

Passports Amendment Act 2002

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The Parliament of New Zealand enacts as follows:**1 Title**

- (1) This Act is the Passports Amendment Act 2002.
- (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.

3 Interpretation

Section 2 of the principal Act is amended by inserting, after the definition of **New Zealand passport**, the following definition:

“**New Zealand travel document** means a document that is a New Zealand passport, a New Zealand certificate of identity, or an emergency travel document.”

4 Issue of passport

- (1) Section 4(1) of the principal Act is amended by omitting the words “subsection (3) of this section”, and substituting the words “subsections (3) and (4)”.
- (2) Section 4(3) of the principal Act is amended by adding the following paragraph:
 - “(d) if the applicant holds a New Zealand certificate of identity, and (whether or not it has been recalled under section 20 or section 21) refuses to surrender it.”
- (3) Section 4 of the principal Act is amended by adding the following subsection:
 - “(4) The Minister must refuse to issue a New Zealand passport if an order made under section 32A(1) in respect of the applicant has not expired.”

5 New section 9A inserted

The principal Act is amended by inserting, after section 9, the following section:

“9A Cancellation of passport pursuant to court order

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(1).”

6 Delivery of recalled passport

Section 11 of the principal Act is amended by omitting the words “section 8 or section 9 or section 10 of this Act”, and substituting the words “any of sections 8 to 10”.

7 Cancellation of certificate of identity

Section 20(1) of the principal Act is amended by adding the following paragraph:

“(g) a New Zealand passport has been issued to the person.”

8 Issue of emergency travel document

Section 23 of the principal Act is amended by adding, as subsection (2), the following subsection:

“(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.”

9 New sections 29A to 30A substituted

The principal Act is amended by repealing section 30, and substituting the following sections:

“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 264 of the Crimes Act 1961.
- “(3) Every person who commits an offence against subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.
- “**30 Offences relating to passport 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 passport database; or
 - “(b) allows any information recorded in or on a passport database to be deleted, altered, or copied; or
 - “(c) records any information (whether correct or incorrect) in or on a passport database; or

- “(d) allows any information (whether correct or incorrect) to be recorded in or on a passport 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 passport database, or the recording of information in an electronic passport 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 passport 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) In subsection (1), **passport database** means a file, register, or device in or on which information is or is to be recorded by officers for the purposes of this Act.
- “(4) Every person who commits an offence against subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.

“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 on indictment to imprisonment for a term not exceeding 10 years, a fine not exceeding \$250,000, or both.”

10 Other offences

- (1) Section 31(1)(e) is repealed.
- (2) Section 31 of the principal Act is amended by repealing subsection (3), and substituting the following subsections:
- “(3) Every person who commits an offence against subsection (1) is liable on conviction on indictment 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 on indictment to imprisonment for a term not exceeding 2 years.”

11 New sections 31A to 32A substituted

The principal Act is amended by repealing section 32, and substituting the following sections:

“31A Jurisdiction in respect of actions taken outside New Zealand

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

“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 a written or oral statement that he or she knows to be false or misleading in a material particular; or
 - “(b) recklessly makes a written or oral statement that is false or misleading in a material particular.
- “(2) Every person who commits an offence against subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 5 years, a fine not exceeding \$15,000, or both.

“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) An order under subsection (1) expires at the end of the specified period after the date of the person’s conviction of the offence.”

12 Indictable offences triable summarily

- (1) Part 2 of Schedule 1 of the Summary Proceedings Act 1957 is amended by repealing the item relating to the principal Act, and substituting the following item:

The Passports Act 1992	29A	Forged and false New Zealand travel documents
	30	Offences relating to passport information and material
	30A	Improper issue of New Zealand travel document
	31(1)	Other offences

31(2) Defacing or destroying
document

32 False representations

(2) Section 39 of the principal Act is repealed.

Legislative history

11 June 2002

Divided from Transnational Organised Crime Bill
(Bill 201–2), third reading

17 June 2002

Royal assent
