



Customs and Excise (Arrival Information) Amendment Act 2023

Public Act 2023 No 21
Date of assent 19 May 2023
Commencement see section 2

Contents

	Page
1 Title	2
2 Commencement	2
3 Principal Act	2
Part 1	
Amendments about requirement to provide information	
4 New sections 28A and 28B inserted	2
28A Persons arriving in New Zealand to provide information	2
28B Offences in relation to providing information	2
5 Section 34 amended (Offence in relation to wilful failure to comply with requirements when arriving in, or departing from, New Zealand)	3
6 Section 54 amended (Defences for offences under subpart)	3
7 Schedule 1 amended	3
Part 2	
Amendment about power to collect information	
8 New section 53A and cross-heading inserted	3
<i>Power to collect other arrival information</i>	
53A Power to collect information designated as arrival information	3
Schedule	
New Part 6 inserted into Schedule 1	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Customs and Excise (Arrival Information) Amendment Act 2023.

2 Commencement

This Act comes into force on 21 June 2023.

3 Principal Act

This Act amends the Customs and Excise Act 2018.

Part 1

Amendments about requirement to provide information

4 New sections 28A and 28B inserted

After section 28, insert:

28A Persons arriving in New Zealand to provide information

- (1) Every person arriving in New Zealand must provide Customs with the information prescribed by the chief executive's rules.
- (2) The information must be provided—
 - (a) in the way prescribed by the chief executive's rules; and
 - (b) by the prescribed time.
- (3) The prescribed time may be before a person arrives in New Zealand.
- (4) In that case, the person is to be treated as complying with subsections (1) and (2) if (and only if) they have provided the information—
 - (a) in the way prescribed by the chief executive's rules; and
 - (b) by that prescribed time.
- (5) Regulations may prescribe exemptions from subsection (1).

28B Offences in relation to providing information

- (1) A person commits an offence if the person—
 - (a) fails to comply with section 28A(1) or (2); or
 - (b) provides Customs with information under section 28A(1) that is erroneous in a material particular.
- (2) A person who commits an offence under this section is liable on conviction to a fine not exceeding \$1,000.

5 Section 34 amended (Offence in relation to wilful failure to comply with requirements when arriving in, or departing from, New Zealand)

In section 34(1), replace “any of sections 28 to 33” with “section 28 or any of sections 29 to 33”.

6 Section 54 amended (Defences for offences under subpart)

After section 54(2), insert:

- (3) It is a defence to a prosecution for an offence under section 28B(1)(b) if the defendant proves that the defendant took all reasonable steps to ensure that the information provided was not erroneous in a material particular.

7 Schedule 1 amended

In Schedule 1,—

- (a) insert the Part set out in the Schedule of this Act as the last Part; and
(b) make all necessary consequential amendments.

Part 2

Amendment about power to collect information

8 New section 53A and cross-heading inserted

After section 53, insert:

Power to collect other arrival information

53A Power to collect information designated as arrival information

- (1) Customs may collect information from a person to verify their compliance with a requirement under another Act if—
- (a) the information is designated as arrival information by 1 or more provisions of that Act (the **relevant provisions**); and
- (b) the relevant provisions are listed in subsection (2); and
- (c) the person must comply with the requirement before or when they arrive in New Zealand.
- (2) There are no relevant provisions for the purpose of this section as enacted.
- (3) Section 28A does not apply to information designated as arrival information for the purposes of this section (*see* the relevant provisions for requirements relating to how and when the information is to be provided).

Schedule
New Part 6 inserted into Schedule 1

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Part 6
Provisions relating to Customs and Excise (Arrival Information)
Amendment Act 2023**45 Application of section 28A to arrivals on Defence Force ships and cruise ships**

Section 28A applies to a person arriving in New Zealand on one of the following kinds of ship only on or after 31 October 2023:

- (a) a ship under the control of the Defence Force;
- (b) a ship operated as part of an international cruise business.

Legislative history

26 October 2022	Introduction (Bill 180–1)
8 November 2022	First reading and referral to Foreign Affairs, Defence and Trade Committee
27 April 2023	Reported from Foreign Affairs, Defence and Trade Committee (Bill 180–2)
2 May 2023	Second reading
16 May 2023	Committee of the whole House
17 May 2023	Third reading
19 May 2023	Royal assent

This Act is administered by the New Zealand Customs Service.