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Passports Act 1992

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Contents

	Page
Title	5
1 Short Title	5
2 Interpretation	5
2A Transitional, savings, and related provisions	7

Part 1

Issue and cancellation of New Zealand travel documents

Issue of passports

3 Citizen's right to passport	8
4 Issue of passport	8
4A Refusal to issue passport on grounds of national security	9
<i>[Repealed]</i>	
5 Life of passport	9
6 Renewal of passport <i>[Repealed]</i>	10
7 Endorsement of passport <i>[Repealed]</i>	10

Recall of passports

8 Cancellation of passport where holder ceases to be entitled to passport	10
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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

This Act is administered by the Department of Internal Affairs.

8A	Cancellation of passport on grounds of national security <i>[Repealed]</i>	11
9	Cancellation of passport on other grounds	11
9A	Cancellation of passport pursuant to court order	12
10	Retention of passport by Minister on other grounds	12
11	Delivery of recalled passport	13
	<i>Warnings on New Zealand travel document database</i>	
11A	Warnings on New Zealand travel document database	13
	<i>Surrender of passports where proceedings for deprivation of citizenship commenced</i>	
12	Surrender of passport where proceedings for deprivation of citizenship commenced	14
13	Issue of temporary passport where passport surrendered	14
14	Extension of time to hold surrendered passport	15
15	Return of surrendered passport if person not deprived of citizenship	15
	<i>Issue of certificates of identity</i>	
16	Issue of certificate of identity	16
17	Life of certificate of identity	16
18	Renewal of certificate of identity <i>[Repealed]</i>	16
19	Endorsement of certificate of identity <i>[Repealed]</i>	16
	<i>Recall of certificates of identity</i>	
20	Cancellation of certificate of identity	16
20A	Cancellation of certificate of identity on grounds of national security <i>[Repealed]</i>	17
21	Retention of certificate of identity by Minister on other grounds	17
22	Delivery of recalled certificate of identity	18
	<i>Issue and cancellation of emergency travel documents</i>	
23	Issue of emergency travel document	18
24	Life of emergency travel document	19
25	Cancellation of emergency travel document	19
25A	Cancellation of emergency travel document on grounds of national security <i>[Repealed]</i>	20
26	Retention of emergency travel document by Minister on other grounds	20
27	Delivery of recalled emergency travel document	21
	<i>Issue, life, and cancellation of refugee travel documents</i>	
27A	Issue of refugee travel document	21
27B	Refusal to issue refugee travel document on grounds of national security <i>[Repealed]</i>	22
27C	Life of refugee travel document	22

27D	Cancellation of refugee travel document	22
27E	Cancellation of refugee travel document on grounds of national security <i>[Repealed]</i>	23
27F	Retention of refugee travel document by Minister on other grounds	23
27G	Delivery of recalled refugee travel document	24
	<i>National and international security</i>	
27GA	Refusal to issue, or cancellation or retention of, New Zealand travel document on grounds of national or international security	24
27GB	Chief Commissioner of Intelligence Warrants to be notified of action taken under section 27GA	26
27GC	Person to be notified of action taken under section 27GA	26
27GD	Person not entitled to obtain New Zealand travel document if action taken under section 27GA	26
27GE	Temporary suspension of New Zealand travel documents pending decision under section 27GA	27
27GF	Review of Minister's decision under section 27GA	28
	<i>Cancellation of New Zealand travel document on death of holder</i>	
27H	Death of holder of New Zealand travel document	29
	<i>Electronic cancellation of New Zealand travel documents</i>	
27I	Electronic cancellation of New Zealand travel documents	29
	Part 2	
	Miscellaneous provisions	
	<i>Appeals</i>	
28	Appeal to High Court	30
29	Appeal to Court of Appeal in certain cases	31
	<i>Special provision for proceedings where national or international security involved</i>	
29AA	Proceedings where national or international security involved	31
29AB	Proceedings involving classified security information	34
29AC	Ancillary general practices and procedures to protect classified security information	35
	<i>Offences</i>	
29A	Forged and false New Zealand travel documents	36
30	Offences relating to New Zealand travel document information and material	37
30A	Improper issue of New Zealand travel document	38
31	Other offences	38
31A	Jurisdiction in respect of actions taken outside New Zealand <i>[Repealed]</i>	40
32	False representations	40
32AA	Jurisdiction in respect of actions taken outside New Zealand	40

32A	Court may forbid issue of passport	41
	<i>Miscellaneous provisions</i>	
33	Passports, etc, are property of New Zealand Government	41
34	Minister may delegate powers	42
35	Disclosure of information to chief executive of New Zealand Customs Service <i>[Repealed]</i>	42
36	Disclosure of travel document and related information	42
37	Information that may be disclosed	43
37A	Access to information for purposes of Identity Information Confirmation Act 2012	44
37B	Crown liability	44
38	Penalties	45
39	Offences triable summarily <i>[Repealed]</i>	45
	<i>Regulations</i>	
40	Regulations	45
	<i>Repeals</i>	
	<i>[Repealed]</i>	
41	Repeals <i>[Repealed]</i>	46
	<i>Transitional provisions</i>	
	<i>[Repealed]</i>	
42	Provisions relating to endorsement of name of child on passport of parent or guardian <i>[Repealed]</i>	46
	<i>Saving</i>	
	<i>[Repealed]</i>	
43	Existing passports, etc, to continue in force <i>[Repealed]</i>	46
	<i>Validation</i>	
	<i>[Repealed]</i>	
44	Validation of certain prescribed fees <i>[Repealed]</i>	47
	<i>Application</i>	
	<i>[Repealed]</i>	
45	Application of temporary provisions in Schedule 2 <i>[Repealed]</i>	47
46	Transitional provision <i>[Repealed]</i>	47
	Schedule 1	48
	Transitional, savings, and related provisions	
	Schedule 2	49
	Temporary provisions	
	<i>[Repealed]</i>	

An Act to give proper recognition to New Zealand passports and to the right of New Zealand citizens to such passports, and to consolidate and amend the law relating to passports, certificates of identity, emergency travel documents, and refugee travel documents

Title: amended, on 21 April 2005, by section 3 of the Passports Amendment Act 2005 (2005 No 44).

1 Short Title

This Act may be cited as the Passports Act 1992.

2 Interpretation

In this Act, unless the context otherwise requires,—

applicant, in relation to an application for a New Zealand travel document, means the person who will be the holder of the document if the application is granted

certificate of identity means a document (other than a passport or an emergency travel document or a refugee travel document) issued by the Government of any country to any person for the purposes of facilitating his or her entry into or exit from any country, and purporting to establish the identity but not the nationality of that person

Chief Commissioner of Intelligence Warrants means the Chief Commissioner of Intelligence Warrants appointed under section 112 of the Intelligence and Security Act 2017

Commissioner of Intelligence Warrants means a Commissioner of Intelligence Warrants appointed under section 112 of the Intelligence and Security Act 2017

emergency travel document means a document (other than a passport or a certificate of identity or a refugee travel document) issued, pursuant to section 23, by or on behalf of the Government of New Zealand to any person who may be a New Zealand citizen for the purposes of urgently facilitating his or her entry into or exit from any country, and purporting to establish the identity but not the nationality of that person

holder, in relation to a New Zealand travel document, means the person in whose name the document has been issued

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

New Zealand passport means a passport issued by or on behalf of the Government of New Zealand to a New Zealand citizen

New Zealand refugee travel document means a document (other than a passport, certificate of identity, or emergency travel document) issued by or on be-

half of the Government of New Zealand to a refugee to facilitate international travel

New Zealand travel document means a document that is a New Zealand passport, a New Zealand certificate of identity, an emergency travel document, or a New Zealand refugee travel document

New Zealand travel document database means a file, register, or device in or on which information is or is to be recorded, whether electronically or otherwise, for the purposes of this Act

officer means an officer of the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act; and includes an overseas representative, an officer of Customs, and a constable; and also includes a person or a member of a class of persons authorised by the Minister to exercise the powers conferred on officers by this Act

passport means a document that is issued by or on behalf of the Government of any country, and that purports to establish the identity and nationality of the holder; but does not include such a document that has expired or that has been cancelled

refugee means a person who—

- (a) has been—
 - (i) recognised by a refugee and protection officer or the Immigration and Protection Tribunal as a refugee within the meaning of the Immigration Act 2009; or
 - (ii) recognised outside New Zealand as a refugee under the Refugee Convention (as defined in section 4 of the Immigration Act 2009) and brought to New Zealand under a government mandated programme on the basis of that recognition; or
 - (iii) determined, before the date fixed under section 2(1) of the Immigration Act 2009 for the coming into force of that Act, to be a refugee in accordance with the Refugee Convention (as defined in section 2(1) of the Immigration Act 1987); or
 - (iv) granted a permit by the Minister of Immigration or an immigration officer under the Immigration Act 1987 on the basis that he or she was mandated as a refugee by the United Nations High Commissioner for Refugees; or
 - (v) recognised, before 1 January 1991, as a refugee by the Interdepartmental Committee on Refugees; and
- (b) continues to be recognised as a refugee in New Zealand

Secretary means the Secretary for Internal Affairs

surrendered passport means a passport that has been surrendered under section 12

temporary passport means a passport issued under section 13.

Compare: 1980 No 58 s 2

Section 2 **applicant**: substituted, on 21 April 2005, by section 4(1) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **certificate of identity**: amended, on 21 April 2005, by section 4(2)(a) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **Chief Commissioner of Intelligence Warrants**: inserted, on 1 April 2017, by section 284 of the Intelligence and Security Act 2017 (2017 No 10).

Section 2 **Commissioner of Intelligence Warrants**: inserted, on 1 April 2017, by section 284 of the Intelligence and Security Act 2017 (2017 No 10).

Section 2 **conviction on indictment**: repealed, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 2 **emergency travel document**: amended, on 21 April 2005, by section 4(2)(b) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **holder**: substituted, on 21 April 2005, by section 4(3) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **Minister**: replaced, on 30 November 2015, by section 4(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 2 **New Zealand refugee travel document**: inserted, on 21 April 2005, by section 4(4) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **New Zealand travel document**: inserted, on 18 June 2002, by section 3 of the Passports Amendment Act 2002 (2002 No 24).

Section 2 **New Zealand travel document**: amended, on 21 April 2005, by section 4(5) of the Passports Amendment Act 2005 (2005 No 44).

Section 2 **New Zealand travel document database**: inserted, on 30 November 2015, by section 4(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 2 **officer**: amended, on 30 November 2015, by section 4(3) of the Passports Amendment Act 2015 (2015 No 89).

Section 2 **officer**: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 2 **passport**: amended, on 30 November 2015, by section 4(4) of the Passports Amendment Act 2015 (2015 No 89).

Section 2 **refugee**: substituted, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

Section 2A: inserted, on 30 November 2015, by section 5 of the Passports Amendment Act 2015 (2015 No 89).

Part 1

Issue and cancellation of New Zealand travel documents

Part 1 heading: amended, on 30 November 2015, by section 6 of the Passports Amendment Act 2015 (2015 No 89).

Part 1 heading: amended, on 21 April 2005, by section 5 of the Passports Amendment Act 2005 (2005 No 44).

Issue of passports

Heading: amended, on 30 November 2015, by section 7 of the Passports Amendment Act 2015 (2015 No 89).

3 Citizen's right to passport

Except as provided in this Act, every New Zealand citizen is entitled as of right to a New Zealand passport.

Compare: 1980 No 58 s 3

4 Issue of passport

- (1) Except as provided in this section and section 27GA, the Minister shall issue a New Zealand passport to every New Zealand citizen who makes an application, or on whose behalf an application is made, for a New Zealand passport.
- (2) Every such application shall be made to the Minister in the form provided by the Secretary.
- (3) The Minister may refuse to issue a New Zealand passport in any of the following cases:
 - (a) where the applicant has not attained the age of 16 years and has not produced the written consent of one of his or her parents or guardians to the issue of a passport to him or her:
 - (b) where—
 - (i) there is in force a warrant issued in New Zealand for the arrest of the applicant; or
 - (ii) the applicant is on bail or is subject to a community-based sentence under subpart 2 of Part 2 of the Sentencing Act 2002, or a sentence of home detention under subpart 2A of Part 2 of the Sentencing Act 2002, or is released under subpart 2 of Part 1 of the Parole Act 2002; or
 - (iii) the applicant is required by an order made by a New Zealand court to refrain from obtaining a passport or to surrender a passport; or
 - (iv) the applicant is subject to an order made by a New Zealand court that requires the applicant, or the effect of which requires the applicant, to remain in New Zealand; or

- (v) the applicant is subject to a sentence imposed by a New Zealand court, the effect of which requires the applicant to remain in New Zealand:
 - (c) where the applicant already holds a New Zealand passport and there is no sufficient reason why another passport should be issued to him or her:
 - (d) if the applicant holds a New Zealand travel document, and (whether or not it has been recalled under this Act) refuses to surrender it.
- (4) The Minister must refuse to issue a New Zealand passport if an order made under section 32A in respect of the applicant has not expired.

Compare: 1980 No 58 s 4(1), (2)

Section 4(1): amended, on 1 April 2017, by section 285 of the Intelligence and Security Act 2017 (2017 No 10).

Section 4(1): amended, on 21 April 2005, by section 6(1) of the Passports Amendment Act 2005 (2005 No 44).

Section 4(3)(b)(ii): substituted, on 30 June 2002, by section 186 of the Sentencing Act 2002 (2002 No 9).

Section 4(3)(b)(ii): amended, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

Section 4(3)(b)(ii): amended, on 22 October 2003, by section 3(1) of the Passports Amendment Act 2003 (2003 No 92).

Section 4(3)(b)(iii): substituted, on 22 October 2003, by section 3(2) of the Passports Amendment Act 2003 (2003 No 92).

Section 4(3)(b)(iv): added, on 22 October 2003, by section 3(2) of the Passports Amendment Act 2003 (2003 No 92).

Section 4(3)(b)(v): added, on 22 October 2003, by section 3(2) of the Passports Amendment Act 2003 (2003 No 92).

Section 4(3)(d): added, on 18 June 2002, by section 4(2) of the Passports Amendment Act 2002 (2002 No 24).

Section 4(3)(d): amended, on 21 April 2005, by section 6(2)(a) of the Passports Amendment Act 2005 (2005 No 44).

Section 4(3)(d): amended, on 21 April 2005, by section 6(2)(b) of the Passports Amendment Act 2005 (2005 No 44).

Section 4(4): added, on 18 June 2002, by section 4(3) of the Passports Amendment Act 2002 (2002 No 24).

Section 4(4): amended, on 21 April 2005, by section 6(3) of the Passports Amendment Act 2005 (2005 No 44).

4A Refusal to issue passport on grounds of national security

[Repealed]

Section 4A: repealed, on 1 April 2017, by section 286 of the Intelligence and Security Act 2017 (2017 No 10).

5 Life of passport

- (1) Unless cancelled sooner under this Act,—

- (a) every New Zealand passport issued to a person who is at least 16 years old is valid for 10 years from the date of issue:
 - (b) every New Zealand passport issued to a person who is less than 16 years old is valid for 5 years from the date of issue.
- (1A) Despite subsection (1),—
- (a) a New Zealand passport issued before the date of commencement of section 8 of the Passports Amendment Act 2015 continues to be valid for the period for which it was issued, unless sooner cancelled under this Act:
 - (b) a New Zealand passport applied for before that commencement date must be issued in accordance with section 5(1) and (2) of the principal Act as in force before that date, and continues to be valid for the period for which it was issued unless sooner cancelled under this Act.
- (2) Despite subsection (1), the Minister may, in any particular case, if satisfied that good reasons exist and that it would be in the interests of the proper administration of this Act to do so, determine that any New Zealand passport shall be issued for a period shorter than that stated in that subsection.

Compare: 1980 No 58 s 4(3)

Section 5(1): replaced, on 30 November 2015, by section 8(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 5(1A): inserted, on 21 April 2005, by section 8 of the Passports Amendment Act 2005 (2005 No 44).

Section 5(1A)(a): amended, on 30 November 2015, by section 8(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 5(2): amended, on 30 November 2015, by section 8(3) of the Passports Amendment Act 2015 (2015 No 89).

6 Renewal of passport

[Repealed]

Section 6: repealed, on 30 November 2015, by section 9 of the Passports Amendment Act 2015 (2015 No 89).

7 Endorsement of passport

[Repealed]

Section 7: repealed, on 21 April 2005, by section 10 of the Passports Amendment Act 2005 (2005 No 44).

Recall of passports

8 Cancellation of passport where holder ceases to be entitled to passport

- (1) The Minister may, by notice in writing, recall any New Zealand passport, and cancel it or retain possession of it, in any of the following cases:

- (a) where the holder has not attained the age of 16 years and the parent or guardian who gave his or her consent to the issue of the passport has written to the Minister withdrawing that consent; or
 - (b) where the passport was issued to the holder in the mistaken belief that the holder was, at the time of issue, a New Zealand citizen; or
 - (c) *[Repealed]*
 - (d) where the holder has renounced New Zealand citizenship under section 15 of the Citizenship Act 1977; or
 - (e) where the holder has been deprived of New Zealand citizenship under section 16 or section 17 of the Citizenship Act 1977; or
 - (f) where 2 or more valid New Zealand passports are in existence in respect of the holder and there is no longer any sufficient reason why that should continue to be the case.
- (2) This section is subject to section 27I.

Section 8(1)(c): repealed, on 22 October 2003, by section 4(1) of the Passports Amendment Act 2003 (2003 No 92).

Section 8(2): inserted, on 30 November 2015, by section 10 of the Passports Amendment Act 2015 (2015 No 89).

8A Cancellation of passport on grounds of national security

[Repealed]

Section 8A: repealed, on 1 April 2017, by section 287 of the Intelligence and Security Act 2017 (2017 No 10).

9 Cancellation of passport on other grounds

- (1) The Minister may, by notice in writing, recall any New Zealand passport, and cancel it or retain possession of it, where—
- (a) it is produced in support of an application for the issue of another passport in substitution for the first one; or
 - (b) it has expired; or
 - (c) it has been so damaged or defaced as to render it, in the opinion of the Minister, unsuitable for use; or
 - (d) there is reasonable cause to believe that particulars recorded in it are incorrect; or
 - (e) there is reasonable cause to believe that the passport has been obtained by means of any false representation or any statement that is false in a material particular.
- (1AA) The Minister may, under section 27GA, recall a New Zealand passport, and cancel it or retain possession of it.

(1A) The Minister may cancel a New Zealand passport if the holder of the passport states, in a declaration that is made in a manner approved by the Secretary, that the passport has been lost or stolen.

(2) Subject to sections 3 and 4, where the Minister retains or cancels a passport under subsection (1) or (1A), the Minister shall, on the application of the holder of that passport, issue, as soon as practicable, another New Zealand passport to replace that passport.

(3) This section is subject to section 27I.

Section 9(1)(b): amended, on 30 November 2015, by section 12(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 9(1)(d): amended, on 21 April 2005, by section 12 of the Passports Amendment Act 2005 (2005 No 44).

Section 9(1)(e): amended, on 30 November 2015, by section 12(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 9(1AA): inserted, on 1 April 2017, by section 288(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 9(1A): inserted, on 30 November 2015, by section 12(3) of the Passports Amendment Act 2015 (2015 No 89).

Section 9(2): amended, on 1 April 2017, by section 288(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 9(3): inserted, on 30 November 2015, by section 12(4) of the Passports Amendment Act 2015 (2015 No 89).

9A Cancellation of passport pursuant to court order

(1) The Minister must recall a New Zealand passport by notice in writing, and cancel it, if an order that it must be cancelled is made under section 32A.

(2) This section is subject to section 27I.

Section 9A: inserted, on 18 June 2002, by section 5 of the Passports Amendment Act 2002 (2002 No 24).

Section 9A(1): amended, on 21 April 2005, by section 13 of the Passports Amendment Act 2005 (2005 No 44).

Section 9A(2): inserted, on 30 November 2015, by section 13 of the Passports Amendment Act 2015 (2015 No 89).

10 Retention of passport by Minister on other grounds

(1) The Minister may, by notice in writing, recall any New Zealand passport and retain possession of it—

(a) where there is in force a warrant issued in New Zealand for the arrest of the holder:

(b) where there is reasonable cause to believe—

(i) that the passport is in the wrongful possession of any person other than the holder; or

- (ii) that the passport is in the possession of a person who is not the holder, as a security, pledge, or deposit or other encumbrance entered into in contravention of section 33(3).
- (2) Where the Minister has recalled a passport under subsection (1)(a), the Minister shall return that passport to the holder as soon as practicable after the warrant is executed or withdrawn.
- (3) Where the Minister has recalled a passport under subsection (1)(b), the Minister shall, unless the holder has been issued with a new passport, forthwith return that passport to the holder.

11 Delivery of recalled passport

- (1) Where the Minister recalls any passport under any of sections 8 to 10 or section 27GA, the holder or other person who has the passport in his or her possession or under his or her control shall, on demand by an officer, deliver the passport to the officer.
- (2) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (1).

Section 11(1): amended, on 1 April 2017, by section 289 of the Intelligence and Security Act 2017 (2017 No 10).

Section 11(1): amended, on 18 June 2002, by section 6 of the Passports Amendment Act 2002 (2002 No 24).

Warnings on New Zealand travel document database

Heading: inserted, on 30 November 2015, by section 14 of the Passports Amendment Act 2015 (2015 No 89).

11A Warnings on New Zealand travel document database

The Minister may mark the electronic record of a New Zealand travel document on a New Zealand travel document database with a warning to indicate that—

- (a) the New Zealand travel document has been, or is to be, recalled under any of sections 10, 21, 26, 27F, and 27GA:
- (b) the holder of the New Zealand travel document is, by a court order or the conditions of his or her bail, required to surrender the document or to remain in New Zealand.

Section 11A: inserted, on 30 November 2015, by section 14 of the Passports Amendment Act 2015 (2015 No 89).

Section 11A(a): amended, on 1 April 2017, by section 290 of the Intelligence and Security Act 2017 (2017 No 10).

Surrender of passports where proceedings for deprivation of citizenship commenced

12 Surrender of passport where proceedings for deprivation of citizenship commenced

- (1) Where the Minister gives a notice pursuant to section 19(1) of the Citizenship Act 1977 to the holder of a New Zealand passport of his or her intention to make an order under section 16 or section 17 of that Act depriving that person of New Zealand citizenship, the Minister may give a notice to that person requiring the surrender of any New Zealand passport which that person holds.
- (2) The Minister shall be entitled to retain possession of any such surrendered passport until whichever is the sooner of—
 - (a) the expiry of 12 months from the date on which the passport is surrendered, or the expiry of any extension of that time in accordance with section 14; or
 - (b) the conclusion of the proceedings for deprivation of New Zealand citizenship.
- (3) Every such notice shall inform the person on whom it is served—
 - (a) of the effect of subsection (2); and
 - (b) that the person is entitled, on application to the Minister in the form provided by the Secretary, to a temporary New Zealand passport in accordance with section 13.
- (4) Where the Minister requires the surrender of a passport under this section, the holder or other person who has the passport in his or her possession or under his or her control shall, on demand by an officer, surrender the passport to the officer.
- (5) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (4).

13 Issue of temporary passport where passport surrendered

- (1) Every person who has surrendered a passport under section 12 shall be entitled, on application to the Minister in the form provided by the Secretary, to a temporary New Zealand passport unless the surrendered passport has sooner expired or been cancelled or returned.
- (2) Despite section 5, every temporary New Zealand passport is, unless sooner cancelled under this Act, valid for the period for which it is issued, which may not exceed 2 years.
- (3) Subject to section 4(3), at the expiry of a temporary New Zealand passport, the Minister shall issue another temporary New Zealand passport to the holder unless the surrendered passport has been sooner returned or a new passport has been issued.

- (4) No fee shall be payable in respect of any application for, or upon the issue of, any temporary New Zealand passport under this section.

Section 13(2): replaced, on 30 November 2015, by section 15 of the Passports Amendment Act 2015 (2015 No 89).

14 Extension of time to hold surrendered passport

- (1) Where the Minister has required the surrender of a New Zealand passport under section 12, the Minister may, at any time before the expiry of 12 months from the date on which the passport was surrendered, apply to the High Court for an order extending the time during which the Minister may retain the surrendered passport.
- (2) Any such extension granted by the High Court shall be for a period of 6 months.
- (3) The Minister may reapply for another extension at any time before the current extension expires.
- (4) The High Court shall decline any application for a second or subsequent extension unless satisfied that there is good reason why the passport has not been returned by the time of the application.
- (5) Where an application for an extension has been made by the Minister, but has not been determined by the date on which the Minister is required to return the passport due to lapse of time, an extension shall be deemed to have been granted until such time as the court determines the application.

15 Return of surrendered passport if person not deprived of citizenship

- (1) The Minister shall return a surrendered passport to the holder as soon as—
- (a) a declaration is made under section 19(2) of the Citizenship Act 1977 that there are insufficient grounds to justify the making of an order under section 16 or section 17 of that Act to deprive the person by whom the passport was surrendered of New Zealand citizenship; or
 - (b) the Minister is no longer entitled to retain possession of the passport under section 12(2),—
- whichever first occurs.
- (2) Where the Minister returns a surrendered passport under this section, the holder or other person who has any temporary passport in his or her possession or under his or her control shall, on demand by an officer, deliver the temporary passport to the officer.
- (3) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (2).
- (4) Nothing in this section shall apply if the surrendered passport has sooner expired.

Issue of certificates of identity

Heading: amended, on 30 November 2015, by section 16 of the Passports Amendment Act 2015 (2015 No 89).

16 Issue of certificate of identity

The Minister may issue a certificate of identity to any person, not being a New Zealand citizen, if the Minister is satisfied that the person is unable for any reason to obtain a travel document from the Government or other appropriate authority in the country of his or her nationality.

Compare: 1980 No 58 s 8(1)

17 Life of certificate of identity

A certificate of identity shall be valid for 2 years or such shorter time as the Minister may determine in a particular case.

Section 17: amended, on 30 November 2015, by section 17 of the Passports Amendment Act 2015 (2015 No 89).

18 Renewal of certificate of identity

[Repealed]

Section 18: repealed, on 30 November 2015, by section 18 of the Passports Amendment Act 2015 (2015 No 89).

19 Endorsement of certificate of identity

[Repealed]

Section 19: repealed, on 21 April 2005, by section 14 of the Passports Amendment Act 2005 (2005 No 44).

*Recall of certificates of identity***20 Cancellation of certificate of identity**

- (1) The Minister may, by notice in writing, recall any certificate of identity issued to any person by or on behalf of the Government of New Zealand, and cancel it or retain possession of it, where—
- (a) the Minister issues to the holder another certificate of identity in substitution for the first one; or
 - (b) the certificate has expired; or
 - (c) the certificate has been so damaged or defaced as to render it, in the opinion of the Minister, unsuitable for use; or
 - (d) there is reasonable cause to believe that any particulars recorded in it are incorrect; or
 - (e) there is reasonable cause to believe that the certificate of identity has been obtained by means of any false representation or any statement that is false in a material particular; or

- (f) 2 or more valid certificates of identity are in existence in respect of the holder and there is no longer any sufficient reason why that should continue to be the case; or
 - (g) a New Zealand passport has been issued to the person.
- (1AA) The Minister may, under section 27GA, recall any certificate of identity issued to any person by or on behalf of the Government of New Zealand, and cancel it or retain possession of it.
- (1A) The Minister may cancel a certificate of identity if the holder of the certificate states, in a declaration that is made in a manner approved by the Secretary, that the certificate has been lost or stolen.
- (2) Subject to section 16, where the Minister retains or cancels a certificate of identity under any of paragraphs (b) to (e) of subsection (1) or cancels the certificate under subsection (1A), the Minister may, on the application of the holder of the certificate, issue another certificate of identity to replace that certificate.
- (3) This section is subject to section 27I.

Section 20(1)(b): amended, on 30 November 2015, by section 19(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 20(1)(g): added, on 18 June 2002, by section 7 of the Passports Amendment Act 2002 (2002 No 24).

Section 20(1AA): inserted, on 1 April 2017, by section 291 of the Intelligence and Security Act 2017 (2017 No 10).

Section 20(1A): inserted, on 30 November 2015, by section 19(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 20(2): amended, on 30 November 2015, by section 19(3) of the Passports Amendment Act 2015 (2015 No 89).

Section 20(3): inserted, on 30 November 2015, by section 19(4) of the Passports Amendment Act 2015 (2015 No 89).

20A Cancellation of certificate of identity on grounds of national security

[Repealed]

Section 20A: repealed, on 1 April 2017, by section 292 of the Intelligence and Security Act 2017 (2017 No 10).

21 Retention of certificate of identity by Minister on other grounds

- (1) The Minister may, by notice in writing, recall any certificate of identity issued to any person by or on behalf of the Government of New Zealand, and retain possession of it—
- (a) where there is in force a warrant issued in New Zealand for the arrest of the holder:
 - (b) where there is reasonable cause to believe—
 - (i) that the certificate of identity is in the wrongful possession of any person other than the holder; or

- (ii) that the certificate of identity is in the possession of a person who is not the holder, as a security, pledge, or deposit or other encumbrance entered into in contravention of section 33(3).
- (2) Where the Minister has recalled a certificate of identity under subsection (1)(a), the Minister shall return that certificate to the holder as soon as practicable after the warrant is executed or withdrawn.
- (3) Where the Minister has recalled a certificate of identity under subsection (1)(b), the Minister shall, unless the holder has been issued with a new certificate, forthwith return that certificate to the holder.

22 Delivery of recalled certificate of identity

- (1) Where the Minister recalls any certificate of identity under section 20, 21, or 27GA, the holder or other person who has the certificate in his or her possession or under his or her control shall, on demand by an officer, deliver the certificate to the officer.
- (2) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (1).

Section 22(1): amended, on 1 April 2017, by section 293 of the Intelligence and Security Act 2017 (2017 No 10).

Issue and cancellation of emergency travel documents

23 Issue of emergency travel document

- (1) The Minister may, on application to the Minister in the form provided by the Secretary, issue an emergency travel document to any person where—
 - (a) there is reasonable cause to believe that the person is or may be a New Zealand citizen; and
 - (b) there is reasonable cause to believe that—
 - (i) the person's passport has been lost or stolen or destroyed or is temporarily unavailable; or
 - (ia) the person does not hold a valid travel document; or
 - (ii) the person has applied for the issue of a passport and cannot supply sufficient evidence of New Zealand citizenship; or
 - (iii) an emergency has affected the availability of the information necessary to ascertain whether or not that person is already the holder of a New Zealand passport; and
 - (c) the person wishes to travel immediately, but, for reasons of passport security and integrity, the Minister considers that it is not desirable to issue that person with a passport.
- (2) The Minister may, on application to the Minister in the form provided by the Secretary, issue an emergency travel document to a person—

- (a) who wishes to travel immediately; but
 - (b) in respect of whom an order under section 32A is in force.
- (3) The Minister must issue a journey-specific emergency travel document to a person outside New Zealand if—
- (a) the person has under section 27GA been refused a passport, or under that section has had his or her passport or emergency travel document cancelled; and
 - (b) the journey-specific emergency travel document is necessary to enable the person to return or come to New Zealand; and
 - (c) the person applies in that behalf to the Minister in the form provided by the Secretary.

Section 23(1)(b)(ia): inserted, on 21 April 2005, by section 17(1) of the Passports Amendment Act 2005 (2005 No 44).

Section 23(2): added, on 18 June 2002, by section 8 of the Passports Amendment Act 2002 (2002 No 24).

Section 23(3): added, on 21 April 2005, by section 17(2) of the Passports Amendment Act 2005 (2005 No 44).

Section 23(3)(a): replaced, on 1 April 2017, by section 294 of the Intelligence and Security Act 2017 (2017 No 10).

24 Life of emergency travel document

An emergency travel document is valid for—

- (a) such time as, in the opinion of the Minister, will be sufficient to enable the person to leave and return to New Zealand, or to return to New Zealand, or to complete a specified journey, as the case may require; or
- (b) such other period as the Minister from time to time determines.

Section 24: substituted, on 21 April 2005, by section 18 of the Passports Amendment Act 2005 (2005 No 44).

25 Cancellation of emergency travel document

- (1) The Minister may, by notice in writing, recall any emergency travel document, and cancel it or retain possession of it, where—
- (a) the Minister issues to the holder a passport; or
 - (b) the Minister issues to the holder another emergency travel document in substitution for the first one; or
 - (c) it has expired; or
 - (d) it has been so damaged or defaced as to render it, in the opinion of the Minister, unsuitable for use; or
 - (e) there is reasonable cause to believe that any particulars recorded in it are incorrect; or

- (f) there is reasonable cause to believe that it has been obtained by means of any false statement or any statement that is false in a material particular; or
 - (g) 2 or more valid New Zealand emergency travel documents are in existence in respect of the holder and there is no longer any sufficient reason why that should continue to be the case.
- (1AA) The Minister may, under section 27GA, recall an emergency travel document, and cancel it or retain possession of it.
- (1A) The Minister may cancel an emergency travel document if the holder of the document states, in a declaration that is made in a manner approved by the Secretary, that the document has been lost or stolen.
- (2) Subject to section 23, where the Minister retains or cancels an emergency travel document under any of paragraphs (c) to (f) of subsection (1) or cancels the document under subsection (1A), the Minister may, on the application of the holder of the document, issue another document to replace that document.
- (3) This section is subject to section 27I.

Section 25(1AA): inserted, on 1 April 2017, by section 295 of the Intelligence and Security Act 2017 (2017 No 10).

Section 25(1A): inserted, on 30 November 2015, by section 21(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 25(2): amended, on 30 November 2015, by section 21(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 25(3): inserted, on 30 November 2015, by section 21(3) of the Passports Amendment Act 2015 (2015 No 89).

25A Cancellation of emergency travel document on grounds of national security

[Repealed]

Section 25A: repealed, on 1 April 2017, by section 296 of the Intelligence and Security Act 2017 (2017 No 10).

26 Retention of emergency travel document by Minister on other grounds

- (1) The Minister may, by notice in writing, recall any emergency travel document, and retain possession of it—
- (a) where there is in force a warrant issued in New Zealand for the arrest of the holder:
 - (b) where there is reasonable cause to believe—
 - (i) that it is in the wrongful possession of any person other than the holder; or
 - (ii) that it is in the possession of a person not the holder, and is used as a security, pledge, or deposit or other encumbrance in contravention of section 33(3).

- (2) Where the Minister has recalled an emergency travel document under subsection (1)(a), the Minister shall return that document to the holder as soon as practicable after the warrant is executed or withdrawn.
- (3) Where the Minister has recalled an emergency travel document under subsection (1)(b), the Minister shall, unless the holder has been issued with a new document, forthwith return that document to the holder.

27 Delivery of recalled emergency travel document

- (1) Where the Minister recalls any emergency travel document under section 25, 26, or 27GA, the holder or other person who has the document in his or her possession or under his or her control shall, on demand by an officer, deliver the document to the officer.
- (2) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (1).

Section 27(1): amended, on 1 April 2017, by section 297 of the Intelligence and Security Act 2017 (2017 No 10).

Issue, life, and cancellation of refugee travel documents

Heading: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

27A Issue of refugee travel document

- (1) Subject to this section and section 27GA, the Minister must issue a New Zealand refugee travel document to a refugee living in New Zealand who applies in that behalf in the form provided by the Secretary.
- (2) The Minister may refuse to issue a New Zealand refugee travel document to an applicant if—
 - (a) the applicant is a New Zealand citizen; or
 - (b) the applicant already has a valid New Zealand refugee travel document; or
 - (c) there is in force a warrant issued in New Zealand for the applicant's arrest; or
 - (d) the applicant is—
 - (i) on bail; or
 - (ii) subject to a community-based sentence under the Sentencing Act 2002; or
 - (iii) released under subpart 2 of Part 1 of the Parole Act 2002; or
 - (iv) subject to a sentence of home detention under the Sentencing Act 2002; or
 - (e) the applicant is subject to—

- (i) an order made by a New Zealand court that requires the applicant to remain in New Zealand, or the effect of which requires the applicant to remain in New Zealand; or
- (ii) a sentence imposed by a New Zealand court, the effect of which requires the applicant to remain in New Zealand.

Section 27A: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

Section 27A(1): amended, on 1 April 2017, by section 298 of the Intelligence and Security Act 2017 (2017 No 10).

Section 27A(2)(d)(iv): added, on 1 October 2007, by section 58 of the Sentencing Amendment Act 2007 (2007 No 27).

27B Refusal to issue refugee travel document on grounds of national security

[Repealed]

Section 27B: repealed, on 1 April 2017, by section 299 of the Intelligence and Security Act 2017 (2017 No 10).

27C Life of refugee travel document

- (1) A New Zealand refugee travel document is valid for 5 years, unless sooner cancelled under this Act.
- (2) *[Repealed]*

Section 27C: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

Section 27C(1): amended, on 30 November 2015, by section 23(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 27C(2): repealed, on 30 November 2015, by section 23(2) of the Passports Amendment Act 2015 (2015 No 89).

27D Cancellation of refugee travel document

- (1) The Minister may, by notice in writing, recall any New Zealand refugee travel document, and cancel it or retain possession of it, where—
 - (a) the Minister issues to the holder another refugee travel document in substitution for the first one; or
 - (b) the document has expired; or
 - (c) the document has been so damaged or defaced as to render it, in the opinion of the Minister, unsuitable for use; or
 - (d) there is reasonable cause to believe that any particulars recorded in it are incorrect; or
 - (e) there is reasonable cause to believe that the document has been obtained by means of a false representation or a statement that is false in a material particular; or

- (f) 2 or more valid New Zealand refugee travel documents are in existence in respect of the holder and there is no longer any sufficient reason why that should continue to be the case; or
 - (g) a New Zealand passport has been issued to the person; or
 - (h) the holder is no longer recognised as being a refugee; or
 - (i) the document was issued to the holder in the mistaken belief that the holder was, at the time of issue, a refugee.
- (1AA) The Minister may, under section 27GA, recall a New Zealand refugee travel document, and cancel it or retain possession of it.
- (1A) The Minister may cancel a refugee travel document if the holder of the document states, in a declaration that is made in a manner approved by the Secretary, that the document has been lost or stolen.
- (2) Subject to section 27A, where the Minister retains or cancels a refugee travel document under any of paragraphs (b) to (e) of subsection (1) or cancels the document under subsection (1A), the Minister may, on the application of the document's holder, issue another refugee travel document to replace that document.
- (3) This section is subject to section 27I.

Section 27D: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

Section 27D(1)(b): amended, on 30 November 2015, by section 24(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 27D(1AA): inserted, on 1 April 2017, by section 300 of the Intelligence and Security Act 2017 (2017 No 10).

Section 27D(1A): inserted, on 30 November 2015, by section 24(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 27D(2): amended, on 30 November 2015, by section 24(3) of the Passports Amendment Act 2015 (2015 No 89).

Section 27D(3): inserted, on 30 November 2015, by section 24(4) of the Passports Amendment Act 2015 (2015 No 89).

27E Cancellation of refugee travel document on grounds of national security

[Repealed]

Section 27E: repealed, on 1 April 2017, by section 301 of the Intelligence and Security Act 2017 (2017 No 10).

27F Retention of refugee travel document by Minister on other grounds

- (1) The Minister may, by notice in writing, recall any New Zealand refugee travel document, and retain possession of it,—
- (a) if there is in force a warrant issued in New Zealand for the arrest of the holder:
 - (b) if there is reasonable cause to believe—

- (i) that the refugee travel document is in the wrongful possession of any person other than the holder; or
 - (ii) that the refugee travel document is in the possession of a person who is not the holder, as security, pledge, or deposit or other encumbrance entered into in contravention of section 33(3).
- (2) Where the Minister has recalled a refugee travel document under subsection (1)(a), the Minister must return that document to the holder as soon as practicable after the warrant is executed or withdrawn.
- (3) Where the Minister has recalled a refugee travel document under subsection (1)(b), the Minister must, unless the holder has been issued with a new document, forthwith return that document to the holder.

Section 27F: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

27G Delivery of recalled refugee travel document

- (1) Where the Minister recalls any refugee travel document under section 27D, 27F, or 27GA, the holder or other person who has the document in his or her possession or under his or her control must, on demand by an officer, deliver the document to the officer.
- (2) Every person commits an offence against this Act who knowingly fails without reasonable excuse to comply with subsection (1).

Section 27G: inserted, on 21 April 2005, by section 21 of the Passports Amendment Act 2005 (2005 No 44).

Section 27G(1): amended, on 1 April 2017, by section 302 of the Intelligence and Security Act 2017 (2017 No 10).

National and international security

Heading: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GA Refusal to issue, or cancellation or retention of, New Zealand travel document on grounds of national or international security

- (1) The Minister may decide to take any action specified in subsection (3) in relation to a person if the Minister has reasonable cause to believe—
- (a) the person is a danger to the security of New Zealand because the person intends to engage in, or facilitate,—
 - (i) a terrorist act within the meaning of section 5 of the Terrorism Suppression Act 2002; or
 - (ii) the proliferation of weapons of mass destruction; or
 - (iii) any other unlawful activity designed or likely to cause serious economic damage to New Zealand, carried out for the purpose of commercial or economic gain; and

- (b) the taking of that action will prevent or effectively impede the ability of the person to do any of the activities specified in paragraph (a); and
 - (c) the danger to the security of New Zealand cannot be effectively averted other than by taking an action specified in subsection (3).
- (2) The Minister may also decide to take any action specified in subsection (3) in relation to a person if the Minister has reasonable cause to believe—
 - (a) the person is a danger to the security of a country other than New Zealand because the person intends to engage in, or facilitate,—
 - (i) a terrorist act within the meaning of section 5 of the Terrorism Suppression Act 2002; or
 - (ii) the proliferation of weapons of mass destruction; and
 - (b) the taking of that action will prevent or effectively impede the ability of the person to do either of the activities specified in paragraph (a); and
 - (c) the danger to the security of that country cannot be effectively averted other than by taking an action specified in subsection (3).
- (3) In any case to which subsection (1) or (2) applies, the Minister may—
 - (a) refuse to issue a New Zealand passport to the person:
 - (b) recall the person's New Zealand passport, and—
 - (i) cancel it; or
 - (ii) retain possession of it:
 - (c) recall the person's certificate of identity issued by or on behalf of the New Zealand Government, and—
 - (i) cancel it; or
 - (ii) retain possession of it:
 - (d) recall the person's emergency travel document (not being a journey-specific emergency travel document issued under section 23(3)), and—
 - (i) cancel it; or
 - (ii) retain possession of it:
 - (e) refuse to issue a New Zealand refugee travel document to the person:
 - (f) recall the person's New Zealand refugee travel document, and—
 - (i) cancel it; or
 - (ii) retain possession of it.
- (4) The Minister may take any of the actions specified in subsection (3)(a) to (e) whether or not the person is in New Zealand.
- (5) The Minister may take the action specified in subsection (3)(f) only if the person is in New Zealand.

Compare: 1992 No 92 Schedule 2 cls 1(1)–(3), 2(1)–(3), 3(1)–(3), 4(1)–(3), 5(1)–(3), 6(1), (2), (9) (pre-1 April 2017)

Section 27GA: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GB Chief Commissioner of Intelligence Warrants to be notified of action taken under section 27GA

- (1) If the Minister takes an action specified in section 27GA(3) in relation to a person, the Minister must notify the Chief Commissioner of Intelligence Warrants of—
 - (a) the action that has been taken; and
 - (b) the reasons for the taking of that action.
- (2) The Minister must arrange for all documents that he or she considered when deciding to take the action to be referred to the Chief Commissioner of Intelligence Warrants.

Section 27GB: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GC Person to be notified of action taken under section 27GA

- (1) If the Minister takes an action specified in section 27GA(3) in relation to a person, the Minister must, as soon as practicable, notify the person of—
 - (a) the action that has been taken; and
 - (b) the date on which the decision to take that action was made; and
 - (c) the reasons for making that decision; and
 - (d) the period during which the person is not entitled to obtain a New Zealand travel document.
- (2) However, the Minister may defer notifying the person of the matters specified in subsection (1) for a period not exceeding 30 days after taking the action if the Minister is satisfied that giving notice sooner may prejudice an ongoing investigation or put the security or safety of any person at risk.
- (3) Notice under this section is to be treated as given if the Minister has taken all practicable steps to provide it.

Compare: 1992 No 92 Schedule 2 cls 1(4)(a), (5), 2(4)(a), (5), 3(4)(a), (5), 4(4)(a), (5), 5(4)(a), (5), 6(4)(a), (5) (pre-1 April 2017)

Section 27GC: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GD Person not entitled to obtain New Zealand travel document if action taken under section 27GA

- (1) If the Minister takes an action specified in section 27GA(3) in relation to a person, the person is not entitled to obtain a New Zealand travel document during the 12-month period (the **disqualification period**) starting with the date on which the decision to take the action was made, unless that decision is—
 - (a) revoked by the Minister; or

- (b) set aside by a court.
- (2) Despite subsection (1), the Minister may decide to specify a longer disqualification period in the notice given under section 27GC(1), not exceeding 36 months, if the Minister is satisfied that the person would continue to pose a danger to the security of New Zealand or any other country for longer than 12 months.
- (3) If the disqualification period exceeds 12 months,—
 - (a) the person may, within 30 days after the date on which the notice was given under section 27GC(1), make a written submission to the Minister about the length of the disqualification period and, if a submission is made, the Minister must review the length of the disqualification period, having regard to the person's submission; and
 - (b) the Minister must, every 12 months after the date on which the notice was given under section 27GC(1) (unless the disqualification period has sooner expired), review the decision made under subsection (2) by—
 - (i) inviting the person to make a written submission to the Minister about the decision; and
 - (ii) determining whether the decision should be revoked or amended having regard to the person's submission (if any).
- (4) The Minister may, at any time before the expiry of the disqualification period, apply to the High Court for an order to extend the disqualification period for a further period not exceeding 12 months.
- (5) The High Court must make the order applied for under subsection (4) if satisfied that—
 - (a) the information presented in support of the application is credible, having regard to its source or sources; and
 - (b) the information reasonably supports a finding that there continue to be grounds for the Minister to make a decision under section 27GA(1) or (2) in relation to the person who is subject to the disqualification period.

Compare: 1992 No 92 Schedule 2 cls 1(4)(b), (6)–(9), 2(4)(b), (6)–(9), 3(4)(b), (6)–(9), 4(4)(b), (6)–(9), 5(4)(b), (6)–(9), 6(3)(b), (5)–(8) (pre-1 April 2017)

Section 27GD: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GE Temporary suspension of New Zealand travel documents pending decision under section 27GA

- (1) The Minister may suspend a person's New Zealand travel document for a period not exceeding 10 working days if the Minister—
 - (a) is investigating or considering whether to take an action under section 27GA; and

- (b) is satisfied that the person is likely to travel overseas before a decision under that section is made.
- (2) The Minister may mark the electronic record of a New Zealand travel document on a New Zealand travel document database with a warning to indicate that the New Zealand travel document has been suspended.
- (3) If it subsequently becomes apparent that the grounds for taking an action under section 27GA cannot be established,—
 - (a) the suspension lapses; and
 - (b) the Minister must remove the warning (if any) marked on the electronic record of the New Zealand travel document under subsection (2).

Compare: 1992 No 92 Schedule 2 cl 7 (pre-1 April 2017)

Section 27GE: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

27GF Review of Minister's decision under section 27GA

- (1) If the Chief Commissioner of Intelligence Warrants receives notice under section 27GB that the Minister has taken an action under section 27GA, the Chief Commissioner of Intelligence Warrants must arrange for a Commissioner of Intelligence Warrants to conduct a review of the Minister's decision to take that action.
- (2) A Commissioner of Intelligence Warrants must review the Minister's decision by—
 - (a) assessing the documents referred by the Minister under section 27GB(2); and
 - (b) considering whether the documents reasonably support the decision.
- (3) If the Commissioner of Intelligence Warrants considers that the documents do not reasonably support the Minister's decision, the Commissioner of Intelligence Warrants must prepare a report of the review—
 - (a) recommending that the Minister reconsider his or her decision; and
 - (b) stating the reasons for that recommendation.
- (4) The Minister must, after receiving a report under subsection (3),—
 - (a) reconsider his or her decision and either confirm, vary, or revoke it; and
 - (b) notify the person in respect of whom the action under section 27GA was taken of—
 - (i) the recommendation of the Commissioner of Intelligence Warrants and the reasons for it; and
 - (ii) the outcome of the Minister's reconsideration of his or her decision.

Section 27GE: inserted, on 1 April 2017, by section 303 of the Intelligence and Security Act 2017 (2017 No 10).

Cancellation of New Zealand travel document on death of holder

Heading: inserted, on 5 December 2013, by section 4 of the Passports Amendment Act 2013 (2013 No 127).

27H Death of holder of New Zealand travel document

- (1) If the Minister has reasonable grounds to believe that the holder of a New Zealand travel document has died, the Minister may cancel that holder's New Zealand travel document.
- (2) This section is subject to section 27I.
- (3) *[Repealed]*

Section 27H: inserted, on 5 December 2013, by section 4 of the Passports Amendment Act 2013 (2013 No 127).

Section 27H(2): replaced, on 30 November 2015, by section 26 of the Passports Amendment Act 2015 (2015 No 89).

Section 27H(3): repealed, on 30 November 2015, by section 26 of the Passports Amendment Act 2015 (2015 No 89).

Electronic cancellation of New Zealand travel documents

Heading: inserted, on 30 November 2015, by section 27 of the Passports Amendment Act 2015 (2015 No 89).

27I Electronic cancellation of New Zealand travel documents

- (1) The Minister may cancel a New Zealand travel document under any of sections 8, 9, 9A, 20, 25, 27D, 27GA, and 27H by electronically recording the cancellation of that travel document on a New Zealand travel document database.
- (2) Despite any provision in any of sections 8, 9, 9A, 20, 25, 27D, and 27GA, the Minister need not recall a New Zealand travel document, under the relevant section, nor have possession of the document, before cancelling it in accordance with subsection (1).
- (3) Where the Minister has cancelled a New Zealand travel document in accordance with subsection (1) but has not recalled it, the Minister must promptly take reasonable steps to notify the person concerned in writing of the cancellation.
- (4) Despite subsection (3), the Minister is not required to notify a person whose New Zealand travel document has been cancelled under section 9(1)(b), 9(1A), 20(1)(b), 20(1A), 25(1)(c), 25(1A), 27D(1)(b), 27D(1A), or 27H(1).

Section 27I: inserted, on 30 November 2015, by section 27 of the Passports Amendment Act 2015 (2015 No 89).

Section 27I(1): replaced, on 1 April 2017, by section 304 of the Intelligence and Security Act 2017 (2017 No 10).

Section 27I(2): replaced, on 1 April 2017, by section 304 of the Intelligence and Security Act 2017 (2017 No 10).

Part 2

Miscellaneous provisions

Appeals

28 Appeal to High Court

- (1) Every person who, being—
 - (a) the applicant for the issue of a New Zealand travel document; or
 - (b) the holder of a New Zealand travel document,—is dissatisfied with any decision of the Minister made in relation to the application or document under Part 1 may appeal to the High Court against that decision.
- (2) Every appeal under this section shall be filed within 28 days after the date on which notice of the decision that is the subject of the appeal has been received by the person seeking to bring the appeal, or within such extended time as the court may allow.
- (3) On any appeal under this section, the court may confirm, modify, or quash the decision that is the subject of the appeal, and may give all such directions (if any) to the Minister or any other person concerned as may be necessary to give effect to the court's decision.
- (4) Where the appeal relates to a matter within the discretion of the Minister, the court may substitute its own discretion for that of the Minister.
- (5) Subject to this section, the procedure in respect of any appeal under this section shall be in accordance with rules of court.
- (5A) This section is subject to sections 29AA to 29AC in the case of an appeal against a decision of the Minister to refuse to issue a New Zealand travel document, or to cancel or retain a New Zealand travel document, under section 27GA.
- (6) Except as provided in section 29, every decision of the court on an appeal under this section shall be final.

Compare: 1980 No 58 s 9

Section 28(1): substituted, on 21 April 2005, by section 22(1) of the Passports Amendment Act 2005 (2005 No 44).

Section 28(1)(a): amended, on 30 November 2015, by section 28 of the Passports Amendment Act 2015 (2015 No 89).

Section 28(5): amended, on 21 April 2005, by section 22(2) of the Passports Amendment Act 2005 (2005 No 44).

Section 28(5A): inserted, on 21 April 2005, by section 22(3) of the Passports Amendment Act 2005 (2005 No 44).

Section 28(5A): amended, on 1 April 2017, by section 305 of the Intelligence and Security Act 2017 (2017 No 10).

29 Appeal to Court of Appeal in certain cases

- (1) Any party to an appeal before the High Court under section 28 who is dissatisfied with any decision of the court may, with the leave of the court, or if that court refuses leave, with the leave of the Court of Appeal, appeal to the Court of Appeal.
- (1A) Any party who is dissatisfied with a decision of the High Court under section 27GD(5) to extend the period for which a person is not entitled to obtain a New Zealand travel document may, with the leave of the court, or, if the court refuses leave, with the leave of the Court of Appeal, appeal to the Court of Appeal.
- (2) On any appeal under this section, the Court of Appeal shall have the same powers as are conferred on the High Court by subsections (3) and (4) of section 28 in respect of appeals under that section.
- (3) Subject to this section, the procedure in respect of any appeal under this section shall be in accordance with rules of court.
- (3A) This section is subject to sections 29AA to 29AC in the case of an appeal relating to—
 - (a) a decision of the Minister under section 27GA to refuse to issue a New Zealand travel document, or to cancel or retain a New Zealand travel document; or
 - (b) a decision of the High Court under section 27GD(5) to extend the period during which a person is not entitled to obtain a New Zealand travel document.
- (4) Every decision of the Court of Appeal on an appeal under this section shall be final.

Compare: 1980 No 58 s 10

Section 29(1A): replaced, on 1 April 2017, by section 306(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 29(3): amended, on 21 April 2005, by section 23(2) of the Passports Amendment Act 2005 (2005 No 44).

Section 29(3A): replaced, on 1 April 2017, by section 306(2) of the Intelligence and Security Act 2017 (2017 No 10).

Special provision for proceedings where national or international security involved

Heading: replaced, on 1 April 2017, by section 307 of the Intelligence and Security Act 2017 (2017 No 10).

29AA Proceedings where national or international security involved

- (1) This section applies to the following proceedings:
 - (a) an application to the High Court by the Minister under section 27GD(4) for an order extending the period during which a person is not entitled to

- obtain a New Zealand travel document, and any appeal under section 29(1A) against such an order:
- (b) an appeal under section 28 or 29 relating to a decision of the Minister under section 27GA to refuse to issue a New Zealand passport or refugee travel document, or to cancel or retain a New Zealand travel document:
 - (c) an appeal under section 28 or 29 relating to a decision of the Minister to refuse to issue a certificate of identity under section 16 or an emergency travel document under section 23, where the Minister certifies that he or she had reasonable cause to believe—
 - (i) the person concerned was a danger to the security of New Zealand or another country because the person intended to engage in, or facilitate, an activity of a kind described in section 27GA(1)(a) or (2)(a); and
 - (ii) the refusal to issue the certificate of identity or emergency travel document concerned would prevent or effectively impede the ability of the person to carry out that intended activity; and
 - (iii) the danger to the security of New Zealand or the other country could not be effectively averted by other means:
 - (d) an application for judicial review of a decision made by the Minister under section 27GA or 27GD.
- (2) In hearing an appeal to which this section applies, the court must determine whether—
- (a) the information that led to the decision is credible, having regard to its source or sources; and
 - (b) the information reasonably supports a finding that—
 - (i) the person concerned is a danger to the security of New Zealand or another country because the person intends to engage in, or facilitate, an activity of a kind described in section 27GA(1)(a) or (2)(a); and
 - (ii) the refusal to issue the New Zealand travel document concerned, or to cancel or retain the New Zealand travel document, will prevent or effectively impede the ability of the person to carry out that intended activity; and
 - (iii) the danger to the security of New Zealand or the other country cannot be effectively averted by other means.
- (3) Where the appeal relates to a matter within the discretion of the Minister, the court may substitute its own discretion for that of the Minister.
- (4) If information presented or proposed to be presented in proceedings to which this section applies includes classified security information, then section 29AB applies.

- (5) In this section and sections 29AB and 29AC, **classified security information** means information—
- (a) relevant to whether there are or may be grounds for believing that—
 - (i) the person concerned is a danger to the security of New Zealand or another country because the person intends to engage in, or facilitate, an activity of a kind described in section 27GA(1)(a) or (2)(a); or
 - (ii) the refusal to issue the New Zealand travel document concerned, or to cancel or retain the New Zealand travel document, will prevent or effectively impede the ability of the person to carry out the intended activity; or
 - (iii) the danger to the security of New Zealand or the other country cannot be effectively averted by other means; and
 - (b) held by an intelligence and security agency (as defined in section 4(1) of the Terrorism Suppression Act 2002) or by the New Zealand Police; and
 - (c) that the head of the specified agency, or the New Zealand Police, certifies in writing cannot be disclosed except to the extent provided in section 29AB because, in the opinion of the head of the specified agency,—
 - (i) the information is information of a kind specified in subsection (6); and
 - (ii) disclosure of the information would be disclosure of a kind specified in subsection (7).
- (6) Information falls within subsection (5)(c)(i) if it—
- (a) might lead to the identification of, or provide details of, the source of the information, the nature, content, or scope of the information, or the nature or type of the assistance or operational methods available to the agency or the Police; or
 - (b) is about particular operations that have been undertaken, or are being or are proposed to be undertaken, in pursuance of any of the functions of the agency or the Police; or
 - (c) has been provided to the agency or the Police by the Government of another country or by an agency of a Government of another country or by an international organisation, and is information that cannot be disclosed by the agency or the Police because the Government or agency or organisation by which the information has been provided will not consent to the disclosure.
- (7) Disclosure of information falls within subsection (5)(c)(ii) if the disclosure would be likely—
- (a) to prejudice the security or defence of New Zealand or the international relations of the Government of New Zealand; or

- (b) to prejudice the entrusting of information to the Government of New Zealand on a basis of confidence by the Government of another country or any agency of such a Government, or by any international organisation; or
- (c) to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial; or
- (d) to endanger the safety of any person.

Compare: 2002 No 34 s 32

Section 29AA: inserted, on 21 April 2005, by section 24 of the Passports Amendment Act 2005 (2005 No 44).

Section 29AA heading: replaced, on 1 April 2017, by section 308(1) of the Intelligence and Security Act 2017 (2017 No 10).

Section 29AA(1): replaced, on 1 April 2017, by section 308(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 29AA(2): replaced, on 1 April 2017, by section 308(2) of the Intelligence and Security Act 2017 (2017 No 10).

Section 29AA(5)(a): replaced, on 1 April 2017, by section 308(3) of the Intelligence and Security Act 2017 (2017 No 10).

29AB Proceedings involving classified security information

- (1) If information presented or proposed to be presented by the Crown in any proceedings to which section 29AA applies includes classified security information, the court must, on a request for the purpose by the Attorney-General and if satisfied that it is desirable to do so for the protection of (either all or part of) the classified security information, receive or hear (the part or all of) the classified security information in the absence of—
 - (a) the person in respect of whom the decision concerned was made; and
 - (b) all barristers or solicitors (if any) representing that person; and
 - (c) members of the public.
- (2) Without limiting subsection (1),—
 - (a) the court must approve a summary of the information of the kind referred to in section 29AA(5) that is presented by the Attorney-General except to the extent that a summary of any particular part of the information would itself involve disclosure that would be likely to prejudice the interests referred to in section 29AA(6) or (7); and
 - (b) on being approved by the court (with or without amendments directed by the court in accordance with paragraph (a)), a copy of the statement must be given to the person concerned.
- (3) The court—
 - (a) may give any directions and make any orders that the court thinks appropriate in the circumstances of the case:

- (b) must determine the application or appeal on the basis of information available to the court, whether or not that information has been disclosed to or responded to by all parties to the proceedings.
- (4) Nothing in this section limits section 27 of the Crown Proceedings Act 1950 or any rule of law that authorises or requires the withholding of a document or the refusal to answer a question on the ground that the disclosure of the document or the answering of the question would be injurious to the public interest.
- (4A) If at any time a decision is made to withdraw any classified security information,—
 - (a) the classified security information—
 - (i) must be kept confidential and must not be disclosed by the court; and
 - (ii) must be returned to the relevant agency; and
 - (b) the court must continue to make the decision or determine the proceedings—
 - (i) without regard to that classified security information; and
 - (ii) in the case of an appeal or a review of proceedings, as if that information had not been available in making the decision subject to the appeal or review.
- (5) This section applies despite any enactment or rule of law to the contrary.

Compare: 1992 No 92 Schedule 2 cl 8(2) (pre-1 April 2017)

Section 29AB: inserted, on 21 April 2005, by section 24 of the Passports Amendment Act 2005 (2005 No 44).

Section 29AB(4A): inserted, on 1 April 2017, by section 309 of the Intelligence and Security Act 2017 (2017 No 10).

Section 29AB compare note: inserted, on 1 April 2017, by section 309 of the Intelligence and Security Act 2017 (2017 No 10).

29AC Ancillary general practices and procedures to protect classified security information

- (1) Any general practices and procedures that may be necessary to implement the procedures specified in section 29AB and to ensure that classified security information is protected in all proceedings to which that section relates must be agreed between the Chief Justice and the Attorney-General as soon as practicable after the commencement of this section, and revised from time to time.
- (2) Without limiting the generality of subsection (1), general practices and procedures may be agreed under that subsection on the following matters:
 - (a) measures relating to the physical protection of the information during all proceedings to which section 29AB relates;
 - (b) the manner in which the information may be provided to the court;

- (c) measures to preserve the integrity of the information until any appeals are withdrawn or finally determined.

Section 29AC: inserted, on 21 April 2005, by section 24 of the Passports Amendment Act 2005 (2005 No 44).

Offences

29A Forged and false New Zealand travel documents

- (1) Every person commits an offence who—
 - (a) forges a New Zealand travel document; or
 - (b) knowing a document to be a forged or false New Zealand travel document, without reasonable excuse,—
 - (i) uses, deals with, or acts upon it as if it were genuine; or
 - (ii) causes another person to use, deal with, or act upon it as if it were genuine; or
 - (c) without reasonable excuse,—
 - (i) has in his or her possession or under his or her control a document that he or she knows or has reason to suspect is a forged or false New Zealand travel document; or
 - (ii) sells, hires, lends, gives, or otherwise disposes of a document that he or she knows or has reason to suspect is a forged or false New Zealand travel document to another person; or
 - (d) without lawful authority or reasonable excuse, makes or uses or has in his or her possession or disposes of any paper or other material that he or she knows is specially provided by the proper authorities for any purpose relating to New Zealand travel documents.

- (2) In subsection (1),—

false New Zealand travel document means a New Zealand travel document containing information purporting to relate to the person to whom it was issued (being information supplied by or on behalf of the person as part of or in connection with the person's application for the document) that—

- (a) is false; or
- (b) relates in fact to some other person

forges and **forged** have meanings corresponding to the meaning given to forgery by section 256 of the Crimes Act 1961.

- (3) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.

Section 29A: inserted, on 18 June 2002, by section 9 of the Passports Amendment Act 2002 (2002 No 24).

Section 29A(2) **forges** and **forged**: amended, on 21 April 2005, by section 25 of the Passports Amendment Act 2005 (2005 No 44).

Section 29A(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

30 Offences relating to New Zealand travel document information and material

- (1) Every person commits an offence who knowingly, and without lawful authority or reasonable excuse,—
 - (a) deletes, alters, or copies any information recorded in or on a New Zealand travel document database; or
 - (b) allows any information recorded in or on a New Zealand travel document database to be deleted, altered, or copied; or
 - (c) records any information (whether correct or incorrect) in or on a New Zealand travel document database; or
 - (d) allows any information (whether correct or incorrect) to be recorded in or on a New Zealand travel document database; or
 - (e) takes from where it is officially kept—
 - (i) a New Zealand travel document or a blank or incomplete New Zealand travel document; or
 - (ii) a seal, stamp, or other authenticating device or thing, that he or she knows is specially used by the proper authorities for a purpose relating to New Zealand travel documents; or
 - (iii) any paper or other material that he or she knows is specially provided by the proper authorities for a purpose relating to New Zealand travel documents; or
 - (f) takes from where it is officially kept a file or register in or on which information is or is to be recorded by officers for the purposes of this Act.
- (2) Paragraphs (a) to (d) of subsection (1)—
 - (a) apply to the deletion or alteration of information recorded in an electronic New Zealand travel document database, or the recording of information in an electronic New Zealand travel document database, whether it is achieved—
 - (i) directly; or
 - (ii) by altering or damaging the database, its programming, another device, the programming of another device, or any electronic storage; and
 - (b) apply to the copying of information recorded in an electronic New Zealand travel document database whether it is achieved directly from the database, by means of another device, by the interception or copying of an electronic message, or from any form of electronic storage.

- (3) *[Repealed]*
- (4) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.

Section 30: substituted, on 18 June 2002, by section 9 of the Passports Amendment Act 2002 (2002 No 24).

Section 30 heading: amended, on 30 November 2015, by section 29(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(1)(a): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(1)(b): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(1)(c): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(1)(d): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(2)(a): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(2)(b): amended, on 30 November 2015, by section 29(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(3): repealed, on 30 November 2015, by section 29(3) of the Passports Amendment Act 2015 (2015 No 89).

Section 30(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

30A Improper issue of New Zealand travel document

- (1) Every person commits an offence who, without lawful authority or reasonable excuse, issues a New Zealand travel document (whether or not to the person to whom it relates) knowing that the person to whom it relates is not entitled to be issued it.
- (2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.

Section 30A: inserted, on 18 June 2002, by section 9 of the Passports Amendment Act 2002 (2002 No 24).

Section 30A(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

31 Other offences

- (1) Every person commits an offence who—
- (a) for purposes of travel and without reasonable excuse, uses a New Zealand travel document that he or she knows or has reasonable cause to suspect has expired or has been cancelled; or

- (b) for purposes of travel or identification and without reasonable excuse, uses a New Zealand travel document that he or she knows or has reasonable cause to suspect was issued to or in respect of another person; or
 - (c) being a person to whom a New Zealand travel document has been issued, without reasonable excuse permits another person to have possession of that document in circumstances where he or she knows or has reasonable cause to suspect that the person intends to use it for purposes of travel or identification; or
 - (d) without lawful authority or reasonable excuse, takes or retains in his or her possession or under his or her control a New Zealand travel document against the will of the holder; or
 - (e) *[Repealed]*
 - (f) without reasonable excuse, has in his or her possession or under his or her control within New Zealand—
 - (i) a passport issued by or on behalf of the Government of any country other than New Zealand, being a passport that he or she knows or has reason to suspect has been falsified or has been obtained by false representation; or
 - (ii) a document purporting to be a passport issued by or on behalf of the Government of any country other than New Zealand that he or she knows or has reason to suspect is not such a passport.
- (2) Every person commits an offence who intentionally defaces or destroys a New Zealand travel document.
- (3) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.
- (4) Every person who commits an offence against subsection (2) is liable on conviction to imprisonment for a term not exceeding 2 years.

Compare: 1980 No 58 s 12

Section 31(1): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 31(1)(a): amended, on 21 April 2005, by section 26 of the Passports Amendment Act 2005 (2005 No 44).

Section 31(1)(b): amended, on 21 April 2005, by section 26 of the Passports Amendment Act 2005 (2005 No 44).

Section 31(1)(c): amended, on 21 April 2005, by section 26 of the Passports Amendment Act 2005 (2005 No 44).

Section 31(1)(d): amended, on 21 April 2005, by section 26 of the Passports Amendment Act 2005 (2005 No 44).

Section 31(1)(e): repealed, on 18 June 2002, by section 10(1) of the Passports Amendment Act 2002 (2002 No 24).

Section 31(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 31(2): amended, on 21 April 2005, by section 26 of the Passports Amendment Act 2005 (2005 No 44).

Section 31(3): substituted, on 18 June 2002, by section 10(2) of the Passports Amendment Act 2002 (2002 No 24).

Section 31(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 31(4): added, on 18 June 2002, by section 10(2) of the Passports Amendment Act 2002 (2002 No 24).

Section 31(4): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

31A Jurisdiction in respect of actions taken outside New Zealand

[Repealed]

Section 31A: repealed, on 30 November 2015, by section 30 of the Passports Amendment Act 2015 (2015 No 89).

32 False representations

- (1) Every person commits an offence who, for the purpose of procuring a New Zealand travel document, or a renewal or endorsement of a New Zealand travel document, whether for his or her benefit or for the benefit of any other person,—
- (a) makes any statement that he or she knows to be false or misleading in a material particular; or
 - (b) recklessly makes any statement that is false or misleading in a material particular.
- (2) Every person who commits an offence against subsection (1) is liable on conviction to imprisonment for a term not exceeding 5 years, a fine not exceeding \$15,000, or both.

Section 32: substituted, on 18 June 2002, by section 11 of the Passports Amendment Act 2002 (2002 No 24).

Section 32(1)(a): amended, on 30 November 2015, by section 31(1) of the Passports Amendment Act 2015 (2015 No 89).

Section 32(1)(b): amended, on 30 November 2015, by section 31(2) of the Passports Amendment Act 2015 (2015 No 89).

Section 32(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

32AA Jurisdiction in respect of actions taken outside New Zealand

Proceedings may be brought for an offence against section 29A(1), 30(1), or 30A(1), any of paragraphs (a) to (d) of section 31(1), or section 32(1) even if the act or omission alleged to constitute the offence did not occur in New Zealand.

Section 32AA: inserted, on 30 November 2015, by section 32 of the Passports Amendment Act 2015 (2015 No 89).

32A Court may forbid issue of passport

- (1) When sentencing a person in respect of an offence against this Act, a court may, in addition to any other sentence or order imposed or made, if satisfied that it is desirable for reasons of passport security and integrity, make an order that—
 - (a) a New Zealand passport must not be issued to the person for a specified period not exceeding 10 years; and
 - (b) any New Zealand passport issued to the person must be cancelled.
- (2) When sentencing a person in respect of a terrorism-related offence, a court may, in addition to any other sentence or order imposed or made, make an order that—
 - (a) a New Zealand passport must not be issued to the person for a specified period not exceeding 15 years; and
 - (b) any New Zealand passport issued to the person must be cancelled.
- (3) In this section, **terrorism-related offence** means—
 - (a) an offence under any of the following enactments:
 - (i) the Aviation Crimes Act 1972:
 - (ii) the Crimes (Internationally Protected Persons, United Nations and Associated Personnel, and Hostages) Act 1980:
 - (iii) the Maritime Crimes Act 1999:
 - (iv) the Terrorism Suppression Act 2002:
 - (b) an offence where terrorism (whether described in similar terms as, or by reference to, the definition of terrorist act in section 5 of the Terrorism Suppression Act 2002) is an aggravating factor.
- (4) An order under subsection (1) or subsection (2) expires at the end of the relevant specified period after the date of the person's conviction of the offence.

Section 32A: inserted, on 18 June 2002, by section 11 of the Passports Amendment Act 2002 (2002 No 24).

Section 32A(2): substituted, on 21 April 2005, by section 27 of the Passports Amendment Act 2005 (2005 No 44).

Section 32A(3): added, on 21 April 2005, by section 27 of the Passports Amendment Act 2005 (2005 No 44).

Section 32A(4): added, on 21 April 2005, by section 27 of the Passports Amendment Act 2005 (2005 No 44).

Miscellaneous provisions

33 Passports, etc, are property of New Zealand Government

- (1) All New Zealand travel documents issued by or on behalf of the Government of New Zealand, whether before or after the commencement of this Act, shall be the property of the Government of New Zealand.

- (2) The right in a New Zealand travel document conferred on the Government of New Zealand by subsection (1) shall not be defeated or affected by any security, pledge, deposit, or encumbrance given, made or accepted in respect of the New Zealand travel document by the holder or by any other person.
- (3) No holder or any other person shall give, make, or accept as a security, pledge, or deposit, or otherwise encumber, a New Zealand travel document issued by or on behalf of the Government of New Zealand, and any term of an agreement which would otherwise have that effect shall be void.

Compare: 1980 No 58 s 14

Section 33(1): amended, on 21 April 2005, by section 28(a) of the Passports Amendment Act 2005 (2005 No 44).

Section 33(2): amended, on 21 April 2005, by section 28(b) of the Passports Amendment Act 2005 (2005 No 44).

Section 33(3): amended, on 21 April 2005, by section 28(c) of the Passports Amendment Act 2005 (2005 No 44).

34 Minister may delegate powers

- (1) The Minister may delegate to a specified person or to persons of a specified class, or to the holder or holders for the time being of a specified office or specified class of offices, any of the powers conferred on the Minister by Part 1 or section 42.
- (2) The delegation of a power under this section may be made generally, or in respect of a particular case or class of cases.
- (3) A power delegated under this section may be exercised by the person or persons, or the holder or holders for the time being of a specified office or specified class of offices, to whom it is delegated in the same manner and to the same extent as if it were conferred by this Act and not by delegation.
- (4) The delegation of a power under this section shall not prevent the exercise of that power by the Minister.

Compare: 1980 No 58 s 15

Section 34(1): amended, on 15 December 1994, by section 2 of the Passports Amendment Act 1994 (1994 No 156).

35 Disclosure of information to chief executive of New Zealand Customs Service

[Repealed]

Section 35: repealed, on 21 April 2005, by section 29(1) of the Passports Amendment Act 2005 (2005 No 44).

36 Disclosure of travel document and related information

- (1) The Secretary may, for the purpose of aiding border security, facilitating the processing of passengers, verifying the identity of a holder of a travel document, or determining whether a person is a New Zealand citizen, disclose New

Zealand travel document information of a kind referred to in section 37 to any appropriate agency, body, or person (the **other party**).

- (2) The disclosure of the information must be in accordance with an agreement in writing between the Secretary and the other party that states—
 - (a) the purpose of the agreement; and
 - (b) the information that can be disclosed; and
 - (c) the method and form of the disclosure; and
 - (d) the use the other party will make of the information; and
 - (e) the conditions under which the other party may disclose the information.
- (3) An agreement entered into under subsection (2) may be varied by the Secretary and the other party.
- (4) Before entering into an agreement under subsection (2) or varying an agreement under subsection (3), the Secretary and the other party must consult with the Privacy Commissioner on the terms of the agreement or variation.
- (5) The Privacy Commissioner may require the Secretary and the other party to review an agreement under this section, and report on the result of the review to the Privacy Commissioner, at intervals not shorter than 12 months.

Section 36: substituted, on 21 April 2005, by section 29(1) of the Passports Amendment Act 2005 (2005 No 44).

37 Information that may be disclosed

- (1) The information that may be disclosed under section 36 in relation to a New Zealand travel document is as follows:
 - (a) the holder's full name:
 - (b) the holder's date of birth:
 - (c) the holder's sex:
 - (d) the holder's eye colour:
 - (e) the holder's height:
 - (f) the holder's endorsements (if any):
 - (g) the photograph of the holder:
 - (h) the place of birth of the holder:
 - (i) the document type:
 - (j) the New Zealand travel document database key number:
 - (k) the passport or document number:
 - (l) the date of issue of the passport or document:
 - (m) the date of expiry of the passport or document:
 - (n) the place of issue of the passport or document:
 - (o) the status of the passport or document:

- (p) any other information relating to a New Zealand travel document that may be used—
- (i) to verify the identity of the document's holder; or
 - (ii) to determine whether a person is a New Zealand citizen by birth; or
 - (iii) for the purpose of border security; or
 - (iv) to assist in the processing of passengers.
- (2) Every application form for a New Zealand travel document that is printed after the date of commencement of the Passports Amendment Act 2005 must include a statement that the information may be so disclosed.
- (3) Nothing in section 36 shall prevent or limit any other disclosure of the information which may be otherwise required or authorised by or under law.

Section 37(1): amended, on 21 April 2005, by section 30(1) of the Passports Amendment Act 2005 (2005 No 44).

Section 37(1)(j): amended, on 30 November 2015, by section 33 of the Passports Amendment Act 2015 (2015 No 89).

Section 37(1)(p): added, on 21 April 2005, by section 30(2) of the Passports Amendment Act 2005 (2005 No 44).

Section 37(2): substituted, on 21 April 2005, by section 30(3) of the Passports Amendment Act 2005 (2005 No 44).

Section 37(3): amended, on 21 April 2005, by section 30(4) of the Passports Amendment Act 2005 (2005 No 44).

37A Access to information for purposes of Identity Information Confirmation Act 2012

Nothing in this Act limits access to information that is recorded under this Act if the access is for the purposes of, and in accordance with, the Identity Information Confirmation Act 2012.

Section 37A: inserted, on 19 December 2012, by section 22 of the Identity Information Confirmation Act 2012 (2012 No 124).

37B Crown liability

- (1) This section applies to any decision made under section 27GA, 27GD, or 27GE.
- (2) The Crown is not liable to any person for any loss or damage as a result of, or in connection with, a decision referred to in subsection (1) unless the person or persons taking those actions, or any employee of the Crown performing any function directly or indirectly connected with those actions, has not acted in good faith or has been grossly negligent.

Compare: 1992 No 92 Schedule 2 cl 9 (pre-1 April 2017)

Section 37B: inserted, on 1 April 2017, by section 310 of the Intelligence and Security Act 2017 (2017 No 10).

38 Penalties

- (1) Every person who commits an offence under this Act in respect of which no penalty is provided elsewhere than in this section is liable on conviction to imprisonment for a term not exceeding 3 months or a fine not exceeding \$2,000.
- (2) Despite anything to the contrary in section 25 of the Criminal Procedure Act 2011, the limitation period in respect of an offence against this Act ends on the date that is 2 years after the date on which the offence was committed.
- (3) Subsection (2) does not limit the time for filing a charging document for an offence against any of sections 29A(1), 30(1), 30A(1), 31(1) or (2), or 32(1).

Section 38: replaced, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

39 Offences triable summarily

[Repealed]

Section 39: repealed, on 18 June 2002, by section 12(2) of the Passports Amendment Act 2002 (2002 No 24).

Regulations

40 Regulations

- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:
 - (a) requiring the payment of fees, and prescribing the amount of such fees, in respect of applications for and the issue of passports, certificates of identity, emergency travel documents, and refugee travel documents:
 - (b) requiring the payment of fees, and prescribing the amount of such fees, in respect of the provision of any administrative service specified in the regulations, such as the certification of a New Zealand travel document:
 - (c) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.
- (2) Any fees set under subsection (1) may differ depending on—
 - (a) the time at which the application is lodged:
 - (b) the type of travel document:
 - (c) whether the application is lodged in New Zealand or overseas:
 - (d) whether the application is for—
 - (i) a new travel document; or
 - (ii) a replacement for a lost or stolen travel document:
 - (e) in the case of an application lodged overseas, the overseas place where the application is lodged:

- (f) the manner in which the application is lodged, for example, whether the application is lodged in paper form or electronically via an Internet site maintained by or on behalf of the Secretary:
- (g) whether the applicant is, or is not, under the age of 16 years.

Section 40: replaced, on 30 November 2015, by section 34 of the Passports Amendment Act 2015 (2015 No 89).

Repeals

[Repealed]

Heading: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

41 Repeals

[Repealed]

Section 41: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

Transitional provisions

[Repealed]

Heading: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

42 Provisions relating to endorsement of name of child on passport of parent or guardian

[Repealed]

Section 42: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

Saving

[Repealed]

Heading: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

43 Existing passports, etc, to continue in force

[Repealed]

Section 43: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

Validation

[Repealed]

Heading: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

44 Validation of certain prescribed fees

[Repealed]

Section 44: repealed, on 30 November 2015, by section 35 of the Passports Amendment Act 2015 (2015 No 89).

Application

[Repealed]

Heading: repealed, on 1 April 2017, pursuant to section 45(6).

45 Application of temporary provisions in Schedule 2

[Repealed]

Section 45: repealed, on 1 April 2017, by section 45(6).

46 Transitional provision

[Repealed]

Section 46: repealed, on 1 April 2017, by section 311 of the Intelligence and Security Act 2017 (2017 No 10).

Schedule 1
Transitional, savings, and related provisions

s 2A

Schedule 1: inserted, on 30 November 2015, by section 38 of the Passports Amendment Act 2015 (2015 No 89).

1 Savings

Nothing in this Act affects the validity or period of validity of any New Zealand travel document issued or renewed before the commencement of the Passports Amendment Act 2015.

Schedule 2
Temporary provisions
[Repealed]

s 45

Schedule 2: repealed, on 1 April 2017, by section 45(6).

1 Refusal to issue passport on grounds of national security

[Repealed]

Schedule 2 clause 1: repealed, on 1 April 2017, by section 45(6).

2 Cancellation of passport on grounds of national security

[Repealed]

Schedule 2 clause 2: repealed, on 1 April 2017, by section 45(6).

3 Cancellation of certificate of identity on grounds of national security

[Repealed]

Schedule 2 clause 3: repealed, on 1 April 2017, by section 45(6).

4 Cancellation of emergency travel document on grounds of national security

[Repealed]

Schedule 2 clause 4: repealed, on 1 April 2017, by section 45(6).

5 Refusal to issue refugee travel document on grounds of national security

[Repealed]

Schedule 2 clause 5: repealed, on 1 April 2017, by section 45(6).

6 Cancellation of refugee travel document on grounds of national security

[Repealed]

Schedule 2 clause 6: repealed, on 1 April 2017, by section 45(6).

7 Temporary suspension of New Zealand travel documents

[Repealed]

Schedule 2 clause 7: repealed, on 1 April 2017, by section 45(6).

8 Proceedings where national security involved

[Repealed]

Schedule 2 clause 8: repealed, on 1 April 2017, by section 45(6).

9 Limitation of Crown liability

[Repealed]

Schedule 2 clause 9: repealed, on 1 April 2017, by section 45(6).

Passports Amendment Act 2005

Public Act	2005 No 44
Date of assent	20 April 2005
Commencement	see section 2

1 Title

- (1) This Act is the Passports Amendment Act 2005.
- (2) In this Act, the Passports Act 1992 is called “the principal Act”.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

29 New section substituted

- (1) *Amendment(s) incorporated in the Act(s).*
- (2) An agreement entered into under section 35 or section 36 of the principal Act that was in existence immediately before the commencement of this Act—
 - (a) is deemed to be an agreement with an appropriate agency entered into, after consultation with the Privacy Commissioner, under section 36 of the principal Act as substituted by this section; and
 - (b) is deemed to apply to information of the kind described in section 37(1)(p).

Reprints notes

1 *General*

This is a reprint of the Passports Act 1992 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Intelligence and Security Act 2017 (2017 No 10): sections 284–311

Passports Amendment Act 2015 (2015 No 89)

Passports Amendment Act 2013 (2013 No 127)

Identity Information Confirmation Act 2012 (2012 No 124): section 22

Criminal Procedure Act 2011 (2011 No 81): section 413

Immigration Act 2009 (2009 No 51): section 406(1)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Sentencing Amendment Act 2007 (2007 No 27): section 58

Passports Amendment Act 2005 (2005 No 44)

Passports Amendment Act 2003 (2003 No 92)

Passports Amendment Act 2002 (2002 No 24)

Sentencing Act 2002 (2002 No 9): section 186

Passports Amendment Act 1994 (1994 No 156)

Passports Act 1992 (1992 No 92): section 45(6)