

Regulatory Systems (Tribunals) Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Regulatory Systems (Tribunals) Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

The Regulatory Systems (Tribunals) Amendment Bill is one of four bills that would amend regulatory systems administered by the Ministry of Justice.¹ Regulatory systems amendment bills are designed to address numerous smaller issues and make improvements to various Acts across a sector. The amendments in the four bills are all intended to attract broad political support, be progressed within similar time frames, and not make major policy or system design changes.

The overarching policy objective of this bill is to improve the operations and efficiency of tribunals and quasi-judicial bodies. It seeks to do so by:

- removing barriers to accessing justice
- clarifying and resolving inconsistencies and gaps in legislation
- better enabling statutory authorities to conduct their prescribed functions
- ensuring independence of tribunals and quasi-judicial bodies.

The bill would amend the following Acts and associated secondary legislation:

¹ We are also considering the Regulatory Systems (Courts) Amendment Bill and the Anti-Money Laundering and Countering Financing of Terrorism Amendment Bill. The Education and Workforce Committee is considering the Regulatory Systems (Occupational Regulation) Amendment Bill.

- Disputes Tribunal Act 1988 (with consequential amendment to the Disputes Tribunal Rules 1989)
- Motor Vehicle Sales Act 2003
- Parole Act 2002 (with consequential amendment to the Remuneration Authority Act 1977)
- Private Security Personnel and Private Investigators Act 2010
- Unit Titles Act 2010.

For a detailed explanation of the bill's changes to the above Acts, we refer readers to the summary in the ministry's initial briefing to this committee.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

We discuss below an amendment we recommend to the Private Security Personnel and Private Investigators Act. We do not discuss other proposed amendments to the bill as they are minor or technical.

Private Security Personnel and Private Investigators Act

Clause 25 of the bill would insert new section 73AAA. It would enable a person to make a complaint to a Licensing Authority about a person who is or might be in breach of requirements to hold a licence or certificate of approval under the Act (an unlicensed or uncertified person). Section 75 of the Act provides that a Licensing Authority may refer a complaint against a licensee or certificate holder to the Police or the Complaints, Investigation, and Prosecution Unit (CIPU). Clause 28 of the bill would amend section 75 to align with new section 73AAA by enabling a Licensing Authority to also refer complaints against an unlicensed or uncertified person to the Police or CIPU.

Section 101(c) of the Act specifies that a function of the CIPU is to prepare reports about complaints against licensees and certificate holders and matters referred by a Licensing Authority when requested under Part 4. We recommend amending clause 35 of the bill to insert subclause 1AAA into section 101. This would clarify that the functions of the CIPU include preparing reports about complaints against an unlicensed or uncertified person, when requested to do so by a Licensing Authority.

Appendix

Committee process

The Regulatory Systems (Tribunals) Amendment Bill was referred to this committee on 18 February 2025. We called for submissions on the bill with a closing date of 3 April 2025. We received and considered submissions from seven interested groups and individuals. We heard oral evidence from two submitters at hearings by videoconference.

Advice on the bill was provided by the Ministry of Justice. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (member from 9 April and Chairperson from 10 April 2025)

Hon James Meager (member and Chairperson until 9 April 2025)

Hon Ginny Andersen

Jamie Arbuckle

Carl Bates

Tākuta Ferris

Dr Tracey McLellan (until 14 May 2025)

Rima Nakhle

Tom Rutherford

Todd Stephenson

Vanushi Walters (from 14 May 2025)

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Nicole McKee

Regulatory Systems (Tribunals) Amendment Bill

Government Bill

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Schedule

New Part ~~3~~5 inserted into Schedule 1 of the Parole Act 2002

12

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Regulatory Systems (Tribunals) Amendment Act **2024**.

2 Commencement

This Act comes into force on the day after Royal assent.

5

Part 1

Amendments to Disputes Tribunal Act 1988

3 Principal Act

This Part amends the Disputes Tribunal Act 1988.

4 Section 8 amended (Selection of candidates for appointment or reappointment as Referees) 10

(1) Replace section 8(1) with:

(1) If it is proposed to make an appointment or reappointment under section 7, the chief executive must appoint an assessment panel for the purpose of assessing the candidates for appointment or reappointment as Referees.

15

(2) In section 8(2) and (3), replace “Every assessment panel appointed under subsection (1)(b)” with “An assessment panel must”.

5 Section 43 amended (Costs)

After section 43(4), insert:

- (5) In any other case, the Tribunal may order a respondent to pay an applicant the cost of any filing fee paid by the applicant under section 24 if the applicant's claim succeeds in whole or in part.
- (6) However, the Tribunal must not make an order under **subsection (5)** if the Tribunal has, under section 18(3), approved a settlement agreed by the applicant and the respondent in relation to the claim. 5
- (7) The monetary restrictions provided for by sections 10(1A) and (3) and 19(4) to (6) do not apply in respect of any costs claimed, payable, or ordered to be paid under this section.

- 6 Section 59 repealed (Referee to be employee for accident compensation purposes)** 10
Repeal section 59.

Consequential-amendment-amendments to Disputes Tribunal Rules 1989

- 7 Principal rules**
Section 8 Sections 8 and 8A amends amend the Disputes Tribunal Rules 1989. 15

- 8 Rule 36 amended (Advertising for candidates)**
- (1) In the heading to rule 36, replace “**Advertising**” with “**Application process**”.
- (2) Revoke rule 36(1).
- (3) Replace rule 36(2) with: 20
- (2) The Secretary for Justice must, on receiving the names of persons who have expressed interest in being appointed or reappointed as a Referee, refer those names to the assessment panel appointed under section 8(1) of the Act.

- 8A Rule 38 amended (Criteria for assessment of candidates)**
In rule 38(1), replace “section 8(1)(b)” with “section 8(1)”. 25

Part 2

Amendments to Motor Vehicle Sales Act 2003

- 9 Principal Act**
This Part amends the Motor Vehicle Sales Act 2003.
- 10 Section 82 amended (Motor Vehicle Disputes Tribunals)** 30
- (1) Replace section 82(3)(a) with:
- (a) an adjudicator who has held a practising certificate as a barrister or barrister and solicitor for at least 5 years (which need not be consecutive), whether or not the person currently holds such a certificate; and

- (2) After section 82(5), insert:
- (6) In this section, **practising certificate** has the meaning given in section 6 of the Lawyers and Conveyancers Act 2006.

Part 3

Amendments to Parole Act 2002

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11 Principal Act

This Part amends the Parole Act 2002.

12 Section 4 amended (Interpretation)

In section 4(1), insert in its appropriate alphabetical order:

Authority has the meaning given in section 2 of the Remuneration Authority Act 1977 10

13 Section 122 amended (Remuneration and expenses of members)

(1) Replace the heading to section 122 with “**Remuneration of members**”.

(2) Replace section 122(1) with:

(1) The Authority must determine the remuneration of members of the Board. 15

(3) Replace section 122(2) with:

(2) The appointment of a Judge as a member of the Board does not affect the person’s judicial office, rank, title, status, precedence, salary, annual or other allowances, or other rights or privileges that the person has as a Judge, including matters relating to superannuation. 20

(2A) The time a Judge serves as a member of the Board must be taken as service as a Judge.

14 Schedule 1 amended

In Schedule 1,—

(a) insert the Part-3 set out in the **Schedule** of this Act as the last Part; and 25

(b) make all necessary consequential amendments.

Consequential amendment to Remuneration Authority Act 1977

15 Principal Act

Section 16 amends the Remuneration Authority Act 1977.

16 Schedule 4 amended

30

In Schedule 4, insert in its appropriate alphabetical order:

The members of the New Zealand Parole Board

Part 4

Amendments to Private Security Personnel and Private Investigators Act 2010

17 Principal Act

This Part amends the Private Security Personnel and Private Investigators Act 2010. 5

18 Section 4 amended (Interpretation)

In section 4, insert in their appropriate alphabetical order:

authorised person means a person authorised by the chief investigator
chief investigator means the chief investigator of the Complaints, Investigation, and Prosecution Unit 10

19 Section 26 amended (Licensing Authority may make inquiries and request report)

(1) ~~In section 26(1)(b) and (2), delete “of the Complaints, Investigation, and Prosecution Unit”.~~ 15

(2) ~~In section 26(2), replace “any person authorised by the chief investigator” with “an authorised person”.~~

(1) In section 26(1)(b),—

(a) delete “of the Complaints, Investigation, and Prosecution Unit”; and

(b) replace “the unit” with “the Complaints, Investigation, and Prosecution Unit”. 20

(2) In section 26(2), replace “of the Complaints, Investigation, and Prosecution Unit and any person authorised by the chief investigator” with “or an authorised person”.

20 Section 31 amended (Application determined by oral hearing) 25

(1) In section 31(1)(c), delete “of the unit”.

(2) In section 31(3), replace “of the unit or a person authorised by the chief investigator” with “or an authorised person”.

21 Section 47 amended (Licensing Authority may make inquiries and request report) 30

(1) ~~In section 47(1)(b), delete “of the Complaints, Investigation, and Prosecution Unit”.~~

(1) In section 47(1)(b),—

(a) delete “of the Complaints, Investigation, and Prosecution Unit”; and

(b) replace “the unit” with “the Complaints, Investigation, and Prosecution Unit”. 35

- (2) In section 47(2), replace “of the Complaints, Investigation, and Prosecution Unit and any person authorised by the chief investigator” with “or an authorised person”.
- 21A Section 51 amended (Application determined by oral hearing)**
 In section 51(1)(c), delete “of the unit”. 5
- 22 Section 65 amended (Production of licence)**
 In section 65(1)(c), replace “a person authorised by the chief investigator of the Complaints, Investigation, and Prosecution Unit” with “an authorised person”.
- 23 Section 66 amended (Production of certificate of approval)**
 In section 66(1)(c), replace “a person authorised by the chief investigator of the Complaints, Investigation, and Prosecution Unit” with “an authorised person”. 10
- 24 Section 70 amended (Access by Police and Complaints, Investigation, and Prosecution Unit to records)**
 In section 70(1), replace “a person authorised by the chief investigator of the Complaints, Investigation, and Prosecution Unit (**authorised person**)” with “an authorised person”. 15
- 25 New section 73AAA inserted (Complaint against unlicensed persons, etc)**
 Before section 73, insert:
- 73AAA Complaint against unlicensed persons, etc**
- (1) This section applies to a written complaint relating to either of the following: 20
- (a) a person who is or may be in breach of section 23 (persons who must hold licence):
- (b) a person who is or may be in breach of section 44 (persons who must hold certificate of approval).
- (2) The following persons may file a written complaint with a Licensing Authority: 25
- (a) a constable:
- (b) a person other than a constable with the leave of a Licensing Authority.
- (3) The Licensing Authority may grant leave under **subsection (2)(b)** only if the Authority is satisfied that the complainant has an interest, greater than that of the public generally, in the subject matter of the complaint, and that the complaint is made in good faith and is not frivolous or vexatious. 30
- (4) The complaint must specify in sufficient detail the matter to which it relates.
- (5) The Licensing Authority may require the complainant to provide further information regarding the complaint. 35

- (6) The Licensing Authority must serve a copy of the complaint on the person who is the subject of the complaint—
- (a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or
 - (b) within 5 working days of granting leave to file the complaint if the complaint is filed by someone other than a constable. 5
- 26 Section 73 amended (Complaint against licensee)**
- (1) In section 73(3), replace “must refuse leave under subsection (2) unless” with “may grant leave under subsection (2) only if”.
 - (2) In section 73(4)(d), delete “or misconduct or gross negligence”. 10
 - (3) After section 73(5) insert:
 - (5A) The Licensing Authority may require the complainant to provide further information regarding the complaint.
 - (4) Replace section 73(6) with:
 - (6) The Licensing Authority must serve a copy of the complaint on the licensee— 15
 - (a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or
 - (b) within 5 working days of granting leave to file the complaint if the complaint is filed by a person other than a constable.
- 27 Section 74 amended (Complaint against certificate holder)** 20
- (1) In section 74(3), replace “must refuse leave under subsection (2) unless” with “may grant leave under subsection (2) only if”.
 - (2) In section 74(4)(d), delete “or misconduct or gross negligence”.
 - (3) After section 74(5) insert:
 - (5A) The Licensing Authority may require the complainant to provide further information regarding the complaint. 25
 - (4) Replace section 74(6) with:
 - (6) The Licensing Authority must serve a copy of the complaint on the certificate holder—
 - (a) within 5 working days of receiving the complaint if the complaint is filed by a constable; or 30
 - (b) within 5 working days of granting leave to file the complaint if the complaint is filed by a person other than a constable.
- 28 Section 75 amended (Licensing Authority may refer matter to Police or to Complaints, Investigation, and Prosecution Unit)** 35
- (1) In section 75(1), replace “section 73(2) or 74(2)” with “**section 73AAA (2)(b)**, 73(2), or 74(2)”.

- (2) In section 75(2), replace “licensee or certificate holder” with “licensee, certificate holder, or person referred to in **section 73AAA(1)(a) or (b)**”.
- 29 Section 77 amended (Hearing)**
- (1) In section 77(3)(d), replace “the chief investigator of the unit” with “to the chief investigator”. 5
- (2) In section 77(5)(d), replace “of the Complaints, Investigation, and Prosecution Unit or any other person authorised by the chief investigator” with “or an authorised person”.
- 30 Section 78 amended (Disciplinary powers of Licensing Authority in respect of licensee)** 10
- In section 78(6)(d), delete “of the Complaints, Investigation, and Prosecution Unit”.
- 31 Section 80 amended (Discretionary grounds for cancellation of licence)**
- Replace section 80(1)(e) with:
- (e) a person specified in subsection (2) has been guilty of misconduct or gross negligence (whether or not in the course of the business to which the licence relates): 15
- 32 Section 81 amended (Disciplinary powers of Licensing Authority in respect of holder of certificate of approval)**
- In section 81(6)(e), delete “of the Complaints, Investigation, and Prosecution Unit”. 20
- 33 Section 83 amended (Discretionary grounds for cancellation of certificate)**
- Replace section 83(e) with:
- (e) the certificate holder has been guilty of misconduct or gross negligence (whether or not in the course of the business to which the certificate of approval relates): 25
- 34 Section 100 amended (Complaints, Investigation, and Prosecution Unit)**
- (1) In section 100(2), delete “of the unit”.
- (2) In section 100(3), replace “of the unit, and persons authorised by the chief investigator,” with “and authorised persons”. 30
- 35 Section 101 amended (Functions of Complaints, Investigation, and Prosecution Unit)**
- (1AAA) In section 101(c), replace “licensees and certificate holders” with “licensees, certificate holders, and persons referred to in **section 73AAA(1)(a) or (b)**”.
- (1) In section 101(e), delete “of the unit”. 35
- (2) After section 101(e), insert:

- (f) to carry out investigations necessary or desirable for the performing of functions under paragraphs (a) to (e).

36 Section 104 amended (Power of Police and Complaints, Investigation, and Prosecution Unit to require information)

- (1) In the heading to section 104, after “**information**”, insert “**for law enforcement purposes**”. 5
- (2) In section 104(1), replace “a person authorised by the chief investigator of the Complaints, Investigation, and Prosecution Unit (**authorised person**)” with “the chief investigator or an authorised person”.
- (3) In section 104(2), replace “the constable or authorised person” with “the constable, chief investigator, or authorised person”. 10
- (4) In section 104(3), replace “any constable or authorised person” with “any constable, the chief investigator, or any authorised person”.
- (5) In section 104(3), replace “the constable or authorised person” with “the constable, chief investigator, or authorised person”. 15
- (6) In section 104(4), replace “a constable or authorised person” with “a constable, the chief investigator, or an authorised person”.

37 New section 104A inserted (Power of Complaints, Investigation, and Prosecution Unit to require information for regulatory purposes)

After section 104, insert: 20

104A Power of Complaints, Investigation, and Prosecution Unit to require information for regulatory purposes

- (1) The chief investigator or an authorised person may, by written notice, require a person to produce documents or other information in the possession or control of the person. 25
- (2) However, notice may only be given if the chief investigator or authorised person is satisfied that the documents or information are reasonably necessary for carrying out 1 or more of the functions of the Complaints, Investigation, and Prosecution Unit in section 101.
- (3) The written notice must contain the following information: 30
- (a) what information or documents must be provided:
- (b) when and to whom the information or documents must be provided.
- (4) The notice may specify the manner or format in which the information or documents are to be provided.
- (5) A person commits an offence if the person, without reasonable excuse, refuses or fails to comply with a requirement to provide information or documents in accordance with a notice under this section. 35
- (6) A person who commits an offence is liable on conviction,—

- (a) in the case of an individual, to a fine not exceeding \$10,000; or
- (b) in the case of a body corporate, to a fine not exceeding \$20,000.

38 Section 105 amended (Providing false information)

In section 105(a), replace “a person authorised by the chief investigator of the Complaints, Investigation, and Prosecution Unit” with “the chief investigator or an authorised person”. 5

39 Section 116 amended (Service of documents)

After section 116(2), insert:

- (2A) A written notice under **section 104A** may be served on a person (other than a holder of a licence or certificate of approval) by— 10
- (a) delivering it in person; or
 - (b) leaving it or sending it by post addressed to the person at the person’s usual or last known place of residence or the place of business at which the person is employed or engaged.

Part 5 15

Amendments to Unit Titles Act 2010

40 Principal Act

This Part amends the Unit Titles Act 2010.

41 Section 176 amended (Certain provisions of Residential Tenancies Act 1986 to apply) 20

- (1) In the heading to section 176, after “1986”, insert “and associated rules”.
- (2) After section 176(1A), insert:
- (1B) Without limiting subsection (1), rules made under section 116 of the Residential Tenancies Act 1986, and that are expressed to apply to proceedings for a unit title dispute, apply in respect of the hearing and determination of a unit title dispute by a Tenancy Tribunal. 25

Schedule
New Part ~~3~~ 5 inserted into Schedule 1 of the Parole Act 2002

s 14

Part 3 5
Provisions relating to Regulatory Systems (Tribunals) Amendment Act 2024

7 11 Interpretation

In this Part,—

amendment Act means the Regulatory Systems (Tribunals) Amendment Act **2024**

commencement date means the date on which the amendment Act comes into force.

8 12 Existing remuneration to continue until determination made

- (1) This clause applies to a member of the Board whose remuneration has been determined before the commencement date.
- (2) The member continues to be remunerated in accordance with that determination until the Authority has made a determination under section 122.

Legislative history

18 December 2024
 18 February 2025

Introduction (Bill 115–1)
 First reading and referral to Justice Committee