

Reprint
as at 1 July 2013



**International Terrorism
(Emergency Powers) Act 1987**

Public Act 1987 No 179
Date of assent 20 July 1987
Commencement see section 1(2)

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Note

Changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in this reprint.

A general outline of these changes is set out in the notes at the end of this reprint, together with other explanatory material about this reprint.

This Act is administered by the Department of the Prime Minister and Cabinet.

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An Act to make better provision to deal with international terrorist emergencies

1 Short Title and commencement

- (1) This Act may be cited as the International Terrorism (Emergency Powers) Act 1987.
- (2) This Act shall come into force on 1 September 1987.

2 Interpretation

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

emergency power means any of the powers specified in section 10 or section 11

intercept, in relation to a private communication, includes hear, listen to, record, monitor, acquire, or receive the communication either—

- (a) while it is taking place; or
- (b) while it is in transit

international terrorist emergency means a situation in which any person is threatening, causing, or attempting to cause—

- (a) the death of, or serious injury or serious harm to, any person or persons; or
- (b) the destruction of, or serious damage or serious injury to,—
 - (i) any premises, building, erection, structure, installation, or road; or
 - (ii) any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle; or
 - (iii) any natural feature which is of such beauty, uniqueness, or scientific, economic, or cultural importance that its preservation from destruction, damage or injury is in the national interest; or
 - (iv) any chattel of any kind which is of significant historical, archaeological, scientific, cultural, literary, or artistic value or importance; or
 - (v) any animal—

in order to coerce, deter, or intimidate—

- (c) the Government of New Zealand, or any agency of the Government of New Zealand; or
- (d) the Government of any other country, or any agency of the Government of any other country; or
- (e) any body or group of persons, whether inside or outside New Zealand,—

for the purpose of furthering, outside New Zealand, any political aim

private communication—

- (a) means a communication (whether in oral or written form or otherwise) made under circumstances that may reasonably be taken to indicate that any party to the communication desires it to be confined to the parties to the communication; but
- (b) does not include such a communication occurring in circumstances in which any party ought reasonably to expect that the communication may be intercepted by some other person not having the express or implied consent of any party to do so

public place means a place that, at any material time, is open to or is being used by the public, whether free or on payment of a charge, and whether any owner or occupier of the place is lawfully entitled to exclude or eject any person from that place; and includes any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle carrying or available to carry passengers for reward

road includes any motorway, regional motorway, regional road, street, private road, access way, private way, or service lane, and every bridge, culvert, ford, gate, or other thing belonging to any road.

- (2) A reference in this Act to a party to a private communication is a reference to—
 - (a) any originator of the communication and any person intended by the originator to receive it; and
 - (b) a person who, with the express or implied consent of any originator of the communication or any person intended by the originator to receive it, intercepts the communication.
- (3) A reference in this Act to the Prime Minister means,—
 - (a) where the Prime Minister is for any reason unavailable, the Deputy Prime Minister; and
 - (b) where both the Prime Minister and the Deputy Prime Minister are for any reason unavailable, the next highest ranked Minister of the Crown available.

Section 2(1) **intercept**: substituted, on 1 October 2003, by section 35 of the Crimes Amendment Act 2003 (2003 No 39).

Section 2(1) **private communication**: substituted, on 1 October 2003, by section 35 of the Crimes Amendment Act 2003 (2003 No 39).

3 This Act to bind the Crown

This Act binds the Crown.

4 This Act not to affect functions, duties, and powers under other Acts or general law

Except as otherwise provided in this Act, nothing in this Act shall limit, or be in substitution for, or in any way affect, the functions, duties, or powers of any person under the provisions of any other enactment or any rule of law.

Compare: 1983 No 46 s 4

Authority to exercise emergency powers

5 Commissioner of Police to inform Prime Minister of existence of international terrorist emergency

Where the Commissioner of Police believes—

- (a) that an emergency is occurring; and
- (b) that the emergency may be an international terrorist emergency; and
- (c) that the exercise of emergency powers is or may be necessary to deal with that emergency,—

the Commissioner shall forthwith inform the Prime Minister that such an emergency is believed to be occurring and that it is or may be necessary to exercise emergency powers.

6 Meeting of Ministers may authorise exercise of emergency powers

- (1) Upon being informed pursuant to section 5, the Prime Minister may cause a meeting of not fewer than 3 Ministers of the Crown to be held for the purpose of considering whether to exercise the power conferred by subsection (2).
- (2) The Ministers of the Crown, not being fewer than 3, present at the meeting held pursuant to subsection (1) may, if they believe, on reasonable grounds,—
 - (a) that an emergency is occurring; and

- (b) that the emergency may be an international terrorist emergency; and
 - (c) that the exercise of emergency powers is necessary to deal with that emergency,—
by notice in writing signed by the Minister of the Crown presiding at the meeting, authorise the exercise, by the Police, of emergency powers.
- (3) Every notice given pursuant to subsection (2)—
- (a) shall set out—
 - (i) the names of the Ministers of the Crown present at the meeting held pursuant to subsection (1) at which the giving of the notice is approved; and
 - (ii) the date on which the notice is given; and
 - (iii) the authority under which the notice is given; and
 - (iv) the reasons for the giving of the notice; and
 - (v) the circumstances specified in subsection (4) in which the authority to exercise emergency powers under the notice will expire; and
 - (b) may contain such other information as may be appropriate in the circumstances.
- (4) Subject to sections 7 and 8, the authority to exercise emergency powers under any notice given pursuant to subsection (2) shall expire—
- (a) once the Commissioner of Police is satisfied that the emergency is not an international terrorist emergency; or
 - (b) when the international terrorist emergency ends; or
 - (c) at the close of the day specified in the notice as the day when that notice expires; or
 - (d) at the close of the seventh day after the day on which the notice is given,—
whichever occurs first.
- (5) The Minister of the Crown who signs any notice given pursuant to subsection (2) shall forthwith give public notice of the giving of that notice by such means as are reasonable in the circumstances, and the notice shall be published in the *Gazette* as soon as practicable.
- (6) Notwithstanding anything to the contrary in any other Act, every notice given pursuant to subsection (2) shall come into

force when it is signed by the Minister of the Crown presiding at the meeting of Ministers held pursuant to subsection (1).

7 House of Representatives may extend authority to exercise emergency powers

- (1) Where any notice is given pursuant to section 6(2) authorising the exercise, by the Police, of emergency powers, the Minister of the Crown who signed that notice shall inform the House of Representatives that such authorisation has been given, and of the reasons why it was given,—
 - (a) forthwith, if the House of Representatives is then sitting; or
 - (b) if the House of Representatives is not then sitting, at the earliest practicable opportunity.
- (2) Where the House of Representatives is informed, pursuant to subsection (1), that a notice has been given pursuant to section 6(2) authorising the exercise, by the Police, of emergency powers, the House of Representatives may, by resolution, from time to time extend that authority to exercise emergency powers for such period, not exceeding 7 days in each instance, as is specified in the resolution.
- (3) If, when a notice is given pursuant to subsection (2) of section 6, Parliament has been dissolved or has expired and no Proclamation has been made summoning Parliament to meet on a day not later than the day on which the authority to exercise emergency powers pursuant to that notice would expire under subsection (4)(c) or (d) of that section, the Governor-General may, by Proclamation approved in Executive Council, where the Governor-General is satisfied that it is necessary to extend the authority to exercise emergency powers pursuant to that notice, from time to time extend that authority to exercise emergency powers for such period, not exceeding 7 days in each instance, as is specified in the Proclamation.
- (4) No resolutions passed by the House of Representatives under subsection (2), and no Proclamations made under subsection (3), may extend the authority to exercise emergency powers pursuant to a notice given pursuant to section 6(2) for a period which, in the aggregate, exceeds 14 days.

- (5) Nothing in subsection (2) or subsection (3) authorises any person to exercise any emergency power after the emergency in respect of which authority to exercise emergency powers has been given under this Act ends.

8 House of Representatives may revoke authority to exercise emergency powers

Notwithstanding anything in section 6 or section 7, the House of Representatives may at any time, by resolution, revoke—

- (a) any authority to exercise emergency powers under any notice given pursuant to section 6(2);
- (b) any extension of any such authority pursuant to subsection (2) or subsection (3) of section 7.

Emergency powers

9 Proof of identity

Every constable shall, when exercising any emergency power,—

- (a) where it is reasonable and practical in the circumstances,—
 - (i) identify himself or herself to every person who is directly affected by the exercise of that power; and
 - (ii) inform such persons of the authority under which that constable is acting and the power or powers that that constable is exercising; and
- (b) if that constable is not in uniform, and if requested to do so, produce evidence that he or she is a constable.

Compare: 1975 No 116 s 18(4)

Section 9: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 9(a)(ii): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 9(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

10 Emergency powers

- (1) This section applies to any emergency in respect of which the Police are authorised, by or under section 6(2) or section 7, to exercise emergency powers.
- (2) Subject to this Act, any constable may, for the purpose of dealing with any emergency to which this section applies, or of preserving life or property threatened by that emergency,—
 - (a) require the evacuation of any premises or place (including any public place), or the exclusion of persons or vehicles from any premises or place (including any public place), within the area in which the emergency is occurring;
 - (b) enter, and if necessary break into, any premises or place, or any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle, within the area in which the emergency is occurring;
 - (c) totally or partially prohibit or restrict public access, with or without vehicles, on any road or public place within the area in which the emergency is occurring;
 - (d) remove from any road or public place within the area in which the emergency is occurring any aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle impeding measures to deal with that emergency; and, where reasonably necessary for that purpose, may use force or may break into any such aircraft, hovercraft, ship or ferry or other vessel, train, or vehicle;
 - (e) destroy any property which is within the area in which the emergency is occurring and which that constable believes, on reasonable grounds, constitutes a danger to any person;
 - (f) require the owner or person for the time being in control of any land, building, vehicle, boat, apparatus, implement, or equipment (in this paragraph referred to as requisitioned property) that is within the area in which the emergency is occurring forthwith to place that requisitioned property under the direction and control of that constable, or of any other constable:

- (g) totally or partially prohibit or restrict land, air, or water traffic within the area in which the emergency is occurring.
- (3) Notwithstanding anything in any other Act, but subject to this Act, any constable may, for the purpose of preserving life threatened by any emergency to which this section applies,—
- (a) connect any additional apparatus to, or otherwise interfere with the operation of, any part of the telecommunications system; and
 - (b) intercept private communications—
in the area in which the emergency is occurring.
- (4) The power specified in subsection (3) may be exercised only by, or with the authority of, a constable who is of or above the level of position of inspector, and only if that constable believes, on reasonable grounds, that the exercise of that power will facilitate the preservation of life threatened by the emergency.

Compare: 1983 No 46 ss 60–64(1)

Section 10(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 10(2)(e): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 10(2)(f): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 10(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 10(3)(a): amended, on 1 October 2003, by section 35 of the Crimes Amendment Act 2003 (2003 No 39).

Section 10(3)(b): amended, on 1 October 2003, by section 35 of the Crimes Amendment Act 2003 (2003 No 39).

Section 10(4): amended, on 1 October 2008, pursuant to section 116(b) of the Policing Act 2008 (2008 No 72).

11 Requisitioning powers

- (1) Any constable exercising any power conferred on that constable by section 10(2)(f) to requisition any property shall give to the owner or person in charge of the requisitioned property a written statement specifying the property that is requisitioned and the person under whose control the property is to be placed.

- (2) Where the owner or person for the time being in control of any property that may be requisitioned under section 10(2)(f) cannot be immediately found, any constable may assume forthwith the control and direction of the requisitioned property.
- (3) Where any constable assumes the control and direction of any property under subsection (2), that constable shall ensure that, as soon as reasonably practicable in the circumstances, a written statement specifying the property that has been requisitioned, and the person under whose control it has been placed, is given to the owner or person formerly in charge of the requisitioned property.

Compare: 1983 No 46 s 64(2)–(4)

Section 11(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 11(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 11(3): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

12 Members of Armed Forces assisting Police may exercise emergency powers

- (1) Subject to this Act, any emergency power (except the power specified in section 10(3)) may be exercised by any member of the Armed Forces who is assisting the Police to deal with any emergency to which section 10 applies as if that member of the Armed Forces were a constable.
- (2) Any member of the Armed Forces who is authorised by subsection (1) to exercise any emergency power may exercise any such power only at, and in accordance with, the request of a constable.

Section 12(1): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 12(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

13 Compensation payable where property requisitioned or destroyed

- (1) Where any requisitioned property has come under the control of any person acting under section 10(2)(f) or section 11 or section 12, there shall, on application by any person having

an interest in the requisitioned property, be payable, out of money appropriated by Parliament for the purpose, reasonable compensation for—

- (a) the use of that requisitioned property while under that control; and
 - (b) any loss of, or damage or injury to, that requisitioned property suffered or incurred while under that control.
- (2) Where any property (other than requisitioned property, or any property belonging to any person and used by that person for the purpose of, or in the course of, causing an emergency in respect of which authority to exercise emergency powers has been given under this Act) is damaged or injured or destroyed as a result of any action taken by any constable, or any member of the Armed Forces assisting the Police, in the course of dealing with that emergency, there shall, on application by any person having an interest in the property, be payable, out of money appropriated by Parliament for the purpose, reasonable compensation for such loss of, or damage or injury to, that property.
- (3) Where there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of such compensation, or as to the liability of the Crown to pay any such compensation, the matter shall be determined by any court of competent jurisdiction.

Compare: 1983 No 46 s 65

Section 13(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

14 Prime Minister may prohibit publication or broadcasting of certain matters relating to international terrorist emergency

- (1) Where, in respect of any emergency in respect of which authority to exercise emergency powers has been given under this Act, the Prime Minister believes, on reasonable grounds, that the publication or broadcasting of—
- (a) the identity of any person involved in dealing with that emergency; or

- (b) any other information or material (including a photograph) which would be likely to identify any person as a person involved in dealing with that emergency—
would be likely to endanger the safety of any person involved in dealing with that emergency, or of any other person, the Prime Minister may, by notice in writing, prohibit or restrict—
 - (c) the publication, in any newspaper or other document;
and
 - (d) the broadcasting, by radio or television or otherwise,—
of the identity of any person involved in dealing with that emergency, and any other information or material (including a photograph) which would be likely to identify any person as a person involved in dealing with that emergency.
- (2) Where, in respect of any emergency in respect of which authority to exercise emergency powers has been given under this Act, the Prime Minister believes, on reasonable grounds, that the publication or broadcasting of any information or material (including a photograph) relating to any equipment or technique lawfully used to deal with that emergency would be likely to prejudice measures designed to deal with international terrorist emergencies, the Prime Minister may, by notice in writing, prohibit or restrict—
 - (a) the publication, in any newspaper or other document;
and
 - (b) the broadcasting, by radio or television or otherwise,—
of any information or material (including a photograph) of any such equipment or technique.
- (3) The Prime Minister may issue a notice under subsection (1) or subsection (2) notwithstanding that the emergency in respect of which the notice is issued has ended.
- (4) Where any notice is issued under subsection (1) or subsection (2), the Prime Minister shall forthwith give public notice of the issue of that notice by such means as are practicable in the circumstances, and the notice shall be published in the *Gazette* as soon as practicable.
- (5) Nothing in this section shall restrict the broadcasting or reporting of the proceedings of the House of Representatives.

15 Commencement, revocation, expiry, and renewal of notice issued under section 14

- (1) Notwithstanding anything in any other Act, every notice issued under section 14 shall become effective in relation to any person either—
 - (a) when that notice is delivered to that person; or
 - (b) on the giving of public notice of the issue of that notice pursuant to subsection (4) of that section,—
whichever occurs first.
- (2) The Prime Minister may at any time, by notice in the *Gazette*, revoke any notice issued under section 14.
- (3) Subject to subsections (2) and (4), every notice issued under section 14 shall expire 1 year after the date on which the notice was issued, or on such earlier date as may be specified in the notice.
- (4) Subject to subsection (2), the Prime Minister may, from time to time, by notice in the *Gazette*, renew any notice issued under section 14 for such period, not exceeding 5 years in each instance, as is specified in the notice of renewal, if the renewal of the notice is necessary—
 - (a) to protect the safety of any person; or
 - (b) to avoid prejudice to measures designed to deal with international terrorist emergencies.

16 Protection from liability

Except as provided by section 13, no action or proceeding shall be brought against the Crown, or any constable, or any member of the Armed Forces, to recover damages for any loss of, or damage or injury to, any property where that loss, damage, or injury is due directly or indirectly to an emergency in respect of which authority to exercise emergency powers has been given under this Act, whether the loss or damage or injury is caused by any person taking any action, or failing to take any action, in the exercise or performance in good faith of that person's functions, duties, or powers under this Act.

Compare: 1983 No 46 s 66

Section 16: amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

17 Commissioner of Police to give information to House of Representatives

- (1) As soon as practicable after the end of any emergency in respect of which authority to exercise emergency powers is given under this Act, the Commissioner of Police shall, if any emergency power was exercised under this Act during that emergency, make a report to the House of Representatives on the exercise of that power.
- (2) The Commissioner of Police shall include in every annual report prepared by the Commissioner for the purposes of section 101 of the Policing Act 2008 information on the operation of any agreement between the Police and representatives of the news media under which guidelines are established for the reporting, by the news media, of terrorist incidents.

Section 17(2): amended, on 1 October 2008, by section 130(1) of the Policing Act 2008 (2008 No 72).

Provisions relating to interception of private communications

18 Prohibition on disclosure of private communications lawfully intercepted

No person who—

- (a) pursuant to the power conferred by section 10(3), intercepts or assists in the interception of a private communication; or
- (b) acquires knowledge of a private communication as a direct or indirect result of that interception—

shall knowingly disclose the substance, meaning, or purport of that communication, or any part of that communication, otherwise than in the performance of that person's duty.

Compare: 1978 No 65 s 23(1)

19 Notice to be given of intention to produce evidence of private communication

Particulars of a private communication intercepted pursuant to the power conferred by section 10(3) shall not be received in evidence by any court against any person unless the party intending to adduce it has given to that person reasonable notice of that party's intention to do so, together with—

- (a) a transcript of the private communication where that party intends to adduce it in the form of a recording, or a written statement setting forth the full particulars of the private communication where that party intends to adduce oral evidence of it; and
- (b) a statement of the time, place, and date of the private communication, and of the names and addresses of the parties to the communication, if they are known.

Compare: 1978 No 65 s 24

20 Inadmissibility of evidence of private communications lawfully intercepted

Where—

- (a) a private communication is intercepted pursuant to the power conferred by section 10(3) during an emergency in respect of which authority to exercise emergency powers has been given under this Act; and
- (b) that private communication discloses evidence relating to any offence that is not related to that emergency,—
no particulars of that communication which relate to that offence shall be received in evidence by any court against any person.

Compare: 1978 No 65 s 26

Offences

21 Offences

- (1) Subject to subsection (4), every person commits an offence who,—
 - (a) without lawful excuse, fails or refuses to comply with any direction, requirement, prohibition, or restriction given to or imposed upon that person pursuant to section 10—
 - (i) by any constable; or
 - (ii) by any member of the Armed Forces acting under section 12;
 - (b) contrary to any notice issued by the Prime Minister under section 14, publishes or causes or allows to be published in a newspaper or other document, or broad-

- casts or causes or allows to be broadcast by radio or television or otherwise,—
- (i) the identity of any person involved in dealing with an emergency in respect of which authority to exercise emergency powers has been given under this Act, or any other information or material (including a photograph) which would be likely to identify any person as a person involved in dealing with any such emergency; or
 - (ii) any information or material (including a photograph) of any equipment or technique lawfully used to deal with any such emergency.
- (2) Every person who commits an offence against subsection (1) is liable on conviction,—
- (a) in the case of an individual, to imprisonment for a term not exceeding 3 months or to a fine not exceeding \$2,000;
 - (b) in the case of a body corporate, to a fine not exceeding \$20,000.
- (3) Every person commits an offence and is liable on conviction to a fine not exceeding \$1,000 who acts in contravention of section 18.
- (4) It is a defence to a charge under subsection (1)(a) if the court is satisfied that—
- (a) the constable, or the member of the Armed Forces acting under section 12, as the case may require, did not have reasonable grounds for believing that in all the circumstances of the case the direction, requirement, prohibition, or restriction was necessary for the purposes of dealing with the emergency in respect of which the direction, requirement, prohibition, or restriction was given or imposed, or of preserving life or property threatened by that emergency; or
 - (b) the defendant had no reason to believe that the person giving or imposing that direction, requirement, prohibition, or restriction was a constable, or a member of the Armed Forces acting under section 12, as the case may require.

Section 21(1)(a)(i): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 21(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21(3): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 21(4)(a): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 21(4)(b): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Consequential amendment

[Repealed]

Heading: repealed, on 1 February 1998, pursuant to section 4(3)(b) of the Crimes Amendment Act (No 2) 1997 (1997 No 93).

22 Crimes Act 1961 amended

[Repealed]

Section 22: repealed, on 1 February 1998, by section 4(3)(b) of the Crimes Amendment Act (No 2) 1997 (1997 No 93).

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Notes

1 *General*

This is a reprint of the International Terrorism (Emergency Powers) Act 1987. The reprint incorporates all the amendments to the Act as at 1 July 2013, as specified in the list of amendments at the end of these notes.

Relevant provisions of any amending enactments that contain transitional, savings, or application provisions that cannot be compiled in the reprint are also included, after the principal enactment, in chronological order. For more information, see <http://www.pco.parliament.govt.nz/reprints/>.

2 *Status of reprints*

Under section 16D of the Acts and Regulations Publication Act 1989, reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by the amendments to that enactment. This presumption applies even though editorial changes authorised by section 17C of the Acts and Regulations Publication Act 1989 have been made in the reprint.

This presumption may be rebutted by producing the official volumes of statutes or statutory regulations in which the principal enactment and its amendments are contained.

3 *How reprints are prepared*

A number of editorial conventions are followed in the preparation of reprints. For example, the enacting words are not included in Acts, and

provisions that are repealed or revoked are omitted. For a detailed list of the editorial conventions, see <http://www.pco.parliament.govt.nz/editorial-conventions/> or Part 8 of the *Tables of New Zealand Acts and Ordinances and Statutory Regulations and Deemed Regulations in Force*.

4 Changes made under section 17C of the Acts and Regulations Publication Act 1989

Section 17C of the Acts and Regulations Publication Act 1989 authorises the making of editorial changes in a reprint as set out in sections 17D and 17E of that Act so that, to the extent permitted, the format and style of the reprinted enactment is consistent with current legislative drafting practice. Changes that would alter the effect of the legislation are not permitted. A new format of legislation was introduced on 1 January 2000. Changes to legislative drafting style have also been made since 1997, and are ongoing. To the extent permitted by section 17C of the Acts and Regulations Publication Act 1989, all legislation reprinted after 1 January 2000 is in the new format for legislation and reflects current drafting practice at the time of the reprint.

In outline, the editorial changes made in reprints under the authority of section 17C of the Acts and Regulations Publication Act 1989 are set out below, and they have been applied, where relevant, in the preparation of this reprint:

- omission of unnecessary referential words (such as “of this section” and “of this Act”)
- typeface and type size (Times Roman, generally in 11.5 point)
- layout of provisions, including:
 - indentation
 - position of section headings (eg, the number and heading now appear above the section)
- format of definitions (eg, the defined term now appears in bold type, without quotation marks)
- format of dates (eg, a date formerly expressed as “the 1st day of January 1999” is now expressed as “1 January 1999”)

- position of the date of assent (it now appears on the front page of each Act)
- punctuation (eg, colons are not used after definitions)
- Parts numbered with roman numerals are replaced with arabic numerals, and all cross-references are changed accordingly
- case and appearance of letters and words, including:
 - format of headings (eg, headings where each word formerly appeared with an initial capital letter followed by small capital letters are amended so that the heading appears in bold, with only the first word (and any proper nouns) appearing with an initial capital letter)
 - small capital letters in section and subsection references are now capital letters
- schedules are renumbered (eg, Schedule 1 replaces First Schedule), and all cross-references are changed accordingly
- running heads (the information that appears at the top of each page)
- format of two-column schedules of consequential amendments, and schedules of repeals (eg, they are rearranged into alphabetical order, rather than chronological).

**5 *List of amendments incorporated in this reprint
(most recent first)***

Criminal Procedure Act 2011 (2011 No 81): section 413

Policing Act 2008 (2008 No 72): sections 116(a)(ii), (b), 130(1)

Crimes Amendment Act 2003 (2003 No 39): section 35

Crimes Amendment Act (No 2) 1997 (1997 No 93): section 4(3)(b)