

Statutes Repeal Bill

Government Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Statutes Repeal Bill and recommends that it be passed with the amendments shown.

Introduction

The Statutes Repeal Bill is an omnibus bill. It seeks to repeal or partially repeal more than 100 Acts that are redundant or superfluous. These Acts are considered “spent”; that is, they are no longer needed because they have ceased to have any actual effect, have very limited effect, or are designed to achieve regulatory outcomes that are no longer relevant.

Additional Acts to be repealed

Schedule 1 of the bill lists the Acts that it would repeal. As a result of our consideration and the submissions we received, we recommend amending Schedule 1 to add the following Acts to that list:

- Education Law Amendment Act 1933 (1933 No 37)
- Infants Act Repeal Act 1989 (1989 No 145)
- Taxation Acts Repeal Act 1986 (1986 No 48)
- Wellington City Reserves Act 1872 (1872 No 13)
- Wellington City Reserves Act 1871 (1871 No 23), Section 4.

We are confident that the relevant parties have been consulted, and that the Acts can be repealed without any unintended consequences.

Repeal of the Sentencing Council Act 2007 and the Medicines Amendment Act 2013

We sought more information about the inclusion of the Sentencing Council Act and the Medicines Amendment Act in the bill.

The Sentencing Council Act came into force on 1 November 2007 but was not implemented. We understand that the Act is not latent or spent.¹ The explanatory note to the bill states that repealing the Act would clarify that the Government will not establish the Sentencing Council, and would allow the courts to retain their ability to develop their own sentencing guideline judgments.

We were advised that the regulatory outcome of the Sentencing Council Act is not relevant because the Sentencing Council has not been established, and the Government's policy is unchanged on this matter. We were told that repealing the Act is within the scope of the bill as introduced.

We heard from a submitter that refusal to give effect to a statute in force appears to be a significant constitutional matter in his view. New Zealand Labour Party and Green Party members of the committee agree with the concerns raised and consider that it would be more appropriate to repeal the Sentencing Council Act in a separate bill if the Government does not want this Act to be implemented.

Latent provisions of the Medicines Amendment Act are due to come into force on 1 July 2017. We were advised that these provisions are redundant due to a change in Government policy regarding the regulation of therapeutic products. This bill is currently the only means of repealing these provisions.

New Zealand Labour Party and Green Party members questioned the need for a Statutes Repeal Bill, and share the view expressed by a submitter that it may not be the most effective means of addressing legislative quality.

¹ "Latent" in this bill means legislation that has been enacted but has not yet come into force, but can be brought into force by Order in Council or on a default commencement date.

Appendix

Committee process

The Statutes Repeal Bill was referred to the committee on 20 September 2016. The closing date for submissions was 4 November 2016. We received and considered eight submissions from interested groups and individuals. We heard oral evidence from one submitter.

We received advice from The Treasury, the Office of the Clerk of the House of Representatives, the Ministry of Justice, the Ministry of Health, and the Parliamentary Counsel Office.

Committee membership

Hon Ruth Dyson

Hon David Bennett

Barry Coates

Paul Foster-Bell

Brett Hudson

Hon Nanaia Mahuta

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

Hon Steven Joyce

Statutes Repeal Bill

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Statutes Repeal Act **2016**.

2 Commencement

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

3 Repeals

- (1) The Acts specified in **Part 1 of Schedule 1** are repealed.
- (2) The Acts specified in **Part 2 of Schedule 1** are repealed to the extent shown.

4 Amendments to, and revocations of, other enactments

- (1) Amend the Acts specified in **Schedule 2** as set out in that schedule.
- (2) Consequentially amend the Acts specified in **Part 1 of Schedule 3** as set out in that schedule.
- (3) The regulations specified in **Part 2 of Schedule 3** are revoked. 5

5 Repeal of this Act

This Act is repealed on the day that is 28 days after the date on which it comes into force.

Schedule 1 Repeals

s 3

Part 1 Acts repealed in full

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Auckland Harbour Bridge Authority Dissolution Act 1983 (1983 No 153)

Children's Health Camps Board Dissolution Act 1999 (1999 No 141)

Christchurch–Lyttelton Road Tunnel Authority Dissolution Act 1978 (1978 No 51)

Church Property Trust (Canterbury) Amendment Act 1951 (1951 No 4 (P)) 10

Church Property Trustees (Canterbury) Indemnity Act 1890 (1890 No 2 (P))

Consolidated Statutes Enactment Act 1908 (1908 No 4)

Consumer Council Act Repeal Act 1988 (1988 No 144)

Counties Insurance Empowering Act 1941 (1941 No 6)

Customs Law Act 1908 (1908 No 36) 15

Education Law Amendment Act 1933 (1933 No 37)

Farm and Fishing Vessel Ownership Savings Schemes (Closure) Act 1998 (1998 No 22)

Farm Ownership Savings Act 1974 (1974 No 45)

Finance Act 1930 (No 2) (1930 No 40) 20

Finance Act 1931 (No 2) (1931 No 5)

Finance Act 1931 (No 4) (1931 No 44)

Finance Act 1932 (1932 No 11)

Finance Act 1933 (1933 No 33)

Finance Act 1933 (No 2) (1933 No 41) 25

Finance Act (No 2) 1935 (1935 No 41)

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Finance Act (No 2) 1940 (1940 No 19)	
Finance Act (No 3) 1940 (1940 No 26)	
Finance Act 1941 (1941 No 4)	
Finance Act (No 2) 1941 (1941 No 27)	
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Finance Act 1945 (1945 No 2)	
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Finance Act 1946 (1946 No 16)	
Finance Act (No 2) 1946 (1946 No 41)	
Finance Act 1947 (1947 No 6)	10
Finance Act (No 2) 1947 (1947 No 45)	
Finance Act 1948 (1948 No 35)	
Finance Act (No 2) 1948 (1948 No 78)	
Finance Act 1949 (1949 No 39)	
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Finance Act 1951 (1951 No 78)	
Finance Act 1952 (1952 No 57)	
Finance Act (No 2) 1952 (1952 No 81)	
Finance Act (No 2) 1953 (1953 No 115)	
Finance Act 1954 (1954 No 90)	20
Finance Act 1955 (1955 No 8)	
Finance Act 1956 (1956 No 51)	
Finance Act 1957 (1957 No 106)	
Finance Act 1958 (1958 No 38)	
Finance Act 1959 (1959 No 96)	25
Finance Act 1960 (1960 No 114)	

Finance Act 1961 (1961 No 120)	
Finance Act 1962 (1962 No 131)	
Finance Act 1963 (1963 No 127)	
Finance Act 1964 (1964 No 6)	
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Finance Act 1968 (1968 No 54)	
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Finance Act 1971 (1971 No 55)	
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Finance Act 1975 (1975 No 133)	
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Finance Act 1982 (1982 No 122)	
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Finance Act 1987 (1987 No 200)	
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Finance Act 1989 (1989 No 13)	
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Finance Act (No 2) 1990 Amendment Act 1997 (1997 No 73)	
Finance Act (No 3) 1990 (1990 No 115)	
Finance Act 1991 (1991 No 93)	25
Finance Act 1993 (1993 No 49)	

Finance Act (No 2) 1994 (1994 No 134)	
Fishing Vessel Ownership Savings Act 1977 (1977 No 62)	
Forests Amendment Act 1996 (1996 No 25)	
Hawke's Bay Earthquake Act 1931 (1931 No 6)	
Hawke's Bay Earthquake Relief Funds Act 1931 (1931 No 29)	5
Hutt Road Act 1939 (1939 No 18)	
<u>Infants Act Repeal Act 1989 (1989 No 145)</u>	
Labour Department Act Repeal Act 1989 (1989 No 82)	
Licensing Fund Act 1989 (1989 No 61)	
Liverpool and London and Globe Insurance Company Act 1879 (1879 No 5 (P))	10
Local Authority Reorganisation (Property Transfers) Act 1990 (1990 No 54)	
Local Restoration Polls Act 1990 (1990 No 4)	
Marine and Power Engineers' Institute Industrial Disputes Act 1974 (1974 No 28)	
Mental Hospitals Reserves Act 1908 (1908 No 257)	15
Michael Connelly Appointment Validation Act 1936 (1936 No 1 (P))	
Ministry of Economic Development Act 2000 (2000 No 28)	
Mortgagors and Lessees Rehabilitation Act 1936 (1936 No 33)	
Mount Albert Licensing Trust Dissolution Act 1986 (1986 No 9)	
Municipal Insurance Act 1960 (1960 No 29)	20
National Development Act Repeal Act 1986 (1986 No 122)	
National Expenditure Adjustment Act 1932 (1932 No 8)	
New Zealand Council for Postgraduate Medical Education Act Repeal Act 1990 (1990 No 10)	
New Zealand Export-Import Corporation Dissolution Act 1992 (1992 No 23)	25
New Zealand National Airways Corporation Dissolution Act 1978 (1978 No 48)	
New Zealand Stock Exchange Restructuring Act 2002 (2002 No 1 (P))	

Okarito Harbour Act 1932–33 (1932 No 39)	
Phoenix Assurance Company of London Act 1887 (1887 No 2 (P))	
Post Office Act Repeal Act 1987 (1987 No 115)	
Public Safety Conservation Act Repeal Act 1987 (1987 No 181)	
Public Service Investment Society Management Act (No 2) 1979 (1979 No 9)	5
Rent Restriction Act 1924 (1924 No 3)	
Rent Restriction Extension Act 1931 (1931 No 11)	
Royal New Zealand Institute of Horticulture Act 1953 (1953 No 20)	
Rugby World Cup 2011 (Empowering) Act 2010 (2010 No 123)	
Seamen’s Union Funds Act 1971 (1971 No 71)	10
Sentencing Council Act 2007 (2007 No 25)	
Southland Electricity Act 1993 (1993 No 147)	
Southland Flood Relief Committee Empowering Act 1992 (1992 No 1 (P))	
State Insurance Act 1990 (1990 No 36)	
State Sector Amendment Act (No 2) 2004 (2004 No 114)	15
Statutes Amendment Act 1943 (1943 No 20)	
Statutes Amendment Act 1944 (1944 No 25)	
Statutes Repeal Act 1907 (1907 No 40)	
Sydenham Money Club Act 2001 (2001 No 2 (P))	
Taranaki Harbours Act 1965 (1965 No 4)	20
<u>Taxation Acts Repeal Act 1986 (1986 No 48)</u>	
Terralink NZ Limited (Transfer of Employees) Act 1996 (1996 No 52)	
Tobacco Growing Industry Repeal Act 1987 (1987 No 6)	
Tourist Hotel Corporation of New Zealand Act 1989 (1989 No 130)	
Trade and Industry Act Repeal Act 1988 (1988 No 156)	25
Waimakariri - Ashley Water Supply Act 1961 (1961 No 131)	

Waterfront Industry Reform Act 1989 (1989 No 6)

Waterfront Industry Restructuring Act 1989 (1989 No 66)

Wellington City Reserves Act 1872 (1872 No 13)

Wheat Board Amendment Act 1986 (1986 No 25)

Year 2000 Information Disclosure Act 1999 (1999 No 25) 5

Part 2

Acts repealed in part

Administration of Community Sentences and Orders Act 2013 (2013 No 88)

Section 45(1).

Fisheries Act 1996 (1996 No 88) 10

Sections 314(1)(a) to (c) and 338.

Government Superannuation Fund Amendment Act (No 2) 1990 (1990 No 77)

Section 12.

Medicines Amendment Act 2013 (2013 No 141)

Sections 2(1), 5(2), 8, 11 to 15, 17 to 21, 29(1), 32, 33(2), and 34. 15

Parole Amendment Act 2007 (2007 No 28)

Sections 4(1), (3), and (7), 16, 48, 49, and 67.

Sentencing Amendment Act 2007 (2007 No 27)

Sections 5, 6(1), 12, 15, 45, 46, 49(1), (2), and (5), and 52 to 54.

Sport and Recreation New Zealand Act 2002 (2002 No 38) 20

Sections 18 to 22 and the cross-heading above section 18.

Sections 53 to 61 and the cross-heading above section 53.

State Sector Act 1988 (1988 No 20)

Sections 96 to 105, 107 to 109, 110(3) and (4), and 112.

Wellington City Reserves Act 1871 (1871 No 23) 25

Section 4.

Schedule 2

Amendments to other Acts

s 4(1)

Flags, Emblems, and Names Protection Act 1981 (1981 No 47)

After section 20, insert:

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20AAA Unauthorised use of King George the Fifth Memorial Children's Health Camps Federation emblem

- (1) In this section, **Foundation** means the charitable trust established by deed dated 31 March 1999 with the name Children's Health Camps—The New Zealand Foundation for Child and Family Health and Development. 10
- (2) Despite the repeal of section 14 of the Children's Health Camps Board Dissolution Act 1999, the emblem of the King George the Fifth Memorial Children's Health Camps Federation is to be the emblem of the Foundation.
- (3) No person may,—
 - (a) for the purposes of sale, apply or cause to be applied to any article the emblem of the Foundation or any colourable imitation of that emblem without the prior written consent of the Foundation; or 15
 - (b) knowing that the emblem of the Foundation or any colourable imitation of that emblem has been applied to any article without the prior written consent of the Foundation, sell that article, cause it to be sold, offer or expose that article for sale, or cause it to be offered or exposed for sale. 20
- (4) A person who contravenes **subsection (3)** commits an offence and is liable on conviction to a fine not exceeding \$2,000.

In section 24, insert as subsection (2):

- (2) This section does not apply to an offence against **section 20AAA**. 25

Government Rounding Powers Act 1989 (1989 No 75)

In section 2(1), insert in their appropriate alphabetical order:

- Auckland Harbour Bridge** means the bridge structure across the Waitemata Harbour, Auckland, between Birkenhead and Westhaven, that carries the road between the State Highway route positions 01N-0414/09.02 and 01N-0414/10.82, and includes all associated road approaches and on-ramps and off-ramps, but does not include— 30
- (a) any land or water over which the bridge passes on a structure where there is air space between the land or water and the structure:
 - (b) any building, structure, or other work not forming part of the bridge (which includes any building, structure, or work exclusively used for purposes other than the carriage of motor vehicles) or not forming part of such road approaches, on-ramps, or off-ramps 35

Government Roothing Powers Act 1989 (1989 No 75)—continued

motor vehicle has the same meaning as in section 2(1) of the Land Transport Act 1998

After section 87, insert:

87A Auckland Harbour Bridge

The Auckland Harbour Bridge is declared to be a motorway within the meaning of this Act, and the provisions of this Act and of any other Act and of any regulations relating to motorways accordingly apply to the Auckland Harbour Bridge.

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87B Auckland Harbour Bridge to be properly lighted

The Agency must at all times ensure that the Auckland Harbour Bridge is adequately lighted so as to provide for the safety of ships and aircraft in the vicinity of the Auckland Harbour Bridge.

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87C Installation of services on Auckland Harbour Bridge

(1) No person or body may provide, install, maintain, or repair any water main, gas pipe, or other pipe, or any power or telecommunications line, wire, or cable on the Auckland Harbour Bridge without the consent of the Agency, which may be given subject to such conditions as the Agency considers necessary for the protection and safety of the Auckland Harbour Bridge and of traffic using the Auckland Harbour Bridge.

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(2) The person or body responsible for any installation on the Auckland Harbour Bridge must pay to the Agency an annual amount for the use of the Auckland Harbour Bridge as may be agreed upon by the Agency and the person or body.

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Public Works Act 1981 (1981 No 35)

After section 248(4), insert:

(5) Despite the repeal of the Southland Electricity Act 1993 by **section 3(1) of the Statutes Repeal Act 2016**, section 20 of the Southland Electricity Act 1993 (which relates to the modification of sections 40 to 42 of this Act) continues to apply to the transfer of land or an interest in land to the company pursuant to the Southland Electricity Act 1993 as if that section had not been repealed.

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State Sector Act 1988 (1988 No 20)

After section 88(2), insert:

(3) The entitlement of an officer or employee in the State services under any superannuation arrangement that applied to that officer or employee on 25 January 2005 is not affected by—

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State Sector Act 1988 (1988 No 20)—*continued*

- (a) the repeal of sections 84 to 84D and the substitution of sections 84 to 84B of this Act by section 16(1) of the State Sector Amendment Act (No 2) 2004; or
- (b) the amendments to Acts that are contained in Schedule 6 of the Crown Entities Act 2004.

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Schedule 3

Consequential amendments and revocations

s 4(2), (3)

Part 1

Consequential amendments to Acts

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Armed Forces Discipline Act 1971 (1971 No 53)

Replace section 162(2) with:

- (2) In performing its functions, the Discipline Committee must ensure that any sentencing guidelines it produces are, to the extent that it is applicable, consistent with the Sentencing Act 2002.

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Flags, Emblems, and Names Protection Act 1981 (1981 No 47)

In Schedule 3, repeal the items relating to—

- (a) the Children's Health Camps Board Dissolution Act 1999; and
- (b) the New Zealand Export-Import Corporation Act 1974.

Goods and Services Tax Act 1985 (1985 No 141)

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Repeal section 43(1)(f) and (g).

Home Ownership Savings Act 1974 (1974 No 51)

In section 2(1), repeal the definitions of **Ordinary Farm Ownership Account**, **Ordinary Fishing Vessel Ownership Account**, **Special Farm Ownership Account**, and **Special Fishing Vessel Ownership Account**.

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In section 4, replace “considered,” with “considered and”.

In section 4, delete “, and balances in Farm Ownership Accounts and Ordinary Fishing Vessel Ownership Accounts transferred to Ordinary Home Ownership Accounts”.

Repeal sections 12(1) and 14C(1) and (2).

In section 14D(1), delete “and section 14C and section 14C of the Farm Ownership Savings Act 1974 or section 17 of the Fishing Vessel Ownership Savings Act 1977”.

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Income Tax Act 2007 (2007 No 97)

In section YA 1, definition of **election day worker**, paragraph (a)(i) and (ii), delete “or the Local Restoration Polls Act 1990”.

In Schedule 36, Part A, repeal the item relating to Terralink NZ Limited.

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Inquiries Act 2013 (2013 No 60)

In Schedule 1, repeal the items relating to—

- (a) the Hawke's Bay Earthquake Act 1931; and

Inquiries Act 2013 (2013 No 60)—*continued*

(b) the Mortgagors and Lessees Rehabilitation Act 1936.

Land Transfer (Hawke's Bay) Amendment Act 1933 (1933 No 39)

Repeal section 4.

Major Events Management Act 2007 (2007 No 35)

In section 4, repeal the definition of **Economic Development Minister**. 5

In section 4, insert in its appropriate alphabetical order:

Minister means the Minister of the Crown for the time being responsible for the administration of this Act

In sections 7(1), 7(3), 7(4), 8(1), 8(2), 8(3), 16(1), and 16(2), and in examples 1 and 2 in section 16, replace “Economic Development Minister” with “Minister”. 10

Official Information Act 1982 (1982 No 156)

In Schedule 1, repeal the item relating to the Sentencing Council.

Public Finance Act 1989 (1989 No 44)

In Schedule 4, repeal the item relating to the Sentencing Council.

Sentencing Act 2002 (2002 No 9) 15

In section 4(1), repeal the definition of **sentencing guidelines**.

Sport and Recreation New Zealand Act 2002 (2002 No 38)

Replace the Part 3 heading with:

Part 3
Consequential amendments and repeal

20

State-Owned Enterprises Act 1986 (1986 No 124)

In Schedule 1, repeal the item relating to Terralink NZ Limited.

In Schedule 2, repeal the item relating to Terralink NZ Limited.

Tax Administration Act 1994 (1994 No 166)

In section 157(10), definition of **amount payable**, paragraph (e), delete “; or”. 25

In section 157(10), definition of **amount payable**, repeal paragraphs (f) and (g).

Trustee Banks Restructuring Act Repeal Act 1999 (1999 No 53)

In Schedule 2, repeal clause 15(1)(a) and (c), (2), and (4).

Part 2**Consequential revocation of regulations****New Zealand National Airways Corporation Dissolution Act Commencement Order 1978 (SR 1978/303)****Sentencing Council Act 2007 Commencement Order 2007 (SR 2007/292)** 5**Southland Electricity Act Commencement Order 1994 (SR 1994/111)****Southland Electricity Act Commencement Order 1998 (SR 1998/47)****Tourist Hotel Corporation of New Zealand Act Commencement Order 1990 (SR 1990/132)****Wheat Board Amendment Act (Definition of Milling Standard Wheat) Commencement Order 1986 (SR 1986/186)** 10**Wheat Board Amendment Act (Dissolution of Wheat Board) Commencement Order 1986 (SR 1986/351)****Legislative history**6 September 2016
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First reading and referral to Government Administration
Committee