

House of Representatives

Supplementary Order Paper

Tuesday, 1 May 2018

Brokering (Weapons and Related Items) Controls Bill

Proposed amendments

Rt Hon Winston Peters, in Committee, to move the following amendments:

Clause 2

In *clause 2(1)*, replace “on the day after the date on which this Act receives the Royal assent” (page 3, lines 5 and 6) with “on **1 February 2019**”.

Replace *clause 2(1)(c)* (page 3, lines 10 and 11) with:

- (c) **sections 33 to 39** (which relate to various miscellaneous matters).

In *clause 2(2)*, replace “on the day that is 120 days after the date on which it receives the Royal assent” (page 3, lines 12 and 13) with “on **1 June 2019**”.

Clause 4

In *clause 4(1)*, delete the definitions of **goods** (page 4, lines 18 to 22) and **strategic goods list** (page 5, lines 8 to 12).

In *clause 4(1)*, insert in their appropriate alphabetical order:

goods—

- (a) has the meaning given in section 5(1) of the Customs and Excise Act 2018; and
- (b) includes documents (within the meaning of section 5(1) of that Act) that are not otherwise goods (within the meaning of section 5(1) of that Act)

ordinarily resident in New Zealand has the same meaning as in section 4 of the Crimes Act 1961

strategic goods list means the list of all goods and classes of goods whose exportation is prohibited under section 96 of the Customs

and Excise Act 2018 because they have or may have a strategic use (within the meaning of section 96(11) of that Act) that the Secretary is required to publish under section 96(7) of that Act

Clause 16

In *clause 16*, after “refusal” (page 10, line 8), insert “and the reasons for it”.

Clause 25

In *clause 25*, after “refusal” (page 12, line 20), insert “and the reasons for it”.

Clause 33

Delete *clause 33(4)* (page 16, lines 3 and 4).

Schedule 1

In *Schedule 1*, replace “There are no transitional, savings, or related provisions relating to this Act as enacted.” (page 20, line 6) with:

1 Definitions referring to Customs and Excise Act 2018

- (1) This clause applies if **section 4** comes into force before the specified date (within the meaning of section 2 of the Customs and Excise Act 2018).
- (2) Until the specified date (within the meaning of section 2 of the Customs and Excise Act 2018), the definitions of goods and strategic goods list in **section 4(1)** must be treated as if they read—
goods—
 - (a) has the meaning given in section 2(1) of the Customs and Excise Act 1996; but
 - (b) also includes documents that are not otherwise goods within that meaning

strategic goods list means the list of all goods and classes of goods whose exportation is prohibited under section 56 of the Customs and Excise Act 1996 because they have or may have a strategic use (within the meaning of section 56(2A) of that Act) that the Secretary is required to maintain and to publish under section 56(2G) and (2H) of that Act.

Explanatory note

This Supplementary Order Paper makes minor and technical amendments to the Brokering (Weapons and Related Items) Controls Bill. The amendments—

- provide for some provisions of the Bill to come into force on 1 February 2019 and the rest of the provisions of the Bill to come into force on 1 June 2019 (to

ensure that the Ministry of Foreign Affairs and Trade has sufficient time to establish the necessary registration and permitting processes):

- update references, in 2 definitions, to provisions in the Customs and Excise Act 1996 to references to provisions in the recently enacted Customs and Excise Act 2018 (and provide that, until the relevant provisions of the Customs and Excise Act 2018 come into force, the 2 definitions are to be read as if they were worded as they were when the Bill was introduced):
- expressly require the Secretary of Foreign Affairs to provide reasons for the Secretary's refusal to register a broker or to grant a permit:
- relocate a definition to the general interpretation clause of the Bill.

Departmental disclosure statement

The Ministry of Foreign Affairs and Trade considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.