(2)(b), delete “the Maritime Appeal Authority,”.
- 151 Section 207 amended (Abolition of Marine Council and Marine Advisory Committee, etc)** 10
Replace section 207(1)(d) with:
- (d) every other body established by or under the Shipping and Seamen Act 1952, including the Maritime Appeal Authority (which is disestablished under **section 82A**).
- 152 Section 425 amended (Procedure)** 15
After section 425(2), insert:
- (2A) When deciding an appeal under section 52, the District Court must have regard to the potential effect on the risk to maritime safety of the suspended person being employed as a seafarer.
- 153 Section 426 amended (Decision of Director or harbourmaster to continue in force pending appeal)** 20
In section 426(1) and (2), delete “section 52 or”.
- 154 Section 445 amended (Regulations for fees and charges)**
In section 445(1)(b), delete “the Maritime Appeal Authority,”.
- 155 Schedule 2 repealed** 25
Repeal Schedule 2.
- Subpart 13—Amendments to Motor Vehicle Sales Act 2003
- 156 Principal Act**
This **subpart** amends the Motor Vehicle Sales Act 2003 (the **principal Act**).
- 157 Section 84 amended (Term of office of adjudicators)** 30
- (1) Replace section 84(1)(b) with:
- (b) may be reappointed.
- (2) After section 84(2), insert:

- (3) An adjudicator who continues in office for any period under subsection (2) may act as an adjudicator during that period for the purpose of—
- (a) completing any proceedings partly or wholly heard by the Disputes Tribunal on which he or she sat before the expiry of his or her term of office: 5
 - (b) hearing any other proceedings.
- (4) An adjudicator who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 10

158 New section 85A inserted (Appointment of temporary acting adjudicator)

After section 85, insert:

85A Appointment of temporary acting adjudicator

- (1) If an adjudicator of a Disputes Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an adjudicator considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as an acting adjudicator for the period or purpose stated in the appointment. 15
- (2) No person may be appointed as an acting adjudicator unless he or she is eligible for appointment as an adjudicator. 20
- (3) An acting adjudicator is, while acting in the position, to be treated as the adjudicator of the relevant Disputes Tribunal.
- (4) No appointment of an acting adjudicator, no act done by an acting adjudicator, and no act done by a Disputes Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 25

159 Section 88 amended (Panel of persons who may be appointed as assessors)

- (1) Replace section 88(1) with:
- (1) The Minister must maintain a panel of any number of persons that may be required to ensure the efficient and expeditious exercise of the jurisdiction of the Disputes Tribunal throughout New Zealand. 30
 - (1A) The Minister must specify a period of up to 5 years for which a person is approved as a member of the panel.
 - (1B) The Minister may approve the inclusion of a person on the panel for further periods of up to 5 years. 35
- (2) Repeal section 88(3).
- (3) Replace section 88(5) with:

- (5) If subsection (4)(c) or (d) applies, the person may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

160 Section 94 amended (Decisions to be publicly available)

In section 94(1), replace “Every” with “Subject to **clause 13A in Schedule 1**, every”.

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161 New sections 110A and 110B and cross-heading inserted

After section 110, insert:

Offences relating to Disputes Tribunals

110A Offence in relation to suppression orders

- (1) A person commits an offence who breaches an order made under **clause 13A of Schedule 1**. 10
- (2) The penalty for an offence under this section is set out in **section 116A**.

110B Contempt of Tribunal

- (1) A person commits an offence who— 15
- (a) wilfully assaults, insults, or obstructs a Disputes Tribunal, an adjudicator, an assessor, a witness, or an officer of a Tribunal during a sitting of a Tribunal or while an adjudicator, an assessor, a witness, or an officer is going to, or returning from, a sitting of a Tribunal; or
- (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of a Tribunal; or 20
- (c) wilfully interrupts, or otherwise misbehaves at, a sitting of a Tribunal; or
- (d) wilfully and without lawful excuse disobeys any order or direction of a Tribunal in the course of the hearing of any proceedings.
- (2) The penalty for an offence under this section is set out in **section 116A**. 25
- (3) A Tribunal may order the exclusion from a sitting of that Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence, and any officer of the Tribunal or constable may take any steps that are reasonably necessary to enforce the exclusion.

162 New section 116A inserted (Penalties for offences relating to Disputes Tribunals) 30

After section 116, insert:

116A Penalties for offences relating to Disputes Tribunals

- (1) A person convicted of an offence against **section 110A** is liable to a fine not exceeding \$3,000. 35

- (2) A person convicted of an offence against **section 110B** or **clause 9H of Schedule 1** is liable to a fine not exceeding \$1,000.

163 Schedule 1 amended

- (1) In Schedule 1, clause 1, after “rules of natural justice”, insert “and any practice notes issued under **clause 17**”.

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- (2) In Schedule 1, after clause 2, insert:

2A Orderly and efficient operation

An adjudicator is responsible for making such arrangements as are practicable to ensure that the Disputes Tribunal on which he or she sits performs its functions—

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- (a) in an orderly and efficient manner; and
(b) in a way that achieves the purposes of this Act.

- (3) In Schedule 1, clause 4, replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators”.

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- (4) In Schedule 1, clause 8(1), replace “must be conducted in private” with “must, unless a Disputes Tribunal orders otherwise, be conducted in public”.

- (5) In Schedule 1, after clause 8(1), insert:

- (1A) A Disputes Tribunal may order that a hearing be conducted in private if the relevant adjudicator is of the opinion that it is proper to do so, having regard to the interests of any party and to the public interest.

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- (6) In Schedule 1, replace clause 8(2) with:

- (2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the relevant adjudicator considers it appropriate and the necessary facilities are available.

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- (7) In Schedule 1, after clause 9, insert:

9A Hearing on papers

- (1) Despite anything in this Act to the contrary, a Disputes Tribunal may determine a proceeding on the papers if the relevant adjudicator considers it appropriate.

- (2) Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

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9B Disputes Tribunal may strike out, determine, or adjourn proceeding

- (1) A Disputes Tribunal may strike out, in whole or in part, a proceeding if the relevant adjudicator is satisfied that it—

- (a) discloses no reasonable cause of action; or
(b) is likely to cause prejudice or delay; or

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(c)	is frivolous or vexatious; or	
(d)	is otherwise an abuse of process.	
(2)	If a party is neither present nor represented at the hearing of a proceeding, a Disputes Tribunal may—	
(a)	strike out the proceeding; or	5
(b)	determine the proceeding in the absence of the party; or	
(c)	adjourn the hearing.	
9C	Evidence	
(1)	A Disputes Tribunal may take evidence on oath and, for that purpose, the Tribunal or any other person acting under the express or implied direction of the Tribunal may administer the oath.	10
(2)	A Disputes Tribunal may require that any documents or information be verified by oath, statutory declaration, affidavit, or another means.	
(3)	A Disputes Tribunal may, on its own initiative, seek and receive any other evidence and make such other investigations and inquiries that it thinks fit.	15
(4)	All evidence and information received or ascertained must be disclosed to every party, and every party must be given a reasonable opportunity to comment on it.	
(5)	A Disputes Tribunal may receive and take into account any relevant evidence or information, whether or not that evidence or information would normally be admissible in a court of law.	20
(6)	On any charge of perjury, it is sufficient to prove that the oath was administered, or the documents or information were verified, in accordance with this clause.	
(8)	In Schedule 1, after clause 9C, insert:	25
9D	Summons to witness	
(1)	A Disputes Tribunal may, on its own initiative or at the request of a party, by a summons in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators, summon any person—	
(a)	to attend before the Tribunal at the time and place specified in the summons; and	30
(b)	to give evidence in the proceedings; and	
(c)	to produce to the Tribunal any documents in that person's possession or control that are specified in the summons.	
(2)	The power to issue a witness summons may be exercised by a Disputes Tribunal, an adjudicator, or any officer of a Tribunal purporting to act at the direction or with the authority of the Tribunal or an adjudicator.	35

9E	Service of summons	
(1)	Every summons issued under clause 9D must be served on the person to whom it is directed, either by personally delivering it to that person or, if that person refuses to accept it, by bringing it to that person's attention, within a reasonable time before the time specified in the summons for that person's attendance.	5
(2)	There must be paid or tendered to the witness at the time of service of the summons, or at any other reasonable time before the time at which the witness's attendance is required, the sum that the Registrar estimates to be payable to the witness under clause 9G for allowances and travelling expenses (but not for fees).	10
(3)	A witness is not obliged to comply with a summons issued under clause 9D unless the sum specified in subclause (2) is paid or tendered to the witness in accordance with that subclause.	
9F	Obligation on witness to attend extends to adjourned proceedings	15
(1)	The obligation on a witness summoned under clause 9D to attend any proceedings extends to any time and place to which the proceedings are adjourned, but only if clause 9E(2) has first been complied with in respect of each subsequent attendance.	
(2)	A Disputes Tribunal or an adjudicator may excuse a witness from any further attendance.	20
9G	Witnesses' expenses	
(1)	Every person who attends before a Disputes Tribunal for the purpose of giving evidence in any proceedings, is entitled to receive any fees, allowances, and travelling expenses that the Tribunal directs, in accordance with the scale set out in the Schedule of the Witnesses and Interpreters Fees Regulations 1974.	25
(2)	The fees, allowances, and travelling expenses are payable by the party on whose behalf the person attends, unless in any particular case a Disputes Tribunal orders them to be paid out of money appropriated by Parliament for those purposes.	30
9H	Failure to give evidence	
(1)	A person commits an offence who—	
	(a) has been served with a summons issued under clause 9D ; and	
	(b) has been paid or tendered witness expenses in accordance with clause 9G ; and	35
	(c) fails without sufficient cause to comply with the directions of the summons or with the requirements of clause 9F in respect of the summons.	
(2)	A person commits an offence who—	

<p>(a) is present at any proceedings before a Disputes Tribunal (whether or not as a result of the service of any summons on that person); and</p> <p>(b) is required to give evidence in the proceedings; and</p> <p>(c) refuses—</p> <p style="padding-left: 2em;">(i) to be sworn; or</p> <p style="padding-left: 2em;">(ii) to give evidence in the proceedings.</p> <p>(3) The penalty for an offence against this clause is set out in section 116A.</p> <p>(4) The payment of a fine does not release a person from any liability under any other action for failing to comply with the directions of a summons issued under clause 9D.</p>	<p>5</p> <p>10</p>
<p>(9) In Schedule 1, after clause 13, insert:</p>	
<p>13A Suppression orders</p>	
<p>(1) A Disputes Tribunal may order that any part of any evidence given or the name of any witness not be published.</p> <p>(2) An order may be made subject to any conditions that the adjudicator considers appropriate.</p>	<p>15</p>
<p>(10) In Schedule 1, after clause 16, insert:</p>	
<p><i>Practice notes, procedural information, and publication of decisions</i></p>	
<p>17 Practice notes</p>	
<p>(1) All adjudicators acting together may issue practice notes, to apply to all Disputes Tribunals, as they think fit.</p> <p>(2) The practice notes must not be inconsistent with this Act or any regulations made under it.</p>	<p>20</p>
<p>(11) In Schedule 1, after clause 17, insert:</p>	
<p>18 Online publication of information about procedures, time frames, and progress of decisions</p>	
<p>The following information must be published on an Internet site:</p>	
<p>(a) information about the purpose of Disputes Tribunals and the ways that a person may use them:</p> <p>(b) any requirements that a person must meet to use Disputes Tribunals:</p> <p>(c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.</p>	<p>25</p> <p>30</p>

Subpart 14—Amendments to Prisoners’ and Victims’ Claims Act 2005

164 Principal Act

This **subpart** amends the Prisoners’ and Victims’ Claims Act 2005 (the **principal Act**).

165 Section 27 amended (Service of notices)

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In section 27(4), replace “delivered to the person on the seventh day after the day on which it was posted” with “served 5 working days after it was posted”.

166 Section 43 amended (Contravention of orders or directions under section 41)

In section 43(2)(a), replace “\$1,000” with “\$3,000”.

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167 Section 45 amended (Other aspects of procedure)

In section 45, after “and 60,”, insert “and any practice notes issued under **section 60A**,”.

168 New section 58A inserted (Orderly and efficient operation)

After section 58, insert:

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58A Orderly and efficient operation

A Tribunal is responsible for making such arrangements as are practicable to ensure that he or she performs his or her functions—

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

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169 New section 60A inserted (Practice notes)

After section 60, insert:

60A Practice notes

- (1) The Chief District Court Judge may issue practice notes as he or she think fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

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170 New section 60B inserted (Online publication of information about procedures, time frames, and progress of decisions)

After section 60A, insert:

60B Online publication of information about procedures, time frames, and progress of decisions

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The following information must be published on an Internet site:

- (a) information about the purpose of the Tribunals and the ways that a person may use them:
- (b) any requirements that a person must meet to use the Tribunals:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

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Subpart 15—Amendments to Private Security Personnel and Private Investigators Act 2010

171 Principal Act

This **subpart** amends the Private Security Personnel and Private Investigators Act 2010 (the **principal Act**).

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172 Section 4 amended (Interpretation)

- (1) In section 4, replace the definition of **Licensing Authority** or **Authority** with:

Licensing Authority or **Authority** means a Private Security Personnel Licensing Authority appointed under section 87 and includes a Deputy Private Security Personnel Licensing Authority appointed under section 91, and the terms **Licensing Authorities**, **Authorities**, and **Deputy Licensing Authorities** have corresponding meanings

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- (2) In section 4, definition of **offence of dishonesty**, paragraph (b), after “1981”, insert “; and”.

- (3) In section 4, definition of **offence of dishonesty**, after paragraph (b), insert:

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(c) any offence described in section 127 of the Social Security Act 1964

- (4) In section 4, insert in its appropriate alphabetical order:

unsatisfactory conduct, in relation to a licensee or certificate holder, means—

- (a) conduct that falls short of the standard that a reasonable member of the public is entitled to expect from a reasonably competent licensee or certificate holder; or

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- (b) conduct that contravenes this Act or any regulations made under it

173 Section 24 amended (Application for licence: individual applicant)

- (1) In section 24(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.

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- (2) In section 24(1)(c), after “prescribed fee”, insert “(if any)”.

174 Section 25 amended (Application for licence: company applicant)

- (1) In section 25(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.

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- (2) In section 25(1)(c), after “prescribed fee”, insert “(if any)”.
- 175 Section 27 amended (Notice of application for licence)**
 In section 27(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 5
- 176 Section 28 amended (Objections by Police to application for licence)**
 (1) In section 28(1), delete “with the Licensing Authority”.
 (2) In section 28(3), delete “with the Licensing Authority”.
- 177 Section 29 amended (Objections by other persons)**
 In section 29(1), delete “with the Licensing Authority”. 10
- 178 Section 31 amended (Application determined by oral hearing)**
 Replace section 31(1) and (2) with:
- (1) If a Licensing Authority is to hold an oral hearing of an application for a licence, the Authority must fix a time and place for the hearing, and must give not less than 10 working days’ notice of the hearing to— 15
- (a) the applicant; and
 (b) any person who has filed a notice of objection in accordance with section 28 or 29; and
 (c) if it receives a report on the application from the Complaints, Investigation, and Prosecution Unit, the chief investigator of the unit. 20
- (2) If a Licensing Authority receives a report requested under section 26(1)(b) and suspects on the basis of that report that there may be grounds for refusing the application, the Authority must, not later than 10 working days before the date of the hearing, provide the applicant with a statement of the reasons for that suspicion. 25
- 179 Section 34 amended (Issue of licence)**
 (1) In section 34(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
 (2) In section 34(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 30
- 180 Section 40 amended (Persons not to act as officers of licensed company without consent of Licensing Authority)**
 In section 40(3), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 35

- 181 Section 41 amended (Amendment of licence)**
- (1) In section 41(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
 - (2) In section 41(3), replace “If the Licensing Authority” with “If a Licensing Authority”. 5
- 182 Section 46 amended (Application for certificate of approval)**
- (1) In section 46(1)(a), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.
 - (2) In section 46(1)(c), after “prescribed fee”, insert “(if any)”. 10
- 183 Section 49 amended (Objections by Police to application for certificate of approval)**
- (1) In section 49(1), delete “with the Licensing Authority”.
 - (2) In section 49(3), delete “with the Licensing Authority”.
- 184 Section 51 amended (Application determined by oral hearing)** 15
- In section 51(1), replace “If the Licensing Authority” with “If a Licensing Authority”.
- 185 Section 54 amended (Issue of certificate of approval)**
- (1) In section 54(1), replace “If the Licensing Authority” with “If a Licensing Authority”. 20
 - (2) In section 54(1), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities”.
- 186 Section 58 amended (Amendment of certificate of approval)**
- (1) In section 58(1), replace “If the Licensing Authority” with “If a Licensing Authority”. 25
 - (2) In section 58(3), replace “If the Licensing Authority” with “If a Licensing Authority”.
- 187 Section 62 amended (Grounds of disqualification for individual applicant)**
- After section 62(f), insert: 30
- (fa) is adjudged bankrupt; or
- 188 Section 73 amended (Complaint against licensee)**
- (1) Replace section 73(2) with:
 - (2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a licensee. 35

- (2) In section 73(4)(d), after “guilty of”, insert “unsatisfactory conduct or”.
- 189 Section 74 amended (Complaint against certificate holder)**
- (1) Replace section 74(2) with:
- (2) A person other than a constable may at any time, with the leave of a Licensing Authority, file a written complaint with that Authority against a certificate holder. 5
- (2) In section 74(4)(d), after “guilty of”, insert “unsatisfactory conduct or”.
- 190 Section 75 amended (Licensing Authority may refer matter to Police or to Complaints, Investigation, and Prosecution Unit)**
- Replace section 75(2) with: 10
- (2) In any other case where a Licensing Authority suspects on reasonable grounds that there may be any grounds for complaint against a licensee or certificate holder, the Authority may—
- (a) send a copy of the complaint to the Commissioner of Police and request the Commissioner to cause a report on the complaint to be prepared by the Police for the Authority; or 15
- (b) send a copy of the complaint to the person in charge of the Complaints, Investigation, and Prosecution Unit and request the chief investigator to cause a report on the complaint to be prepared for the Authority.
- 191 Section 76 amended (Suspension of licence or certificate of approval pending determination of complaint)** 20
- Replace section 76(5) with:
- (5) As soon as practicable after the notification under subsection (4), a Licensing Authority must give the licensee or certificate holder an opportunity to make representations to the Authority for the revocation of the order. 25
- 192 Section 77 amended (Hearing)**
- (1) In section 77(4), replace “If the Licensing Authority” with “If a Licensing Authority”.
- (2) After section 77(7), insert:
- (8) Despite anything in this Act to the contrary, a Licensing Authority may determine a complaint on the papers if he or she considers it appropriate. 30
- (9) Before doing so, he or she must give the parties a reasonable opportunity to comment on whether the complaint should be dealt with in that manner.
- 193 New sections 77A to 77C inserted**
- After section 77, insert: 35

77A Procedure

- (1) A Licensing Authority may regulate his or her procedures as he or she sees fit, subject to—
- (a) this Act and any regulations made under it; and
 - (b) any practice notes issued under **section 96A**.
- (2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if a Licensing Authority considers it appropriate and the necessary facilities are available.

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77B Suppression orders

- (1) A Licensing Authority may order that any part of any evidence given or the name of any witness not be published.
- (2) An order may be subject to any conditions that a Licensing Authority considers appropriate.
- (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.

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77C Contempt of Licensing Authority

- (1) A person commits an offence who—
- (a) wilfully assaults, insults, or obstructs a Licensing Authority, a witness, or an officer of an Authority during a sitting of an Authority or while an Authority, a witness, or an officer is going to, or returning from, a sitting of an Authority; or
 - (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of an Authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of an Authority; or
 - (d) wilfully and without lawful excuse disobeys any order or direction of an Authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) A Licensing Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

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194 Section 78 amended (Disciplinary powers of Licensing Authority in respect of licensee)

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- (1) In section 78(1), replace “the Licensing Authority is satisfied” with “a Licensing Authority is satisfied”.

- (2) After section 78(1), insert:
- (1A) If unsatisfactory conduct is proved, a Licensing Authority—
- (a) must not take action under subsection (1) in relation to that conduct; but
 - (b) may take action under **subsection (1B)**.
- (1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate:
- (a) order that the licensee undergo training: 5
 - (b) order that the licensee work under supervision for a period that the Authority specifies in the order: 10
 - (c) order that the licensee work subject to conditions and for a period that the Authority specifies in the order:
 - (d) reprimand the licensee:
 - (e) order that the licensee apologise to the complainant. 15
- 195 Section 79 amended (Mandatory grounds for cancellation of licence)**
- Replace section 79(1)(a) and (b) with:
- (a) a Licensing Authority is satisfied that 1 or more grounds for disqualification under section 62 or 63 apply to the licensee and the Authority is satisfied that, because of this, the licensee is not suitable to hold a licence; or 20
 - (b) a Licensing Authority is satisfied that the licence was issued by mistake or by reason of fraud on the part of the applicant for the licence.
- 196 Section 80 amended (Discretionary grounds for cancellation of licence)**
- After section 80(1)(a), insert: 25
- (aa) the Licensing Authority determines that a person specified in subsection (2) is no longer suitable to carry on the class of business to which the licence relates because of the person’s character, circumstances, or background:
- 197 Section 81 amended (Disciplinary powers of Licensing Authority in respect of holder of certificate of approval)** 30
- (1) In section 81(1), replace “the Licensing Authority is satisfied” with “a Licensing Authority is satisfied”.
- (2) After section 81(1), insert:
- (1A) If unsatisfactory conduct is proved, a Licensing Authority— 35
- (a) must not take action under subsection (1) in relation to that conduct; but
 - (b) may take action under **subsection (1B)**.

- (1B) If, after a hearing in accordance with section 77, a Licensing Authority is satisfied that unsatisfactory conduct has been proved on the complaint or under section 77(1)(b), as the case may be, the Authority may do all or any of the following things that may be appropriate:
- (a) order that the certificate holder undergo training: 5
 - (b) order that the certificate holder work under supervision for a period that the Authority specifies in the order:
 - (c) order that the certificate holder work subject to conditions and for a period that the Authority specifies in the order:
 - (d) reprimand the certificate holder: 10
 - (e) order that the certificate holder apologise to the complainant.
- 198 Section 82 amended (Mandatory grounds for cancellation of certificate of approval)**
- Replace section 82(a) with:
- (a) a Licensing Authority is satisfied that 1 or more grounds of disqualification under section 62 apply to the certificate holder and the Authority is satisfied that, because of this, the certificate holder is not suitable to hold a certificate; or 15
- 199 Section 83 amended (Discretionary grounds for cancellation of certificate)**
- (1) In section 83, replace “licence” with “certificate of approval”. 20
 - (2) After section 83(1)(a), insert:
 - (ab) the Licensing Authority determines that the certificate holder is no longer suitable to carry on the class of business to which the certificate relates because of the person’s character, circumstances, or background:
- 200 Section 87 amended (Private Security Personnel Licensing Authority)** 25
- In section 87(1), replace “a person to be the Private Security Personnel Licensing Authority” with “1 or more persons to be Private Security Personnel Licensing Authorities, and may give the Authorities distinctive designations and change any designation”.
- 201 New section 88A inserted (Orderly and efficient operation)** 30
- After section 88, insert:
- 88A Orderly and efficient operation**
- (1) A Licensing Authority is responsible for making such arrangements as are practicable to ensure that he or she and any Deputy Licensing Authority performs his or her functions— 35
 - (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act.

- (2) If more than 1 Authority is appointed, they must act together in making those arrangements for any Deputy Licensing Authority.

202 Section 89 amended (Qualifications of Licensing Authority)

In section 89(1), after “may hold office as”, insert “a”.

203 Section 90 amended (Term of office of Licensing Authority)

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- (1) In section 90(1)(a), replace “3 years” with “up to 5 years”.

- (2) After section 90(3), insert:

- (4) A Licensing Authority continues in office despite the expiry of his or her term of office until—

(a) the Authority is reappointed; or

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(b) the Authority’s successor is appointed; or

(c) the Authority is notified that a replacement Licensing Authority will not be appointed; or

(d) the Authority vacates or is removed from office.

- (5) A Licensing Authority who continues in office for any period under **subsection (4)**, unless he or she was removed from office, may act as a Licensing Authority during that period for the purpose of—

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(a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:

(b) hearing any other proceedings.

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- (6) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

204 Section 91 amended (Deputy Private Security Personnel Licensing Authority)

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- (1) Replace section 91(1)(a) and (b) with:

(a) 1 or more of the Licensing Authorities are unable, because of absence (for any reason) of 1 or more of them, to perform the functions of office; or

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(b) the amount of work to be done by the Licensing Authorities is more than can be reasonably done by the existing Licensing Authorities at that time.

- (2) In section 91(2), after “holding office as”, insert “a”.

- (3) In section 91(3), after “Minister”, insert “and may be reappointed for further fixed terms”.

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- (4) After section 91(3), insert:

- (3A) A Deputy Licensing Authority may at any time resign from office by notice in writing to the responsible Minister.
- (3B) The Governor-General may, on the recommendation of the responsible Minister, at any time remove a Deputy Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed is not entitled to compensation. 5
- (3C) A Deputy Licensing Authority continues in office despite the expiry of his or her term of office until—
- (a) he or she is reappointed; or
 - (b) his or her successor is appointed; or 10
 - (c) he or she is notified that a replacement Licensing Authority will not be appointed; or
 - (d) he or she vacates or is removed from office.
- (3D) A Deputy Licensing Authority who continues in office for any period under **subsection (3C)**, unless he or she was removed from office, may act as a Deputy Licensing Authority during that period for the purpose of— 15
- (a) completing any proceedings partly or wholly heard by him or her before the expiry of his or her term of office:
 - (b) hearing any other proceedings.
- (3E) A Deputy Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 20
- (5) Repeal section 91(5).
- (6) In section 91(7), after “when acting as”, insert “a”. 25
- 205 Section 92 amended (Remuneration, and status under certain Acts)**
- In section 92(1), replace “the Licensing Authority” with “each Licensing Authority”.
- 206 Section 93 amended (Licensing Authority to be Commission of Inquiry for certain purposes)** 30
- Replace section 93(1) with:
- (1) Where under this Act a Licensing Authority has the function of hearing or determining any matter, that Authority has the same powers as are conferred on a Commission of Inquiry by sections 4, 4B, 4C, 4D, 10, and 11 of the Commissions of Inquiry Act 1908 in respect of an inquiry under that Act. 35
- 207 New section 96A inserted (Practice notes)**
- After section 96, insert:

96A Practice notes

- (1) All Licensing Authorities acting together may issue practice notes, to apply to all of them, as they think fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

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208 New sections 96B and 96C inserted

After section 96A, insert:

96B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

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- (a) information about the purpose of the Licensing Authorities and the ways a person may use them:
- (b) any requirements that a person must meet to use the Licensing Authorities:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

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96C Online publication of final written decisions

- (1) Every final written decision of a Licensing Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it.
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to **section 77B**.
- (4) Good reason not to publish a decision or part of it includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, a Licensing Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice.
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in a Licensing Authority and is any of the following:
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers:
 - (c) an oral decision transcribed by an official transcription service.

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209 Section 97 amended (Registers)

- (1) In section 97(1), replace “The Licensing Authority” with “All Licensing Authorities acting together”.
- (2) In section 97(4), replace “The Licensing Authority” with “All Licensing Authorities acting together”.

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210 Section 98 amended (Inspection of registers)

In section 98(1), replace “The Licensing Authority” with “All Licensing Authorities acting together”.

211 Section 111 replaced (Lost licences and certificates of approval)

Replace section 111 with:

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111 Lost licences and certificates of approval

If a Licensing Authority is satisfied that a holder of a licence or certificate of approval has lost his or her licence or certificate of approval, the Authority may issue to the holder a substitute licence or certificate of approval—

- (a) on payment of the prescribed fee (if any); and
- (b) on receipt of a photograph of the holder that, in the opinion of the Authority, complies with the requirements (if any) of any regulations made under this Act.

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212 Section 114 amended (Regulations)

Repeal section 114(1)(a).

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213 New section 114A inserted (Chief executive may approve forms)

After section 114, insert:

114A Chief executive may approve forms

- (1) The chief executive may approve and issue forms that the chief executive considers necessary for the purposes of this Act, not being forms required to be prescribed by regulations or rules made under this Act.
- (2) Without limiting **subsection (1)**,—
 - (a) more than 1 form may be approved and issued in relation to the same matter; and
 - (b) a form may be described by any name that the chief executive considers appropriate, even if the form relates to a matter that is described by a different name under this Act, so long as the form refers to the appropriate provision of this Act.
- (3) Every document purporting to be a form approved and issued by the chief executive under and for the purposes of this Act is deemed to have been so approved and issued unless the chief executive otherwise certifies.

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214 Section 117 replaced (Photographs)

Replace section 117 with:

117 Photographs

If under this Act any photograph is to be submitted to a Licensing Authority, the Authority may require that the photograph comply with the requirements of any regulations made under this Act. 5

215 Consequential amendments to principal Act

Amend the principal Act as set out in **Schedule 3**.

Subpart 16—Amendments to Real Estate Agents Act 2008

216 Principal Act

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This **subpart** amends the Real Estate Agents Act 2008 (the **principal Act**).

217 Section 24 amended (Payment of fees, levies, and fines)

In section 24(1), after “the Authority”, insert “, except fees paid under regulations made under section 156(1)(g), which must be paid to the Ministry of Justice”. 15

218 Section 74 amended (Complaints about licensees)

Replace section 74(2) with:

- (2) When the Authority receives a complaint under this section, the Authority must—
- (a) refer the complaint to the Registrar of the register of licensees, who must consider whether to deal with the complaint under **subsection (3)**; and 20
 - (b) if the Registrar decides not to deal with the complaint under that subsection, refer the complaint to a Committee for determination and notify the person complained about of the reference. 25
- (3) The Registrar may determine that—
- (a) the complaint discloses only an inconsequential matter, and for that reason need not be pursued: 25
 - (b) the complaint is frivolous or vexatious and not made in good faith, and for that reason need not be pursued: 25
 - (c) the complaint should be referred to another agency, and refer it accordingly. 30

219 Section 93 amended (Power of Committee to make orders)

- (1) In section 93(1)(h), after “his or her”, insert “or its”.
- (2) After section 93(1)(h), insert:

	(ha) make an order referring the matter to the Disciplinary Tribunal for the Tribunal to consider whether to make a compensation order under section 110(5) :	
220	Section 100 amended (Real Estate Agents Disciplinary Tribunal established)	5
(1)	In section 100(2)(a), replace “chair” with “chairperson”.	
(2)	In section 100(2)(b), replace “up to 5” with “at least 3”.	
221	Section 101 amended (Constitution of Tribunal for hearings)	
	Replace section 101(a) with:	
(a)	the chairperson of the Tribunal, or if he or she is absent from duty for any reason, the deputy chairperson of the Tribunal; and	10
222	Section 107 amended (Hearings to be in public)	
(1)	Replace the heading to section 107 with “ Hearings ”.	
(2)	After section 107(4), insert:	
(5)	The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the chairperson or the Tribunal considers it appropriate and the necessary facilities are available.	15
223	New section 107A inserted (Hearing on papers)	
	After section 107, insert:	
107A	Hearing on papers	20
(1)	Despite anything in this Act to the contrary, the Disciplinary Tribunal may determine a proceeding on the papers if the Tribunal considers it appropriate.	
(2)	Before doing so, the Tribunal must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.	
224	Section 108 amended (Restrictions on publication)	25
	After section 108(3), insert:	
(4)	A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.	
225	Section 109 amended (Evidence)	
	In section 109(1), replace “matter” with “thing” in each place.	30
226	New section 109A inserted (Disciplinary Tribunal may strike out, determine, or adjourn proceeding)	
	After section 109, insert:	

109A Disciplinary Tribunal may strike out, determine, or adjourn proceeding

- (1) The Disciplinary Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, the Disciplinary Tribunal may—
- (a) strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.
- (3) This section does not apply to a case that the Authority has referred to the Disciplinary Tribunal.

227 Section 110 amended (Determination of charges and orders that may be made if charge proved)

- (1) In section 110(2)(a), after “section 93”, insert “(except under **section 93(1)(ha)**)”.
- (2) Replace section 110(4) with:
- (4) If the Disciplinary Tribunal, after hearing any charge against a licensee, is satisfied that, although not guilty of misconduct, he or she has engaged in unsatisfactory conduct, it may do either or both of the following:
- (a) make any of the orders that a Complaints Assessment Committee may make under section 93 (except under **section 93(1)(ha)**):
 - (b) if it appears to the Tribunal that any person has suffered loss by reason of the licensee’s unsatisfactory conduct, make an order that the licensee pay to that person a sum not exceeding \$100,000 by way of compensation, but only if—
 - (i) the unsatisfactory conduct is more than a minor or technical contravention of this Act or of any regulations or rules made under this Act; and
 - (ii) the order is one that a court of competent jurisdiction could make in relation to a similar claim in accordance with principles of law.
- (5) If a Complaints Assessment Committee refers a matter to the Tribunal under **section 93(1)(ha)**, the Tribunal may, if satisfied that the requirements of **subsection (4)(b)** are met, make a compensation order under that subsection. The Tribunal must treat the referral as if it had satisfied itself that the licensee has engaged in unsatisfactory conduct.

228 New section 110A inserted (Costs)

After section 110, insert:

110A Costs

- (1) In any proceedings under this Act, the Disciplinary Tribunal may make any award as to costs that it thinks fit, whether or not it grants any other remedy. 5
- (2) Without limiting the matters that the Disciplinary Tribunal may consider in determining whether to make an award of costs under this section, the Disciplinary Tribunal may take into account whether, and to what extent, any party to the proceedings—
- (a) has participated in good faith in the proceedings: 10
- (b) has facilitated or obstructed the process of information gathering by the Disciplinary Tribunal:
- (c) has acted in a manner that facilitated the resolution of the issues that were the subject of the proceedings.
- (3) If a party fails to prosecute any proceedings at the time fixed for a hearing or to give adequate notice of the abandonment of any proceedings, the Disciplinary Tribunal, if it considers it proper to do so, may order the party in default to pay costs to the Crown in a sum that it considers reasonable. 15
- (4) A person to whom costs are awarded under this section, but who has not been paid in full, may file a copy of the order in the District Court where it may be enforced for so much of the amount that is still owing as if it were a judgment of the District Court. 20

229 Section 111 amended (Appeal to Tribunal against determination by Committee)

- (1) Replace section 111(1) with: 25
- (1) A person affected by a determination of a Committee may appeal to the Disciplinary Tribunal against the determination within 20 working days after the day on which notice of the relevant decision was given under section 81 or 94, except that no appeal may be made against a determination under section 89(2)(a) that a complaint or an allegation be considered by the Disciplinary Tribunal. 30
- (1A) The Disciplinary Tribunal may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if it is satisfied that exceptional circumstances prevented the appeal from being made in time.
- (2) After section 111(2)(a), insert:
- (ab) the prescribed fee, if any; and 35

230 Section 112 amended (Application to Tribunal to review determination by Registrar)

After section 112(2)(a), insert:

(ab) the prescribed fee, if any; and

231 New section 115A inserted (Practice notes)

After section 115, insert:

115A Practice notes

- (1) The chairperson of the Disciplinary Tribunal may issue practice notes as he or she thinks fit. 5
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

232 New section 115B inserted (Online publication of information about procedures, time frames, and progress of decisions) 10

After section 115A, insert:

115B Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Disciplinary Tribunal and the ways a person may use it: 15
- (b) any requirements that a person must meet to use the Disciplinary Tribunal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 20

233 New section 116A inserted (Time for appeal to High Court)

After section 116, insert:

116A Time for appeal to High Court

- (1) An appeal to the High Court must, subject to **subsection (2)**, be made in the prescribed manner to the court within 20 working days after the day on which notice of the relevant decision is given to the appellant. 25
- (2) The court may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if the court is satisfied that exceptional circumstances prevented the appeal from being made in time.

234 New section 120A inserted (Time for appeal to Court of Appeal) 30

After section 120, insert:

120A Time for appeal to Court of Appeal

- (1) An appeal to the Court of Appeal must, subject to **subsection (2)**, be made in the prescribed manner to the court within 20 working days after the day on which notice of the relevant decision is given to the appellant. 35

- (2) The court may accept a late appeal no later than 60 working days after the day on which notice was given to the appellant if the court is satisfied that exceptional circumstances prevented the appeal from being made in time.
- (3) In deciding whether to accept a late appeal, the court must have regard to whether the appellant made a late appeal against the original decision, and the appellant's reasons for that late appeal. 5

235 New sections 153A and 153B and cross-heading inserted

After section 153, insert:

Offences relating to witness summonses and contempt of Tribunal

153A Offence to fail to comply with summons 10

- (1) A person commits an offence who, after being summoned to attend to give evidence before the Tribunal or to produce to it any document, information, or thing, without sufficient cause—
- (a) fails to attend in accordance with the summons; or
- (b) refuses to be sworn or to give evidence, or having been sworn refuses to answer any question that the person is lawfully required by the Tribunal or any member of it to answer; or 15
- (c) fails to produce any such document, information, or thing.
- (2) A person commits an offence who—
- (a) wilfully obstructs or hinders the Tribunal or any member of it in any inspection or examination of any document, information, or thing; or 20
- (b) without sufficient cause, fails to comply with any requirement of the Tribunal.
- (3) A person who commits an offence against this section is liable on conviction to a fine not exceeding \$1,000. 25
- (4) No person summoned to attend the hearing may be convicted of an offence against **subsection (1)** unless at the time of the service of the summons, or at some other reasonable time before the date on which that person was required to attend, there was made to that person a payment or tender of the amount fixed in accordance with clause 7 of Schedule 1. 30

153B Contempt of Tribunal

- (1) A person commits an offence who—
- (a) wilfully assaults, insults, or obstructs the Tribunal or any member of it, a witness, or an officer of the Tribunal during a sitting of the Tribunal or while a member, a witness, or an officer is going to, or returning from, a sitting of the Tribunal; or 35

- (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of the Tribunal; or
- (c) wilfully interrupts, or otherwise misbehaves at, a sitting of the Tribunal; or
- (d) wilfully and without lawful excuse disobeys any order or direction of the Tribunal in the course of the hearing of any proceedings. 5
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) The Tribunal may order the exclusion from a sitting of the Tribunal of any person whose behaviour, in the opinion of the Tribunal, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Tribunal or constable may take any steps that are reasonably necessary to enforce the exclusion. 10
- 236 Section 154 amended (Service of notice and documents)**
- (1) After section 154(1)(c), insert: 15
- (ca) it is transmitted to an email address or a fax number provided by the person; or
- (2) In section 154(4), replace “given or served on the addressee at the time when the letter would have been delivered in the ordinary course of the post” with “served 5 working days after it was posted”. 20
- 237 Section 156 amended (Regulations)**
- In section 156(1)(g), after “Disciplinary Tribunal”, insert “, or prescribing any fees in relation to the functions of the Disciplinary Tribunal”.
- 238 Schedule 1 amended**
- (1) In Schedule 1, clause 2(1), replace “not exceeding 3 years” with “of up to 5 years”. 25
- (2) In Schedule 1, after clause 2(3), insert:
- (4) A member of the Tribunal who continues in office for any period under sub-clause (3) may act as a member during that period for the purpose of— 30
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.
- (5) A member of the Tribunal who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 35
- (3) In Schedule 1, after clause 3, insert:

- 3A Appointment of temporary acting chairperson, deputy chairperson, or member**
- (1) If the chairperson, the deputy chairperson, or a member of the Tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Minister may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment. 5
- (2) No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position. 10
- (3) The acting chairperson, the acting deputy chairperson, or an acting member is, while acting in that position, to be treated as the chairperson, the deputy chairperson, or a member of the Tribunal. 15
- (4) No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 20
- (4) In Schedule 1, clause 4, replace “chair” with “chairperson” in each place.
- (5) In Schedule 1, clause 6(1), after “its own initiative”, insert “or at the request of a party”.
- (6) In Schedule 1, clause 6(2), replace “the prescribed form” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”. 25
- (7) In Schedule 1, clause 6(2), replace “books, papers, documents, records, or things” with “document, information, or thing”.
- (8) In Schedule 1, replace clause 6(3) with:
- (3) The power to issue a witness summons may be exercised by the Tribunal, the chairperson, or the deputy chairperson, or by any officer of the Tribunal purporting to act by the direction or with the authority of the Tribunal, the chairperson, or the deputy chairperson. 30
- (9) In Schedule 1, clause 9(c), replace “papers, documents, records, or things” with “any document, information, or thing”. 35

Subpart 17—Amendments to Residential Tenancies Act 1986

239 Principal Act

This **subpart** amends the Residential Tenancies Act 1986 (the **principal Act**).

240 New section 67A inserted (Appointment of temporary acting Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, or Tenancy Adjudicator)

After section 67, insert:

- 67A Appointment of temporary acting Principal Tenancy Adjudicator, Deputy Principal Tenancy Adjudicator, or Tenancy Adjudicator** 5
- (1) If the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the joint recommendation of the Minister and the Minister of Justice, may appoint a suitable person as the acting Principal Tenancy Adjudicator, the acting Deputy Principal Tenancy Adjudicator, or an acting Tenancy Adjudicator for the period or purpose stated in the appointment. 10 15
- (2) No person may be appointed as an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator unless he or she is eligible for appointment to the relevant position.
- (3) An acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator is, while acting in that position, to be treated as the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or a Tenancy Adjudicator. 20
- (4) No appointment of an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator, no act done by an acting Principal Tenancy Adjudicator, acting Deputy Principal Tenancy Adjudicator, or acting Tenancy Adjudicator, and no act done by the Tenancy Tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 25
- 241 Section 68 amended (Term of office of Tenancy Adjudicators)**
- (1) In section 68(1), replace “shall be appointed for a term not exceeding 3 years” with “must be appointed for a term of up to 5 years”. 30
- (2) After section 68(1), insert:
- (1A) A person appointed under subsection (1) may be reappointed.
- (3) Replace section 68(6) with:
- (6) A Tenancy Adjudicator who continues in office for any period under subsection (5) may act as an Adjudicator during that period for the purpose of— 35
- (a) completing any proceedings partly or wholly heard by the Tribunal before the expiry of his or her term of office:
- (b) hearing any other proceedings.

- (7) A Tenancy Adjudicator who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

242 New section 71A inserted (Delegation by Principal Tenancy Adjudicator) 5

After section 71, insert:

71A Delegation by Principal Tenancy Adjudicator

- (1) The Principal Tenancy Adjudicator may delegate any of his or her functions, duties, and powers to another Tenancy Adjudicator (including the Deputy Principal Tenancy Adjudicator) who the Principal Tenancy Adjudicator is satisfied has the necessary capability, skills, and experience to perform or exercise those functions, duties, and powers. 10
- (2) A delegation—
- (a) must be in writing; and
 - (b) must be to a named person; and 15
 - (c) is revocable at any time, in writing; and
 - (d) does not prevent the performance or exercise of a function, duty, or power by the Principal Tenancy Adjudicator.
- (3) A person to whom any functions, duties, or powers are delegated may perform or exercise them in the same manner and with the same effect as if they had been conferred directly by this Act and not by delegation. 20
- (4) A person who appears to act under a delegation is presumed to be acting in accordance with its terms in the absence of evidence to the contrary.
- (5) A person to whom any functions, duties, or powers are delegated must be paid remuneration and expenses (if any) determined in accordance with section 69 for work undertaken in that capacity. 25

243 Section 88 amended (Functions of Tenancy Mediators)

- (1) In section 88(5), after “Tenancy Adjudicator”, insert “or Registrar”.
- (2) In section 88(5A), after “Tenancy Adjudicator”, insert “or Registrar”.
- (3) In section 88(5A), after “subsection (6)”, insert “or **(6A)**”. 30
- (4) After section 88(6), insert:
- (6A) Where a Registrar to whom an order has been referred for sealing considers that the order is outside the powers of the Tenancy Mediator to make, the Registrar must, instead of sealing the copy of the order, decline to seal the order and refer the order to a Tenancy Adjudicator for consideration. 35
- (6B) If an order is referred to a Tenancy Adjudicator under **subsection (6A)**, he or she must treat the order as if it had been referred directly to him or her under subsection (5).

244 New section 92A inserted (Tribunal may strike out proceeding)

After section 92, insert:

92A Tribunal may strike out proceeding

The Tribunal may strike out, in whole or in part, a proceeding if satisfied that it—

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- (a) discloses no reasonable cause of action; or
- (b) is likely to cause prejudice or delay; or
- (c) is frivolous or vexatious; or
- (d) is otherwise an abuse of process.

245 Section 96 amended (Further provisions relating to procedure generally)

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(1) After section 96(3), insert:

(3A) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Principal Tenancy Adjudicator, the Deputy Principal Tenancy Adjudicator, or another Tenancy Adjudicator considers it appropriate and the necessary facilities are available.

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(2) In section 96(5), after “and to any directions of the Principal Tenancy Adjudicator”, insert “under section 115”.

246 Section 106 amended (Enforcement of possession orders)

(1) In section 106(1), replace “warrant for the recovery of the premises” with “warrant for the recovery of land”.

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(2) In section 106(2), replace “section 139(1)” with “section 138(1)”.

247 New section 111A inserted (Offence of breaching suppression order)

After section 111, insert:

111A Offence of breaching suppression order

A person who breaches an order made under section 95(3) is liable on conviction to a fine not exceeding \$3,000.

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248 New sections 115A and 115B inserted

After section 115, insert:

115A Online publication of information about procedures, time frames, and progress of decisions

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The following information must be published on an Internet site:

- (a) information about the purpose of the Tribunal and the ways a person may use it;
- (b) any requirements that a person must meet to use the Tribunal:

- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

115B Online publication of final written decisions

- (1) Every final written decision of the Tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 5
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to section 95(3).
- (4) Good reason not to publish a decision or part of it includes the following: 10
- (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
- (b) the decision falls into a category of decisions that are of limited public value:
- (c) taking into account the presumption in **subsection (1)** in favour of publication, the Tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 15
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in the Tribunal and is either of the following: 20
- (a) a written reserved decision following an oral hearing:
- (b) a written decision in any case considered on the papers.

Subpart 18—Amendments to Sale and Supply of Alcohol Act 2012

249 Principal Act

This **subpart** amends the Sale and Supply of Alcohol Act 2012 (the **principal Act**). 25

250 New sections 179A and 179B inserted

After section 179, insert:

179A Appointment of temporary acting chairperson, deputy chairperson, or member

- (1) If the chairperson, a deputy chairperson, or a member of the licensing authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, a deputy chairperson, or a member of the licensing authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister, may appoint a suitable person as the acting chairperson, an acting 30 35

	deputy chairperson, or an acting member for the period or purpose stated in the appointment.	
(2)	No person may be appointed as the acting chairperson, an acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.	5
(3)	An acting chairperson, acting deputy chairperson, or acting member is, while acting in the position, to be treated as the chairperson, a deputy chairperson, or a member of the licensing authority.	
(4)	No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the licensing authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.	10
179B	Orderly and efficient operation	
	The chairperson of the licensing authority is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—	15
	(a) in an orderly and efficient manner; and	
	(b) in a way that achieves the purposes of this Act.	
251	Section 181 amended (Term of office of members)	20
(1)	In section 181(1), after “5 years”, insert “and may be reappointed for further terms of up to 5 years”.	
(2)	Replace section 181(2) and (3) with:	
(2)	A member continues in office despite the expiry of his or her term of office until—	25
	(a) the member is reappointed; or	
	(b) the member’s successor is appointed; or	
	(c) the member is notified that a replacement member will not be appointed; or	
	(d) the member vacates or is removed from office.	30
(3)	A member who continues in office for any period under subsection (2) , unless he or she was removed from office, may act as a member during that period for the purpose of—	
	(a) completing any proceedings partly or wholly heard by the licensing authority before the expiry of his or her term of office:	35
	(b) hearing any other proceedings.	

- (4) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.

252 Section 202 amended (Procedure)

After section 202(4), insert:

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- (5) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the licensing authority or the chairperson considers it appropriate and the necessary facilities are available.

253 New section 211A inserted (Contempt of licensing authority)

After section 211, insert:

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211A Contempt of licensing authority

- (1) A person commits an offence who—
- (a) wilfully assaults, insults, or obstructs the licensing authority or any member of it, a witness, or an officer of the licensing authority during a sitting of the licensing authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the licensing authority; or
 - (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of the licensing authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of the licensing authority; or
 - (d) wilfully and without lawful excuse disobeys any order or direction of the licensing authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) The licensing authority may order the exclusion from a sitting of the licensing authority of any person whose behaviour, in the opinion of the licensing authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the licensing authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

254 Section 280 amended (Variation, suspension, or cancellation of licences other than special licences)

Replace section 280(2)(a) with:

- (a) be in a form approved by the chief executive after consultation with the chairperson of the licensing authority and be made in the prescribed manner; and

- 255 Section 285 amended (Suspension or cancellation of manager’s certificates)**
- Replace section 285(2)(a) with:
- (a) be in a form approved by the chief executive after consultation with the chairperson of the licensing authority and be made in the prescribed manner; and 5
- Subpart 19—Amendments to Secondhand Dealers and Pawnbrokers Act 2004
- 256 Principal Act**
- This **subpart** amends the Secondhand Dealers and Pawnbrokers Act 2004 (the **principal Act**). 10
- 257 Section 4 amended (Interpretation)**
- In section 4, replace the definition of **Licensing Authority** with:
- Licensing Authority** or **Authority** means a Licensing Authority of second-hand dealers and pawnbrokers appointed under section 70 and includes a Deputy Licensing Authority appointed under section 71, and the terms **Licensing Authorities**, **Authorities**, and **Deputy Licensing Authorities** have corresponding meanings 15
- 258 Section 8 amended (Application for licence)**
- (1) In section 8(2)(a), replace “Licensing Authority” with “chief executive of the Ministry of Justice after consultation with all Licensing Authorities”. 20
- (2) Repeal section 8(2)(b).
- (3) In section 8(2)(c), replace “the” with “any”.
- (4) In section 8(3), replace “2 photographs” with “a photograph”.
- 259 Section 10 amended (Issue of licence: company applicant)** 25
- After section 10(4), insert:
- (5) Despite subsection (3)(a), if the relevant conviction is for a minor offence, a Licensing Authority may waive the company’s disqualification and issue a licence to the company if the Authority is satisfied, on the basis of written material before him or her, that there are special reasons why the company should not be disqualified taking into account— 30
- (a) the character, circumstances, and background of every person concerned in the management of the company; and
- (b) the nature of the offence.
- (6) In this section, **minor offence** means an offence that is, or the consequences of which are, minor in nature. 35

260 Section 15 amended (Expiry and renewal of licences)

In section 15(6), replace “to the Licensing Authority” with “to a Licensing Authority”.

261 Section 16 amended (Cancellation of licences)

(1) In the heading to section 16, after “Cancellation”, insert “or suspension”. 5

(2) In section 16(1), after “must cancel”, insert “or suspend”.

(3) After section 16(3), insert:

- (3A) If a Licensing Authority suspends a certificate,—
- (a) the suspension must be for an initial fixed period of not more than 3 months; and 10
 - (b) at the end of that period, the Authority must, if, following the final determination of the complaint, he or she thinks it is appropriate,—
 - (i) extend the suspension for a further period specified by the Authority; or
 - (ii) lift the suspension; or 15
 - (iii) cancel the certificate.

(4) In section 16(4),—

(a) after “A cancellation”, insert “or suspension”:

(b) after “the cancellation”, insert “or suspension”.

262 Section 17 amended (Updating licence information) 20

After section 17(1), insert:

- (1A) The advice must be—
- (a) in a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and
 - (b) accompanied by any prescribed fee. 25

263 Section 21 amended (Application for certificate)

(1) Replace section 21(1)(a) with:

- (a) be made to a Licensing Authority on a form approved by the chief executive of the Ministry of Justice after consultation with all Licensing Authorities; and 30

(2) In section 21(1)(b), replace “2 photographs” with “a photograph”.

(3) Repeal section 21(1)(c).

(4) In section 21(1)(d), replace “the” with “any”.

(5) In section 21(2), replace “The form approved by the Licensing Authority” with “The approved form”. 35

264 Section 23 amended (Waiver of disqualification)

Replace section 23(1)(d) with:

- (d) the Licensing Authority is satisfied, on the basis of written material before him or her, that there are special reasons why the person should not be disqualified from holding a certificate taking into account—
- (i) the person’s character, circumstances, and background; and
 - (ii) the nature of any offence relevant to the person’s disqualification.

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265 Section 26 amended (What happens if Police object to applicant)

(1) In section 26(1)(a)(i), replace “the prescribed fee (if any)” with “any prescribed fee”.

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(2) In section 26(1)(b), replace “make written submissions to the Licensing Authority” with “make written submissions to a Licensing Authority”.

(3) Replace section 26(3) with:

(3) If an applicant sends written submissions to a Licensing Authority, or if a Licensing Authority has not heard from the applicant within 3 weeks of the date on which the notice of objection was sent, the Authority must, on the basis of the written material before him or her, determine whether to uphold or dismiss the Police objection.

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(4) After section 26(3), insert:

(4) If the applicant is not disqualified from holding a certificate and does not request a hearing in person, a Licensing Authority may require the applicant to attend a hearing in person.

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(5) If a Licensing Authority requires a hearing in person, it must—

- (a) arrange a time and place for the hearing under section 27; and
- (b) give the Commissioner of Police and the applicant at least 14 days’ written notice of the hearing.

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266 Section 30 amended (Expiry and renewal of certificates)

In section 30(6), replace “to the Licensing Authority” with “to a Licensing Authority”.

267 Section 31 amended (Cancellation and suspension of certificates)

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In section 31(3), replace “If the Licensing Authority” with “If a Licensing Authority”.

268 Section 42 amended (Dealers record)

(1) After section 42(3), insert:

(3A) The dealers record must show the following information with respect to any functioning motor vehicle acquired by a licensed secondhand dealer in the course of business as a secondhand dealer:

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<ul style="list-style-type: none"> (a) the identity of the person from whom the vehicle is acquired, which must include the matters set out in subsection (2)(a): (b) the name and signature of the person who conducted the transaction on behalf of the licensed secondhand dealer: (c) the date of the transaction: (d) the vehicle’s vehicle identification number (VIN) or chassis number: (e) the vehicle’s registration number, if available: (f) any other prescribed information. 	5
<p>(2) After section 42(5), insert:</p>	
<p>(6) In this section, functioning motor vehicle includes—</p> <ul style="list-style-type: none"> (a) a motor vehicle that will function if minor repairs are made to it, including the replacement or addition of a part: (b) a motor vehicle that does not comply with any legal requirement that must be met for it to operate on the road. 	10
<p>269 Section 44 amended (Storage of dealers record)</p> <p>In section 44(2), replace “article or scrap metal” with “article, scrap metal, or functioning motor vehicle” in each place.</p>	15
<p>270 Section 70 amended (Appointment of Licensing Authority)</p> <p>(1) In section 70(1), replace “a Licensing Authority” with “1 or more persons to be Licensing Authorities, and may give the Authorities distinctive designations and from time to time change any designation”.</p> <p>(2) In section 70(2)(a), replace “a fixed term of 3 years or less” with “a term of up to 5 years”.</p> <p>(3) In section 70(2)(b), replace “any number of times” with “for further terms of up to 5 years”.</p> <p>(4) In section 70(2)(c), after “is appointed”, insert “or he or she is advised that a replacement Authority will not be appointed”.</p> <p>(5) After section 70(4), insert:</p> <p>(5) A Licensing Authority who continues in office for any period under subsection (2)(c) may act as an Authority during that period for the purpose of—</p> <ul style="list-style-type: none"> (a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office: (b) hearing any other proceedings. <p>(6) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.</p>	20 25 25 30 35

271 Section 71 amended (Deputy Licensing Authorities)

- (1) Replace section 71(1)(a) and (b) with:
- (a) 1 or more of the Licensing Authorities are unable, because of the absence (for any reason) of 1 or more of them, to perform the functions of office; or 5
 - (b) the amount of work to be done by the Licensing Authorities is more than can be reasonably done by the existing Authorities at that time.
- (2) Repeal section 71(2).
- (3) After section 71(2), insert:
- (2A) A Deputy Licensing Authority— 10
 - (a) must be appointed for a term of up to 5 years; and
 - (b) may be reappointed for further terms of up to 5 years; and
 - (c) remains in office, despite the expiry of his or her term of office, until a successor is appointed or he or she is advised that a replacement Authority will not be appointed. 15
 - (2B) A Deputy Licensing Authority may resign from office by notice in writing to the Minister of Justice.
 - (2C) The Minister of Justice may, at any time, remove a Deputy Licensing Authority for inability to perform the functions of office, bankruptcy, neglect of duty, or misconduct, and the person removed from office is not entitled to compensation. 20
 - (2D) A Deputy Licensing Authority who continues in office for any period under **subsection (2A)(c)** may act as an Authority during that period for the purpose of—
 - (a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office: 25
 - (b) hearing any other proceedings.
 - (2E) A Licensing Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 30

272 Section 72 amended (Remuneration, and status under certain Acts)

Replace section 72(1) with:

- (1) All Licensing Authorities and any Deputy Licensing Authority must be paid fees and expenses in accordance with the framework determined by the Government from time to time for the classification and remuneration of statutory and other bodies, as if each Licensing Authority were the chairperson of a statutory body and any Deputy Licensing Authority were a member of that body. 35

273 New sections 74A and 74B inserted

After section 74, insert:

74A Orderly and efficient operation

- (1) A Licensing Authority is responsible for making such arrangements as are practicable to ensure that he or she and any Deputy Licensing Authority performs his or her functions— 5
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act.
- (2) If more than 1 Licensing Authority is appointed, they must act together in making those arrangements for any Deputy Licensing Authority. 10

74B Contempt of Licensing Authority

- (1) A person commits an offence who—
- (a) wilfully assaults, insults, or obstructs a Licensing Authority or any witness or officer of a Licensing Authority during a sitting of a Licensing Authority or while a Licensing Authority, a witness, or an officer is going to, or returning from, a sitting of a Licensing Authority; or 15
 - (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of a Licensing Authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of a Licensing Authority; or 20
 - (d) wilfully and without lawful excuse disobeys any order or direction of a Licensing Authority in the course of the hearing of any proceedings.
- (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
- (3) A Licensing Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Licensing Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence, and any officer of a Licensing Authority or constable may take any steps that are reasonably necessary to enforce the exclusion. 25

274 Section 75 replaced (Administrative support for Licensing Authority) 30

Replace section 75 with:

75 Administrative support for Licensing Authorities

The responsible Minister must ensure that the department that is authorised to provide administrative support to the Licensing Authorities provides that support in a manner that enables each Authority to exercise or perform his or her powers, duties, and functions efficiently and effectively. 35

275 New sections 76A to 76C inserted

After section 76, insert:

76A Procedure

- (1) A Licensing Authority may regulate his or her procedures as he or she sees fit, subject to this Act and any regulations made under it. 5
- (2) The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if a Licensing Authority considers it appropriate and the necessary facilities are available.

76B Hearing on papers

- (1) Despite anything in this Act to the contrary, a Licensing Authority may determine a proceeding on the papers if he or she considers it appropriate. 10
- (2) Before doing so, the Licensing Authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

76C Suppression orders

- (1) A Licensing Authority may order that any part of any evidence given or the name of any witness not be published. 15
- (2) An order may be subject to any conditions that the Licensing Authority considers appropriate.
- (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000. 20

276 Section 77 replaced (Annual report)

Replace section 77 with:

77 Annual report

- (1) Within 3 months after the end of every financial year, all Licensing Authorities acting together must prepare and send to the Minister of Justice a report on the activities of the Authorities during the previous financial year that contains the prescribed matters. 25
- (2) The Minister of Justice must present a copy of the report to the House of Representatives within 20 sitting days after the date on which the Minister receives it. 30

277 New section 77A inserted (Practice notes)

After section 77, insert:

77A Practice notes

- (1) All Licensing Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 35

- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

278 New sections 77B and 77C inserted

After section 77A, insert:

- 77B Online publication of information about procedures, time frames, and progress of decisions** 5
- The following information must be published on an Internet site:
- (a) information about the purpose of the Licensing Authorities and the ways a person may use them:
 - (b) any requirements that a person must meet to use the Licensing Authorities: 10
 - (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.
- 77C Online publication of final written decisions**
- (1) Every final written decision of a Licensing Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 15
 - (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
 - (3) **Subsections (1) and (2)** are subject to **section 76C**.
 - (4) Good reason not to publish a decision or part of it includes the following: 20
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication:
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, a Licensing Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 25
 - (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in a Licensing Authority and is either of the following: 30
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers:
 - (c) an oral decision transcribed by an official transcription service.

279 Section 78 replaced (Public registers of licence holders and of certificate holders) 35

Replace section 78 with:

78	Public registers of licence holders and certificate holders	
(1)	The Licensing Authorities acting together must establish, and must maintain with up-to-date information, the following 2 registers as public registers:	
	(a) a licence holders register:	
	(b) a certificate holders register.	5
(2)	The Licensing Authorities acting together must determine the form of the registers, and may amend the form from time to time as they consider necessary, providing that the content of the registers is as set out in sections 79 and 80.	
280	Section 81 amended (Public access to public registers)	10
	In section 81, replace “The Licensing Authority” with “All Licensing Authorities acting together”.	
281	Section 82 amended (Police access to other information held by Licensing Authority)	
	In section 82, replace “from the Licensing Authority, the Licensing Authority” with “from any Licensing Authority, the relevant Licensing Authority”.	15
282	Section 84 amended (Regulations)	
	Replace section 84(f) and (g) with:	
	(f) prescribing the matters for which fees are payable under this Act and the amount of those fees:	20
	(fa) providing for the exemption from fees, in whole or in part:	
	(g) prescribing the size or form of the photograph that is required to accompany an application, and prescribing the manner in which it is to be authenticated:	
283	Consequential amendments to principal Act	25
	Amend the principal Act as set out in Schedule 4 .	
	Subpart 20—Amendments to Social Security Act 1964	
284	Principal Act	
	This subpart amends the Social Security Act 1964 (the principal Act).	
285	Section 12A amended (Social Security Appeal Authority)	30
(1)	In section 12A(2), replace “3” with “at least 4”.	
(2)	Replace section 12A(3) with:	
(3)	One of the members must be appointed as chairperson of the Authority and another as deputy chairperson of the Authority.	

- (4) The deputy chairperson, when acting as the chairperson, has the same responsibilities as the chairperson.
- (5) The chairperson may delegate a responsibility or function of the chairperson to the deputy chairperson.

286 Section 12B amended (Term of office of members) 5

- (1) In section 12B(1), replace “3 years” with “up to 5 years”.
- (2) Replace section 12B(2) with:
 - (2) A member continues in office despite the expiry of his or her term of office until—
 - (a) the member is reappointed; or 10
 - (b) the member’s successor is appointed; or
 - (c) the member is notified that a replacement member will not be appointed; or
 - (d) the member vacates or is removed from office.
 - (3) A member who continues in office for any period under **subsection (2)**, unless he or she was removed from office, may act as a member during that period for the purpose of— 15
 - (a) completing any appeal partly or wholly heard by the Appeal Authority before the expiry of his or her term of office:
 - (b) hearing any other appeal: 20
 - (c) in the case of the chairperson or deputy chairperson, settling and signing a case under section 12Q(7) relating to an appeal of which he or she has direct knowledge.
 - (4) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any appeal that is partly or wholly heard. 25

287 Section 12D amended (Special Appeal Authorities)

In section 12D(3), replace “Chairman” with “chairperson”.

288 Section 12E replaced (Deputies of members)

Replace section 12E with: 30

12E Appointment of temporary acting chairperson, deputy chairperson, or member

- (1) If the chairperson, the deputy chairperson, or a member becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chairperson, the deputy chairperson, or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister after consultation with the 35

	Minister of Justice, may appoint a suitable person as the acting chairperson, the acting deputy chairperson, or an acting member for the period or purpose stated in the appointment.	
(2)	No person may be appointed as the acting chairperson, the acting deputy chairperson, or an acting member unless he or she is eligible for appointment to the relevant position.	5
(3)	The acting chairperson, acting deputy chairperson, or acting member is, while acting in that position, to be treated as the chairperson, deputy chairperson, or member of the Appeal Authority.	
(4)	No appointment of an acting chairperson, acting deputy chairperson, or acting member, no act done by an acting chairperson, acting deputy chairperson, or acting member, and no act done by the Appeal Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.	10
289	New sections 12IA and 12IB inserted	15
	After section 12I, insert:	
12IA	Orderly and efficient operation	
	The chairperson of the Appeal Authority is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—	20
	(a) in an orderly and efficient manner; and	
	(b) in a way that achieves the purposes of this Act.	
12IB	Contempt of Appeal Authority	
(1)	A person commits an offence who—	
	(a) wilfully assaults, insults, or obstructs the Appeal Authority or any member of it, a witness, or an officer of the Authority during a sitting of the Authority or while a member, a witness, or an officer is going to, or returning from, a sitting of the Authority; or	25
	(b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of the Authority; or	30
	(c) wilfully interrupts, or otherwise misbehaves at, a sitting of the Authority; or	
	(d) wilfully and without lawful excuse disobeys any order or direction of the Authority in the course of the hearing of any proceedings.	
(2)	A person who commits an offence against subsection (1) is liable on conviction to a fine not exceeding \$1,000.	35
(3)	The Appeal Authority may order the exclusion from a sitting of the Authority of any person whose behaviour, in the opinion of the Authority, constitutes an	

offence against **subsection (1)**, whether or not the person is charged with the offence; and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

290 Section 12K amended (Procedure on appeal)

- (1) In section 12K(1A) and (1B), replace “3 months” with “60 working days” in each place. 5
- (2) In section 12K(7), replace “clear” with “working”.

291 New sections 12KA and 12KB inserted

After section 12K, insert:

12KA Hearing on papers 10

- (1) Despite anything in this Act to the contrary, the Appeal Authority may determine an appeal on the papers if the Authority considers it appropriate.
- (2) Before doing so, the Authority must give the parties a reasonable opportunity to comment on whether the proceeding should be dealt with in that manner.

12KB Use of electronic facilities to hear matters 15

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if the Appeal Authority or the chairperson or deputy chairperson considers it appropriate and the necessary facilities are available.

292 New section 12MA inserted (Appeal Authority may strike out, determine, or adjourn appeal) 20

After section 12M, insert:

12MA Appeal Authority may strike out, determine, or adjourn appeal

- (1) The Appeal Authority may strike out, in whole or in part, an appeal if satisfied that it— 25
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of an appeal, the Appeal Authority may— 30
- (a) strike out the appeal; or
 - (b) determine the appeal in the absence of the party; or
 - (c) adjourn the hearing.

293 Section 12N amended (Sittings of Appeal Authority)

- (1) In section 12N(1), replace “chairman” with “chairperson or deputy chairperson”.
- (2) In section 12N(2), replace “chairman” with “chairperson or deputy chairperson”.
- (3) In section 12N(5), replace “\$100” with “\$3,000”.

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294 New section 12PA inserted (Practice notes)

After section 12P, insert:

12PA Practice notes

- (1) The chairperson of the Appeal Authority may issue practice notes as he or she thinks fit.
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

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295 New section 12PB inserted (Online publication of information about procedures, time frames, and progress of decisions)

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After section 12PA, insert:

12PB Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

- (a) information about the purpose of the Appeal Authority and how to commence an appeal:
- (b) any requirements that must be met for an appeal:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

20

296 Section 12Q amended (Appeals to High Court on questions of law only)

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- (1) In section 12Q(3), (4), and (8), after “14”, insert “working”.
- (2) In section 12Q(4) to (8), replace “Chairman” with “chairperson or deputy chairperson”.

Subpart 21—Amendments to Taxation Review Authorities Act 1994

297 Principal Act

30

This **subpart** amends the Taxation Review Authorities Act 1994 (the **principal Act**).

298 New section 5A inserted (Appointment of temporary acting Authority)

After section 5, insert:

5A	Appointment of temporary acting Authority	
(1)	If an Authority becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if an Authority considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice, may appoint a suitable person as an acting Authority for the period or purpose stated in the appointment.	5
(2)	No person may be appointed as an acting Authority unless he or she is eligible for appointment as an Authority.	
(3)	An acting Authority is, while acting in that position, to be treated as an Authority.	10
(4)	No appointment of an acting Authority and no act done by an acting Authority may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased.	
299	Section 6 amended (Term of office of an Authority)	15
(1)	In section 6(1), replace “shall be appointed for such term, not exceeding 7 years” with “must be appointed for a term of up to 5 years”.	
(2)	Repeal section 6(2).	
(3)	Replace section 6(4) with:	
(4)	An Authority continues in office despite the expiry of his or her term of office until—	20
	(a) the Authority is reappointed; or	
	(b) the Authority’s successor is appointed; or	
	(c) the Authority is notified that a replacement Authority will not be appointed; or	25
	(d) the Authority vacates or is removed from office.	
(5)	An Authority who continues in office for any period under subsection (4) , unless he or she was removed from office, may act as an Authority during that period for the purpose of—	
	(a) completing any proceedings partly or wholly heard by the Authority before the expiry of his or her term of office:	30
	(b) hearing any other proceedings:	
	(c) stating a case for the High Court from a decision given by the Authority.	
(6)	An Authority who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard.	35

300 New section 13AB inserted (Orderly and efficient operation)

After section 13A, insert:

13AB Orderly and efficient operation

- (1) An Authority is responsible for making such arrangements as are practicable to ensure that he or she performs his or her functions— 5
- (a) in an orderly and efficient manner; and
 - (b) in a way that achieves the purposes of this Act.
- (2) The Ministry of Justice must provide the resources and administrative support necessary to enable the Authorities to perform their functions.

301 Section 16 amended (Hearing of proceedings)

10

In section 16(1), after “subject to those provisions”, insert “and any practice notes issued under **section 25C**”.

302 New sections 20A and 20B inserted

After section 20, insert:

20A Hearing on papers

15

- (1) Despite anything in this Act to the contrary, an Authority may determine a proceeding on the papers if he or she considers it appropriate.
- (2) Before doing so, the Authority must give the parties an opportunity to comment on whether the proceeding should be dealt with in that manner.

20B Use of electronic facilities to hear matters

20

The hearing of a matter or any part of it may be conducted by telephone, audio-visual link, or other remote access facility if an Authority considers it appropriate and the necessary facilities are available.

303 Section 21 replaced (Authority may dismiss frivolous or vexatious proceedings)

25

Replace section 21 with:

21 Authority may strike out, determine, or adjourn proceeding

- (1) An Authority may strike out, in whole or in part, a proceeding if satisfied that it— 30
- (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.

- (2) If a party is neither present nor represented at the hearing of a proceeding, an Authority may—
- (a) strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.
- 5
- 304 Section 22 amended (Power to order costs in certain cases)**
Replace section 22(1)(b) with:
- (b) an Authority strikes out a proceeding under **section 21**,—
- 305 Section 25 amended (Decision of an Authority)**
In section 25(1), replace “shall give its decision in writing” with “must give its decision in writing and state the reasons for the decision”.
- 10
- 306 New sections 25A to 25C inserted**
After section 25, insert:
- 25A Suppression orders**
- (1) An Authority may order that any part of any evidence given or the name of any witness not be published.
 - (2) An order may be subject to any conditions that the Authority sees fit.
 - (3) A person who breaches an order made under this section is liable on conviction to a fine not exceeding \$3,000.
- 15
- 25B Contempt of Authority**
- (1) A person commits an offence who—
 - (a) wilfully assaults, insults, or obstructs an Authority or any witness or officer of an Authority during a sitting of an Authority or while an Authority, a witness, or an officer is going to, or returning from, a sitting of an Authority; or
 - (b) wilfully assaults, insults, or obstructs any person in attendance at a sitting of an Authority; or
 - (c) wilfully interrupts, or otherwise misbehaves at, a sitting of an Authority; or
 - (d) wilfully and without lawful excuse disobeys any order or direction of an Authority in the course of the hearing of any proceedings.
 - (2) A person who commits an offence against **subsection (1)** is liable on conviction to a fine not exceeding \$1,000.
 - (3) An Authority may order the exclusion from a sitting of that Authority of any person whose behaviour, in the opinion of the Authority, constitutes an offence against **subsection (1)**, whether or not the person is charged with the offence,
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and any officer of the Authority or constable may take any steps that are reasonably necessary to enforce the exclusion.

25C Practice notes

- (1) All Authorities acting together may issue practice notes, to apply to all of them, as they think fit. 5
- (2) The practice notes must not be inconsistent with this Act or any regulations made under it.

307 New sections 25D and 25E inserted

After section 25C, insert:

25D Online publication of information about procedures, time frames, and progress of decisions 10

The following information must be published on an Internet site:

- (a) information about the purpose of the Authorities and the ways a person may use them: 15
- (b) any requirements that a person must meet to use the Authorities:
- (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected.

25E Online publication of final written decisions

- (1) Every final written decision of an Authority must be published on an Internet site as soon as practicable unless there is good reason not to publish it. 20
- (2) A final written decision may be published in part if there is good reason for not publishing the full decision.
- (3) **Subsections (1) and (2)** are subject to **section 25A**.
- (4) Good reason not to publish a decision or part of it includes the following:
 - (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: 25
 - (b) the decision falls into a category of decisions that are of limited public value:
 - (c) taking into account the presumption in **subsection (1)** in favour of publication, an Authority nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. 30
- (5) In this section, **final written decision** means a written decision that determines, or substantially determines, the outcome of proceedings in an Authority and is either of the following: 35
 - (a) a written reserved decision following an oral hearing:
 - (b) a written decision in any case considered on the papers.

Subpart 22—Amendments to Weathertight Homes Resolution Services
Act 2006

308 Principal Act

This **subpart** amends the Weathertight Homes Resolution Services Act 2006 (the **principal Act**). 5

309 Section 27 amended (How addition under section 26(1) or (2) effected)

In section 27(2)(a), after “the purpose by”, insert “the chief executive of the Ministry after consultation with”.

310 Section 62 amended (How to initiate adjudication)

In section 62(1), after “the purpose by”, insert “the chief executive of the Ministry after consultation with”. 10

311 New section 103A inserted (Appointment of temporary acting chair or member)

After section 103, insert:

103A Appointment of temporary acting chair or member 15

- (1) If the chair or a member of the tribunal becomes incapable of acting by reason of illness, absence, or other sufficient cause, or if the chair or a member considers it is not proper or not desirable that he or she should adjudicate on a specified matter, the Governor-General, on the recommendation of the Minister of Justice, may appoint a suitable person as an acting chair or acting member for the period or purpose stated in the appointment. 20
- (2) Before making a recommendation, the Minister of Justice must consult with the Minister.
- (3) No person may be appointed as an acting chair or acting member unless he or she is eligible for appointment to the relevant position. 25
- (4) An acting chair or acting member is, while acting in the position, to be treated as the chair or a member of the tribunal.
- (5) No appointment of an acting chair or acting member, no act done by an acting chair or acting member, and no act done by the tribunal may be questioned in any proceedings on the ground that the occasion for the appointment had not arisen or had ceased. 30

312 New section 106A inserted (Orderly and efficient operation)

After section 106, insert:

106A Orderly and efficient operation

The chair of the tribunal is responsible for making such arrangements as are practicable to ensure that he or she and each member performs his or her functions—

- (a) in an orderly and efficient manner; and
- (b) in a way that achieves the purposes of this Act.

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313 Section 107 amended (Chair may delegate duties)

In section 107(1)(a), (c), and (k), replace “approval of” with “consultation about”.

314 New section 109AA inserted (Procedure)

10

Before section 109, insert:

109AA Procedure

The tribunal may regulate its procedures as it sees fit, subject to this Act and any regulations made under it.

315 New section 109A inserted (Tribunal may strike out, determine, or adjourn proceeding)

15

After section 109, insert:

109A Tribunal may strike out, determine, or adjourn proceeding

- (1) The tribunal may strike out, in whole or in part, a proceeding if satisfied that it—
 - (a) discloses no reasonable cause of action; or
 - (b) is likely to cause prejudice or delay; or
 - (c) is frivolous or vexatious; or
 - (d) is otherwise an abuse of process.
- (2) If a party is neither present nor represented at the hearing of a proceeding, the tribunal may—
 - (a) strike out the proceeding; or
 - (b) determine the proceeding in the absence of the party; or
 - (c) adjourn the hearing.

20

25

316 New sections 114A and 114B inserted

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After section 114, insert:

114A Online publication of information about procedures, time frames, and progress of decisions

The following information must be published on an Internet site:

<ul style="list-style-type: none"> (a) information about the purpose of the tribunal and the ways that a person may use it: (b) any requirements that a person must meet to use the tribunal: (c) guidelines on how and when parties may obtain information on the progress of their case and when a decision may be expected. 	5
114B Online publication of final written decisions	
<ul style="list-style-type: none"> (1) Every final written decision of the tribunal must be published on an Internet site as soon as practicable unless there is good reason not to publish it. (2) A final written decision may be published in part if there is good reason for not publishing the full decision. (3) Subsections (1) and (2) are subject to section 69(3) and clause 14 of Schedule 3. (4) Good reason not to publish a decision or part of it includes the following: <ul style="list-style-type: none"> (a) non-publication is necessary because of a suppression order or statutory requirement that affects publication or continued publication: (b) the decision falls into a category of decisions that are of limited public value: (c) taking into account the presumption in subsection (1) in favour of publication, the tribunal nevertheless determines that the decision or any part of it should not be published because publication or the effect of publication would be contrary to the interests of justice. (5) In this section, final written decision means a written decision that determines, or substantially determines, the outcome of proceedings in the tribunal and is either of the following: <ul style="list-style-type: none"> (a) a written reserved decision following an oral hearing: (b) a written decision in any case considered on the papers. 	10 15 20 25
317 Section 115 amended (Offences)	
In section 115(a), replace “or any officer” with “or any witness or officer”.	
318 New section 115A inserted (Offence of breaching suppression order)	
After section 115, insert:	
115A Offence of breaching suppression order	
A person who breaches an order made under section 69(3) or clause 14 of Schedule 3 is liable on conviction to a fine not exceeding \$3,000.	
319 Section 116 amended (Person in contempt of tribunal may be excluded from proceedings)	35
In section 116(1), after “police”, insert “or an officer of the tribunal”.	

320 Section 117 amended (Service of notices)

In section 117, insert as subsection (2):

- (2) The notice or other document is treated as having been served, under subsection (1)(c), 5 working days after it was posted if it is proved that it was addressed to the recipient at the recipient's address for service and dispatched by post. 5

321 Schedule 3 amended

- (1) In Schedule 3, clause 2(1)(a), replace “not exceeding 3 years” with “of up to 5 years”.
- (2) In Schedule 3, after clause 2(2), insert: 10
- (3) A member continues in office despite the expiry of his or her term of office until—
- (a) the member is reappointed; or
 - (b) the member's successor is appointed; or
 - (c) the member is notified that a replacement member will not be appointed; or 15
 - (d) the member vacates or is removed from office.
- (4) A member who continues in office for any period under **subclause (3)**, unless he or she was removed from office, may act as a member during that period for the purpose of— 20
- (a) completing any proceedings partly or wholly heard by the tribunal before the expiry of his or her term of office:
 - (b) hearing any other proceedings.
- (5) A member who has resigned, or whose successor is appointed or who will not be replaced (unless he or she was removed from office), may continue in office for the purpose of completing any proceedings that are partly or wholly heard. 25
- (3) In Schedule 3, replace clause 9(1) with:
- (1) For the purposes of any matter before the tribunal, the tribunal may, on its own initiative or at the request of a party, issue a summons to any person requiring that person to attend before the tribunal and give evidence. 30
- (1A) The power to issue a witness summons may be exercised by the tribunal or the chair, or by any officer of the tribunal purporting to act by the direction or with the authority of the tribunal or the chair.
- (4) In Schedule 3, clause 9(3), after “the purpose by”, insert “the chief executive of the Ministry of Justice after consultation with”. 35
- (5) In Schedule 3, replace clause 11 with:

- 11 Power to take evidence on oath or by other means**
- (1) The tribunal may take evidence on oath and, for that purpose, the tribunal or any other person acting under the express or implied direction of the tribunal may administer the oath.
 - (2) The tribunal may require that any documents or information be verified by oath, statutory declaration, affidavit, or otherwise. 5
 - (3) On any charge of perjury, it is sufficient to prove that the oath was administered, or the documents or information were verified, in accordance with this clause.

Part 2 10

Repeal, revocation, and amendment of enactments

- 322 Repeal of Birdlings Flat Land Titles Act 1993**
- The Birdlings Flat Land Titles Act 1993 (1993 No 1 (P)) is repealed.
- 323 Amendment to Residential Tenancies Rules 2010**
- In rule 7(2)(d) and (5) of the Residential Tenancies Rules 2010 (SR 2010/256), after “Tenancy Adjudicator”, insert “or Registrar”. 15
- 324 Revocation and amendment of enactments**
- (1) The legislative instrument specified in **Part 1 of Schedule 5** is consequentially revoked.
 - (2) Amend the Acts specified in **Part 2 of Schedule 5** as set out in that schedule. 20
 - (3) Amend the legislative instruments specified in **Part 3 of Schedule 5** as set out in that schedule.

Schedule 1
New Schedule 1AA inserted into Disputes Tribunal Act 1988

s 72

Schedule 1AA
Transitional, savings, and related provisions

5

s 3A

Part 1
Provisions relating to Tribunals Powers and Procedures Legislation Act 2017

- 1 Reappointment of some existing Referees** 10
- (1) For the purpose of this clause, **commencement date** means the date on which **section 44** of the Tribunals Powers and Procedures Legislation Act **2017** comes into force.
- (2) A person who holds the position of Referee immediately before the commencement date and who does not meet the qualification requirement in **section 7(2)(a)** may be reappointed as a Referee under section 7 if he or she meets the requirements of **section 7(2)(b) and (c)**. 15

Schedule 2

Consequential amendments to Disputes Tribunal Act 1988

s 73

Part 1

Replacing references to “The Registrar” with “A Registrar” 5

In section 22(3), replace “The Registrar” with “A Registrar”.

In section 50(5), replace “The Registrar” with “A Registrar”.

In section 51(4), replace “The Registrar” with “A Registrar”.

In section 57, replace “The Registrar” with “A Registrar”.

Part 2 10

Replacing references to “the Registrar” with “a Registrar”

In section 11(1)(a), replace “the Registrar” with “a Registrar”.

In section 11(1)(b)(i), replace “the Registrar” with “a Registrar”.

In section 24(4), replace “the Registrar” with “a Registrar”.

In section 25(1), replace “the Registrar” with “a Registrar” 15

In section 28(2), replace “the Registrar” with “a Registrar”.

In section 29(3)(a), replace “the Registrar” with “a Registrar”.

In section 35(4), replace “the Registrar” with “a Registrar”.

In section 35(5), replace “the Registrar” with “a Registrar”.

In section 41(2)(a), replace “the Registrar” with “a Registrar” 20

In section 41(3), replace “the Registrar” with “a Registrar”.

In section 45(2), replace “the Registrar” with “a Registrar”.

In section 45(5), replace “the Registrar” with “a Registrar”.

In section 49(4)(a), replace “the Registrar” with “a Registrar”.

In section 50(4), replace “the Registrar” with “a Registrar” 25

In section 50(6), replace “the Registrar” with “a Registrar”.

In section 51(1), replace “the Registrar” with “a Registrar”.

In section 51(3), replace “the Registrar” with “a Registrar”.

Schedule 3
**Consequential amendments to Private Security Personnel and
Private Investigators Act 2010**

s 215

Part 1

5

**Replacing references to “The Licensing Authority” with “A
Licensing Authority”**

In section 27(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 28(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 29(5), replace “The Licensing Authority” with “A Licensing Authority”.	10
In section 30(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 30(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 31(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(3), replace “The Licensing Authority” with “A Licensing Authority”.	15
In section 33(5), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 33(8), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 37, replace “The Licensing Authority” with “A Licensing Authority”.	
In section 39(3), replace “The Licensing Authority” with “A Licensing Authority”.	20
In section 40(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 48(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 49(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 50(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 50(3), replace “The Licensing Authority” with “A Licensing Authority”.	25
In section 53(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(5), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 53(8), replace “The Licensing Authority” with “A Licensing Authority”.	30
In section 57, replace “The Licensing Authority” with “A Licensing Authority”.	
In section 60(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 60(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 64(4), replace “The Licensing Authority” with “A Licensing Authority”.	

In section 76(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(4), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 76(9), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(1), replace “The Licensing Authority” with “A Licensing Authority”.	5
In section 77(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(3), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 77(7), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 78(6), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 79(3), replace “The Licensing Authority” with “A Licensing Authority”.	10
In section 81(6), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 90(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 90(2), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 92(1), replace “The Licensing Authority” with “A Licensing Authority”.	
In section 96(1), replace “The Licensing Authority” with “A Licensing Authority”.	15

Part 2

Replacing references to “the Licensing Authority” with “a Licensing Authority”

In section 24(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 25(1), replace “the Licensing Authority” with “a Licensing Authority”.	20
In section 26(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.	
In section 30(2), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.	
In section 31(3), replace “the Licensing Authority” with “a Licensing Authority”.	25
In section 32, replace “the Licensing Authority” with “a Licensing Authority”.	
In section 33(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 33(4), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 39(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 39(2), replace “the Licensing Authority” with “a Licensing Authority”.	30
In section 40(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 40(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 43(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 43(3), replace “the Licensing Authority” with “a Licensing Authority”.	

- In section 43(5), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 46(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 47(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 50(2), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears. 5
- In section 52, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 53(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 53(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 61(1)(b)(v), replace “the Licensing Authority” with “a Licensing Authority”. 10
- In section 61(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 61(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 64(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 65(1)(a), replace “the Licensing Authority” with “a Licensing Authority”. 15
- In section 66(1)(a), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 71(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 74(1), replace “the Licensing Authority” with “a Licensing Authority”. 20
- In section 74(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 75(1), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 76(6)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 78(2), replace “the Licensing Authority” with “a Licensing Authority”. 25
- In section 78(5), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 78(7), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 79(2)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 81(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 81(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 82(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 85(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 89(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 90(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 91(4), replace “the Licensing Authority” with “a Licensing Authority” in each place. 35

In section 91(6), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 93(3), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 94, replace “the Licensing Authority” with “a Licensing Authority”.	
In section 96(5), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 99, replace “the Licensing Authority” with “a Licensing Authority”.	5
In section 102(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 102(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 102(5), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 105(a), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 112(1), replace “the Licensing Authority” with “a Licensing Authority”.	10
In section 112(2), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 112(3), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 113(1), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 114(1)(d), replace “the Licensing Authority” with “a Licensing Authority”.	
In section 114(1)(i), replace “the Licensing Authority” with “a Licensing Authority”.	15

Part 3

Replacing references to “the Authority” with “an Authority”

In section 35(1), replace “the Authority” with “an Authority”.	
In section 55(1), replace “the Authority” with “an Authority”.	
In section 55(2), replace “the Authority” with “an Authority”.	20
In section 67(1), replace “the Authority” with “an Authority”.	
In section 67(2), replace “the Authority” with “an Authority”.	
In section 80(1), replace “the Authority” with “an Authority”.	
In section 83, replace “the Authority” with “an Authority”.	
In section 101(c), replace “the Authority” with “an Authority”.	25
In section 102(1)(b), replace “the Authority” with “an Authority”.	

Part 4

Replacing references to “Authority” with “Authorities”

In section 4, definition of responsible Minister , replace “Authority” with “Authorities”.	30
In the cross-heading above section 78, replace “ <i>Authority</i> ” with “ <i>Authorities</i> ”.	
In the cross-heading above section 81, replace “ <i>Authority</i> ” with “ <i>Authorities</i> ”.	
In the Part 5 heading, replace “ Authority ” with “ Authorities ”.	

In the cross-heading above section 87, replace “*Authority*” with “*Authorities*”.

In the heading to section 88, replace “**Authority**” with “**Authorities**”.

In section 88, replace “Authority” with “Authorities”.

In the heading to section 89, replace “**Authority**” with “**Authorities**”.

In the heading to section 90, replace “**Authority**” with “**Authorities**”.

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In the heading to section 91, replace “**Authority**” with “**Authorities**”.

In the heading to section 94, replace “**Authority**” with **Authorities**.

In section 95, replace “Authority” with “Authorities”.

In the heading to section 99, replace “**Authority**” with “**Authorities**”.

Schedule 4
Consequential amendments to Secondhand Dealers and
Pawnbrokers Act 2004

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Part 1

5

Replacing references to “The Licensing Authority” with “A Licensing Authority”

- In section 9(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 10(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 16(1), replace “The Licensing Authority” with “A Licensing Authority”. 10
- In section 16(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 16(3), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 18(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 23(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 23(4), replace “The Licensing Authority” with “A Licensing Authority”. 15
- In section 28(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 29(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 31(1), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 70(2), replace “The Licensing Authority” with “A Licensing Authority”.
- In section 70(3), replace “The Licensing Authority” with “A Licensing Authority”. 20
- In section 76(1), replace “The Licensing Authority” with “A Licensing Authority”.

Part 2

Replacing references to “the Licensing Authority” with “a Licensing Authority”

- In section 4, definition of **certified copy**, replace “the Licensing Authority” with “a Licensing Authority”. 25
- In section 10(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 11, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 12(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 16(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 17(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 17(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 17(3), replace “the Licensing Authority” with “a Licensing Authority”.

- In section 21(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 24(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 25(3), replace “the Licensing Authority” with “a Licensing Authority”. 5
- In section 26(1)(a), replace “the Licensing Authority” with “a Licensing Authority” in the first place it appears.
- In section 26(2)(a), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 26(2)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 27(1), replace “the Licensing Authority” with “a Licensing Authority”. 10
- In section 27(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 27(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 28(1)(b), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 28(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 29(1), replace “the Licensing Authority” with “a Licensing Authority”. 15
- In section 31(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 33(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 34(1), replace “the Licensing Authority” with “a Licensing Authority”. 20
- In section 34(2), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 34(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 35(1), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 35(3), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 70(4), replace “the Licensing Authority” with “a Licensing Authority”. 25
- In section 71(3), in each place, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 71(4), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 73, replace “the Licensing Authority” with “a Licensing Authority”.
- In section 76(5), replace “the Licensing Authority” with “a Licensing Authority”. 30
- In section 76(6), replace “the Licensing Authority” with “a Licensing Authority”.
- In section 79(h), replace “the Licensing Authority” with “a Licensing Authority”.

Part 3**Replacing references to “Authority” with “Authorities”**

In section 4, definition of **responsible Minister**, replace “Authority” with “Authorities”.

In the Part 4 heading, replace “**Authority**” with “**Authorities**”. 5

In the cross-heading above section 70, replace “*Authority*” with “*Authorities*” in each place.

In the heading to section 70, replace “**Authority**” with “**Authorities**”.

In the heading to section 74, replace “**Authority**” with “**Authorities**”.

In section 74, replace “Authority” with “Authorities”. 10

In section 74(a), replace “Authority” with “Authorities”.

In the heading to section 82, replace “**Authority**” with “**Authorities**”.

In section 84(p), replace “Authority” with “Authorities”.

Schedule 5

Revocation and amendment of enactments

s 324

Part 1

Consequential revocation of legislative instrument 5

Private Security Personnel and Private Investigators (Forms) Regulations 2011 (SR 2011/73)

Part 2

Consequential amendments to Acts

Consumer Guarantees Act 1993 (1993 No 91) 10

In section 47(4) and (5), replace “\$15,000” with “\$30,000” in each place.
Repeal section 47(6).

Contract and Commercial Law Act 2017 (2017 No 5)

In section 114(1) and (2), replace “\$15,000” with “\$30,000” in each place.
Repeal section 114(4). 15

Credit Contracts and Consumer Finance Act 2003 (2003 No 52)

In section 87(1) to (3), replace “\$15,000” with “\$30,000” in each place.
Repeal section 87(5).

Fair Trading Act 1986 (1986 No 121)

In section 36B(2), replace “\$15,000” with “\$30,000”. 20
In section 43B(2) replace “\$15,000” with “\$30,000”.
Repeal section 43B(2)(c).

Fencing Act 1978 (1978 No 50)

In section 24A(2), replace “\$15,000” with “\$30,000” in each place.
Repeal section 24A(3). 25

Retirement Villages Act 2003 (2003 No 112)

In section 83(2), replace “\$15,000” with “\$30,000” in each place.
Repeal section 83(3).

Part 3

Consequential and other amendments to legislative instruments

Copyright (Infringing File Sharing) Regulations 2011 (SR 2011/252)

Revoke regulation 9.

In the Schedule, revoke form 2. 5

Customs and Excise Regulations 1996 (SR 1996/232)

In regulation 81(1)(a), replace “form 14” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Customs Appeal Authorities”.

In regulation 81A(3), after “Ministry of Justice”, insert “after consultation with all Customs Appeal Authorities”. 10

In Schedule 2, revoke form 14.

Disputes Tribunals Rules 1989 (SR 1989/34)

Revoke regulations 2(2), 4, 4A, 6, 8, 28 and the Schedule.

In regulation 14(1), replace “form 5” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 15

In regulation 18(1), replace “\$500” with “\$1,000”.

In regulation 18(2), replace “\$500” with “\$1,000”.

In regulation 20, replace “form 6” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 20

In regulation 21, replace “form 7” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.

In regulation 22, replace “form 8” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.

In regulation 23(a), replace “form 9 or in an online form to the same effect” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”. 25

In regulation 24(1), replace “form 10” with “a form approved by the chief executive after consultation with the Principal Disputes Referee”.

In regulation 36(4), replace “shall be in form 11, and shall” with “must”. 30

Human Rights Review Tribunal Regulations 2002 (SR 2002/19)

Replace regulation 5(1) with:

- (1) Proceedings are commenced by filing a form approved by the chief executive of the Ministry of Justice after consultation with the Chairperson of the Tribunal, or if 2 Chairpersons are appointed, with both of them. 35

Immigration and Protection Tribunal Regulations 2010 (SR 2010/355)

Revoke regulation 13 and the Schedule.

Lawyers and Conveyancers Act (Disciplinary Tribunal) Regulations 2008 (SR 2008/184)

Revoke regulation 4 and the Schedule. 5

In regulation 5(1), replace “form A” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 6(1), replace “form B” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 10

In regulation 7(1)(a), replace “form C” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 8(c), replace “form D” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 15

In regulation 9(a), replace “form E” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 20

In regulation 15(1)(a), replace “form F” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”.

In regulation 18(2), replace “form G” with “a form approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Disciplinary Tribunal”. 25

Lawyers and Conveyancers Act (Legal Complaints Review Officer) Form and Fee Regulations 2008 (SR 2008/185)

Replace regulation 3(1) and (2) with:

An application to the Legal Complaints Review Officer for a review of a decision by a standards committee must be in a form approved by the chief executive of the Ministry of Justice after consultation with the Legal Complaints Review Officer. 30

Revoke the Schedule.

Motor Vehicle Sales Regulations 2003 (SR 2003/327) 35

Replace regulation 16 with:

Motor Vehicle Sales Regulations 2003 (SR 2003/327)—continued**16 Forms**

Forms for use in the Motor Vehicle Disputes Tribunals must be in a form approved by the chief executive of the Ministry of Justice after consultation with all adjudicators.

In Schedule 3, revoke form 4. 5

Real Estate Agents (Complaints and Discipline) Regulations 2009 (SR 2009/280)

In regulation 6(1)(c), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

In regulation 7(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”. 10

In regulation 9(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”.

After regulation 9(1)(b), insert:

(ba) accompanied by a fee of \$30; and

In regulation 10(1)(a), after “approved by”, insert “the chief executive of the Ministry of Justice after consultation with”. 15

After regulation 10(1)(b), insert:

(ba) accompanied by a fee of \$30; and

In regulation 14, replace “set out in the Schedule of these regulations” with “approved by the chief executive of the Ministry of Justice after consultation with the chairperson of the Tribunal”. 20

Revoke regulation 15.

Revoke the Schedule.

Sale and Supply of Alcohol Regulations 2013 (SR 2013/459)

In the Schedule, revoke form 21. 25

In the Schedule, revoke form 23.

Secondhand Dealers and Pawnbrokers Regulations 2005 (SR 2005/24)

Replace regulation 5(1)(c)(i) with:

(i) by a person concerned in the management of a company that is applying concurrently for a licence under section 8 of the Act, no fee is payable: 30

After regulation 5(1), insert:

(1A) If a licence has been issued to a company under section 10 of the Act and a Licensing Authority is subsequently required to amend the licence under section 17 of the Act to account for a new director of the company,— 35

Secondhand Dealers and Pawnbrokers Regulations 2005 (SR 2005/24)—*continued*

- (a) the new director is to be treated as an additional director who is part of an application to which subclause (1)(b) applies; and
- (b) the fee payable for the new director is \$180.

Taxation Review Authorities Regulations 1998 (SR 1998/460)

In regulation 2, revoke the definition of **notice of claim**. 5

In regulation 7(1), replace “form 1 of the Schedule” with “a form approved by the chief executive of the Ministry of Justice after consultation with all Authorities”.

In regulation 22(2)(a) and (c), replace “prescribed form” with “approved form”.

After regulation 22(2), insert:

- (2A) For the purpose of subclause (2), **approved form** means a form approved by the chief executive of the Ministry of Justice after consultation with all Authorities. 10