

Short-Form Departmental Disclosure Statement

Defence Amendment Bill

A short form disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

There was no original disclosure statement for this Bill.

This disclosure statement was prepared by the Ministry of Defence and the New Zealand Defence Force.

The Ministry of Defence and the New Zealand Defence Force certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

29 May 2014.

Significant Legislative Features

Offences, penalties, and court jurisdictions

1. Does this SOP create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

Privacy issues

2. Does this SOP create, amend, or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?	NO
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Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of tax

4. Do the proposed amendments create or amend a power to impose a fee, levy, or charge in the nature of a tax?	NO
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Retrospective effect

5. Does this SOP affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

6. Does this SOP:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Does this SOP create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

8. Does this SOP create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	YES
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Previous versions of the Bill did not expressly provide for the removal from office of CDF and VCDF. Clause 17 inserts section 25C, which enables the Governor-General in Council, on the recommendation of the Minister, to remove CDF for 'just cause'. Section 27H provides for the removal from office of VCDF in a manner which mirrors the provisions relating to CDF.

Powers to make delegated legislation

9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

11. Does this SOP contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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