

Statutes Amendment Bill (No 3)

Government Bill

As reported from the Government
Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Statutes Amendment Bill (No 3) and recommends that it be passed with the amendments shown.

Introduction

This is an omnibus bill. It is designed to provide a legislative vehicle for minor, technical, and non-controversial amendments to existing legislation. The bill seeks to amend 16 statutes.

We recommend five amendments to the bill as drafted. These are outlined below.

Children, Young Persons, and Their Families Act 1989

We recommend changes to Part 2 of the bill inserting new sub-clause 10(2) and amending clauses 12 and 13 to clarify the intent of changes to the expiry provisions for two types of custody orders.

Section 296 of the Children, Young Persons, and Their Families Act 1989 sets out when certain orders made by the Youth Court expire.

As introduced, clause 10 would extend the application of this section to two types of custody orders made by the Youth Court: custody orders made to allow young persons to undertake an alcohol or drug rehabilitation programme, and those to allow other types of programme or activity to be provided to a young person. These custody orders are to expire when the child or young person in question reaches 18 years of age, unless they are specified to expire earlier. The insertion of sub-clause 10(2) would clarify the intent of the clause and resolve any conflict with the expiry provision for custody orders in section 108 of the Act.

The proposed amendments to clauses 12 and 13 are consequential on the changes made in sub-clause 10(2).

Real Estate Agents Act 2008

We recommend one change to Part 13 of the bill, deleting a reference in clause 64 to section 54(a) of the Real Estate Agents Act 2008.

Section 54(a) states that the Registrar of the register of licensees must cancel a person's licence and remove that person's name from the register if he or she has died. We believe that if a person has died it is unnecessary to specify that they are prohibited from holding a licence in the future.

Social Security Act 1964

We recommend one amendment to Part 15 of the bill, inserting new clause 77A, which would repeal section 135(5) of the Social Security Act 1964 and insert new subsection (5). This amendment is to ensure that the subsection refers to schedule 9.

Appendix

Committee process

The Statutes Amendment Bill (No 3) was referred to the committee on 16 February 2012. The closing date for submissions was 13 April 2012. We received and considered four submissions from interested groups and individuals. We received advice from the Ministry of Justice.

Committee membership

Hon Ruth Dyson (Chairperson)

Chris Auchinvole

Kanwaljit Singh Bakshi

Hon Trevor Mallard

Eric Roy

Holly Walker

Statutes Amendment Bill (No 3)

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chester Borrows

Statutes Amendment Bill (No 3)

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Statutes Amendment Act (No 3) **2011**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

**Anti-Money Laundering and Countering
Financing of Terrorism Act 2009**

3 Principal Act amended

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This Part amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

4 Interpretation

Subparagraph (d)(v) of the definition of **designated business group** in section 5 is amended by omitting “to be a member of a designated entity”. 15

5 Prohibition on false customer names and customer anonymity

Section 38(2)(a) is amended by omitting “or the” and substituting “and any”. 20

6 Failing to report suspicious transaction

Section 92(b)(iv) is amended by omitting “; and” and substituting “; or”.

7 Time limit for prosecution of offences relating to non-compliance with AML/CFT requirements

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Section 104 is amended by omitting “91 to 97” and substituting “101 to 103”.

8 Regulations relating to application of Act

Section 154(1)(k) is amended by omitting “a member of a specified” and substituting “eligible for inclusion in a”.

Part 2**Children, Young Persons, and
Their Families Act 1989**

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9 Principal Act amended

This Part amends the Children, Young Persons, and Their Families Act 1989.

10 Expiry of orders

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(1) Section 296(1) is amended by adding “; or”, and also by adding the following paragraphs:

“(j) a custody order under section 297B(5); or

“(k) a custody order under section 307(4).”

(2) Section 296(2) and (3) are repealed and the following subsections substituted:

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“(2) The order expires (if it does not expire sooner) when the young person in respect of whom it is made attains the age of 18 years, if it is—

“(a) an order specified in subsection (1)(a) to (i) and made on or after 1 October 2010; or

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“(b) an order specified in subsection (1)(j) or (k) and made after the date on which **Part 2 of the Statutes Amendment Bill (No 3)** comes into force.

“(3) The order expires (if it does not expire sooner) 6 months after the young person in respect of whom it is made attains the age of 17 years if it is an order specified in subsection (1)(a) to (i) and made before 1 October 2010.

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“(4) The order expires under section 108 if it is an order specified in subsection (1)(j) and (k) and made before the date on which **Part 2 of the Statutes Amendment Bill (No 3)** comes into force.”

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11 Interim suspension order

Section 296F(3) is amended by omitting “or (2)”.

12 Nature of programmes, who may consent to medical treatment, and related custody orders

Section 297B is amended by repealing subsection (7) and substituting the following subsection:

- “(7) A custody order under subsection (5) has the same effect as if the young person had been placed in the custody of the relevant person or organisation under an order under section 101, except that—
- “(a) a custody order under subsection (5) expires under section 296 (and so generally not under section 108); and
- “(b) section 365 (which would empower the chief executive to place the young person in a residence established under section 364) does not apply to the young person.”

13 Supervision with activity order

Section 307 is amended by repealing subsection (6) and substituting the following subsection:

- “(6) A custody order under subsection (4) has the same effect as if the young person had been placed in the custody of the relevant person or organisation under an order under section 101, except that—
- “(a) a custody order under subsection (4) expires under section 296 (and so generally not under section 108); and
- “(b) section 365 (which would empower the chief executive to place the young person in a residence established under section 364) does not apply to the young person.”

14 Privilege for reports

Section 338 is amended by omitting “section 308C or section 319A” and substituting “section 296M or section 308C or section 314 or section 319A or section 320”.

15 Access to reports and plans under this Part

- (1) Section 339(a) is amended by omitting “section 308C or section 319A” and substituting “section 296M or section 308C or section 314 or section 319A or section 320”.
- (2) Section 339(b) is amended by inserting “section 296M or” after “pursuant to”.

16 Application of sections 362, 364, 365, 387, 390 to 392, 394, and 395

Section 361 is amended by inserting the following paragraph after paragraph (h):

“(ha) any child or young person who is placed in the custody of the chief executive or an iwi social service or a cultural social service or the director of a child and family support service pursuant to an order made under section 297B(5) or 307(4) (except that, under **section 297B(7)(b) or 307(6)(b)**, section 365 does not apply to the child or young person):”.

17 Chief executive may place children and young persons in residences

Section 365(5) is amended by inserting “**sections 297B(7)(b) and 307(6)(b)** (which ensure this section does not apply to children and young persons subject to custody orders under sections 297B(5) and 307(4)) and to” after “This section is subject to”.

Part 3

Dog Control Act 1996

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18 Principal Act amended

This Part amends the Dog Control Act 1996.

19 Interpretation

Paragraph (b) of the definition of **stock** in section 2 is amended by omitting “thar” and substituting “tahr”.

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Part 4

Dumping and Countervailing Duties Act 1988

20 Principal Act amended

This Part amends the Dumping and Countervailing Duties Act 1988.

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21 New section 14A inserted

The following section is inserted after section 14:

“14A Refund of excess anti-dumping duty paid

- “(1) An importer may apply to the Minister for a refund of excess anti-dumping duty paid in respect of goods imported during an importation period. 5
- “(2) Excess anti-dumping duty is paid if the total amount of anti-dumping duty in respect of all goods imported during the importation period exceeds the difference between—
- “(a) the export prices of those imported goods; and 10
- “(b) the normal values of those imported goods.
- “(3) An application for a refund under **subsection (1)** must—
- “(a) be made no later than 6 months after the end of the importation period; and
- “(b) be addressed to the Secretary; and 15
- “(c) be in the form (if any) required by the Secretary; and
- “(d) be accompanied by the documentary evidence specified in **subsection (4)**; and
- “(e) state the total amount of refund of excess anti-dumping duty sought for the importation period. 20
- “(4) An application for a refund must be accompanied by documentary evidence of the following matters in respect of each importation of the goods into New Zealand during the importation period:
- “(a) the date of importation; and 25
- “(b) the amount of anti-dumping duty paid in respect of the goods; and
- “(c) the export price of the goods; and
- “(d) the normal value of the goods.
- “(5) After receiving an application, the Secretary may require the applicant to provide any further information relating to the application that the Secretary considers necessary. 30
- “(6) As soon as practicable after receiving an application and any further information required under **subsection (5)**, the Secretary must provide a report to the Minister. 35
- “(7) If the Minister, after considering the application and Secretary’s report, is satisfied that excess anti-dumping duty has been paid by the applicant in respect of goods imported during

the importation period, the Minister may require Customs to refund that excess anti-dumping duty.

“(8) In this section, **importation period** means a period of 6 months that—

“(a) commences on 1 April and ends on 30 September in the same year; or

“(b) commences on 1 October and ends on 31 March the following year.”

Part 5

Electricity Industry Act 2010

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22 Principal Act amended

This Part amends the Electricity Industry Act 2010.

23 Class exemptions relating to membership of dispute resolution scheme

Section 111 is amended by omitting “Minister responsible for Part 4” and substituting “Minister of Consumer Affairs”.

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24 Schedule 4 amended

The heading to clause 18 of Schedule 4 is amended by omitting “**related**” and substituting “**regulated**”.

Part 6

Gas Act 1992

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25 Principal Act amended

This Part amends the Gas Act 1992.

26 Interpretation

(1) Paragraph (a) of the definition of **distribution system** in section 2(1) is amended by omitting “under the control of a gas distributor and”.

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(2) Section 2(1) is amended by repealing the definition of **gas distributor** and substituting the following definition:

“**gas distributor** means any person who supplies line function services to any gas retailer or other person by means of a dis-

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- tribution system and includes a gas distributor who is also a gas retailer providing line function services to itself’.
- (3) Section 2(1) is amended by inserting the following definition in its appropriate alphabetical order:
- “**gas producer** means a person who supplies gas that is transmitted through gas transmission or distribution pipelines”.
- 27 Interpretation**
- Section 43D is amended by repealing the definition of **gas producer**.
- 28 Compliance with rules and binding settlements** 10
- Section 43EB is amended by adding the following subsection:
- “(5) A reference in this section to a member includes a reference to a person who was a member of the dispute resolution scheme at the relevant time but is no longer a member at the time of the application or order.” 15
- 29 Offence to fail to comply with District Court order**
- Section 43EC(1) is amended by inserting “or former member” after “member” in each place where it appears.
- 30 Gas governance regulations for wholesale market, processing facilities, transmission, and distribution of gas** 20
- Section 43F(2)(c) is amended by inserting “and use of” after “access to”.
- 31 Other gas governance regulations**
- (1) Section 43G(2)(a) and the heading above that paragraph are repealed. 25
- (2) Section 43G(2)(k) is amended by omitting “procedure” and substituting “procedures”.
- 32 Heading above section 43ZQ amended**
- The heading above section 43ZQ is amended by omitting “*strategic plan*” and substituting “*statement of intent*”. 30

33 Industry body strategic plan

- (1) The heading to section 43ZQ is amended by omitting “**strategic plan**” and substituting “**statement of intent**”.
- (2) Section 43ZQ is amended by omitting “strategic plan” in each place where it appears and substituting in each case “statement of intent”.
- (3) Section 43ZQ(2), (3), and (4) are amended by omitting “The plan” and substituting in each case “The statement of intent”.

34 Extra information required in strategic plan for first financial year

- (1) The heading to section 43ZR is amended by omitting “**strategic plan**” and substituting “**statement of intent**”.
- (2) Section 43ZR is amended by omitting “strategic plan” and substituting “statement of intent”.

35 New section 43ZS substituted

Section 43ZS is repealed and the following section substituted:

“43ZS Application and term of statement of intent

An industry body statement of intent is in force—

- “(a) from the later of—
- “(i) the date on which the final statement of intent is provided to the Minister; or
- “(ii) the first day of the period to which the statement of intent states that it relates; and
- “(b) until a new statement of intent is in force in relation to the industry body (despite the end of any financial year to which the statement of intent relates); and
- “(c) with any amendments that are made as described in section 43ZU.”

36 Process for providing strategic plan to Minister

- (1) The heading to section 43ZT is amended by omitting “**strategic plan**” and substituting “**statement of intent**”.
- (2) Section 43ZT is amended by omitting “strategic plan” in each place where it appears and substituting in each case “statement of intent”.

- 37 Amendments by industry body**
Section 43ZU(1), (2), and (4) are amended by omitting “strategic plan” in each place where it appears and substituting in each case “statement of intent”.
- 38 Strategic plan must be publicised** 5
(1) The heading to section 43ZV is amended by omitting “**Strategic plan**” and substituting “**Statement of intent**”.
(2) Section 43ZV is amended by omitting “strategic plan” in each place where it appears and substituting in each case “statement of intent”. 10
- 39 Annual report**
Section 43ZW(1)(a) is amended by omitting “strategic plan” and substituting “statement of intent”.
- 40 Minister must accept recommendations if certain conditions met** 15
Section 43ZZD(2)(a) is amended by omitting “strategic plan” and substituting “statement of intent”.
- 41 Levy regulations that may be made**
Section 43ZZE is amended by inserting the following subsection after subsection (4): 20
“(4A) The levy regulations may—
“(a) require the keeping and supply to the industry body of such information as may be necessary for the purpose of establishing the correct amount of the levy payable; and 25
“(b) prescribe the period for which such information must be kept; and
“(c) prescribe the form and manner in which any of that information is to be supplied to the industry body; and
“(d) require information supplied to the industry body to be certified, in the prescribed form and manner, by persons belonging to any specified class of persons.” 30

- 42 Authorisations for purposes of Commerce Act 1986**
Section 43ZZR(a)(i) and (c) are amended by omitting “strategic plan” and substituting in each case “statement of intent”.

Part 7

Heavy Engineering Research Levy Act 1978 5

- 43 Principal Act amended**
This Part amends the Heavy Engineering Research Levy Act 1978.

- 44 Minister may prescribe rates of research levy 10**
(1) Section 5(2)(a) is amended by omitting “\$5” and substituting “\$20”.
(2) Section 5(2)(b) is amended by omitting “5” and substituting “10”.

Part 8 15

Lawyers and Conveyancers Act 2006

- 45 Principal Act amended**
This Part amends the Lawyers and Conveyancers Act 2006.

- 46 Levy 20**
Section 217(2)(a) is amended by omitting “the Deputy” and substituting “each Deputy”.

- 47 Schedule 3 amended**
Sections 48 to 52 amend Schedule 3.

Amendments to Schedule 3

- 48 Deputy Legal Complaints Review Officer 25**
(1) The heading to clause 3 is amended by omitting “**Officer**” and substituting “**Officers**”.
(2) Clause 3(1) is amended by omitting “a deputy” and substituting “2 deputies”.

- (3) Clause 3(2) is amended by omitting “the Deputy” and substituting “a Deputy”.
- (4) Clause 3 is amended by repealing subclause (3) and substituting the following subclause:
- “(3) Each Deputy Legal Complaints Review Officer is to be appointed in the same manner as the Legal Complaints Review Officer, and sections 190 and 191 and clauses 1 and 2 apply to a Deputy Legal Complaints Review Officer in the same manner as they apply to the Legal Complaints Review Officer.”
- (5) Clause 3(4) is amended by omitting “the Deputy” and substituting “each Deputy”.
- (6) Clause 3(5) is amended by omitting “the Deputy” and substituting “a Deputy”.

49 Remuneration and allowances

Clause 4 is amended by omitting “the Deputy” in each place where it appears and substituting in each case “each Deputy”.

50 Accommodation and services

- (1) Clause 5(1) is amended by omitting “the Deputy” and substituting “each Deputy”.
- (2) Clause 5(2) is amended by omitting “the Deputy Legal Complaints Review Officer or both” and substituting “a Deputy Legal Complaints Review Officer”.

51 Disclosure of information

Clause 10(1)(a) is amended by omitting “the Deputy” and substituting “a Deputy”.

52 Legal Complaints Review Officer not personally liable

Clause 11 is amended by omitting “the Deputy” and substituting “a Deputy”.

Part 9

Local Government Act 1974

53 Principal Act amended

This Part amends the Local Government Act 1974.

54 Schedule 7 amended

- (1) Item 2 of Schedule 7 is amended by adding in the second column “(D)”.
- (2) Item 17 of Schedule 7 is amended by omitting from the second column “Banks Peninsula District”.

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Part 10**Local Government Act 2002****55 Principal Act amended**

This Part amends the Local Government Act 2002.

56 Interpretation

Paragraph (a) of the definition of **development contribution** in section 197 is amended by omitting “included in the long-term plan”.

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57 Schedule 2 amended

Part 2 of Schedule 2 is amended by omitting the item relating to the Banks Peninsula District Council.

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Part 11**Local Government (Auckland Council)****Act 2009****58 Principal Act amended**

This Part amends the Local Government (Auckland Council) Act 2009.

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59 Membership of local boards

Section 11(6)(a) is amended by omitting “19H” and substituting “19J”.

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Part 12
Local Government (Auckland
Transitional Provisions) Act 2010

60 Principal Act amended

This Part amends the Local Government (Auckland Transitional Provisions) Act 2010. 5

61 Moratorium on sale of certain Council property

(1) Section 12(1)(c) is amended by omitting “rating” and substituting “market”.

(2) The definition of **moratorium** in section 12(4) is amended by omitting “July” and substituting “June”. 10

62 Financial contributions for certain infrastructure transferred to Watercare Services Limited

(1) Section 59(1) is amended by omitting “and that is—” and substituting “and—”. 15

(2) Section 59(1)(a) is amended by inserting “that is” before “referred”.

Part 13
Real Estate Agents Act 2008

63 Principal Act amended

This Part amends the Real Estate Agents Act 2008. 20

64 Persons prohibited from being licensed

Section 37(1) is amended by repealing paragraph (d) and substituting the following paragraph:

“(d) a person— 25

“(i) whose licence has, within the preceding 5 years, been cancelled under section 54(a) or (c) to (h); or

“(ii) whose licence is currently suspended under section 110(2)(c) or 115:” 30

- 65 Registrar to license applicant or decline application**
Section 43(1)(c) is amended by omitting “by reason of his or her personal character or financial position” and substituting “by reason of both his or her personal character and his or her financial position”. 5
- 66 Real Estate Agents Disciplinary Tribunal established**
Section 100(2)(b) is amended by omitting “4” and substituting “5”.
- 67 Meaning of licensee and person related to licensee in sections 134 to 136** 10
Section 137(2) is amended by repealing paragraph (h) and substituting the following paragraph:
“(h) a grandparent, parent, uncle, or aunt of the licensee or of any person referred to in paragraph (d) or (e):”.
- Part 14** 15
Residential Tenancies Act 1986
- 68 Principal Act amended**
This Part amends the Residential Tenancies Act 1986.
- 69 Interpretation** 20
Section 2(1) is amended by repealing the definition of **Registrar** and substituting the following definition:
“**Registrar**, in relation to the Tribunal, means a person who holds that position under **section 72(1)** or who is designated under **section 72(2)**”.
- 70 Possession orders** 25
Section 64(4) is amended by omitting “3 months” and substituting “90 days”.
- 71 New section 72 substituted**
Section 72 is repealed and the following section substituted:

“72 Registrars

- “(1) Every Registrar, and every Deputy Registrar, of a District Court is a Registrar of the Tribunal.
- “(2) In addition, employees of the Ministry of Justice who are not Registrars, or Deputy Registrars, of District Courts may be designated by the chief executive of the Ministry of Justice as Registrars of the Tribunal. 5
- “(3) It is the responsibility of each Registrar—
- “(a) to arrange, in accordance with the instructions of the chief executive of the Ministry of Justice, for the provision of any secretarial and administrative services that may be necessary for the efficient and expeditious exercise of the Tribunal’s jurisdiction; and 10
- “(b) to ensure that adequate arrangements are made, in consultation with the chief executive, for the filing and processing of all applications and other documents required or authorised to be filed under this Act; and 15
- “(c) to arrange fixtures for cases to be dealt with by the Tribunal; and
- “(d) to carry out, in respect of the exercise of the Tribunal’s jurisdiction, the duties customarily carried out by a registrar of a judicial body. 20
- “(4) Any Registrar may, at the direction of the chief executive (given generally or in any particular case), refer a matter to another Registrar.” 25

72 Filing of applications

- (1) Section 86(1) is amended by omitting “the appropriate” and substituting “any”.
- (2) Section 86 is amended by repealing subsection (3) and substituting the following subsection: 30
- “(3) The chief executive must determine the offices of the Tribunal for the purposes of subsection (1).”

73 Duties of chief executive on receipt of application

- (1) Section 87(1) is amended by inserting “appropriate” before “Registrar”. 35

- (2) Section 87(2) is amended by inserting “appropriate” before “Registrar”.
- (3) Section 87 is amended by adding the following subsection:
- “(3) For the purposes of this section and section 88, the **appropriate Registrar** is the Registrar nearest any premises in respect of which an application is made under this Act or any other Registrar that the chief executive considers appropriate for the purposes of the application.” 5
- 74 Functions of Tenancy Mediators**
- Section 88(3) is amended by inserting “appropriate” before “Registrar” in both places where it appears. 10

Part 15 Social Security Act 1964

- 75 Principal Act amended**
- This Part** amends the Social Security Act 1964. 15
- 76 Interpretation**
- Paragraph (a) of the definition of **work-test married rate** in section 3(1) is repealed and the following paragraph substituted:
- “(a) means, in relation to an unemployment benefit or a sickness benefit, a rate in Schedule 9 that is payable to a person who is married or in a civil union or in a de facto relationship, other than a rate payable if the person’s spouse or partner is entitled to a benefit in his or her own right.”. 20 25
- 77 Procedure for imposing sanctions**
- Section 113(2) is amended by repealing paragraphs (d) and (e) and substituting the following paragraphs:
- “(d) specifying a date on which the reduction, suspension, or cancellation is to take effect, and, in the case of a reduction or suspension, the nature and duration of the reduction or suspension; and 30

“(e) stating that the beneficiary has 5 working days from the giving of the notice to dispute the reduction, suspension, or cancellation; and”.

77A Repeals and savings

Section 135(5) is repealed and the following subsection substituted: 5

“(5) If a sickness benefit was in force on 13 September 1961 (the date of the passing of the Social Security Amendment Act 1961), and is in force at 1 April 1965 (the date of the commencement of this Act),— 10

“(a) nothing in section 55(1) or 66 or Schedule 9 or 10 applies with respect to it; and

“(b) it may be continued as if this Act, and section 6 of the Social Security Amendment Act 1961, had not been passed.” 15

78 Schedule 18 amended

Paragraph (da) of the definition of **base rate** in clause 1 of Part 1 of Schedule 18 is amended by omitting “in not” and substituting “is not”.

Part 16 20

Veterinarians Act 2005

79 Principal Act amended

This Part amends the Veterinarians Act 2005.

80 Interpretation

Section 4 is amended by inserting the following definition in its appropriate alphabetical order: 25

“**health practitioner** has the same meaning as in section 5(1) of the Health Practitioners Competence Assurance Act 2003”.

81 Effect of cancellation or suspension of registration

Section 20 is amended by revoking subsection (3) and substituting the following subsection: 30

“(3) Subsection (2) applies unless the Council cancels the person’s registration before the end of the period of suspension.”

82 New section 28A inserted

The following section is inserted after section 28:

“28A Extension of expiry date of certificate on application for new certificate 5

“(1) This section applies where—

- “(a) a person who is the holder of an existing practising certificate applies for a new practising certificate before the expiry of his or her existing practising certificate; and 10
- “(b) the application complies with section 24(2).

“(2) Despite section 28, the applicant’s existing practising certificate continues in force until the earlier of—

- “(a) the date that a new certificate is issued under section 26(1); or 15
- “(b) the date that the Council notifies the applicant under section 26(3)(d) that it is not satisfied that he or she meets the requirements for the issue of a new certificate.”

83 Medical assessments 20

(1) Section 55(2) is amended by repealing paragraph (d) and substituting the following paragraph:

“(d) inform the specified person that—

- “(i) he or she may attend the examination with another person, who may be a support person or an observer; and 25
- “(ii) the medical practitioner conducting the examination may consult with any other health practitioner regarding the examination; and
- “(iii) the specified person may refuse to undertake the examination, but that the Council may, despite the refusal, act under section 57(1) in any event.” 30

(2) Section 55 is amended by inserting the following subsection after subsection (3):

“(3A) The medical practitioner conducting the examination may consult with another health practitioner who the medical 35

practitioner considers is able to assist in the completion of the examination or in the completion of the report under subsection (4).”

84 Obligation to prepare annual report

Section 85(3) is amended by omitting “on 31 December in each year” and substituting “in each year on 31 December or any other day determined by the Minister”. 5

85 New section 89A inserted

The following section is inserted after section 89:

“89A Notification of convictions

10

A registrar of a court who knows that a person convicted in the court is a veterinarian must send a notice of the conviction to the Council if the conviction is for—

“(a) any offence against—

“(i) the Agricultural Compounds and Veterinary Medicines Act 1997; or 15

“(ii) the Animal Products Act 1999; or

“(iii) the Animal Welfare Act 1999; or

“(iv) the Biosecurity Act 1993; or

“(v) the Food Act 1981; or 20

“(vi) the Hazardous Substances and New Organisms Act 1996; or

“(vii) the Medicines Act 1981; or

“(viii) the Misuse of Drugs Act 1975; or

“(b) any other offence that is punishable by imprisonment for a term of 3 months or more.” 25

86 References to veterinarians in other enactments

Section 95 is amended by omitting “a veterinarian or a veterinary surgeon” and substituting “a veterinarian or a veterinary practitioner or a veterinary surgeon”. 30

87 New clause 20A of Schedule 1 inserted

Schedule 1 is amended by inserting the following clause after clause 20:

“20A Registrar’s ability to delegate

- “(1) The Registrar may delegate 1 or more of his or her functions, duties, or powers to 1 or more employees of the Council except a function, duty, or power delegated to the Registrar by the Council under clause 17. 5
- “(2) A delegation must be in writing and may be subject to any conditions that the Registrar thinks fit.
- “(3) A delegate may, unless the delegation provides otherwise, perform the function or duty, or exercise the power, in the same manner, subject to the same restrictions and duties, and with the same effect as if he or she were the Registrar, but may not further delegate the function, duty, or power. 10
- “(4) A delegate who purports to perform or exercise a function, duty, or power under a delegation made under this clause is, in the absence of proof to the contrary, presumed to do so in accordance with the terms of the delegation. 15
- “(5) A delegation under this clause—
“(a) may be revoked at will by the Registrar in writing; and
“(b) does not prevent the Registrar from personally performing the function or duty, or exercising the power. 20
- “(6) A delegation under this clause does not cease to have effect merely because the Registrar who made it ceases to hold office.”

Legislative history

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| 19 October 2011 | Introduction (Bill 349–1) |
| 16 February 2012 | First reading and referral to Government Administration Committee |
