

**Reprint
as at 1 October 2018**

Customs and Excise Amendment Act 2006

Public Act 2006 No 7
Date of assent 9 April 2006

Customs and Excise Amendment Act 2006: repealed, on 1 October 2018, pursuant to section 442 of the Customs and Excise Act 2018 (2018 No 4).

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act amended	2
4 New sections 280C to 280F inserted	2
280C Interpretation	2
280D Disclosure of arrival and departure information for fines enforcement purposes	3
280E No Crown liability to third parties for fines enforcement action	4
280F Customs may supply information concerning specified fines defaulters to chief executive of Department of Labour	4

The Parliament of New Zealand enacts as follows:

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this eprint. See the notes at the end of this eprint for further details.

This Act is administered by the New Zealand Customs Service.

1 Title

This Act is the Customs and Excise Amendment Act 2006.

2 Commencement

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

3 Principal Act amended

This Act amends the Customs and Excise Act 1996.

4 New sections 280C to 280F inserted

The following sections are inserted after section 280B:

280C Interpretation

In sections 280D and 280E, unless the context otherwise requires,—

authorised officer—

- (a) means any officer, employee, or agent of the Department who is authorised by the chief executive of the Department to supply information to, or receive information from, the chief executive of the Customs under section 280D; and
- (b) includes any sworn member of the police

Department means the Ministry of Justice or other department of State that, with the authority of the Prime Minister, is for the time being responsible for the enforcement of fines

fine means—

- (a) a fine within the meaning of section 79 of the Summary Proceedings Act 1957 or an amount of reparation;
- (b) a fine or other sum of money to which any of sections 19 to 19E of the Crimes Act 1961 applies;
- (c) a fine to which any of sections 43 to 46 of the Misuse of Drugs Amendment Act 1978 applies

fines enforcement action includes the execution of a warrant to arrest a person in respect of the non-payment of the whole, or of any part, of any fine

identifying information means personal information that identifies an individual, which may include the individual's passport number

reparation means—

- (a) any amount that is required to be paid under a sentence of reparation; or
- (b) any amount that is required to be paid under any order of reparation as defined in section 145D of the Sentencing Act 2002

serious default, in relation to a person, means that—

- (a) the person owes—
 - (i) an amount of \$1,000 (or any other amount that may be fixed by the Governor-General by Order in Council) or more in relation to 1 or more unpaid fines (other than an amount of reparation); or
 - (ii) any amount of reparation; and
- (b) a warrant to arrest the person has been issued in respect of the non-payment of the whole, or of any part, of any amount referred to in paragraph (a); and
- (c) the warrant has not been withdrawn or executed.

280D Disclosure of arrival and departure information for fines enforcement purposes

- (1) The purpose of this section is to facilitate the exchange of information between the Customs and the Department to enable—
 - (a) the Department to locate any person who is in serious default in the payment of any fine; and
 - (b) appropriate fines enforcement action to be taken against that person.
- (2) For the purpose of this section, an authorised officer may supply to the chief executive of the Customs any identifying information about a person who is in serious default.
- (3) If, in relation to a person who is in serious default, identifying information is supplied in accordance with subsection (2), the chief executive of the Customs may compare that information with any information held by the Customs that relates to that person.
- (4) If the Customs has information relating to a person who is in serious default, the chief executive of the Customs may, for the purpose of this section, supply to an authorised officer any of the following information relating to that person held by the Customs:
 - (a) the person's full name:
 - (b) the person's date of birth:
 - (c) the person's sex:
 - (d) the person's passport number:
 - (e) the person's nationality:
 - (f) if the person arrived or, as the case may be, departed by aircraft, the flight number of the aircraft:
 - (g) if the person arrived or, as the case may be, departed by ship, the name of the ship:

- (h) the date on which the person arrived in, or (as the case may be) departed from, New Zealand.
- (5) The chief executive of the Customs and the chief executive of the Department may, for the purpose of this section, determine by agreement between them—
 - (a) the frequency with which information may be supplied; and
 - (b) the form in which information may be supplied; and
 - (c) the method by which information may be supplied.

280E No Crown liability to third parties for fines enforcement action

- (1) This section applies to the taking of any fines enforcement action against a person who is alleged to be in serious default (the **alleged defaulter**), or to the questioning of any alleged defaulter with a view to taking any fines enforcement action, immediately—
 - (a) after the arrival of the alleged defaulter in New Zealand; or
 - (b) before the departure of the alleged defaulter from New Zealand.
- (2) The Crown is not liable to any person (for example, an airline operator or a passenger on an airline) for any loss or damage caused as a result of, or in connection with, the actions described 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.
- (3) Nothing in subsection (2) applies to or affects any question of the liability of the Crown to the alleged defaulter.

280F Customs may supply information concerning specified fines defaulters to chief executive of Department of Labour

- (1) The chief executive of the Customs may supply to the chief executive of the Department of Labour the following information about a person who is a specified fines defaulter:
 - (a) the person's full name:
 - (b) the person's date of birth:
 - (c) the person's sex:
 - (d) the person's passport number:
 - (e) notice of the fact that the person is a specified fines defaulter.
- (2) The information given under subsection (1)—
 - (a) may be given in any form and by any method agreed upon by the chief executive of the Department (as that term is defined in section 280C), the chief executive of the Customs, and the chief executive of the Department of Labour; and

- (b) may, in whole or in part, be in the form of a code representing the information.
- (3) In this section,—
 - fine** means a fine within the meaning of that term in section 280C, other than a fine imposed by, or resulting from the enforcement of, an order made or deemed to have been made under section 21(5), (5A), or (9) of the Summary Proceedings Act 1957
 - specified fines defaulter** means a person—
 - (a) who owes—
 - (i) an amount of \$5,000 (or any other amount that may be fixed by the Governor-General by Order in Council) or more in relation to 1 or more unpaid fines (other than an amount of reparation); or
 - (ii) any amount of reparation within the meaning of that term in section 280C; and
 - (b) for whom a warrant to arrest has been issued (and not withdrawn or executed) in respect of the non-payment of the whole or any part of any amount referred to in paragraph (a).

Eprint notes**1 *General***

This is an eprint of the Customs and Excise Amendment Act 2006 that incorporates all the amendments to that Act as at the date of the last amendment to it.

2 *About this eprint*

This eprint is not an official version of the legislation under section 18 of the Legislation Act 2012.

3 *Amendments incorporated in this eprint*

Customs and Excise Act 2018 (2018 No 4): section 442