



Passports Amendment Act 2015

Public Act 2015 No 89
Date of assent 20 October 2015
Commencement see section 2

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Schedule

New Schedule 1 inserted

10

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Passports Amendment Act 2015.

2 Commencement

This Act comes into force on 30 November 2015.

Part 1

Amendments to principal Act

3 Principal Act

This Act amends the Passports Act 1992 (the **principal Act**).

4 Section 2 amended (Interpretation)

(1) In section 2, replace the definition of **Minister** with:

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

(2) In section 2, insert in its appropriate alphabetical order:

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

(3) In section 2, definition of **officer**, replace “Department of Internal Affairs” with “department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act”.

(4) In section 2, definition of **passport**, delete “and is incapable of being renewed,”.

5 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

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

6 Part 1 heading amended

In the heading to Part 1, replace “**Issue, renewal,**” with “**Issue**”.

7 Cross-heading above section 3 amended

In the cross-heading above section 3, replace “*Issue, renewal, and endorsement*” with “*Issue*”.

8 Section 5 amended (Life of passport)

- (1) Replace section 5(1) with:
- (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.
- (2) In section 5(1A)(a), replace “this section” with “section 8 of the Passports Amendment Act 2015”.
- (3) In section 5(2), replace “Notwithstanding” with “Despite”.

9 Section 6 repealed (Renewal of passport)

Repeal section 6.

10 Section 8 amended (Cancellation of passport where holder ceases to be entitled to passport)

After section 8(1), insert:

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

11 Section 8A amended (Cancellation of passport on grounds of national security)

After section 8A(1), insert:

- (1A) This section is subject to section 27I.

12 Section 9 amended (Cancellation of passport on other grounds)

- (1) In section 9(1)(b), delete “and is incapable of being renewed”.
- (2) In section 9(1)(e), replace “the passport, or any renewal or endorsement of the passport, has” with “the passport has”.
- (3) After section 9(1), insert:
- (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.
- (4) After section 9(2), insert:
- (3) This section is subject to section 27I.

13 Section 9A amended (Cancellation of passport pursuant to court order)

In section 9A, insert as subsection (2):

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

14 New section 11A and cross-heading inserted

After section 11, insert:

Warnings on New Zealand travel document database

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, and 27F:
- (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.

15 Section 13 amended (Issue of temporary passport where passport surrendered)

Replace section 13(2) with:

- (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.

16 Cross-heading above section 16 amended

In the cross-heading above section 16, replace “*Issue, renewal, and endorsement*” with “*Issue*”.

17 Section 17 amended (Life of certificate of identity)

In section 17, replace “4 years” with “2 years”.

18 Section 18 repealed (Renewal of certificate of identity)

Repeal section 18.

19 Section 20 amended (Cancellation of certificate of identity)

- (1) In section 20(1)(b), delete “and is incapable of being renewed”.
- (2) After section 20(1), insert:
 - (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.
- (3) In section 20(2), after “subsection (1)”, insert “or cancels the certificate under subsection (1A)”.
- (4) After section 20(2), insert:
 - (3) This section is subject to section 27I.

20 Section 20A amended (Cancellation of certificate of identity on grounds of national security)

After section 20A(1), insert:

- (1A) Subsection (1) is subject to section 27I.

21 Section 25 amended (Cancellation of emergency travel document)

- (1) After section 25(1), insert:

(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) In section 25(2), after “subsection (1)”, insert “or cancels the document under subsection (1A)”.

- (3) After section 25(2), insert:

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

22 Section 25A amended (Cancellation of emergency travel document on grounds of national security)

After section 25A(1), insert:

- (1A) Subsection (1) is subject to section 27I.

23 Section 27C amended (Life of refugee travel document)

- (1) In section 27C(1), replace “2 years” with “5 years”.

- (2) Repeal section 27C(2).

24 Section 27D amended (Cancellation of refugee travel document)

- (1) In section 27D(1)(b), delete “and is incapable of being renewed”.

- (2) After section 27D(1), insert:

(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.

- (3) In section 27D(2), after “subsection (1)”, insert “or cancels the document under subsection (1A)”.

- (4) After section 27D(2), insert:

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

25 Section 27E amended (Cancellation of refugee travel document on grounds of national security)

After section 27E(1), insert:

- (1A) Subsection (1) is subject to section 27I.

26 Section 27H amended (Death of holder of New Zealand travel document)

Replace section 27H(2) and (3) with:

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

27 New section 27I and cross-heading inserted

After section 27H, insert:

Electronic cancellation of New Zealand travel documents

27I Electronic cancellation of New Zealand travel documents

- (1) The Minister may cancel a New Zealand travel document under any of sections 8, 8A, 9, 9A, 20, 20A, 25, 25A, 27D, 27E, 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, 8A, 9, 9A, 20, 20A, 25, 25A, 27D, and 27E, 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).

28 Section 28 amended (Appeal to High Court)

In section 28(1)(a), delete “or renewal”.

29 Section 30 amended (Offences relating to passport information and material)

- (1) In the heading to section 30, replace “passport” with “New Zealand travel document”.
- (2) In section 30(1) and (2), replace “passport database” with “New Zealand travel document database” in each place.
- (3) Repeal section 30(3).

30 Section 31A repealed (Jurisdiction in respect of actions taken outside New Zealand)

Repeal section 31A.

31 Section 32 amended (False representations)

- (1) In section 32(1)(a), replace “a written or oral statement” with “any statement”.

(2) In section 32(1)(b), replace “a written or oral statement” with “any statement”.

32 New section 32AA inserted (Jurisdiction in respect of actions taken outside New Zealand)

After section 32, insert:

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.

33 Section 37 amended (Information that may be disclosed)

In section 37(1)(j), replace “passports database” with “New Zealand travel document database”.

34 Section 40 replaced (Regulations)

Replace section 40 with:

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.

Part 2

Further amendments to principal Act

35 Sections 41 to 44 and cross-headings repealed

Repeal sections 41 to 44 and cross-headings above sections 41, 42, 43, and 44.

36 Section 45 amended (Application of temporary provisions in Schedule)

- (1) In the heading to section 45, replace “**Schedule**” with “**Schedule 2**”.
- (2) In section 45, replace “the Schedule” with “Schedule 2” in each place.

37 Section 46 amended (Transitional provision)

In section 46(1), replace “the Schedule” with “Schedule 2”.

38 New Schedule 1 inserted

Before the Schedule, insert, as Schedule 1, the Schedule 1 set out in the Schedule of this Act.

39 Schedule amended

- (1) In the Schedule, after clause 7(2), insert:
- (3) 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.
- (2) The Schedule is renumbered as Schedule 2.

Schedule
New Schedule 1 inserted

s 38

Schedule 1
Transitional, savings, and related provisions

s 2A

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.

Legislative history

15 June 2015	Introduction (Bill 32–1)
18 June 2015	First reading and referral to Government Administration Committee
24 August 2015	Reported from Government Administration Committee (Bill 32–2)
10 September 2015	Second reading
22 September 2015	Committee of the whole House (Bill 32–3)
15 October 2015	Third reading
20 October 2015	Royal assent

This Act is administered by the Department of Internal Affairs.