



Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008

Public Act 2008 No 64
Date of assent 9 September 2008
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

- 1 Title**

This Act is the Disability (United Nations Convention on the Rights of Persons with Disabilities) Act 2008.
- 2 Commencement**

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

Part 1 Amendments to Statutes

Amendment to Community Trusts Act 1999

3 Amendment to Community Trusts Act 1999

- (1) This section amends the Community Trusts Act 1999.
- (2) Section 7(f) is repealed.

Amendments to Education Act 1989

4 Amendments to Education Act 1989

- (1) This section amends the Education Act 1989.
- (2) Section 103(1)(b) is repealed.
- (3) Section 104 is amended by inserting the following subsection after subsection (1):
 - “(1A) If a property order is made in respect of a trustee under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - “(a) subsection (1)(d) does not apply to the trustee by virtue only of the making of that order; but
 - “(b) while the order remains in force, the trustee is deemed to have been granted leave of absence by the Board and is not capable of acting as a trustee during that period.”
- (4) Section 171(6) is amended by repealing paragraph (b) and substituting the following paragraphs:
 - “(b) the person is subject to a property order under the Protection of Personal and Property Rights Act 1988; or
 - “(ba) the person is a person in respect of whom a personal order has been made under that Act that reflects adversely on his or her—
 - “(i) competence to manage his or her own affairs in relation to his or her property; or
 - “(ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare; or”.
- (5) Section 174(3) is amended by repealing paragraph (b) and substituting the following paragraphs:

- “(b) becomes subject to a property order under the Protection of Personal and Property Rights Act 1988 (other than an order under section 30 of that Act); or
- “(ba) becomes subject to a personal order under that Act that reflects adversely on his or her—
 - “(i) competence to manage his or her own affairs in relation to his or her property; or
 - “(ii) capacity to make or to communicate decisions relating to any particular aspect or aspects of his or her personal care and welfare; or”.
- (6) Section 174 is amended by inserting the following subsections after subsection (3):
 - “(3A) The Council may, by resolution, suspend a member of the Council (other than the chief executive) as a member if the member becomes subject to a property order made under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders).
 - “(3B) If a member is suspended under subsection (3A),—
 - “(a) the suspension has effect as if the member had been granted leave of absence; and
 - “(b) the member is not capable of acting as a member during the period of suspension; and
 - “(c) the suspension continues until the property order made under section 30 of the Protection of Personal and Property Rights Act 1988 ceases to be in force (but this does not affect any powers of the Council under subsection (3) in respect of the member).”
- (7) Section 174(4) is amended by inserting “or suspending” after “dismissing”.

Amendments to Juries Act 1981

5 Amendments to Juries Act 1981

- (1) This section amends the Juries Act 1981.
- (2) The definition of **physical disability** in section 2 is repealed.
- (3) Section 2 is amended by inserting the following definition in its appropriate alphabetical order:
 - “**disability** includes visual or aural impairment”.
- (4) Section 8(i) is repealed.

- (5) Section 15(1)(aa) is amended by omitting “physical”.
- (6) The heading to section 16AA is amended by omitting “**physical**”.
- (7) Section 16AA(1) is amended by omitting “physical”.
- (8) Section 22(1)(b) is amended by omitting “physical”.
- (9) Section 25(1)(b) is amended by omitting “physical”.

Amendments to Juries Amendment Act 2008

6 Amendments to Juries Amendment Act 2008

- (1) This section amends the Juries Amendment Act 2008.
- (2) Section 11(1) is amended by omitting “physical” from new section 14B(3)(b) of the Juries Act 1981.
- (3) The heading to section 13 is amended by omitting “**physical**”.
- (4) Section 13(2) is amended by omitting “physical”.

Amendments to Local Government Act 2002

7 Amendments to Local Government Act 2002

- (1) This section amends the Local Government Act 2002.
- (2) Schedule 7 is amended by inserting the following clause after clause 4:

“4A Suspension of members

- “(1) A person’s office as member of a local authority is suspended while the person is subject to a property order made under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders).
- “(2) If subclause (1) applies,—
 - “(a) the person is deemed to have been granted leave of absence and is not capable of acting as a member during the period of suspension; and
 - “(b) the person may not do an act as a member while on leave of absence under paragraph (a).”
- (3) Clause 5(1) of Schedule 7 is amended by repealing paragraph (b) and substituting the following paragraph:
 - “(b) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or”.

- (4) The amendments made by subsections (2) and (3) do not limit the power of a District Court under clause 2 of Schedule 7 of the Local Government Act 2002.

Amendment to Maori Trust Boards Act 1955

8 Amendment to Maori Trust Boards Act 1955

- (1) This section amends the Maori Trust Boards Act 1955.
- (2) Section 14(3) is amended by repealing paragraph (a) and substituting the following paragraph:
- “(a) a person who is subject to a personal order or a property order made under the Protection of Personal and Property Rights Act 1988 or for whom a trustee corporation is acting as manager under section 32 or 33 of that Act; or”.

Amendments to Maritime Transport Act 1994

9 Amendments to Maritime Transport Act 1994

- (1) This section amends the Maritime Transport Act 1994.
- (2) Clause 4(b) of Schedule 2 is amended by omitting “; or” and substituting “,—”.
- (3) Clause 4(c) of Schedule 2 is repealed.
- (4) Schedule 2 is amended by inserting the following clause after clause 4:
- “4A. For the purposes of clause 4, **disability** has the meaning given by section 21(1)(h) of the Human Rights Act 1993.”

Amendments to Motor Vehicle Sales Act 2003

10 Amendments to Motor Vehicle Sales Act 2003

- (1) This section amends the Motor Vehicle Sales Act 2003.
- (2) Section 24(1) is repealed.
- (3) Section 42 is amended by inserting the following subsection after subsection (1):
- “(1A) Subsection (1)(c) does not apply in respect of a motor vehicle trader who is disqualified from registration by virtue only of the making of a property order under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders).”

*Amendments to Mutual Insurance Act 1955***11 Amendments to Mutual Insurance Act 1955**

- (1) This section amends the Mutual Insurance Act 1955.
- (2) Section 30(10)(d) is amended by—
 - (a) omitting “a mentally disordered person within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992, or becomes”; and
 - (b) inserting “(other than an order under section 30 of that Act)” after “1988”.
- (3) Section 30 is amended by inserting the following subsection after subsection (10):

“(10A) A person’s office as director is suspended while the director is subject to a property order made under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders) and, during that period,—

 - “(a) the person is deemed to have been granted leave of absence by the Board; and
 - “(b) the person is not capable of acting as a director.”

*Amendments to New Zealand Council for Educational Research Act 1972***12 Amendments to New Zealand Council for Educational Research Act 1972**

- (1) This section amends the New Zealand Council for Educational Research Act 1972.
- (2) Section 5 is amended by repealing paragraph (a) and substituting the following paragraph:

“(a) a person who is subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988:”.
- (3) Section 7 is amended by inserting the following subsection after subsection (1):

“(1A) If a property order is made in respect of a member under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—

 - “(a) subsection (1)(c) does not apply to the member by virtue only of the making of that order; but

- “(b) while the order remains in force, the member is deemed to have been granted leave of absence and is not capable of acting as a member during that period.”

Amendments to New Zealand Superannuation and Retirement Income Act 2001

13 Amendments to New Zealand Superannuation and Retirement Income Act 2001

- (1) This section amends the New Zealand Superannuation and Retirement Income Act 2001.
- (2) Section 19(6)(a) is amended by omitting “; or”.
- (3) Section 19(6)(b) is repealed.

Amendments to Public Trust Act 2001

14 Amendments to Public Trust Act 2001

- (1) This section amends the Public Trust Act 2001.
- (2) Section 59(3) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) is neither subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988 nor a person for whom a trustee corporation is acting as manager under section 32 or 33 of that Act.”
- (3) Section 61(4) is amended by repealing paragraph (b) and substituting the following paragraph:

“(b) is neither subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988 nor a person for whom a trustee corporation is acting as manager under section 32 or 33 of that Act.”

Amendments to Reserve Bank of New Zealand Act 1989

15 Amendments to Reserve Bank of New Zealand Act 1989

- (1) This section amends the Reserve Bank of New Zealand Act 1989.
- (2) Section 46(1)(j) is amended by omitting “; or”.

- (3) Section 46(1)(k) is repealed.
- (4) Section 58(i) is repealed.

Amendments to River Boards Act 1908

16 Amendments to River Boards Act 1908

- (1) This section amends the River Boards Act 1908.
- (2) Section 29(1)(b) is repealed.
- (3) Section 29(2) is amended by omitting “subsection (1)(a)” and substituting “subsection (1)”.

Amendments to Sale of Liquor Act 1989

17 Amendments to Sale of Liquor Act 1989

- (1) This section amends the Sale of Liquor Act 1989.
- (2) Section 200(1) is amended by repealing paragraph (e) and substituting the following paragraph:
 - “(e) a person who is subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988.”
- (3) Section 201 is amended by adding the following subsection as subsection (2):
 - “(2) If a property order is made in respect of a member under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - “(a) subsection (1)(d) does not apply to the member by virtue only of the making of that order; but
 - “(b) while the order remains in force, the member is deemed to have been granted leave of absence and is not capable of acting as a member of the licensing trust during that period.”
- (4) Section 219V is amended by inserting the following subsection after subsection (4):
 - “(4A) If a property order is made in respect of a trustee under section 30 of the Protection of Personal and Property Rights Act 1988 (which relates to temporary orders),—
 - “(a) subsection (4) does not apply to the trustee by virtue only of the making of that order; but

- “(b) while the order remains in force, the trustee is deemed to have been granted leave of absence and is not capable of acting as a trustee of the community trust during that period.”
- (5) Section 219W(e) is repealed.

Amendments to Social Security Act 1964

18 Amendments to Social Security Act 1964

- (1) This section amends the Social Security Act 1964.
- (2) Section 75(4)(a) is amended by omitting “; or”.
- (3) Section 75(4)(b) is repealed.

*Amendments to Soil Conservation and Rivers
Control Act 1941*

**19 Amendments to Soil Conservation and Rivers Control
Act 1941**

- (1) This section amends the Soil Conservation and Rivers Control Act 1941.
- (2) Section 54 is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) any person who is subject to a property order made under section 30 or 31 of the Protection of Personal and Property Rights Act 1988.”
- (3) Section 55(1) is amended by repealing paragraph (c) and substituting the following paragraph:
“(c) is or becomes, due to disability, unable to carry out his or her duties as a member; or”.
- (4) Section 55 is amended by adding the following subsection:
“(4) For the purposes of subsection (1)—
“(a) **disability** has the meaning given by section 21(1)(h) of the Human Rights Act 1993; and
“(b) a person who becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988 is to be treated as falling within subsection (1)(c) (whether or not the person has a disability).”

*Amendment to Taranaki Scholarships Trust
Board Act 1957*

20 Amendment to Taranaki Scholarships Trust Board Act 1957

- (1) This section amends the Taranaki Scholarships Trust Board Act 1957.
- (2) Section 5(1) is amended by repealing paragraph (d) and substituting the following paragraph:
 - “(d) becomes subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988 or becomes a person for whom a trustee corporation is acting as manager under section 32 or 33 of that Act; or”.

Amendments to Te Ture Whenua Maori Act 1993

21 Amendments to Te Ture Whenua Maori Act 1993

- (1) This section amends Te Ture Whenua Maori Act 1993.
- (2) The definition of **person under disability** in section 210 is amended by repealing paragraph (b).
- (3) Section 272(2) is amended by repealing paragraph (a) and substituting the following paragraph:
 - “(a) a person who is subject to a personal order or a property order made under the Protection of Personal and Property Rights Act 1988 or for whom a trustee corporation is acting as manager under section 32 or 33 of that Act; or”.
- (4) Section 272 is amended by adding the following subsections:
 - “(3) However, if a property order is made in respect of a member of a committee of management under section 30 of the Protection of Personal and Property Rights Act 1988,—
 - “(a) the member does not cease to hold office as a member of the committee by virtue only of the making of that order; but
 - “(b) while that order remains in force, the member is suspended from office.
 - “(4) A member who is suspended from office under subsection (3)—
 - “(a) is deemed to have been granted leave of absence; and

- “(b) is not capable of acting as a member of the committee during the period of suspension.”
- (5) Subsection (2) of this section does not apply to a kai tiaki trust constituted under Part 12 of Te Ture Whenua Maori Act 1993 before the commencement of this section.

Amendment to Trustee Act 1956

22 Amendment to Trustee Act 1956

- (1) This section amends the Trustee Act 1956.
- (2) The first proviso to section 15(1)(j) is amended by omitting “of full age and full mental capacity”.

Amendments to Waitangi National Trust Board Act 1932

23 Amendments to Waitangi National Trust Board Act 1932

- (1) This section amends the Waitangi National Trust Board Act 1932.
- (2) Section 4 is amended by adding the following subsection as subsection (2):
- “(2) However, the deed or declaration of trust has effect for these purposes as if, in place of paragraph (c) of clause 8, there were substituted the following paragraph:
- “ ‘(c) become subject to a property order made under section 31 of the Protection of Personal and Property Rights Act 1988; or’ ”.

Part 2

Amendments to Regulations

Amendment to Child Support Rules 1992

24 Amendment to Child Support Rules 1992

- (1) This section amends the Child Support Rules 1992.
- (2) Rule 37 is amended by—
- (a) omitting “is mentally disordered within the meaning of the Mental Health (Compulsory Assessment and Treatment) Act 1992” and substituting “poses a serious danger to the health or safety of others”; and

- (b) omitting “the mentally disordered person” and substituting “the respondent”.

Amendments to Freshwater Fish Farming Regulations 1983

25 Amendments to Freshwater Fish Farming Regulations 1983

- (1) This section amends the Freshwater Fish Farming Regulations 1983.
- (2) Regulation 12(1) is amended by revoking paragraphs (c) and (d) and substituting the following paragraph:
 - “(c) the manager under any of sections 30 to 33 of the Protection of Personal and Property Rights Act 1988 of the property of a licensee (or of part of it, if the licence relates to that part); or”.
- (3) Regulation 13(1) is amended by revoking paragraphs (b) and (c) and substituting the following paragraph:
 - “(b) the manager under any of sections 30 to 33 of the Protection of Personal and Property Rights Act 1988 of the property of a licensee (or of part of it, if the licence relates to that part); or”.

Amendment to Weights and Measures Regulations 1999

26 Amendment to Weights and Measures Regulations 1999

- (1) This section amends the Weights and Measures Regulations 1999.
 - (2) Regulation 17(1)(b)(iv) is revoked.
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Legislative history

1 July 2008	Introduction (Bill 232-1)
22 July 2008	First reading and referral to Justice and Electoral Committee
7 August 2008	Report of Justice and Electoral Committee presented
2 September 2008	Second reading
2 September 2008	Reported from committee of the whole House
2 September 2008	Third reading
9 September 2008	Royal assent

This Act is administered by the Ministry of Social Development.
