

Passports Amendment Bill (No 2)

Government Bill

As reported from the Government Administration Committee

Commentary

Recommendation

The Government Administration Committee has examined the Passports Amendment Bill (No 2) and recommends that it be passed with the amendment shown.

Introduction

The Passports Amendment Bill (No 2) seeks to increase the convenience of passport services for travellers by extending the maximum validity period of adult passports from 5 to 10 years. The bill would also alter the maximum validity period of other types of travel documents. Other proposed changes aim to modernise the Passports Act 1992 to reflect advances in the security features of travel documents and other technological developments, particularly the increasingly electronic nature of passport services. The modernisation of New Zealand's passport legislation would bring us closer in line with our trading partners.

Validity period

There is broad public support for a 10-year maximum validity period for adult passports. Several submitters on the bill suggested that the maximum validity period should be extended to 10 years and nine months, because some countries will not allow travellers entry unless they hold a passport valid for a further six months. Ten years is at the upper end of what the International Civil Aviation Organisation considers advisable for security purposes. Furthermore, such an amendment could in the longer-term affect passport holders travelling to countries such as European Union member states which do not accept non-European Union passports issued for longer than 10 years.

Commencement date

There is a clear public desire that the maximum validity period for passports be extended sooner rather than later. Given the assurances we received that the Department of Internal Affairs is ready to implement the bill's proposed changes, we recommend amending clause 2 to bring the commencement date forward by one month. This would allow many adults who need to renew their passport for travel during the upcoming summer holiday period to benefit from a 10-year passport.

Fees for passport services

Submitters expressed apprehension about the bill's potential implications for passport application fees. The bill itself does not propose any set fees. Clause 34 merely seeks to update the principal Act's existing delegated powers to make fee-setting regulations. The clause would remove some redundant provisions, such as fees for inserting new pages into passport books (which is a service that is no longer offered); clarify the different types of services for which regulations requiring payment of fees could be made; and stipulate that fees may be set differentially depending on when, where, and how a passport application is made (such as overseas, in paper, or online). The clause does not change current practice, which is intended to be simply cost-recovery. Any rise in fees, or new fees, would remain a Government decision.

Appendix

Committee process

The Passports Amendment Bill (No 2) was referred to the committee on 18 June 2015. The closing date for submissions was 24 July 2015. We received and considered 20 submissions from interested groups and individuals. No submitters wished to be heard.

We received advice from the Department of Internal Affairs.

Committee membership

Hon Ruth Dyson (Chairperson)

Sarah Dowie

Brett Hudson

Mojo Mathers

Mark Mitchell

Adrian Rurawhe

Denise Roche replaced Mojo Mathers for this item of business.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Peter Dunne

Passports Amendment Bill (No 2)

Government Bill

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Part 2

Further amendments to principal Act

35	Sections 41 to 44 and cross-headings repealed	9
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Schedule

New Schedule 1 inserted

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Passports Amendment Act (No 2) **2015**.

2 Commencement

This Act comes into force on ~~31 December 2015~~ 30 November 2015.

Part 1 Amendments to principal Act

3 Principal Act

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This Act amends the Passports Act 1992 (the **principal Act**).

4 Section 2 amended (Interpretation)

- (1) In section 2, replace the definition of **Minister** with:

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

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- (2) In section 2, insert in its appropriate alphabetical order:

New Zealand travel document database means a file, register, or device in or on which information is or is to be recorded, whether electronically or otherwise, for the purposes of this Act

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- (3) In section 2, definition of **officer**, replace “Department of Internal Affairs” with “department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act”.

- (4) In section 2, definition of **passport**, delete “and is incapable of being renewed,”.

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5 New section 2A inserted (Transitional, savings, and related provisions)

After section 2, insert:

2A Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in **Schedule 1** have effect according to their terms.

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6 Part 1 heading amended

In the heading to Part 1, replace “**Issue, renewal,**” with “**Issue**”.

7 Cross-heading above section 3 amended

In the cross-heading above section 3, replace “*Issue, renewal, and endorsement*” with “*Issue*”.

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8 Section 5 amended (Life of passport)

- (1) Replace section 5(1) with:

- (1) Unless cancelled sooner under this Act,—

- (a) every New Zealand passport issued to a person who is at least 16 years old is valid for 10 years from the date of issue:
- (b) every New Zealand passport issued to a person who is less than 16 years old is valid for 5 years from the date of issue.
- (2) In section 5(1A)(a), replace “this section” with “**section 8 of the Passports Amendment Act (No 2) 2015**”. 5
- (3) In section 5(2), replace “Notwithstanding” with “Despite”.
- 9 Section 6 repealed (Renewal of passport)**
- Repeal section 6.
- 10 Section 8 amended (Cancellation of passport where holder ceases to be entitled to passport)** 10
- After section 8(1), insert:
- (2) This section is subject to **section 271**.
- 11 Section 8A amended (Cancellation of passport on grounds of national security)** 15
- After section 8A(1), insert:
- (1A) This section is subject to **section 271**.
- 12 Section 9 amended (Cancellation of passport on other grounds)**
- (1) In section 9(1)(b), delete “and is incapable of being renewed”.
- (2) In section 9(1)(e), replace “the passport, or any renewal or endorsement of the passport, has” with “the passport has”. 20
- (3) After section 9(1), insert:
- (1A) The Minister may cancel a New Zealand passport if the holder of the passport states, in a declaration that is made in a manner approved by the Secretary, that the passport has been lost or stolen. 25
- (4) After section 9(2), insert:
- (3) This section is subject to **section 271**.
- 13 Section 9A amended (Cancellation of passport pursuant to court order)**
- In section 9A, insert as subsection (2):
- (2) This section is subject to **section 271**. 30
- 14 New section 11A and cross-heading inserted**
- After section 11, insert:

Warnings on New Zealand travel document database

11A Warnings on New Zealand travel document database

The Minister may mark the electronic record of a New Zealand travel document on a New Zealand travel document database with a warning to indicate that—

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- (a) the New Zealand travel document has been, or is to be, recalled under any of sections 10, 21, 26, and 27F:
- (b) the holder of the New Zealand travel document is, by a court order or the conditions of his or her bail, required to surrender the document or to remain in New Zealand.

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15 Section 13 amended (Issue of temporary passport where passport surrendered)

Replace section 13(2) with:

- (2) Despite section 5, every temporary New Zealand passport is, unless sooner cancelled under this Act, valid for the period for which it is issued, which may not exceed 2 years.

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16 Cross-heading above section 16 amended

In the cross-heading above section 16, replace “*Issue, renewal, and endorsement*” with “*Issue*”.

17 Section 17 amended (Life of certificate of identity)

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In section 17, replace “4 years” with “2 years”.

18 Section 18 repealed (Renewal of certificate of identity)

Repeal section 18.

19 Section 20 amended (Cancellation of certificate of identity)

- (1) In section 20(1)(b), delete “and is incapable of being renewed”. 25

- (2) After section 20(1), insert:

(1A) The Minister may cancel a certificate of identity if the holder of the certificate states, in a declaration that is made in a manner approved by the Secretary, that the certificate has been lost or stolen.

- (3) In section 20(2), after “subsection (1)”, insert “or cancels the certificate under **subsection (1A)**”. 30

- (4) After section 20(2), insert:

(3) This section is subject to **section 27I**.

- 20 Section 20A amended (Cancellation of certificate of identity on grounds of national security)**
- After section 20A(1), insert:
- (1A) Subsection (1) is subject to **section 27I**.
- 21 Section 25 amended (Cancellation of emergency travel document)** 5
- (1) After section 25(1), insert:
- (1A) The Minister may cancel an emergency travel document if the holder of the document states, in a declaration that is made in a manner approved by the Secretary, that the document has been lost or stolen.
- (2) In section 25(2), after “subsection (1)”, insert “or cancels the document under **subsection (1A)**”. 10
- (3) After section 25(2), insert:
- (3) This section is subject to **section 27I**.
- 22 Section 25A amended (Cancellation of emergency travel document on grounds of national security)** 15
- After section 25A(1), insert:
- (1A) Subsection (1) is subject to **section 27I**.
- 23 Section 27C amended (Life of refugee travel document)**
- (1) In section 27C(1), replace “2 years” with “5 years”.
- (2) Repeal section 27C(2). 20
- 24 Section 27D amended (Cancellation of refugee travel document)**
- (1) In section 27D(1)(b), delete “and is incapable of being renewed”.
- (2) After section 27D(1), insert:
- (1A) The Minister may cancel a refugee travel document if the holder of the document states, in a declaration that is made in a manner approved by the Secretary, that the document has been lost or stolen. 25
- (3) In section 27D(2), after “subsection (1)”, insert “or cancels the document under **subsection (1A)**”.
- (4) After section 27D(2), insert:
- (3) This section is subject to **section 27I**. 30
- 25 Section 27E amended (Cancellation of refugee travel document on grounds of national security)**
- After section 27E(1), insert:
- (1A) Subsection (1) is subject to **section 27I**.

26 Section 27H amended (Death of holder of New Zealand travel document)

Replace section 27H(2) and (3) with:

- (2) This section is subject to **section 27I**.

27 New section 27I and cross-heading inserted

After section 27H, insert:

Electronic cancellation of New Zealand travel documents

27I Electronic cancellation of New Zealand travel documents

- (1) The Minister may cancel a New Zealand travel document under any of sections 8, 8A, 9, 9A, 20, 20A, 25, 25A, 27D, 27E, and 27H by electronically recording the cancellation of that travel document on a New Zealand travel document database. 10
- (2) Despite any provision in any of sections 8, 8A, 9, 9A, 20, 20A, 25, 25A, 27D, and 27E, the Minister need not recall a New Zealand travel document, under the relevant section, nor have possession of the document, before cancelling it in accordance with **subsection (1)**. 15
- (3) Where the Minister has cancelled a New Zealand travel document in accordance with **subsection (1)** but has not recalled it, the Minister must promptly take reasonable steps to notify the person concerned in writing of the cancellation.
- (4) Despite **subsection (3)**, the Minister is not required to notify a person whose New Zealand travel document has been cancelled under section 9(1)(b), **9(1A)**, 20(1)(b), **20(1A)**, 25(1)(c), **25(1A)**, 27D(1)(b), **27D(1A)**, or 27H(1). 20

28 Section 28 amended (Appeal to High Court)

In section 28(1)(a), delete “or renewal”.

29 Section 30 amended (Offences relating to passport information and material) 25

- (1) In the heading to section 30, replace “passport” with “New Zealand travel document”. 30
- (2) In section 30(1) and (2), replace “passport database” with “New Zealand travel document database” in each place.
- (3) Repeal section 30(3).

30 Section 31A repealed (Jurisdiction in respect of actions taken outside New Zealand)

Repeal section 31A.

31 Section 32 amended (False representations) 35

- (1) In section 32(1)(a), replace “a written or oral statement” with “any statement”.

- (2) In section 32(1)(b), replace “a written or oral statement” with “any statement”.

32 New section 32AA inserted (Jurisdiction in respect of actions taken outside New Zealand)

After section 32, insert:

32AA Jurisdiction in respect of actions taken outside New Zealand

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Proceedings may be brought for an offence against section 29A(1), 30(1), or 30A(1), any of paragraphs (a) to (d) of section 31(1), or section 32(1) even if the act or omission alleged to constitute the offence did not occur in New Zealand.

33 Section 37 amended (Information that may be disclosed)

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In section 37(1)(j), replace “passports database” with “New Zealand travel document database”.

34 Section 40 replaced (Regulations)

Replace section 40 with:

40 Regulations

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- (1) The Governor-General may, by Order in Council, make regulations for all or any of the following purposes:

(a) requiring the payment of fees, and prescribing the amount of such fees, in respect of applications for and the issue of passports, certificates of identity, emergency travel documents, and refugee travel documents:

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(b) requiring the payment of fees, and prescribing the amount of such fees, in respect of the provision of any administrative service specified in the regulations, such as the certification of a New Zealand travel document:

(c) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect.

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- (2) Any fees set under **subsection (1)** may differ depending on—

(a) the time at which the application is lodged:

(b) the type of travel document:

(c) whether the application is lodged in New Zealand or overseas:

(d) whether the application is for—

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(i) a new travel document; or

(ii) a replacement for a lost or stolen travel document:

(e) in the case of an application lodged overseas, the overseas place where the application is lodged:

- (f) the manner in which the application is lodged, for example, whether the application is lodged in paper form or electronically via an Internet site maintained by or on behalf of the Secretary:
- (g) whether the applicant is, or is not, under the age of 16 years.

Part 2

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Further amendments to principal Act

35 Sections 41 to 44 and cross-headings repealed

Repeal sections 41 to 44 and cross-headings above sections 41, 42, 43, and 44.

36 New Schedule 1 inserted

Before the Schedule, insert, as **Schedule 1**, the **Schedule 1** set out in the Schedule of this Act. 10

37 Schedule amended

In the Schedule, after clause 7(2), insert:

- (3) The Minister may mark the electronic record of a New Zealand travel document on a New Zealand travel document database with a warning to indicate that the New Zealand travel document has been suspended. 15

Schedule
New Schedule 1 inserted

s 36

Schedule 1
Transitional, savings, and related provisions

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s 2A

1 Savings
Nothing in this Act affects the validity or period of validity of any New Zealand travel document issued or renewed before the commencement of the **Passports Amendment Act (No 2) 2015**.

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Legislative history

15 June 2015	Introduction (Bill 32–1)
18 June 2015	First reading and referral to Government Administration Committee