

## Discovery and Disclosure Information Authority



Claim of right in relation with Diplomatic Privileges and Immunities in exercise of Prerogative and Statutory Powers of the Crown acting through his Sovereign in person or his Sovereign's Government or any Minister or any Department under Guarantees or Indemnities on behalf of or in the name of the Crown and protection against certain actions hereinafter expressed or implied.

New Zealand Legislation

# Tagged sections/clauses

Surname: Crown

The Crown in right of New Zealand

Sovereign ID: 1965122698

Health Sector (Transfers) Act 1993 (as at 12 November 2018)



**DIPLOMATIC**

## 2 Interpretation

(1) In this Act, unless the context otherwise requires,—

**agreement** includes a deed, a contract, an agreement, an arrangement, and an understanding, whether oral or written, express or implied, and whether or not enforceable at law; and, without limitation, includes a contract of service and a deed, contract, agreement, or arrangement creating or evidencing a trust

**area health board** means an area health board established under section 6 of the Area Health Boards Act 1983

**assets** means any real or personal property of any kind, whether or not subject to rights; and, without limitation, includes—

- (a) any estate or interest in any land, including all rights of occupation of land or buildings:
- (b) all buildings, vehicles, plant, equipment, and machinery, and any rights therein:
- (c) all financial products within the meaning of the [Financial Markets Conduct Act 2013](#):
- (d) all rights of any kind, including rights under Acts and agreements, and all applications, objections, submissions, and appeals in respect of such rights:
- (e) all patents, trade marks, designs, copyright, plant variety rights, and other intellectual property rights of any kind whether enforceable by Act or rule of law:
- (f) goodwill, and any business undertaking:
- (g) interests of any kind in any of the foregoing

**Crown endowment** means, in relation to land held by a DHB, a trust settled by the Crown or by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council in respect of that land, whether before or after it came to be held by the DHB, being a trust—

- (a) for the purpose of providing an income derived from that land—
  - (i) for hospital purposes (such as for the maintenance of a hospital); or
  - (ii) for the purposes of any health services or disability support services or both; or
- (b) for the purposes of establishing, or providing a site for, a hospital or like institution; or
- (c) for hospital purposes; or
- (d) for the purposes of any health services or disability support services or both; or
- (e) for any or all of the purposes described in paragraphs (a) to (d)

**Crown endowment land** means, in relation to a DHB, land that—

- (a) is vested in the DHB as a Crown endowment; and
- (b) was either—
  - (i) granted by the Crown to the DHB or to any of its predecessors in title; or
  - (ii) vested in the DHB or in any of its predecessors in title by or pursuant to any Act, Provincial Ordinance, grant, or Order in Council; and
- (c) was not land that, before it was granted to, or vested in, the DHB or any of its predecessors in title, had been given to the Crown, whether in trust or otherwise; and
- (d) is not a public reserve within the meaning of the [Reserves Act 1977](#); and
- (e) is not, except for being held as a Crown endowment, land that is held in trust for a particular purpose; and
- (f) is not, except for being held as a Crown endowment, land in respect of which special provision is made by any Act or Provincial Ordinance

**Crown entity** has the same meaning as in [section 2\(1\)](#) of the Public Finance Act 1989

**employee** has the same meaning as in [section 6](#) of the Employment Relations Act 2000

**Health Benefits Limited** means the company incorporated under the [Companies Act 1993](#) with the name Health Benefits Limited

**hospital board** means a hospital board constituted by section 25 of the Hospitals Act 1957

**HPA** means the Health Promotion Agency established by [section 57](#) of the New Zealand Public Health and Disability Act 2000

**HQSC** means the Health Quality and Safety Commission established under [section 59A](#) of the New Zealand Public Health and Disability Act 2000

**liabilities** includes—

- (a) liabilities and obligations under any Act or agreement; and
- (b) debt securities within the meaning of the [Financial Markets Conduct Act 2013](#); and
- (c) contingent liabilities; and
- (d) interests of any kind in any of the foregoing

**predecessor in title**, in relation to a DHB, means any of its predecessors in title that was an area health board or a hospital board or a Crown health enterprise or a hospital and health service or a similar body established under an enactment relating to the management of public hospitals and charitable institutions

**publicly-owned health and disability organisation** means any DHB, the HPA, the NZBS, Pharmac, and HQSC

**rights** includes powers, privileges, interests, leases, licences, approvals, consents, designations, permissions, dispensations, authorisations, benefits, and equities of any kind, whether actual, contingent, or prospective

**transfer** includes—

- (a) assign and convey; and
- (b) confer estates in fee simple of land held by the Crown, whether in allodium or otherwise; and
- (c) grant rights in respect of any assets or liabilities; and
- (d) in the case of a liability, the assumption thereof by a transferee; and
- (e) in all provisions of this Act other than [section 4](#), vest under [section 5](#); and
- (f) vest under [clause 10](#) of Schedule 1;—

and the word **transferred** has a corresponding meaning

**transfer date** means, in relation to an agreement entered into under [section 4](#) or a proposal approved under [section 5](#), the date specified in the agreement or proposal as the date upon which the transfer of assets or

liabilities, or both, referred to in the agreement or proposal takes effect (whether or not all formalities required to complete the transfer are completed by that date)

**transferee** means any of the following:

- (a) the Crown (whether or not acting through a Government department):
- (b) a publicly-owned health and disability organisation:
- (c) a subsidiary of a publicly-owned health and disability organisation:
- (d) a person declared under subsection (6) to be a transferee for the purposes of this Act

**transferor** means any of the following:

- (a) the Crown (whether or not acting through a Government department):
- (b) a publicly-owned health and disability organisation:
- (c) a subsidiary of a publicly-owned health and disability organisation:
- (d) Health Benefits Limited:
- (e) in relation to any assets or liabilities that are transferred for a second or subsequent time, includes the transferee to whom those assets or liabilities have previously been transferred

**transferring Ministers** means the Minister of Finance and the Minister of Health.

- (2) Unless the context otherwise requires, terms defined in [section 6\(1\)](#) of the New Zealand Public Health and Disability Act 2000 have the same meanings in this Act.
- (3) Unless the context otherwise requires, in this Act,—
  - (a) a reference to **transfer** or **authorise** includes entering into an agreement to transfer or authorise, as the case may be; and
  - (b) a reference to any agreement or proposal includes any amendments to that agreement or proposal.
- (4) Unless a written agreement entered into by the Crown states that any restriction, prohibition, or other provision is to apply despite the provisions of this subsection, this Act shall have effect, and assets and liabilities may be transferred under this Act, notwithstanding any restriction, prohibition, or other provision contained in any Act, rule of law, or agreement that would otherwise apply.
- (5) Nothing in this Act shall limit any powers or rights that the Crown or a Minister has under any other enactment or rule of law.
- (6) The Governor-General may, by Order in Council made on the recommendation of the Minister, declare any person to be a transferee for the purposes of this Act.

Section 2(1) **assets** paragraph (c): amended, on 1 December 2014, by [section 150](#) of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **CHFA**: repealed, on 1 July 2012, by [section 34](#) of the New Zealand Public Health and Disability Amendment Act 2012 (2012 No 41).

Section 2(1) **Crown endowment**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **Crown endowment land**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **Crown entity**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **employee**: substituted, on 2 October 2000, by [section 240](#) of the Employment Relations Act 2000 (2000 No 24).

Section 2(1) **Health Benefits Limited**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **HPA**: inserted, on 1 July 2012, by [section 26](#) of the New Zealand Public Health and Disability Amendment Act 2012 (2012 No 41).

Section 2(1) **HQSC**: inserted, on 9 November 2010, by [section 29\(2\)](#) of the New Zealand Public Health and Disability Amendment Act 2010 (2010 No 118).

Section 2(1) **liabilities** paragraph (b): amended, on 1 December 2014, by [section 150](#) of the Financial Markets (Repeals and Amendments) Act 2013 (2013 No 70).

Section 2(1) **predecessor in title**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **publicly-owned health and disability organisation**: inserted, on 1 January 2001, by [section 5\(2\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **publicly-owned health and disability organisation**: amended, on 1 July 2012, by [section 26](#) of the New Zealand Public Health and

Disability Amendment Act 2012 (2012 No 41).

Section 2(1) **publicly-owned health and disability organisation**: amended, on 1 July 2012, by [section 34](#) of the New Zealand Public Health and Disability Amendment Act 2012 (2012 No 41).

Section 2(1) **publicly-owned health and disability organisation**: amended, on 9 November 2010, by [section 29\(3\)](#) of the New Zealand Public Health and Disability Amendment Act 2010 (2010 No 118).

Section 2(1) **publicly-owned health and disability organisation**: amended, on 17 May 2005, by [section 5\(2\)](#) of the New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

Section 2(1) **RHMU**: repealed, on 17 May 2005, by [section 5\(2\)](#) of the New Zealand Public Health and Disability Amendment Act 2005 (2005 No 63).

Section 2(1) **transfer** paragraph (f): amended, on 1 January 2001, by [section 5\(3\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **transferee**: substituted, on 1 January 2001, by [section 5\(1\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(1) **transferor**: substituted, on 1 January 2001, by [section 5\(1\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(2): substituted, on 1 January 2001, by [section 5\(4\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

Section 2(6): added, on 1 January 2001, by [section 5\(5\)](#) of the Health Sector (Transfers) Amendment Act 2000 (2000 No 92).

## Legislation Act 2019 (as enacted)

# Part 6 Parliamentary Counsel Office

## 128 Parliamentary Counsel Office continues

- (1) The Parliamentary Counsel Office is continued.
- (2) The Parliamentary Counsel Office is an instrument of the Crown and a separate statutory office under the Attorney-General's control.
- (3) During any period when there is no Minister of the Crown who is Attorney-General, the Parliamentary Counsel Office is under the Prime Minister's control.

Compare: 2012 No 119 s 58

## Contempt of Court Act 2019 (as enacted)

### 6 Act binds the Crown

- (1) This Act binds the Crown.
- (2) However, to avoid doubt, a court may not issue a warrant, impose a fine, or make an order under [section 16\(4\)\(a\) or \(b\) against the Crown](#), the Attorney-General, a government department as defined in section 2(1) of the Crown Proceedings Act 1950, or an officer of the Crown.
- (3) Nothing in subsection (2) prevents any person seeking a declaratory order under the [Declaratory Judgments Act 1908](#) that the Crown, Attorney-General, government department, or officer of the Crown is in breach of a judgment or order against the Crown.

## Crimes Act 1961 (as at 01 July 2019)

### 2 Interpretation

- (1) In this Act, unless the context otherwise requires,—  
**aerodrome** has the same meaning as in the [Civil Aviation Act 1990](#)

**aircraft** has the same meaning as in the [Civil Aviation Act 1990](#); and includes any aircraft for the time being used as an aircraft of any of the armed forces of any country other than New Zealand

**assault** means the act of intentionally applying or attempting to apply force to the person of another, directly or indirectly, or threatening by any act or gesture to apply such force to the person of another, if the person making the threat has, or causes the other to believe on reasonable grounds that he or she has, present ability to effect his or her purpose; and **to assault** has a corresponding meaning

**claim of right**, in relation to any act, means a belief at the time of the act in a proprietary or possessory right in property in relation to which the offence is alleged to have been committed, although that belief may be based on ignorance or mistake of fact or of any matter of law other than the enactment against which the offence is alleged to have been committed

**Commonwealth country** means a country that is a member of the Commonwealth of Nations; and includes every territory for whose international relations the Government of any such country is responsible

**Commonwealth ship** means a ship registered or required to be registered in any Commonwealth country, or recognised by the law of any Commonwealth country as a ship belonging to that country; and includes any ship for the time being used as a ship of any of the armed forces of any Commonwealth country

**constable** has the meaning given in [section 4](#) of the Policing Act 2008

**crime involving dishonesty** means any of the crimes or offences described in—

- (a) [sections 100 to 105F](#);
- (b) [Part 10](#), except [sections 267 to 272](#), [298A](#), and [298B](#);
- (c) the [Secret Commissions Act 1910](#)

**criminally responsible** means liable to punishment for an offence

**day**, or **daytime**, means the interval between 6 o'clock in the morning of any day and 9 o'clock at night of the same day

**firearm** has the same meaning as in the [Arms Act 1983](#)

**for a material benefit**, in relation to doing a thing, means—

- (a) after having obtained a material benefit for doing the thing; or
- (b) intending to obtain a material benefit for doing the thing

**foreign ship** means a ship that is not a Commonwealth ship

**genitalia** includes a surgically constructed or reconstructed organ analogous to naturally occurring male or female genitalia (whether the person concerned is male, female, or of indeterminate sex)

**to injure** means to cause actual bodily harm

**Judge**, in relation to the District Court, or **District Court Judge** means a Judge who holds a warrant under [section 14](#) of the District Court Act 2016 to conduct jury trials

**justified**, in relation to any person, means not guilty of an offence and not liable to any civil proceeding

**is liable** means is liable on conviction

**medical practitioner** means a health practitioner who is, or is deemed to be, registered with the Medical Council of New Zealand continued by [section 114\(1\)\(a\)](#) of the Health Practitioners Competence Assurance Act 2003 as a practitioner of the profession of medicine

**New Zealand** includes all waters within the outer limits of the territorial sea of New Zealand (as defined by [section 3](#) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977)

**New Zealand aircraft** means any aircraft that is registered or required to be registered in New Zealand under the [Civil Aviation Act 1990](#); and includes any aircraft for the time being used as an aircraft of the New Zealand forces

**New Zealand forces** means the New Zealand Naval Forces, the New Zealand Army, and the Royal New Zealand Air Force

**New Zealand ship** means a ship registered in New Zealand, or recognised by the law of New Zealand as a ship belonging to New Zealand; and includes any ship for the time being used as a ship of the New Zealand forces

**night**, or **night-time**, means the interval between 9 o'clock at night and 6 o'clock in the following morning

**obtain a material benefit**, in relation to doing a thing, means obtain, directly or indirectly, any goods, money, pecuniary advantage, privilege, property, or other valuable consideration of any kind for doing the thing (or taking an action that forms part of doing the thing)

**penis** includes a surgically constructed or reconstructed organ analogous to a naturally occurring penis (whether the person concerned is male, female, or of indeterminate sex)

**person, owner, and other words and expressions of the like kind, include the Crown and any public body or local authority, and any board, society, or company, and any other body of persons, whether incorporated or not, and the inhabitants of the district of any local authority, in relation to such acts and things as it or they are capable of doing or owning**

**prison manager** means the manager of a prison

**property** includes real and personal property, and any estate or interest in any real or personal property, money, electricity, and any debt, and any thing in action, and any other right or interest

**prosecutor** means—

- (a) a Crown Solicitor;
- (b) in relation to a Crown prosecution, the Attorney-General;
- (c) in relation to a private prosecution, the private prosecutor

**protected from criminal responsibility** means not liable to any proceedings except a civil proceeding

**Registrar**—

- (a) for the purposes of [Part 12](#), means any Registrar of the trial court; and includes any Deputy Registrar of that court;
- (b) for any other purpose, means any Registrar of the High Court or of the District Court, as the case may require; and includes any Deputy Registrar

**serious violent offence** means any offence—

- (a) that is punishable by a period of imprisonment for a term of 7 years or more; and
- (b) where the conduct constituting the offence involves—
  - (i) loss of a person's life or serious risk of loss of a person's life; or
  - (ii) serious injury to a person or serious risk of serious injury to a person; or
  - (iii) serious damage to property in circumstances endangering the physical safety of any person; or
  - (iv) perverting the course of justice, where the purpose of the conduct is to prevent, seriously hinder, or seriously obstruct the detection, investigation, or prosecution of any offence—
    - (A) that is punishable by a period of imprisonment for a term of 7 years or more; and
    - (B) that involved, involves, or would involve conduct of the kind referred to in any of subparagraphs (i) to (iii)

**sexual connection** means—

- (a) connection effected by the introduction into the genitalia or anus of one person, otherwise than for genuine medical purposes, of—



- (i) a part of the body of another person; or
- (ii) an object held or manipulated by another person; or
- (b) connection between the mouth or tongue of one person and a part of another person's genitalia or anus; or
- (c) the continuation of connection of a kind described in paragraph (a) or paragraph (b)

**ship** means every description of vessel used in navigation, however propelled; and includes any barge, lighter, dinghy, raft, or like vessel; and also includes any ship belonging to or used as a ship of the armed forces of any country

**Supreme Court** means the Supreme Court of New Zealand established by [section 66](#) of the Senior Courts Act 2016

**territorial waters**, in relation to any country other than New Zealand, means such part of the sea adjacent to the coast of that country as is within the territorial sovereignty of that country; and includes ports, harbours, rivers, and other places in which at the commencement of this Act the Admiralty of England has jurisdiction (whether exclusive or not) in respect of offences of any kind committed on board Commonwealth ships

**unlawful act** means a breach of any Act, regulation, rule, or bylaw

**vulnerable adult**, for the purposes of [sections 151](#), [195](#), and [195A](#), means a person unable, by reason of detention, age, sickness, mental impairment, or any other cause, to withdraw himself or herself from the care or charge of another person.

- (1A) For the purposes of paragraph (a) of the definition in subsection (1) of sexual connection, introduction to the slightest degree is enough to effect a connection.
- (1B) For the purposes of this Act, one person does an indecent act on another person whether he or she—
  - (a) does an indecent act with or on the other person; or
  - (b) induces or permits the other person to do an indecent act with or on him or her.

(2) *[Repealed]*

Compare: 1908 No 32 ss 2, 4A(1), 207, 237; 1948 No 77 s 8; 1950 No 83 s 2; 1953 No 120 s 2(1); 1954 No 29 s 2

Section 2(1) **aerodrome**: amended, on 1 September 1990, pursuant to [section 101\(1\)](#) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **aircraft**: amended, on 1 September 1990, pursuant to [section 101\(1\)](#) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **claim of right**: inserted, on 1 October 2003, by [section 4\(1\)](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **claim of right**: amended, on 19 March 2012, by [section 4\(2\)](#) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

Section 2(1) **colour of right**: repealed, on 1 October 2003, by [section 4\(1\)](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **constable**: replaced, on 1 October 2008, by [section 130\(1\)](#) of the Policing Act 2008 (2008 No 72).

Section 2(1) **crime**: repealed, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 2(1) **crime involving dishonesty**: replaced, on 7 November 2015, by [section 4](#) of the Crimes Amendment Act 2015 (2015 No 95).

Section 2(1) **depositions**: repealed, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 2(1) **firearm**: inserted, on 28 October 1986, by section 2 of the Crimes Amendment Act (No 2) 1986 (1986 No 71).

Section 2(1) **for a material benefit**: inserted, on 20 May 2005, by [section 3\(1\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(1) **genitalia**: inserted, on 20 May 2005, by [section 3\(1\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(1) **Judge**: replaced, on 1 March 2017, by [section 261](#) of the District Court Act 2016 (2016 No 49).

Section 2(1) **is liable**: amended, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 2(1) **medical practitioner**: inserted, on 18 September 2004, by [section 175\(1\)](#) of the Health Practitioners Competence Assurance Act 2003 (2003 No 48).

Section 2(1) **New Zealand**: replaced, on 1 January 1966, by section 11 of the Territorial Sea and Fishing Zone Act 1965 (1965 No 11).

Section 2(1) **New Zealand**: amended, on 1 August 1996, pursuant to section 5(4) of the Territorial Sea and Exclusive Economic Zone Amendment Act 1996 (1996 No 74).

Section 2(1) **New Zealand**: amended, on 1 October 1977, by [section 33\(1\)](#) of the Territorial Sea, Contiguous Zone, and Exclusive Economic Zone Act 1977 (1977 No 28).

Section 2(1) **New Zealand aircraft**: amended, on 1 September 1990, pursuant to [section 101\(1\)](#) of the Civil Aviation Act 1990 (1990 No 98).

Section 2(1) **obtain a material benefit**: inserted, on 18 June 2002, by [section 3](#) of the Crimes Amendment Act 2002 (2002 No 20).

Section 2(1) **offence**: repealed, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 2(1) **penis**: inserted, on 20 May 2005, by [section 3\(1\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(1) **prison manager**: inserted, on 1 June 2005, by [section 206](#) of the Corrections Act 2004 (2004 No 50).

Section 2(1) **property**: amended, on 1 October 2003, by [section 4\(3\)](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **prosecutor**: inserted, on 1 March 1996, by [section 2\(1\)](#) of the Crimes Amendment Act (No 2) 1995 (1995 No 68).

Section 2(1) **Registrar**: replaced, on 1 March 1996, by [section 2\(2\)](#) of the Crimes Amendment Act (No 2) 1995 (1995 No 68).

Section 2(1) **Registrar** paragraph (b): amended, on 1 March 2017, by [section 261](#) of the District Court Act 2016 (2016 No 49).

Section 2(1) **serious violent offence**: inserted, on 18 April 2012, by [section 325\(3\)](#) of the Search and Surveillance Act 2012 (2012 No 24).

Section 2(1) **sexual connection**: inserted, on 20 May 2005, by [section 3\(1\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(1) **Superintendent**: repealed, on 1 June 2005, by [section 206](#) of the Corrections Act 2004 (2004 No 50).

Section 2(1) **Supreme Court**: inserted, on 1 January 2004, by [section 48\(1\)](#) of the Supreme Court Act 2003 (2003 No 53).

Section 2(1) **Supreme Court**: amended, on 1 March 2017, by [section 183\(b\)](#) of the Senior Courts Act 2016 (2016 No 48).

Section 2(1) **territorial waters**: amended, on 1 January 1966, by section 11 of the Territorial Sea and Fishing Zone Act 1965 (1965 No 11).

Section 2(1) **trial Judge**: repealed, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

Section 2(1) **unlawful act**: inserted, on 19 March 2012, by [section 4\(1\)](#) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

Section 2(1) **valuable security**: repealed, on 1 October 2003, by [section 4\(4\)](#) of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **vulnerable adult**: inserted, on 19 March 2012, by [section 4\(1\)](#) of the Crimes Amendment Act (No 3) 2011 (2011 No 79).

Section 2(1A): inserted, on 20 May 2005, by [section 3\(2\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(1B): inserted, on 20 May 2005, by [section 3\(2\)](#) of the Crimes Amendment Act 2005 (2005 No 41).

Section 2(2): repealed, on 1 July 2013, by [section 6](#) of the Crimes Amendment Act (No 4) 2011 (2011 No 85).

## Births, Deaths, Marriages, and Relationships Registration Act 1995 (as at 03 December 2018)

### 67 Birth certificates generally

- (1) Every birth certificate shall contain as much information (being information relating to the birth to which the certificate relates recorded under this Act or a former Act at the time the certificate is issued) as is then prescribed.
- (2) Subsection (1) is subject to [sections 63 to 66](#).
- (3) Notwithstanding [sections 63\(2\)\(c\)](#), [64\(1\)\(c\)](#), [65\(3\)](#), and [66\(1\)\(b\)](#), if satisfied that the person to whom a birth certificate relates was still-born or is dead, the Registrar issuing it shall cause it to bear the expression “still-born” or, as the case requires, “deceased”.
- (4) *[Repealed]*
- (5) *[Repealed]*
- (6) *[Repealed]*

Section 67(3): amended, on 24 January 2009, by [section 24\(1\)](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(4): repealed, on 24 January 2009, by [section 24\(2\)](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(5): repealed, on 24 January 2009, by [section 24\(2\)](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 67(6): repealed, on 24 January 2009, by [section 24\(2\)](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## Births, Deaths, Marriages, and Relationships Registration Act 1995 (as at 03 December 2018)

### 91A No liability for costs incurred in supplying information

To avoid doubt, the Crown is not liable for the costs incurred by a person in supplying information required by this Act.

Section 91A: inserted, on 24 January 2009, by [section 42](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).



## Births, Deaths, Marriages, and Relationships Registration Act 1995 (as at 03 December 2018)

**91B Protection for supply of information**

No civil or criminal proceedings may be brought against the Crown, a Registrar, or any other person for the disclosure or supply of information in the course of the exercise or performance or intended exercise or performance of any powers, functions, or duties under this Act, unless it is shown that the information was disclosed or supplied in bad faith.

Section 91B: inserted, on 24 January 2009, by section 42 of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

## Land Transfer Act 2017 (as at 01 January 2020)

**4 Land subject to this Act**

The following land is subject to this Act:

- (a) land that is subject to the [Land Transfer Act 1952](#) immediately before the commencement of this section:
- (b) land alienated or contracted to be alienated from the Crown in fee simple after the commencement of this section:
- (c) land made subject to this Act by or under this Act or any other Act:
- (d) land that is, after the commencement of this section, vested in a person for a freehold estate under any other Act, including any Act relating to Māori land.

## Land Transfer Act 2017 (as at 01 January 2020)

**15 Record of title created in name of deceased person**

A record of title created in the name of a deceased person takes effect as if the record of title were created immediately before the person died.

Compare: 1952 No 52 s 74

## Land Transfer Act 2017 (as at 01 January 2020)

*Further provisions where compensation paid***71 Right of subrogation**

The Crown is subrogated, to the extent of any compensation made or to be made, to all the rights and remedies a claimant may have, but for the subrogation, in relation to the matter to which the claimant's claim relates.

## Land Transfer Act 2017 (as at 01 January 2020)

**Subpart 4—Easements, *profits à prendre*, and covenants under Property Law Act**

## 2007

*Easements and profits à prendre***107 Interpretation**

In this subpart,—

**grantee**, in relation to an easement or a *profit à prendre*, means—

- (a) the registered owner of the benefited land or, if the benefited land is land of the Crown with no registered owner, the Sovereign; or
- (b) the person entitled to the benefit of the easement or *profit à prendre*

**grantor**, in relation to an easement or a *profit à prendre*, means the registered owner of the burdened land or, if the burdened land is land of the Crown with no registered owner, the Sovereign

**rights and powers** includes terms, conditions, and covenants.

Compare: 1952 No 52 s 90E

## Family Violence Regulations 2019 (as made)

**23 Disclosure of information under Births, Deaths, Marriages, and Relationships Registration Act 1995 for administration of estates**

- (1) If a direction is made, nothing in Part 9 of the Act or in regulations 11 to 24 prevents the Registrar-General from permitting a person to inspect any document containing information to which section 76(1) or 77(4) of the Births, Deaths, Marriages, and Relationships Registration Act 1995 applies, or from providing any person with a printout or copy of the document or a printout of the information, if the Registrar-General is satisfied that—
  - (a) the person wishes to inspect the document or have the printout or copy for a purpose in connection with the administration of an estate or trust; and
  - (b) the person is executor, administrator, or trustee of the estate or trust; and
  - (c) the information is relevant for that purpose.
- (2) Before relevant information in respect of which a direction is in force is disclosed under subclause (1), the Registrar-General must notify the person to whom that direction relates, in writing, of the proposed disclosure.
- (3) Despite subclause (2), if it is not practicable to give notice under that subclause before disclosure of the relevant information, then the Registrar-General must give that notice as soon as practicable after disclosure of that information.

Compare: SR 1998/342 r 14

## Family Violence Regulations 2019 (as made)

**24 Disclosure of information under Land Transfer Act 2017 for certain purposes**

- (1) If a direction is made, nothing in Part 9 of the Act or in regulations 11 to 24 prevents the Registrar-General of Land from providing (under section 40 of the Land Transfer Act 2017) a copy of an instrument or a record of title to a person who requires it—
  - (a) to conduct a transaction with the person to whom that direction relates; or
  - (b) to have an instrument registered or noted under the Land Transfer Act 2017 or any other enactment; or

- (c) to exercise a right held, or satisfy an obligation owed, in relation to the particular land (but not land generally), such as the right to sell the land under a mortgagee's power of sale.
- (2) The person provided with the copy must not disclose the copy, or any information obtained from the copy, to anyone else except for the purpose for which the copy was required under subclause (1).
- (3) The Registrar must give notice to the person to whom the direction relates—
  - (a) before providing the copy of the instrument or record of title to the person who requires it; or
  - (b) as soon as practicable after providing the copy to the person who requires it, if it is impracticable to give notice before that.
- (4) The notice must be given in accordance with [section 221](#) of the Land Transfer Act 2017 and must specify—
  - (a) the instrument or record of title of which a copy will be provided; and
  - (b) the person to whom the copy will be provided; and
  - (c) when the copy will be provided.

Compare: SR 1998/342 r 15

## Land Transfer Act 2017 (as at 01 January 2020)

### *Access to register*

#### **40 Access to register**

- (1) The Registrar must, on request and on payment of the prescribed fee or charge,—
  - (a) provide a person with a copy of an instrument registered or noted in the register or that forms part of the register;
  - (b) provide a person with a copy of a record of title.
- (2) If the person requires the copy of the instrument or record of title to be a certified copy, the Registrar must provide a certified copy.
- (3) The copies referred to in subsection (1) may be provided in electronic form if the chief executive so determines.
- (4) A determination under subsection (3) may be made subject to specified conditions.
- (5) This section is subject to—
  - (a) [section 41, Part 9](#) of the Family Violence Act 2018, and any other enactment under which information may be withheld; and
  - (b) the [Public Records Act 2005](#).

Compare: 1952 No 52 ss 45, 45A, 46; 2002 No 11 s 33

Section 40(5)(a): amended, on 1 July 2019, by [section 259\(1\)](#) of the Family Violence Act 2018 (2018 No 46).

## Land Transfer Act 2017 (as at 01 January 2020)

#### **41 Registrar may withhold information for person's safety**

- (1) The Registrar may do the following during any withholding period granted to a person under this section:
  - (a) refuse to provide under [section 40](#) a copy of an instrument or a record of title that names or contains identifying information about the person;
  - (b) prevent the name of the person, or identifying information about the person, from being included in any

part of the register that is made available to the public.

#### *Decision about withholding period*

- (2) The Registrar must, on application by a person under [section 42](#), decide whether to grant a withholding period to the person.
- (3) The Registrar must grant the withholding period if satisfied that the publication of information that discloses, or is likely to disclose, the whereabouts of the person may prejudice the safety of the person or the person's family.
- (4) The Registrar must, as soon as is reasonably practicable after making the decision, give notice to the person of—
  - (a) the decision; and
  - (b) the date of the decision; and
  - (c) if the withholding period is not granted, the reasons for the decision.

#### *Duration of withholding period*

- (5) A withholding period for a person starts on the date on which the Registrar decides to grant it.
- (6) A withholding period for a person ends 5 years after it starts or on any earlier date on which the Registrar decides to end the period.
- (7) The Registrar must decide to end the withholding period if he or she—
  - (a) receives the person's application to end the withholding period; or
  - (b) becomes aware and is satisfied that the basis for granting the withholding period no longer exists (for example, because an order has ceased to have effect or because the person has died and the safety of the person's family is not prejudiced).
- (8) The Registrar must, as soon as is reasonably practicable after making a decision to end a withholding period for a person under subsection (7)(b), give notice to the person of—
  - (a) the decision; and
  - (b) the date of the decision; and
  - (c) the reasons for the decision.

#### *Other matters*

- (9) The fact that a withholding period has ended does not prevent the Registrar from deciding to grant another withholding period on the same evidential basis.
- (10) This section overrides any requirements of this Act that relate to the register.

Public Records Act 2005 (as at 28 September 2017)

## **5 Variations to application of Act**

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister,—
  - (a) declare that—
    - (i) a person or body owned or controlled, directly or indirectly, by the Crown, or 1 or more classes of such a person or body, is a public office for the purposes of this Act;
    - (ii) a record or class of records is a public record for the purposes of this Act;
  - (b) vary the requirement for compliance with the matters referred to in subsection (2) in relation to 1 or more—
    - (i) public offices, other than those referred to in subsection (3);
    - (ii) public records;

- (iii) local authority records.
- (2) Subsection (1) permits compliance to be varied under this section in respect of—
- (a) any provision of this Act, except [section 17](#) (which requires public records and local authority records to be created and maintained) and [section 18](#) (which prohibits the unauthorised disposal of public records and protected records):
  - (b) any regulations made under this Act:
  - (c) any standards.
- (3) Subsection (1)(b)(i) does not apply to the public offices referred to in paragraph (c)(i) and (v) to (x) of the definition of public office in [section 4](#).
- (4) The Governor-General may, by Order in Council made on the recommendation of the Minister, amend or revoke an Order in Council made under subsection (1).
- (5) Before making a recommendation under subsection (1) or subsection (4), the Minister must—
- (a) consult,—
    - (i) in the case of a recommendation made under subsection (1)(a)(i) or subsection (4), with the Minister of the Crown for the time being having responsibility for the person or body or class of person or body that is to be the subject of the recommendation; and
    - (ii) in the case of a recommendation made under subsection (1)(a)(ii) or subsection (4), with the person or class of persons who have possession of the record or class of records; and
    - (iii) in the case of a recommendation made under subsection (1)(b)(i) or (ii) or subsection (4), with the responsible Minister of the controlling public office affected; and
  - (b) in each case, have regard to advice received from the Archives Council.
- (6) Before making a recommendation in relation to local authority records under subsection (1)(b)(iii) or subsection (4), the Minister must—
- (a) consult with the Minister of the Crown for the time being responsible for the administration of the [Local Government Act 2002](#); and
  - (b) have regard to advice received from the Archives Council.
- (7) This Act continues to apply to a mixed ownership model company (within the meaning of [section 45P](#) of the Public Finance Act 1989) that was a public office immediately before becoming a mixed ownership model company, as if it were still a public office, but only in respect of its affairs before it ceased to be a public office (regardless of when the records of those affairs are created).

Section 5(7): inserted, on 30 June 2012, by [section 11](#) of the Public Finance (Mixed Ownership Model) Amendment Act 2012 (2012 No 45).

## Public Records Act 2005 (as at 28 September 2017)

### *Discharge*

## **25 Discharge of public records**

- (1) **The Chief Archivist may authorise in writing the discharge of a public record only if—**
- (a) the Chief Archivist considers that the public record is suitable to be discharged; and
  - (b) the public record is an open access record that is not in current use; and
  - (c) the release of the public record is consistent with the principles of the [Privacy Act 1993](#); and
  - (d) the public record is not subject to a request under the [Official Information Act 1982](#); and

- (e) the administrative head of the controlling public office agrees to the public record being discharged; and
  - (f) the person to whom the public record is to be discharged is not a Minister of the Crown, the Chief Archivist, an employee in the department, the Archives Council, a member of the Archives Council, or an employee of the controlling public office.
- (2) The Chief Archivist may authorise in writing the discharge of a class of public records that contains information about identified persons only if—
- (a) the Chief Archivist considers that the class of public records is suitable to be discharged; and
  - (b) the administrative head of the controlling public office agrees to the class of public records being discharged; and
  - (c) the Chief Archivist and the administrative head have entered into an agreement for the discharge of the class of public records on a record by record basis; and
  - (d) there are appropriate procedures to ensure that a record is discharged only to the person who is the subject of the information, or to the duly authorised agent of that person; and
  - (e) the discharge of the class of records is consistent with the principles of the [Privacy Act 1993](#).
- (3) A public record that is discharged—
- (a) becomes the property of the person to whom it is discharged; and
  - (b) ceases to have status as a public record or to be subject to this Act.
- (4) A public record discharged under this section must be noted in the discharge register, in accordance with [section 19\(1\)\(b\)](#).

Section 25(1)(f): amended, on 1 February 2011, by [section 14](#) of the Public Records Amendment Act (No 2) 2010 (2010 No 133).

## Official Information Act 1982 (as at 20 December 2019)

### 48 Protection against certain actions

- (1) Where any official information is made available in good faith pursuant to this Act,—
- (a) no proceedings, civil or criminal, shall lie against the Crown or any other person in respect of the making available of that information, or for any consequences that follow from the making available of that information; and
  - (b) no proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a department or Minister of the Crown or organisation.
- (2) The making available of, or the giving of access to, any official information in consequence of a request made under this Act shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the person to whom the information is made available or the access is given.

Section 48: replaced, on 1 April 1987, by [section 21](#) of the Official Information Amendment Act 1987 (1987 No 8).

## Official Information Act 1982 (as at 20 December 2019)

### 53 Expiration of provisions relating to Information Authority



As from the close of 30 June 1988—

- (a) the following provisions of this Act, namely,—
  - (i) the definition of the term **Authority** in [section 2\(1\)](#); and
  - (ii) [Part 6](#); and
  - (iii) paragraph (a) of [section 47](#); and
  - (iv) [Schedule 2](#),—
 shall expire; and
- (b) [section 11\(1\)\(a\)](#) shall be amended by omitting the words “or the Authority”; and
- (c) [the Authority shall be dissolved](#); and
- (d) [all real and personal property belonging to the Authority shall become vested in the Crown](#); and
- (e) [all money payable to the Authority shall become payable to the Crown](#); and
- (f) [all liabilities, contracts, and engagements, and all rights and authorities of any nature whatever of the Authority shall become liabilities, contracts, engagements, rights, and authorities of the Crown](#); and
- (g) [all proceedings pending by or against the Authority may be carried on, completed, or enforced by or against the Crown](#).

Local Government Official Information and Meetings Act 1987 (as at 21 March 2019)

## Part 6

### Miscellaneous provisions relating to access to official information

#### 41 Protection against certain actions

- (1) [Where any official information is made available in good faith pursuant to \[Part 2\]\(#\) or \[Part 3\]\(#\) or \[Part 4\]\(#\) by any local authority](#),—
  - (a) [no proceedings, civil or criminal, shall lie against the local authority or any other person in respect of the making available of that information, or for any consequences that flow from the making available of that information](#); and
  - (b) [no proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to a local authority](#).
- (2) The making available of, or the giving of access to, any official information in consequence of a request made under [Part 2](#) or [Part 3](#) or [Part 4](#) shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the person to whom the information is made available or the access is given.

Compare: 1982 No 156 s 48; 1987 No 8 s 21

Local Government Official Information and Meetings Act 1987 (as at 21 March 2019)

#### 25 Correction of information

- (1) Every person who is given access under [section 23\(1\)](#) to personal information may, by letter addressed to the local

authority—

- (a) request correction of the personal information where the person believes that the information—
    - (i) is inaccurate; or
    - (ii) is incomplete and gives a misleading impression; and
  - (b) require that a notation be attached to the information indicating the nature of any correction requested but not made.
- (2) Where a local authority receives a letter pursuant to subsection (1), it shall inform the person by whom or by which the letter was sent of the action taken by the local authority as a result of the letter.

Compare: 1982 No 156 s 26

Kāinga Ora—Homes and Communities Act 2019 (as enacted)

## Part 1

### Provisions relating to this Act as enacted

#### *Preliminary provisions*

#### 1 Interpretation in this Part

In this Part, unless the context otherwise requires,—

**Corporation** means Housing New Zealand Corporation established by [section 3\(1\)](#) of the Housing Corporation Act 1974

**Crown** means the Sovereign in right of New Zealand

**HLC (2017) Ltd** means HLC (2017) Limited, a wholly-owned subsidiary of the Corporation

**Ministry functions that are transferring to Kāinga Ora—Homes and Communities** or **Ministry functions** means the functions carried out by the KiwiBuild unit of the Ministry, other than the functions relating to the Land for Housing programme and the former Crown Land Programme

**property** has the same meaning as in [section 30L](#) of the State Sector Act 1988.

Constitution Act 1986 (as at 17 May 2005)

#### 3 Exercise of royal powers by the Sovereign or the Governor-General

- (1) Every power conferred on the Governor-General by or under any Act is a royal power which is exercisable by the Governor-General on behalf of the Sovereign, and may accordingly be exercised either by the Sovereign in person or by the Governor-General.
- (2) Every reference in any Act to the Governor-General in Council or any other like expression includes a reference to the Sovereign acting by and with the advice and consent of the Executive Council.

Compare: 1983 No 20 s 3

Constitution Act 1986 (as at 17 May 2005)

#### 4 Regency

- (1) Where, under the law of the United Kingdom, the royal functions are being performed in the name and on

- behalf of the Sovereign by a Regent, the royal functions of the Sovereign in right of New Zealand shall be performed in the name and on behalf of the Sovereign by that Regent.
- (2) Nothing in subsection (1) limits, in relation to any power of the Sovereign in right of New Zealand, the authority of the Governor-General to exercise that power.
- Compare: 1983 No 20 s 4

## Constitution Act 1986 (as at 17 May 2005)

### 5 Demise of the Crown

- (1) The death of the Sovereign shall have the effect of transferring all the functions, duties, powers, authorities, rights, privileges, and dignities belonging to the Crown to the Sovereign's successor, as determined in accordance with the enactment of the Parliament of England intituled The Act of Settlement (12 & 13 Will 3, c 2) and any other law relating to the succession to the Throne, but shall otherwise have no effect in law for any purpose.
- (2) Every reference to the Sovereign in any document or instrument in force on or after the commencement of this Act shall, unless the context otherwise requires, be deemed to include a reference to the Sovereign's heirs and successors.
- Compare: 1908 No 42

## Crown Proceedings Act 1950 (as at 01 October 2019)

### 2 Interpretation

- (1) In this Act, unless the context otherwise requires,—

**agent**, in relation to the Crown, includes an independent contractor employed by the Crown

**Attorney-General**, in respect of any power, duty, authority, or function imposed upon or vested in him or her by virtue of his or her office as Attorney-General otherwise than under [section 14](#), includes the Solicitor-General

**civil proceedings** means any proceedings in any court other than criminal proceedings; but does not include proceedings in relation to habeas corpus, mandamus, prohibition, or certiorari or proceedings by way of an application for review under the [Judicial Review Procedure Act 2016](#) to the extent that any relief sought in the application is in the nature of mandamus, prohibition, or certiorari

**Commonwealth** means the British Commonwealth of Nations; and includes every territory for whose international relations the Government of any country of the Commonwealth is responsible

**court** means the Supreme Court, the Court of Appeal, the High Court, and (to the extent to which they respectively have jurisdiction) the Compensation Court constituted under section 70 of the Statutes Amendment Act 1939, the District Court constituted under the [District Court Act 2016](#), the Disputes Tribunal constituted under the [Disputes Tribunal Act 1988](#), a Warden's Court constituted under the Mining Act 1926, and the Maori Land Court constituted under [Te Ture Whenua Maori Act 1993](#)

**government department** or **department**—

- (a) means Public Trust and every other department or instrument of the Executive Government of New Zealand; and
- (b) includes the Māori Trustee

**member of a visiting force** includes a member of any other force who is attached to a visiting force

**New Zealand armed forces** means the New Zealand Naval Forces, the New Zealand Army, and the Royal New Zealand Air Force

**officer**, in relation to the Crown, includes any servant of the Sovereign, and accordingly (but without prejudice to

the generality of the foregoing provision) includes a Minister of the Crown; and a member of the New Zealand armed forces; but does not include the Governor-General, or any Judge, District Court Judge, Justice of the Peace, Community Magistrate, or other judicial officer

**order** includes a judgment, decree, rule, award, or declaration

**proceedings against the Crown** includes a claim by way of set-off or counterclaim raised in proceedings by the Crown

**servant, in relation to the Crown,** means any servant of the Sovereign, and accordingly (but without prejudice to the generality of the foregoing provision) includes a Minister of the Crown, and a member of the New Zealand armed forces; but does not include the Governor-General, or any Judge, District Court Judge, Justice of the Peace, Community Magistrate, or other judicial officer

**service aircraft** means any aircraft within the meaning of the [Civil Aviation Act 1990](#) which is being used exclusively for the purposes of the Armed Forces of New Zealand

**ship** includes every description of vessel used in navigation not propelled by oars

**the Sovereign or the Crown** means the Sovereign in right of his or her Government in New Zealand

**visiting force** means any naval, military, or air force of any country other than New Zealand which has been granted a right of entry into or passage through or over New Zealand.

- (2) Any reference in this Act to the Crown, in relation to any civil proceedings, or in relation to any order or judgment debt or costs in connection with any civil proceedings, shall be construed as including a reference to the Attorney-General or any government department or officer of the Crown where the Attorney-General, department, or officer is a party or third party to the proceedings in accordance with [section 14](#): provided that the Attorney-General shall not be deemed to be the Crown in relation to any proceedings by reason only of the fact that the proceedings are brought by the Attorney-General upon the relation of some other person.

Compare: 1908 No 34 s 2; 1945 No 40 ss 19, 20; Crown Proceedings Act 1947 s 38 (UK)

Section 2(1) **civil proceedings**: amended, on 1 March 2017, by [section 24](#) of the Judicial Review Procedure Act 2016 (2016 No 50).

Section 2(1) **civil proceedings**: amended, on 20 October 1972, by [section 14\(1\)](#) of the Judicature Amendment Act 1972 (1972 No 130).

Section 2(1) **court**: amended, on 1 March 2017, by [section 261](#) of the District Court Act 2016 (2016 No 49).

Section 2(1) **court**: amended, on 1 January 2004, by [section 48\(1\)](#) of the Supreme Court Act 2003 (2003 No 53).

Section 2(1) **court**: amended, on 1 July 1993, pursuant to [section 362\(2\)](#) of Te Ture Whenua Maori Act 1993 (1993 No 4).

Section 2(1) **court**: amended, on 1 April 1980, pursuant to [section 2\(3\)](#) of the District Courts Amendment Act 1979 (1979 No 125).

Section 2(1) **government department** or **department**: replaced, on 1 July 2009, by [section 30\(1\)](#) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 2(1) **officer**: amended, on 30 June 1998, by [section 7](#) of the District Courts Amendment Act 1998 (1998 No 76).

Section 2(1) **officer**: amended, on 1 April 1980, pursuant to [section 18\(2\)](#) of the District Courts Amendment Act 1979 (1979 No 125).

Section 2(1) **servant**: inserted, on 2 October 1958, by section 2 of the Crown Proceedings Amendment Act 1958 (1958 No 61).

Section 2(1) **servant**: amended, on 30 June 1998, by [section 7](#) of the District Courts Amendment Act 1998 (1998 No 76).

Section 2(1) **servant**: amended, on 1 April 1980, pursuant to [section 18\(2\)](#) of the District Courts Amendment Act 1979 (1979 No 125).

Section 2(1) **service aircraft**: replaced, on 1 September 1990, by [section 101\(3\)](#) of the Civil Aviation Act 1990 (1990 No 98).

## Crown Proceedings Act 1950 (as at 01 October 2019)

### 5 Liability of the Crown under other Acts

- (1) Except as expressly provided by this Act or any other Act, this Act shall not be construed so as to make any Act binding upon the Crown which would not otherwise be so binding, or so as to impose any liability on the Crown by virtue of any Act which is not binding on the Crown.
- (2) The enactments mentioned in [Schedule 1](#) shall bind the Crown.

Compare: 1910 No 54 s 7

## Crown Proceedings Act 1950 (as at 01 October 2019)

**11 Saving in respect of acts done under prerogative and statutory powers**

- (1) Except as expressly provided in this Part, nothing in this Part shall extinguish or abridge any powers or authorities which, if this Act had not been passed, would have been exercisable by virtue of the prerogative of the Crown, or any powers or authorities conferred on the Crown by any statute, and, in particular, nothing in this Part shall extinguish or abridge any powers or authorities exercisable by the Crown, whether in time of peace or of war, for the purpose of the defence of the realm or of training, or maintaining the efficiency of, any of the armed forces of New Zealand or of any part of the Commonwealth.
- (2) Where in any proceedings under this Act it is material to determine whether anything was properly done or omitted to be done in the exercise of the prerogative of the Crown, the Minister of Defence, if satisfied that the act or omission was necessary for any such purpose as is mentioned in the last preceding subsection, may issue a certificate to the effect that the act or omission was necessary for that purpose, and the certificate shall, in those proceedings, be conclusive as to the matter so certified.

Compare: Crown Proceedings Act 1947 s 11 (UK)

## Crown Proceedings Act 1950 (as at 01 October 2019)

**35 Saving of certain rights, etc**

- (1) Nothing in this Act shall apply to or authorise proceedings by or against the Sovereign in his or her private capacity.
- (2) Except as therein otherwise expressly provided, nothing in this Act shall—
- (a) affect the law relating to prize salvage, or apply to proceedings in causes or matters within the jurisdiction of the High Court as a Prize Court, or to any criminal proceedings; or
  - (b) authorise proceedings to be taken against the Crown under or in accordance with this Act in respect of any alleged liability of the Crown arising otherwise than in respect of the Sovereign's Government in New Zealand, or affect proceedings against the Crown in respect of any such alleged liability as aforesaid; or
  - (c) affect any proceedings by the Crown otherwise than in right of the Sovereign's Government in New Zealand; or
  - (d) subject the Crown to any greater liabilities in respect of the acts or omissions of any independent contractor employed by the Crown than those to which the Crown would be subject in respect of the acts or omissions if the Crown were a private person; or
  - (e) subject the Crown to any liability in respect of the acts or omissions of any medical practitioner, pharmaceutical chemist, midwife, obstetric nurse, dentist, or any other person while any such person is rendering any professional or other service or supplying any medicine, drug, appliance, or material in respect of any benefit provided under the [Social Security Act 2018](#), unless the medical practitioner, pharmaceutical chemist, midwife, obstetric nurse, dentist, or other person is acting as a servant of the Crown at the time of the act or omission; or
  - (f) subject the Crown, in its capacity as a highway authority, to any greater liability than that to which a local authority is subject in that capacity; or
  - (g) interfere with or affect any Act that now is or hereafter may be in force whereby the Crown, or any of its officers and servants, is exempt from liability for anything done under the Act or affect any power, authority, or liability vested in or imposed upon the Crown or any of its officers or servants under any such

Act; or

- (h) affect any right of the Crown to control or otherwise intervene in proceedings affecting the Crown's rights, property, or profits; or
  - (i) *[Repealed]*
  - (j) affect any liability imposed on the Māori Trustee or on a Crown Bank Account by the [Māori Trustee Act 1953](#); or
  - (k) affect any liability imposed on the Government Insurance Commissioner, the Government Insurance Department, or on a Crown Bank Account by the Government Life Insurance Act 1908; or
  - (l) affect any liability imposed on the State Fire Insurance General Manager or the State Fire Insurance Department or on the public revenues of New Zealand by the State Fire Insurance Act 1908 or by the Government Life Insurance Act 1908.
  - (m) *[Repealed]*
- (3) A certificate of the Attorney-General—
- (a) to the effect that any alleged liability of the Crown arises otherwise than in respect of the Sovereign's Government in New Zealand; or
  - (b) to the effect that any proceedings by the Crown are proceedings otherwise than in right of the Sovereign's Government in New Zealand.—

shall, for the purposes of this Act, be conclusive as to the matter so certified.

- (4) Where any property vests in the Crown by virtue of any rule of law which operates independently of the acts or the intentions of the Crown, the Crown shall not by virtue of this Act be subject to any liabilities in tort by reason only of the property being so vested; but the provisions of this subsection shall be without prejudice to the liabilities of the Crown under this Act in respect of any period after the Crown or any person acting for the Crown has in fact taken possession or control of any such property, or entered into occupation thereof.
- (5) This Act shall not operate to limit the discretion of the court to grant relief by way of mandamus in cases in which such relief might have been granted before the commencement of this Act, notwithstanding that by reason of the provisions of this Act some other and further remedy is available.

Compare: 1908 No 34 s 39; Crown Proceedings Act 1947 s 40 (UK)

Section 35(2)(a): amended, on 1 April 1980, pursuant to section 12 of the Judicature Amendment Act 1979 (1979 No 124).

Section 35(2)(e): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).

Section 35(2)(e): amended, on 1 January 1978, pursuant to section 61(1)(b) of the Nurses Act 1977 (1977 No 53).

Section 35(2)(i): repealed, on 1 March 2002, by [section 170\(1\)](#) of the Public Trust Act 2001 (2001 No 100).

Section 35(2)(j): amended, on 1 July 2009, by [section 30\(1\)](#) of the Māori Trustee Amendment Act 2009 (2009 No 12).

Section 35(2)(j): amended, on 25 January 2005, pursuant to [section 83\(7\)](#) of the Public Finance Act 1989 (1989 No 44).

Section 35(2)(j): amended, on 1 April 1954, pursuant to [section 53\(1\)](#) of the Māori Trustee Act 1953 (1953 No 95).

Section 35(2)(k): amended, on 25 January 2005, pursuant to [section 83\(7\)](#) of the Public Finance Act 1989 (1989 No 44).

Section 35(2)(m): repealed, on 1 October 2019, by [section 33](#) of the Kāinga Ora—Homes and Communities Act 2019 (2019 No 50).

## Victims' Rights Act 2002 (as at 01 July 2019)

### 50 Other ways in which rights may be enforced

- (1) Except as provided in subsection (2), neither [section 49](#) nor this section limits the ways in which rights conferred by the specified provisions (as defined in [section 49\(1\)\(a\)](#)) may be enforced.
- (2) No person (for example, the Crown in right of New Zealand) may be required (for example, by any court, tribunal, or other body) to pay any money (whether by way of damages, compensation, or otherwise) to any other person just because of a breach of any of the specified provisions.



- (3) An example of the operation of subsection (2) is that the Human Rights Review Tribunal (as defined in [section 2\(1\)](#) of the Privacy Act 1993) may require the payment of money in respect of conduct that is, or may be, a breach of any of the specified provisions, if that conduct also constitutes an interference with the privacy of an individual.

Public Finance Act 1989 (as at 24 October 2019)

#### 49 The Crown not liable for debts of Crown entities, etc

- (1) **The Crown is not liable to contribute towards the payment of any debts or liabilities of—**
- a Crown entity, a Schedule 4 organisation, or a Schedule 4A company; or
  - a subsidiary of a Crown entity, a Schedule 4 organisation, or a Schedule 4A company; or
  - any entity in which a Crown entity has an interest; or
  - any other agency or body corporate that is controlled or wholly owned by the Crown.
- (2) However, this section does not apply in relation to—
- any sum the Crown is liable to contribute under any Act; or
  - any sum the Crown is liable to contribute under any guarantee or indemnity given by the Minister under [section 65ZD](#) or the [Crown Retail Deposit Guarantee Scheme Act 2009](#); or
  - any sum the Crown is liable to pay a creditor of a Crown entity, Crown subsidiary, other agency, or other body corporate, by virtue of a cause of action that the creditor has against the Crown; or
  - any sum the Crown is liable to pay to a creditor of the Reserve Bank of New Zealand.

Section 49: substituted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 49(1)(a): amended, on 18 July 2013, by [section 32\(1\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 49(1)(b): amended, on 18 July 2013, by [section 32\(2\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 49(2)(b): amended, on 13 September 2009, by [section 10\(2\)](#) of the Crown Retail Deposit Guarantee Scheme Act 2009 (2009 No 30).

Public Finance Act 1989 (as at 24 October 2019)

### Subpart 6—Guarantees and indemnities

Subpart 6: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

#### *Limits on giving by the Crown of guarantees and indemnities*

Heading: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

#### 65ZC Guarantee or indemnity by the Crown must not be given except under statute

**Except as expressly authorised by any Act, it is not lawful for any person to give a guarantee or indemnity on behalf of or in the name of the Crown.**

Section 65ZC: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

Public Finance Act 1989 (as at 24 October 2019)

#### 65ZD Minister may give guarantee or indemnity if in public interest

- (1) The Minister, **on behalf of the Crown,** may give, in writing, a guarantee or indemnity to a person, organisation, or

government if it appears to the Minister to be necessary or expedient in the public interest to do so.

- (2) The Minister may—
  - (a) give the guarantee or indemnity on any terms and conditions that the Minister thinks fit; and
  - (b) in the case of a guarantee, give the guarantee in respect of the performance or non-performance of any duties or obligations by a person, organisation, or government.
- (3) **If the contingent liability of the Crown under a guarantee or an indemnity given by the Minister under subsection (1) exceeds \$10 million, the Minister must, as soon as practicable after giving the guarantee or indemnity, present a statement to the House of Representatives that the guarantee or indemnity has been given.**
- (4) The statement may contain any details about the guarantee or indemnity that the Minister considers appropriate.

Section 65ZD: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 65ZD(2)(b): amended, on 18 July 2013, by [section 38\(1\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 65ZD(3): replaced, on 18 July 2013, by [section 38\(2\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

## Public Finance Act 1989 (as at 24 October 2019)

### **65ZE Departments may give guarantee or indemnity specified in regulations if in public interest**

- (1) A department, **on behalf of or in the name of the Crown,** may give, in writing, a guarantee or indemnity of a type specified in regulations made under [section 81](#) to a person or organisation if it appears to the department to be necessary or expedient in the public interest to do so.
- (2) A department must give the guarantee or indemnity on the prescribed terms and conditions (if any).
- (3) **If the contingent liability of the Crown under a guarantee or an indemnity given by a department under subsection (1) exceeds \$10 million, the responsible Minister must, as soon as practicable after the guarantee or indemnity is given, present to the House of Representatives a statement that the guarantee or indemnity has been given.**
- (4) The statement may contain any details about the guarantee or indemnity that the responsible Minister considers appropriate.
- (5) This section does not limit [section 65ZD](#).

Section 65ZE: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 65ZE(3): replaced, on 18 July 2013, by [section 39](#) of the Public Finance Amendment Act 2013 (2013 No 50).

## Public Finance Act 1989 (as at 24 October 2019)

### *Terms and conditions of securities*

Heading: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

### **65 Securities must be in name of Sovereign**

- (1) This section applies if—
  - (a) either of the following circumstances applies:
    - (i) **a security is taken for an advance of money by the Crown;** or
    - (ii) **a security is given for money borrowed by the Crown;** and
  - (b) the Act that authorises the borrowing does not provide otherwise as to in whose name the security must be taken or given.
- (2) If this section applies,—

- (a) the security must be taken or given in the name of the Sovereign; and
- (b) the Minister may, on behalf of the Sovereign, do any of the following things in respect of or in connection with the security that could be done by the Sovereign:
  - (i) exercise any powers, functions, and rights (including any power of disposal); and
  - (ii) undertake and perform any liabilities.

Section 65: substituted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

## Public Finance Act 1989 (as at 24 October 2019)

### 65C Execution of securities

- (1) A security that must be executed by the Sovereign for the purposes of this Act must be executed for and on behalf of the Sovereign by—
  - (a) the Minister; or
  - (b) a person acting in accordance with a delegation under [section 28](#) or [section 41](#) of the State Sector Act 1988; or
  - (c) borrowing agents appointed for the purpose under [section 50](#).
- (2) For the purposes of this section, it is enough if a facsimile of the signature of a person who is required to execute a security under this section is reproduced on the security.

Section 65C: inserted, on 25 January 2005, by [section 16](#) of the Public Finance Amendment Act 2004 (2004 No 113).

## Public Finance Act 1989 (as at 24 October 2019)

### 75 Minister may exercise powers relating to *bona vacantia*

- (1) Where any property or right belongs to the Sovereign as *bona vacantia*, the Minister may from time to time on behalf of the Sovereign, exercise any power, function, and right (including any power of disposal) and undertake and perform any obligation, in respect of or in connection with the property or right that could be exercised, undertaken, or performed by the Sovereign.
- (2) If the Minister or any department or departmental agency, on the application of any person, performs an act under subsection (1), the Minister, department, or departmental agency is entitled to charge the person all reasonable fees and costs incurred.
- (3) Nothing in subsection (1) or (2) limits any other enactment or rule of law.
- (4) If the Minister, a department, or a departmental agency performs an act under subsection (1) that involves the transfer or disposal of property or a right, that transfer or disposal may be made without further authority than this section.
- (5) If the Minister, a department, or a departmental agency performs an act under subsection (1) that involves the spending of public money, that money may be paid out of a Crown Bank Account without further authority than this section.
- (6) Subsections (4) and (5) do not affect the validity of anything done before those subsections come into force.

Compare: 1977 No 65 s 108; 1980 No 7 s 7

Section 75(1): amended, on 25 January 2005, by [section 23](#) of the Public Finance Amendment Act 2004 (2004 No 113).

Section 75(2): replaced, on 18 July 2013, by [section 44\(1\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 75(3): amended, on 18 July 2013, by [section 44\(2\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 75(4): inserted, on 18 July 2013, by [section 44\(3\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 75(5): inserted, on 18 July 2013, by [section 44\(3\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

Section 75(6): inserted, on 18 July 2013, by [section 44\(3\)](#) of the Public Finance Amendment Act 2013 (2013 No 50).

## Crown Retail Deposit Guarantee Scheme Act 2009 (as at 01 December 2014)

### 8 Crown assumes creditor's rights

- (1) If the Crown makes a payment under a guarantee to a creditor of an entity in respect of which the guarantee was given (the **guaranteed entity**), the Crown is subrogated, to the extent of the payment, to all the rights and remedies that, but for the subrogation, the creditor would have had in relation to the creditor's claim against the guaranteed entity.
- (2) To avoid doubt, subsection (1) applies—
  - (a) whether the Crown pays the creditor's claim against the guaranteed entity in full or in part; and
  - (b) to give the Crown the same rights and remedies that the creditor would have had in relation to the guaranteed entity, any third party, and any security for the claim; and
  - (c) to give the Crown the same priority that the creditor would have had in the event of the insolvency of the guaranteed entity.
- (3) This section does not limit or affect any other rights or remedies that the Crown may have as guarantor.

## Public Finance (Departmental Guarantees and Indemnities) Regulations 2007 (as at 26 February 2010)

### 4 Guarantees or indemnities that may be given by departments

The types of guarantees or indemnities that a department may give under [section 65ZE\(1\)](#) of the Act are as follows:

- (a) any guarantee or indemnity in any agreement that relates to the use by the New Zealand Defence Force of any military equipment owned by—
  - (i) any nation; or
  - (ii) any international body;
- (b) any guarantee or indemnity in respect of any claim by a third party for the infringement of any copyright or other intellectual property rights that arises as a result of the Crown using, or providing for the processing or storage of, data or other items under a contract that relates to the provision of information technology services to the Crown;
- (c) any guarantee or indemnity that—
  - (i) relates to any claim by a third party; and
  - (ii) is contained in a contract for the provision of advisory or consulting services to the Crown;
- (d) any guarantee or indemnity that relates to, and is contained in,—
  - (i) any overseas loan agreement that is lawfully entered into by the Crown as borrower or any agreement ancillary to that loan agreement; or
  - (ii) a contract to lease, a lease of, or a licence for real property that is lawfully entered into by the Crown as lessee, tenant, or licensee, or as the assignee of the lessee, tenant, or licensee; or
  - (iii) a contract of bailment by way of hire that is lawfully executed by the Crown in the ordinary course of the Crown's operations;
- (e) any guarantee or indemnity contained in the standard terms and conditions for the operation of—
  - (i) a Crown Bank Account that is opened, maintained, and operated at a bank or banks that the Minister

- may direct under [section 65R](#) of the Act; or
- (ii) a Departmental Bank Account that is opened, maintained, and operated at a bank or banks that the Minister or the Treasury may direct under [section 65S](#) of the Act.
- (f) **any guarantee or indemnity contained in the standard terms and conditions for the purchase, licence, or use by the Crown of—**
- (i) an Internet site:
  - (ii) software:
  - (iii) information technology tools, products, or services.

Regulation 4(f): added, on 26 February 2010, by [regulation 4](#) of the Public Finance (Departmental Guarantees and Indemnities) Amendment Regulations 2010 (SR 2010/16).

Public Finance (Departmental Guarantees and Indemnities) Regulations 2007 (as at 26 February 2010)

## 5 Departments must give notice of guarantee or indemnity in certain cases

- (1) A department must, for the purposes of [section 65ZE\(3\)](#) of the Act, give written notice to its responsible Minister and the Secretary if the contingent liability of the Crown under a guarantee or indemnity given by the department exceeds \$10,000,000.
- (2) The notice must—
  - (a) be accompanied by a copy of the guarantee or indemnity; and
  - (b) be given as soon as practicable after the guarantee or indemnity is given.

Rebecca Kitteridge,  
for Clerk of the Executive Council.

Unclaimed Money Act 1971 (as at 01 March 2017)

## 3 Unclaimed money to be paid to Crown

**Subject to this Act, there shall be payable to the Crown all money which becomes unclaimed money after the commencement of this Act, except and so far as special provisions are made by or under any other Act.**

Search and Surveillance Act 2012 (as at 17 December 2019)

## 150 Certain things must be returned

- (1) **A thing seized or produced must, if it is not required for investigative or evidential purposes, or unless it is liable to forfeiture to the Crown** or any other person (whether by operation of law or by order of a court or otherwise), be—
  - (a) **returned to its owner or to the person entitled to possession;** or
  - (b) made the subject of an application under [section 154](#); or
  - (c) disposed of under [section 160](#) or [161\(1\)](#); or

- (d) destroyed if—
  - (i) it is perishable and has become rotten or has otherwise deteriorated; or
  - (ii) it is perishable and is likely to become rotten or perish before it can be dealt with under any of paragraphs (a) to (c) or [section 163](#); or
  - (iii) it is likely to pose a risk to public health.
- (2) Subsection (1)—
  - (a) does not affect the rights of retention conferred by [section 161\(2\)](#) or [162\(1\)](#); and
  - (b) is subject to [section 163](#).

#### Search and Surveillance Act 2012 (as at 17 December 2019)

### 155 Seized or produced property forfeit to the Crown if ownership not established

- (1) **A thing that is seized or produced is forfeited to the Crown if—**
  - (a) the owner or person entitled to possession of the thing is not established within 60 days after the date on which the thing was seized or produced; and
  - (b) the thing—
    - (i) is not, at the expiry of that period, still required for investigative or evidential purposes; and
    - (ii) has not been disposed of or sold by order of the court within that period.
- (2) For the purpose of trying to establish ownership of any thing to which this section applies, the person who has custody of the thing must (unless it is impossible or impracticable to make contact) advise the following people of the effect of this section:
  - (a) any person who produced the thing or from whom the thing was seized;
  - (b) the occupier or owner of the place or vehicle where the thing was before it was produced or seized;
  - (c) any other person who, in the opinion of the person in whose custody the thing is, may be affected by the forfeiture of the thing.

#### Search and Surveillance Act 2012 (as at 17 December 2019)

### 167 Immunity of the Crown

- (1) **If any person is immune from civil liability under any of [sections 164 to 166](#) in respect of anything done or omitted to be done, the Crown is also immune from civil liability in tort in respect of that person's conduct.**
- (2) For the purposes of this section, the **Crown includes Crown entities and the Reserve Bank of New Zealand.**

#### Perpetuities Act 1964 (as at 01 April 2008)

### 3 Act and rule against perpetuities to bind the Crown

**This Act and the rule against perpetuities shall bind the Crown except in respect of dispositions of property made by the Crown.**

Compare: Law Reform (Property, Perpetuities, and Succession) Act 1962 s 3(2) (WA); Perpetuities and Accumulations Act 1964 s 15(7) (UK)



## Privacy Act 1993 (as at 12 December 2019)

## Part 8

### Complaints

#### *Interpretation*

#### 66 Interference with privacy

- (1) For the purposes of this Part, an action is an interference with the privacy of an individual if, and only if,—
- (a) in relation to that individual,—
    - (i) the action breaches an information privacy principle; or
    - (ii) the action breaches a code of practice issued under [section 63](#) (which relates to public registers); or
    - (iia) the action breaches an information privacy principle or a code of practice as modified by an Order in Council made under [section 96J](#); or
    - (iib) the provisions of an information sharing agreement approved by an Order in Council made under [section 96J](#) have not been complied with; or
    - (iic) the provisions of [Part 10](#) (which relates to information matching) have not been complied with; and
  - (b) in the opinion of the Commissioner or, as the case may be, the Tribunal, the action—
    - (i) has caused, or may cause, loss, detriment, damage, or injury to that individual; or
    - (ii) has adversely affected, or may adversely affect, the rights, benefits, privileges, obligations, or interests of that individual; or
    - (iii) has resulted in, or may result in, significant humiliation, significant loss of dignity, or significant injury to the feelings of that individual.
- (2) Without limiting subsection (1), an action is an interference with the privacy of an individual if, in relation to an information privacy request made by the individual,—
- (a) the action consists of a decision made under [Part 4](#) or [Part 5](#) in relation to the request, including—
    - (i) a refusal to make information available in response to the request; or
    - (ii) a decision by which an agency decides, in accordance with [section 42](#) or [section 43](#), in what manner or, in accordance with [section 40](#), for what charge the request is to be granted; or
    - (iii) a decision by which an agency imposes conditions on the use, communication, or publication of information made available pursuant to the request; or
    - (iv) a decision by which an agency gives a notice under [section 32](#); or
    - (v) a decision by which an agency extends any time limit under [section 41](#); or
    - (vi) a refusal to correct personal information; and
  - (b) the Commissioner or, as the case may be, the Tribunal is of the opinion that there is no proper basis for that decision.
- (3) If, in relation to any information privacy request, any agency fails within the time limit fixed by [section 40\(1\)](#) (or, where that time limit has been extended under this Act, within that time limit as so extended) to comply with paragraph (a) or paragraph (b) of [section 40\(1\)](#), that failure shall be deemed, for the purposes of subsection (2)(a)(i) of this section, to be a refusal to make available the information to which the request relates.
- (4) Undue delay in making information available in response to an information privacy request for that information shall be deemed, for the purposes of subsection (2)(a)(i), to be a refusal to make that information available.

Compare: 1982 No 156 s 28(1), (2), (4), (5); 1987 No 8 s 16(1); 1987 No 174 s 27(1), (2), (4), (5)

Section 66(1)(a)(iia): inserted, on 27 February 2013, by section 7 of the Privacy Amendment Act 2013 (2013 No 1).

Section 66(1)(a)(iib): inserted, on 27 February 2013, by section 7 of the Privacy Amendment Act 2013 (2013 No 1).

Privacy Act 1993 (as at 12 December 2019)

## Part 10 Information matching

### *Interpretation*

#### 97 Interpretation

In this Part, unless the context otherwise requires,—

**adverse action** means any action that may adversely affect the rights, benefits, privileges, obligations, or interests of any specific individual; and, without limiting the generality of the foregoing, includes any decision—

- (a) to cancel or suspend any monetary payment;
- (b) to refuse an application for a monetary payment;
- (c) to alter the rate or amount of a monetary payment;
- (d) to recover an overpayment of a monetary payment;
- (e) to make an assessment of the amount of any tax, levy, or other charge, or of any contribution, that is payable by any individual, or to alter any such assessment;
- (f) to investigate the possible commission of an offence;
- (g) to make a deportation order in relation to the individual, to serve the individual with a deportation liability notice, or to deport the individual from New Zealand

**authorised information matching information** in relation to any specified agency, means information that consists of or includes information disclosed pursuant to an information matching provision

**authorised information matching programme** means the comparison (whether manually or by means of any electronic or other device) of authorised information matching information with other personal information for the purpose of producing or verifying information about an identifiable individual

**discrepancy**, in relation to an authorised information matching programme, means a result of that programme that warrants the taking of further action by any agency for the purpose of giving effect to the objective of the programme

**information matching programme** means the comparison (whether manually or by means of any electronic or other device) of any document that contains personal information about 10 or more individuals with 1 or more other documents that contain personal information about 10 or more individuals, for the purpose of producing or verifying information that may be used for the purpose of taking adverse action against an identifiable individual

**information matching provision** means any provision specified in the second column of [Schedule 3](#) as an information matching provision of an enactment specified in the first column of that schedule

**information matching rules** means the rules for the time being set out in [Schedule 4](#)

**monetary payment** includes—

- (a) a benefit as defined in [Schedule 2](#) of the Social Security Act 2018;
- (b) a lump sum payable under [section 61DB](#) or [section 61DC](#) or [section 61DD](#) of that Act;

- (c) any special assistance granted out of a Crown Bank Account from money appropriated by Parliament under section 124(1)(d) or (da) of that Act:
  - (d) any monetary entitlement payable under Part 4, Part 10, or Part 11 of the Accident Compensation Act 2001
- specified agency** means any of the following agencies:
- (a) the Accident Compensation Corporation:
  - (aa) the Regulator, as defined by Part 10 of the Accident Compensation Act 2001:
  - (b) the Electoral Commission established by section 4B of the Electoral Act 1993:
  - (ba) *[Repealed]*
  - (bb) the Board of the Government Superannuation Fund Authority:
  - (bc) the Board of Trustees of the National Provident Fund:
  - (bd) the Ministry of Health:
  - (c) the Ministry of Justice:
  - (d) the Department of Corrections:
  - (e) the Ministry of Business, Innovation, and Employment:
  - (f) the department for the time being responsible for the administration of the Social Security Act 2018:
  - (fa) Kāinga Ora–Homes and Communities established by the Kāinga Ora–Homes and Communities Act 2019:
  - (g) the Inland Revenue Department:
  - (ga) the Ministry of Transport:
  - (gb) the New Zealand Transport Agency:
  - (gc) the Department of Internal Affairs:
  - (gd) the Registrar-General appointed under section 79(1) of the Births, Deaths, Marriages, and Relationships Registration Act 1995:
  - (h) the New Zealand Customs Service:
  - (ha) the Registrar of Motor Vehicle Traders:
  - (i) the Regulator, as defined in the Accident Insurance Act 1998:
  - (ia) WorkSafe New Zealand:
  - (j) any tertiary institution, secondary school, or private training establishment (as those terms are defined in the Education Act 1989) to which section 226A or section 238B of that Act applies, as from time to time notified to the Commissioner by the department for the time being responsible for the administration of the Social Security Act 2018:
  - (k) the Ministry of Education:
  - (l) the Teaching Council of Aotearoa New Zealand continued under Part 32 of the Education Act 1989:
  - (m) the agency or agencies appointed under section 100 of the Public and Community Housing Management Act 1992.

Compare: 1991 No 126 s 2

Section 97 **adverse action** paragraph (g): replaced, at 2 am on 29 November 2010, by section 406(1) of the Immigration Act 2009 (2009 No 51).

Section 97 **monetary payment** paragraph (a): amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 97 **monetary payment** paragraph (c): amended, on 25 January 2005, pursuant to section 65R(3) of the Public Finance Act 1989 (1989 No 44).

Section 97 **monetary payment** paragraph (d): replaced, on 1 April 2002, by section 337(1) of the Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49).

Section 97 **monetary payment** paragraph (d): amended, on 3 March 2010, pursuant to section 5(1)(b) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 97 **specified agency**: replaced, on 15 November 2000, by section 3(1) of the Privacy Amendment Act 2000 (2000 No 76).

Section 97 **specified agency** paragraph (aa): inserted, on 1 April 2002, by [section 337\(1\)](#) of the Injury Prevention, Rehabilitation, and Compensation Act 2001 (2001 No 49).

Section 97 **specified agency** paragraph (aa): amended, on 3 March 2010, pursuant to [section 5\(1\)\(b\)](#) of the Accident Compensation Amendment Act 2010 (2010 No 1).

Section 97 **specified agency** paragraph (b): amended, on 1 July 2012, by [section 59\(2\)](#) of the Electoral (Administration) Amendment Act 2011 (2011 No 57).

Section 97 **specified agency** paragraph (ba): repealed, on 1 October 2019, by [section 33](#) of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 97 **specified agency** paragraph (bb): inserted, on 24 January 2009, by [section 47](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 97 **specified agency** paragraph (bc): inserted, on 24 January 2009, by [section 47](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 97 **specified agency** paragraph (bd): inserted, on 24 January 2009, by [section 47](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 97 **specified agency** paragraph (c): amended, on 1 October 2003, pursuant to [section 14\(1\)](#) of the State Sector Amendment Act 2003 (2003 No 41).

Section 97 **specified agency** paragraph (e): replaced, on 16 December 2013, by [section 22](#) of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 97 **specified agency** paragraph (f): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).

Section 97 **specified agency** paragraph (fa): replaced, on 1 October 2019, by [section 33](#) of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Section 97 **specified agency** paragraph (ga): inserted, on 18 March 2002, by [section 101\(3\)](#) of the Electoral Amendment Act 2002 (2002 No 1).

Section 97 **specified agency** paragraph (gb): replaced, on 1 August 2008, by [section 50\(1\)](#) of the Land Transport Management Amendment Act 2008 (2008 No 47).

Section 97 **specified agency** paragraph (gc): inserted, on 18 March 2002, by [section 101\(3\)](#) of the Electoral Amendment Act 2002 (2002 No 1).

Section 97 **specified agency** paragraph (gd): inserted, on 21 April 2005, by [section 16](#) of the Citizenship Amendment Act 2005 (2005 No 43).

Section 97 **specified agency** paragraph (gd): amended, on 24 January 2009, by [section 47](#) of the Births, Deaths, Marriages, and Relationships Registration Amendment Act 2008 (2008 No 48).

Section 97 **specified agency** paragraph (ha): inserted, on 15 December 2003, by [section 145](#) of the Motor Vehicle Sales Act 2003 (2003 No 12).

Section 97 **specified agency** paragraph (ia): inserted, on 16 December 2013, by [section 22](#) of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 97 **specified agency** paragraph (j): amended, on 26 November 2018, by [section 459](#) of the Social Security Act 2018 (2018 No 32).

Section 97 **specified agency** paragraph (k): inserted, on 1 February 2002, by [section 83](#) of the Education Standards Act 2001 (2001 No 88).

Section 97 **specified agency** paragraph (l): inserted, on 20 May 2010, by [section 78\(2\)](#) of the Education Amendment Act 2010 (2010 No 25).

Section 97 **specified agency** paragraph (l): amended, on 29 September 2018, by [section 12\(1\)](#) of the Education (Teaching Council of Aotearoa New Zealand) Amendment Act 2018 (2018 No 35).

Section 97 **specified agency** paragraph (m): inserted, on 14 April 2014, by [section 25](#) of the Social Housing Reform (Housing Restructuring and Tenancy Matters Amendment) Act 2013 (2013 No 97).

Section 97 **specified agency** paragraph (m): amended, on 1 October 2019, by [section 33](#) of the Kāinga Ora–Homes and Communities Act 2019 (2019 No 50).

Privacy Act 1993 (as at 12 December 2019)

## Part 12

### Miscellaneous provisions

#### *General*

#### 115 Protection against certain actions

- (1) Where any personal information is made available in good faith pursuant to [principle 6](#),—
  - (a) no proceedings, civil or criminal, shall lie against the Crown or any other person in respect of the making available of that information, or for any consequences that follow from the making available of that information; and
  - (b) no proceedings, civil or criminal, in respect of any publication involved in, or resulting from, the making available of that information shall lie against the author of the information or any other person by reason of that author or other person having supplied the information to an agency.
- (2) The making available of, or the giving of access to, any personal information in consequence of a request made

under [principle 6](#) shall not be taken, for the purposes of the law relating to defamation or breach of confidence or infringement of copyright, to constitute an authorisation or approval of the publication of the document or of its contents by the individual to whom the information is made available or the access is given.

Compare: 1982 No 156 s 48; 1987 No 8 s 21; 1987 No 174 s 41

## Local Government Act 2002 (as at 17 January 2020)

### *Nuisance*

#### **191 Local authority not authorised to create nuisance**

This subpart does not entitle a local authority—

- (a) to create a nuisance; or
- (b) to deprive the Crown or any person of any right or remedy the Crown or the person would otherwise have against the local authority or any other person in respect of any nuisance.

Compare: 1974 No 66 s 247H

## Crimes Act 1961 (as at 01 July 2019)

### *Crimes against public welfare*

#### **145 Criminal nuisance**

- (1) Every one commits criminal nuisance who does any unlawful act or omits to discharge any legal duty, such act or omission being one which he or she knew would endanger the lives, safety, or health of the public, or the life, safety, or health of any individual.
- (2) Every one who commits criminal nuisance is liable to imprisonment for a term not exceeding 1 year.

Compare: 1908 No 32 ss 158, 159

### Diplomatic Privileges and Immunities

Diplomatic Privileges and Immunities in terms of Articles 1, 29, 31 (Private Person) of the Vienna Convention on Diplomatic Relations under the Diplomatic Privileges and Immunities Act 1968

Diplomatic Privileges (UPU) Order 1959

Diplomatic Privileges (Common fund for Commodities) Order 1983