

**Reprint
as at 1 October 2018**



Customs and Excise Amendment Act 2014

Public Act 2014 No 72
Date of assent 11 December 2014
Commencement see section 2

Customs and Excise Amendment Act 2014: repealed, on 1 October 2018, pursuant to section 442 of the Customs and Excise Act 2018 (2018 No 4).

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Customs and Excise Amendment Act 2014.
- 2 Commencement**
This Act comes into force on 12 December 2014.

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 New Zealand Customs Service.

3 Principal Act

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

4 New section 280M inserted (Direct access to database information for counter-terrorism investigation purposes)

After section 280L, insert:

280M Direct access to database information for counter-terrorism investigation purposes

- (1) The purpose of this section is to facilitate access by the New Zealand Security Intelligence Service and the New Zealand Police, for counter-terrorism investigation purposes, to information stored in a database.
- (2) The chief executive may allow the following persons to access a database to search for information, including personal information, for counter-terrorism investigation purposes:
 - (a) the Director of Security;
 - (b) 1 or more suitable employees or officers of the New Zealand Security Intelligence Service designated by the Director of Security;
 - (c) the Commissioner of Police;
 - (d) 1 or more suitable Police employees designated by the Commissioner.
- (3) Before allowing access to a database in accordance with subsection (2), the chief executive must enter into a written agreement with the Director of Security or the Commissioner of Police (as the case may be).
- (4) Before entering into a written agreement under subsection (3), the chief executive must consult with the Privacy Commissioner.
- (5) The Director of Security and the Commissioner of Police must take all reasonable steps to ensure that—
 - (a) a record is kept of—
 - (i) every occasion on which persons access a database; and
 - (ii) the reason for accessing the database; and
 - (iii) the identity of the person who accessed the database; and
 - (b) every person who accesses a database—
 - (i) searches only for information for counter-terrorism investigation purposes; and
 - (ii) complies with the terms of the written agreement referred to in subsection (3).
- (6) In this section,—
access a database includes remote access to a database

counter-terrorism investigation purposes means the detection, investigation, and prevention of any actual, potential, or suspected—

- (a) terrorist act; or
- (b) facilitation of a terrorist act

database means any information recording system used by the Customs to store information

Director of Security means the Director of Security holding office under the New Zealand Security Intelligence Service Act 1969

information—

- (a) means—
 - (i) any information held by the Customs that relates to goods, passengers, crew, or craft and their movements;
 - (ii) any other border-related information held by the Customs; and
- (b) includes, but is not limited to,—
 - (i) arrival and departure information;
 - (ii) information the Customs is entitled to view under any of sections 38G to 38K;
 - (iii) information specified in section 282(1);
 - (iv) border information (as defined in section 282D);
 - (v) information collected or generated by the Customs in the course of preventing, detecting, or investigating border-related offences; but
- (c) except as provided in paragraph (b)(i) and (iii) to (iv), does not include information which the Customs is not entitled to view under sections 38G to 38K

terrorist act has the same meaning as in section 5(1) of the Terrorism Suppression Act 2002.

(7) This section is repealed on 1 April 2017.

Reprints notes

1 *General*

This is a reprint of the Customs and Excise Amendment Act 2014 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*

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