



Russia Sanctions Act 2022

Public Act 2022 No 6
Date of assent 11 March 2022
Commencement see section 2

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The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Russia Sanctions Act 2022.

2 Commencement

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

Part 1**Preliminary provisions****3 Purpose**

- (1) The purpose of this Act is to enable New Zealand to impose and enforce sanctions in response to military actions by Russia (and by countries or persons who may be assisting Russia).
- (2) The military actions began on 24 February 2022 in relation to Ukraine, but the sanctions may relate to military actions in Ukraine or in any other country.

4 Application of this Act

This Act empowers regulations that may apply in relation to—

- (a) persons travelling to, entering, or remaining in New Zealand; and
- (b) dealing with assets or dealing with services, including—
 - (i) dealing inside New Zealand with assets outside New Zealand or with services to or for persons outside New Zealand; and
 - (ii) dealing outside New Zealand by New Zealand citizens, ordinary residents, and entities (*see* section 26).

5 Interpretation

In this Act, unless the context otherwise requires,—

asset—

- (a) means everything that is capable of being owned, whether it is—
 - (i) real or personal property; or

- (ii) in tangible or intangible form; or
 - (iii) inside or outside New Zealand; and
- (b) includes, without limitation,—
 - (i) any legal or equitable estate or interest in property; and
 - (ii) the proceeds of dealing with any asset

Example

Cryptocurrency is an example of an asset.

Commissioner means the Commissioner of Police

constable has the meaning given in section 4 of the Policing Act 2008

court means the High Court

craft includes any aircraft, ship, or other machine or vessel, used or capable of being used for the transportation of goods or persons by air or by water

dealing with assets—

- (a) means using, receiving, providing, or otherwise exchanging, trading, or controlling assets in any way and by any means (whether commercially or not); and
- (b) includes, without limitation,—
 - (i) operating an asset (for example, operating a craft):
 - (ii) possessing or acquiring possession of assets:
 - (iii) transferring, holding, lending, hiring, carrying, supplying, procuring, paying for, buying, selling, importing, exporting, assigning, sharing, gifting, or disposing of, or providing access to, assets:
 - (iv) allowing or facilitating dealing with assets

dealing with services—

- (a) means using, receiving, providing, or otherwise exchanging, trading, or controlling services in any way and by any means (whether commercially or not); and
- (b) includes, without limitation,—
 - (i) supplying, brokering, arranging, procuring, paying for, buying, selling, gifting, or transferring services:
 - (ii) disrupting, intercepting, or disabling services, or interfering with services:
 - (iii) allowing or facilitating dealing with services

designated asset means an asset to which a sanction applies because the asset is described in or under, or is within a class of assets described in or under, regulations made under section 9

designated person means a person to whom a sanction applies because the person is described in or under, or is within a class of persons described in or under, regulations made under section 9

designated service means a service to which a sanction applies because the service is described in or under, or is within a class of services described in or under, regulations made under section 9

designation notice means a notice given under section 11

duty holder means—

- (a) a reporting entity within the meaning given in section 5(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009;
- (b) a person who is declared by regulations made under section 32 to be a duty holder

entity means any of the following:

- (a) a company or other body corporate;
- (b) a corporation sole;
- (c) in relation to a trust,—
 - (i) if the trust has only 1 trustee, the trustee acting in the person's capacity as trustee;
 - (ii) if the trust has more than 1 trustee, the trustees acting jointly in their capacity as trustees;
- (d) an unincorporated body (including a partnership);
- (e) an organisation or association set up for a political purpose;
- (f) a person or body that performs or exercises a public function, duty, or power conferred on that person or body by Russia or by another country that may be assisting Russia (including, for example, military or information technology functions, duties, or powers)

government agency has the meaning given in section 5(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009

Ministry means the Ministry of Foreign Affairs and Trade

New Zealand citizen has the meaning given in section 4 of the Immigration Act 2009

person means—

- (a) an individual; or
- (b) an entity

prescribed means prescribed in or under regulations made under this Act

privileged communication has the meaning given in section 42 of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009

Russia means the Russian Federation (Rossiyskaya Federatsiya)

sanction has the meaning given in section 6

Secretary means the Secretary of Foreign Affairs and Trade
service—

- (a) means a service of any kind, whether dealt with inside or outside New Zealand; and
- (b) includes, without limitation,—
 - (i) advice, assistance, or training:
 - (ii) an electronic service (for example, relating to information technology):
 - (iii) a communications service:
 - (iv) a bunkering service:
 - (v) a carriage service:
 - (vi) a financial, accounting, or insurance service (including, for example, a service relating to cryptocurrency):
 - (vii) a military activity:
 - (viii) a service that facilitates, or is provided in relation to, any activity.

6 Meaning of sanction

In this Act, **sanction** means a prohibition or restriction imposed by or under regulations made under section 9 in relation to—

- (a) persons travelling to, entering, or remaining in New Zealand; or
- (b) dealing with assets; or
- (c) dealing with services.

7 Act binds the Crown

This Act binds the Crown.

Part 2 Sanctions

8 Threshold for recommending sanction

Responding to threats to sovereignty or territorial integrity of Ukraine or another country

- (1) The Minister may recommend that regulations be made under section 9 only if the Minister is satisfied that the regulations are appropriate to respond to threats to the sovereignty or territorial integrity of Ukraine or another country.

Example

Examples of a response are—

- sanctioning persons responsible for, or associated with, the threats; or
- sanctioning persons, assets, or services involved (or that may be involved) in the threats; or
- sanctioning persons, assets, or services that will have, currently have, or have had some economic or strategic relevance or connection to a country making the threats; or
- sanctioning persons from, or assets or services to or from, a country making the threats.

- (2) A response is appropriate if the Minister considers it demonstrates New Zealand's condemnation of the threat, including by either or both of the following:
- (a) being designed to exert pressure on Russia (or a country that may be assisting Russia), including by interrupting economic relations; or
 - (b) because it complements or reinforces sanctions by other countries.

Absence of sufficient United Nations Security Council action

- (3) The Minister must also be satisfied that the United Nations Security Council—
- (a) is unlikely to act in response to the threat under Chapter VII of the Charter of the United Nations (whether because of the exercise of a veto by a permanent member of the Security Council or otherwise); or
 - (b) has acted (or is likely to act) in response to the threat under Chapter VII, but the action is (or may be) insufficient.

Regulations and designation notices

9 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations imposing sanctions.
- (2) The regulations must—
- (a) include a statement of their purpose; and
 - (b) describe any of the following, or any classes of the following, to which the regulations apply:
 - (i) persons;
 - (ii) assets;
 - (iii) services; and
 - (c) set out the prohibitions or restrictions imposed on or in relation to—
 - (i) designated persons, which may be,—
 - (A) in the case of individuals who are not New Zealand citizens or holders of a residence class visa, prohibitions or restric-

- tions on travelling to or entering New Zealand or prohibitions or restrictions on remaining in New Zealand; or
- (B) prohibitions or restrictions on or in relation to dealing with specified assets by, with, for, or from designated persons; or
- (C) prohibitions or restrictions on or in relation to dealing with specified services by, with, for, or from designated persons; and
- (ii) specified dealing with designated assets; and
- (iii) specified dealing with designated services; and
- (d) set out any duties or requirements in relation to compliance with the sanction (for example, a duty to register with the Ministry before engaging in dealings that are, or may be, dealings to which the sanction applies).
- (3) In this section, **holder** and **residence class visa** have the same meanings as in section 4 of the Immigration Act 2009.
- (4) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

10 Scope and effect of regulations made under section 9

- (1) Regulations may apply generally or only in relation to a specified country or specified countries.
- (2) Regulations in relation to a designated person may also describe a class of persons who are associates of, or relatives of, the designated persons (**associates**) and apply to those associates as if they were designated persons.
- (3) Regulations that prohibit or restrict a designated person from travelling to or entering New Zealand are an exclusion for the purposes of section 15(1)(e) of the Immigration Act 2009.
- (4) Regulations that prohibit a designated person from remaining in New Zealand—
- (a) make the person liable for deportation under section 157 of the Immigration Act 2009; and
- (b) are a sufficient reason for the purposes of section 157(1) of that Act; and
- (c) mean that a deportation liability notice must be served on the person under section 170 of that Act; and

- (d) mean that section 157(2) of that Act does not apply to the person; and
 - (e) for the purposes of Parts 6 and 9 of that Act, mean that the liability for deportation and the reason for any detention and monitoring arise under that Act.
- (5) Regulations that prohibit or restrict dealing with assets may—
- (a) set out how the assets may or must be held or managed during the time they are prohibited or restricted; and
 - (b) provide that the costs of this be charged to the owner.
- (6) Regulations may, in relation to any specified provision in any other legislation,—
- (a) modify it and apply the modifications (with or without conditions); or
 - (b) extend it; or
 - (c) disapply it, with or without modifications or replacement; or
 - (d) exempt any person from it; or
 - (e) suspend it.

11 Designation notice identifying persons, assets, or services described in regulations

- (1) If desirable to assist the users of regulations made under section 9, the Secretary may give (as provided in subsection (2)) further details of who or what is covered by a description in the regulations.
- (2) The Secretary may, by notice, in relation to a description, designate—
- (a) a person meeting that description, or within the class described, as a designated person; or
 - (b) an asset meeting that description, or within the class described, as a designated asset; or
 - (c) a service meeting that description, or within the class described, as a designated service.
- (3) The Secretary must not give a designation notice unless the Secretary is satisfied that the notice—
- (a) identifies persons, assets, or services in a way that is consistent with the description in regulations made under section 9; and
 - (b) is required for the purpose of the regulations.
- (4) A designation notice given under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	LA19 s 74(1)(aa)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

12 Regulations and designation notices to have fixed term unless extended

- (1) Regulations and designation notices must include a date on which they are revoked, and that date must be the earliest of—
 - (a) the close of the day that is 3 years after the date on which the regulations or notice came into force; and
 - (b) a date specified in the regulations or notice.
- (2) A designation notice is revoked on the date on which the regulation to which it relates is revoked.
- (3) However, despite subsection (1), on or before the revocation date, that date may be extended (by amending it in the regulations or notice) if,—
 - (a) in relation to regulations, the Minister recommends an extension because the Minister is satisfied that the regulations are still required for the purpose of the regulations;
 - (b) in relation to a designation notice, the Secretary is satisfied that the designation—
 - (i) currently identifies persons, assets, or services in a way that is consistent with the description in regulations made under section 9; and
 - (ii) is still required for the purpose of the regulations.
- (4) The extended revocation date must be the earliest of—
 - (a) the close of the day that is 3 years after the date on which the extension came into effect; and
 - (b) a date specified in the regulations or notice; and
 - (c) in the case of a notice, the date on which the regulation to which it relates is revoked.

Applications for revocation, amendment, or exemption

13 Applications for revocation, amendment, or exemption

- (1) Any person may apply to the Minister, on the basis of humanitarian need or for any other reason, to request—
 - (a) that the Minister recommend the amendment or revocation of a regulation made under section 9; or
 - (b) that the Minister ask the Secretary to amend or revoke a designation notice; or
 - (c) an exemption from a sanction for a particular specified situation, in relation to—

- (i) particular persons, assets, or services; and
 - (ii) particular events or dealings in relation to those persons, assets, or services.
- (2) An application must—
 - (a) be in writing; and
 - (b) include the applicant's contact details; and
 - (c) set out the circumstances relied on by the applicant to justify the revocation, amendment, or exemption.
- (3) The Minister must decide the application in a way that is consistent with the purpose of the regulations providing for the sanction.
- (4) The Minister must decide the application as soon as is reasonably practicable after receiving it and must notify the applicant of the decision.
- (5) The Minister is not required to consider an application for the amendment or revocation of a regulation or a designation notice if the applicant, or any other person on behalf of the applicant, has made another application in relation to substantially the same matter within 6 months preceding the application.

Sanctions register

14 Sanctions register

- (1) The Secretary must maintain a register that lists all current sanctions under this Act, including—
 - (a) descriptions of any designated person, designated asset, and designated service (or any classes of those things), and of any prohibited or restricted dealings; and
 - (b) exemptions granted under section 13.
- (2) The Secretary must publish the register on an Internet site maintained by, or on behalf of, the Ministry.
- (3) Any failure to comply with this section does not invalidate the sanction or exemption involved.

Duty to report suspicions

15 Duty to report suspicions

- (1) A duty holder in possession or in immediate control of assets that the duty holder suspects on reasonable grounds are (or may be)—
 - (a) designated assets; or

- (b) assets owned or controlled, directly or indirectly, by a designated person—
must, as soon as practicable after forming that suspicion (but no later than 3 working days afterwards), report it to the Commissioner.
- (2) A duty holder that is to deal with or is dealing with services that the duty holder suspects on reasonable grounds are, or may be,—
 - (a) designated services; or
 - (b) services in relation to a designated person—
must, as soon as practicable after forming that suspicion (but no later than 3 working days afterwards), report it to the Commissioner.
- (3) A report under subsection (1) or (2) must be provided in any prescribed manner and contain any prescribed details.
- (4) However, if the urgency of the situation requires, a report under subsection (1) or (2) may be made orally to a constable or an employee of the Police but, in that case, the duty holder must, as soon as practicable (but no later than 3 working days afterwards), provide the Commissioner with a report in any prescribed manner that contains any prescribed details.
- (5) The Commissioner—
 - (a) must disclose any information reported under this section to the Ministry; and
 - (b) may disclose any information reported under this section to any government agency for the purposes of this Act and regulations made under it if satisfied that the agency has a proper interest in receiving the information.
- (6) Nothing in this section requires a lawyer to disclose any privileged communication.

Compare: 2002 No 34 s 43; 2009 No 35 ss 40, 42, 139

Protection for persons with obligation or duty imposed by or under this Act

16 Protection of identity of persons making reports

- (1) This section applies to the following information:
 - (a) any report under section 15:
 - (b) any information the disclosure of which will identify, or is reasonably likely to identify, any person—
 - (i) as a person who, in the person's capacity as a worker or agent of a duty holder, has been involved with assets or services that were the subject of a report under section 15; or
 - (ii) as a person who has provided a report under section 15:

- (c) any information that discloses or is reasonably likely to disclose the existence of a report under section 15.
- (2) The Commissioner, constables, and employees of the Police or the Ministry must not disclose any information to which this section applies except for the purposes of the enforcement of this Act or any regulations made under this Act, or for the purposes of the detection, investigation, or prosecution of an offence against section 24.
- (3) Nothing in subsection (2) limits the provision of assistance under the Mutual Assistance in Criminal Matters Act 1992.
- (4) No person may disclose, in any judicial proceeding (within the meaning of section 108 of the Crimes Act 1961), any information to which this section applies unless the Judge or the person presiding at the proceeding is satisfied that the disclosure of the information is necessary in the interests of justice.

Compare: 1996 No 9 s 21; 2002 No 34 s 47

17 Protection for persons with obligation or duty imposed by or under this Act

A person with an obligation or a duty imposed by or under this Act is immune from liability in criminal and civil proceedings for any act done or omitted to be done to comply with that obligation or duty if the act or omission—

- (a) was in good faith; and
- (b) was reasonable in the circumstances.

Part 3 Enforcement

18 No contracting out

- (1) A sanction applies despite any contract or other agreement.
- (2) A provision in a contract or other agreement has no effect if it apparently requires a person to do either or both of the following:
 - (a) deal with assets or deal with services in a way that breaches a sanction:
 - (b) not make a report under section 15 or withdraw a report.

19 No entitlement to compensation

No person is entitled to compensation or any other remedy for good faith and reasonable actions or omissions by the Minister, the Secretary, the Commissioner, constables, or others acting in pursuance or intended pursuance of their duties, functions, or powers under this Act.

*Civil enforcement***20 Civil enforcement**

- (1) This section and section 21 apply to a person if the Attorney-General—
 - (a) considers that the person, without lawful justification or reasonable excuse, has breached a sanction; or
 - (b) considers that the person is likely to breach a sanction.
- (2) The Attorney-General may—
 - (a) issue a formal warning to the person (in any prescribed manner and containing any prescribed information);
 - (b) accept an enforceable undertaking from the person under section 21;
 - (c) seek an order under section 22 against the person for breach of an enforceable undertaking;
 - (d) seek an injunction under section 23 against the person.

Compare: 2009 No 35 ss 78, 79

21 Enforceable undertakings

- (1) The Attorney-General may accept a written undertaking given by a person in connection with the person's compliance with a sanction.
- (2) The person may withdraw or vary the undertaking at any time, but only with the consent of the Attorney-General.

Compare: 2009 No 35 s 81

22 Enforcement of undertakings

- (1) If the Attorney-General considers that a person who gave an undertaking that has been accepted under section 21 has breached it, the Attorney-General may apply to the court for an order under subsection (2).
- (2) The court may, if satisfied that a person has breached an undertaking, make any or all of the following orders:
 - (a) an order directing the person to comply with any of the terms of the undertaking;
 - (b) an order directing the person to pay to the Crown an amount up to the amount of any financial benefit that the person has obtained directly or indirectly from, and that is reasonably attributable to, the breach;
 - (c) any order that the court considers appropriate directing the person to compensate any other person who has suffered loss or damage as a result of the breach.

Compare: 2009 No 35 s 82

23 Injunctions

- (1) After an application by the Attorney-General, the court may grant an injunction restraining a person from breaching a sanction.
- (2) The injunction may be an interim one if the court thinks that is desirable, but the court must not—
 - (a) require the Crown to give an undertaking as to damages as a condition of granting the interim injunction; or
 - (b) take into account that the Crown is not required to give an undertaking as to damages.
- (3) Subsections (1) and (2) apply whether or not the person—
 - (a) intends to engage again, or to continue to engage, in conduct that breaches a sanction;
 - (b) has previously engaged in such conduct.
- (4) The powers in this section do not limit any other powers of the court relating to the granting of injunctions.

Compare: 2007 No 7 s 44; 2009 No 35 ss 84, 87–89

*Criminal enforcement***24 Offences**

- (1) A person commits an offence if the person, without lawful justification or reasonable excuse, knowingly or recklessly breaches a sanction.
- (2) A 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 7 years or a fine not exceeding \$100,000, or both; and
 - (b) in the case of an entity, to a fine not exceeding \$1 million.
- (3) A person commits an offence if the person, in connection with an application under section 13, provides (whether at the time of the application or not) any information or document that—
 - (a) includes anything that the person knows is false or misleading in a material particular; or
 - (b) omits anything the omission of which the person knows makes the information or document false or misleading in a material particular.
- (4) A person who commits an offence against subsection (3) is liable on conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 7 years or a fine not exceeding \$100,000, or both; and
 - (b) in the case of an entity, to a fine not exceeding \$1 million.

- (5) A person commits an offence if the person—
 - (a) knowingly fails to provide a report required under section 15; or
 - (b) includes anything in a report required under section 15 that the person knows is false or misleading in a material particular; or
 - (c) omits anything from a report required under section 15 the omission of which the person knows makes the report false or misleading in a material particular.
- (6) A person who commits an offence against subsection (5) is liable on conviction,—
 - (a) in the case of an individual, to imprisonment for a term not exceeding 1 year or a fine not exceeding \$20,000, or both; and
 - (b) in the case of an entity, to a fine not exceeding \$200,000.
- (7) A person who knowingly breaches section 16(4) commits an offence and is liable on conviction to a fine not exceeding \$10,000.
- (8) If, in proceedings against an entity for an offence under this section, it is necessary to establish the state of mind of the entity, it is sufficient to show that 1 individual working for the entity, acting within the scope of the person's actual or apparent authority, had that state of mind.

25 Additional penalty for offence involving commercial gain

- (1) In addition to any penalty the court may impose under section 24, the court may, on convicting a person of an offence specified in that section, order the person to pay an amount not exceeding 3 times the value of any commercial gain resulting from the commission of that offence if the court is satisfied that the offence was committed in the course of producing a commercial gain.
- (2) The value of any gain must be assessed by the court, and is recoverable in the same manner as a fine.

Compare: 1990 No 98 s 47

Extraterritorial application

26 Extraterritorial jurisdiction for offences

- (1) Even if the acts or omissions alleged to constitute an offence against section 24 occurred wholly outside New Zealand, proceedings may be brought for an offence under that section—
 - (a) if the person to be charged—
 - (i) is a New Zealand citizen; or
 - (ii) is ordinarily resident in New Zealand; or
 - (iii) is an entity incorporated or registered under New Zealand law; or
 - (b) if any of the acts or omissions are alleged to have occurred on board—

- (i) a ship registered, or required to be registered, under the Ship Registration Act 1992; or
 - (ii) a ship used as a ship of the New Zealand Defence Force; or
 - (iii) an aircraft registered, or required to be registered, in New Zealand under the Civil Aviation Act 1990; or
 - (iv) an aircraft for the time being used as an aircraft of the New Zealand Defence Force; or
 - (v) an aircraft that is leased to a lessee whose principal place of business is in New Zealand, or who is a New Zealand citizen or a person ordinarily resident in New Zealand.
- (2) The following sections of the Crimes Act 1961 do not apply in respect of an offence against section 24:
 - (a) section 8 (which relates to jurisdiction in respect of crimes on ships or aircraft beyond New Zealand);
 - (b) section 400 (which requires the consent of the Attorney-General to proceedings in certain cases for offences on ships or aircraft).
- (3) Nothing in this section limits the application of section 24 in respect of—
 - (a) acts or omissions that occurred wholly in New Zealand; or
 - (b) the application of section 7 of the Crimes Act 1961 to the occurrence in New Zealand of—
 - (i) an act or omission forming part of an offence; or
 - (ii) an event necessary to the completion of an offence; or
 - (c) the application of section 8A of the Crimes Act 1961.
- (4) For the purposes of this section, **ordinarily resident in New Zealand** has the same meaning as in section 4 of the Crimes Act 1961.

Compare: 1961 No 43 s 7A; 2004 No 69 s 13

Attorney-General's consent

27 Attorney-General's consent required

- (1) No charging document may be filed against any person in relation to an offence against section 24 unless the Attorney-General consents to the filing of the charging document.
- (2) Even if the consent of the Attorney-General has not yet been obtained under subsection (1),—
 - (a) a person alleged to have committed an offence may be arrested, or a warrant for their arrest may be issued and executed, and the person may be remanded in custody or on bail; but
 - (b) no further or other proceedings may be taken until the consent has been obtained.

*Application of Customs and Excise Act 2018***28 Application of Customs and Excise Act 2018**

All the provisions of the Customs and Excise Act 2018 that apply with respect to prohibited imports or to prohibited exports (except sections 388 to 391 of that Act) apply with respect to assets that are subject to, or that otherwise relate to, a sanction—

- (a) as if the importation or exportation of the assets were prohibited by or under section 96 or 97 of that Act; and
- (b) with any necessary modifications.

Compare: 1996 No 37 s 11

Part 4**Review of Act and miscellaneous provisions***Review of Act***29 Review of Act**

- (1) The Minister must, as soon as practicable after the expiry of 2 years from the commencement of this Act,—
 - (a) commence a review of the operation and effectiveness of the Act; and
 - (b) prepare a report on that review.
- (2) The Minister must present the report to the House of Representatives as soon as practicable after it has been completed.

*Information gathering and sharing powers***30 Commissioner's powers**

- (1) The Commissioner may—
 - (a) order any duty holder to produce, or provide access to, all records, documents, or information that are relevant to analysing or investigating information received by the Commissioner under this Act, with or without a court order; and
 - (b) share information and intelligence with government agencies for the purposes of this Act and regulations made under it.
- (2) Nothing in this section requires any person to disclose any privileged communication.

Compare: 2009 No 35 s 143

31 Power to use and disclose information supplied or obtained under other enactments for purposes of this Act

- (1) A government agency may disclose to the Secretary any information supplied or obtained under an enactment listed in subsection (3), if the government agency considers that the disclosure of that information is necessary or desirable for any of the purposes described in subsection (2).
- (2) The purposes are to enable the Secretary—
 - (a) to advise the Minister about making (or considering whether to make, amend, or revoke) regulations:
 - (b) to advise the Minister about enforcing a sanction:
 - (c) to work with the Attorney-General or the Commissioner in relation to enforcing a sanction:
 - (d) to make a designation notice (or consider whether to make, amend, or revoke a designation notice):
 - (e) to advise the Minister about an application under section 13:
 - (f) to work with the Attorney-General or the Commissioner to ensure compliance with this Act and any regulations made under this Act.
- (3) The enactments referred to in subsection (1) are—
 - (a) the Anti-Money Laundering and Countering Financing of Terrorism Act 2009:
 - (b) the Charities Act 2005:
 - (c) the Companies Act 1993:
 - (d) the Customs and Excise Act 2018:
 - (e) the Customs and Excise Act 1996:
 - (f) the Financial Markets Authority Act 2011:
 - (g) the Financial Markets Conduct Act 2013:
 - (h) the Financial Service Providers (Registration and Dispute Resolution) Act 2008:
 - (i) the Financial Transactions Reporting Act 1996:
 - (j) the Gambling Act 2003:
 - (k) the Goods and Services Tax Act 1985:
 - (l) the Income Tax Act 2007:
 - (m) the Insurance (Prudential Supervision) Act 2010:
 - (n) Parts 1 to 7 of the Intelligence and Security Act 2017:
 - (o) the Non-bank Deposit Takers Act 2013:
 - (p) the Overseas Investment Act 2005:
 - (q) the Proceeds of Crime Act 1991:

- (r) the Racing Industry Act 2020:
- (s) the Real Estate Agents Act 2008:
- (t) the Reserve Bank of New Zealand Act 1989:
- (u) the Secondhand Dealers and Pawnbrokers Act 2004:
- (v) the Tax Administration Act 1994:
- (w) the Terrorism Suppression Act 2002:
- (x) any other Act prescribed by regulations made under this Act.

Compare: 2009 No 35 s 140

Other regulation-making powers

32 Other regulation-making powers

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations for any or all of the following purposes:
 - (a) providing for anything this Act says may or must be provided for by regulations:
 - (b) prescribing the circumstances in which compensation may be payable to persons in relation to assets or services that are adversely affected by the imposition of sanctions, including the conditions applying to, the eligibility for, and the method of calculating the amount of, the compensation:
 - (c) declaring a person or class of persons to be a duty holder (and the circumstances and conditions in which a person or class of persons is to be a duty holder) for the purposes of section 15, because the Minister, when recommending the regulations, considers such persons are likely to—
 - (i) come into possession or immediate control of relevant assets; or
 - (ii) provide relevant services:
 - (d) prescribing the information to be included in a report required under section 15 and the manner in which that report must be provided:
 - (e) prescribing the information to be included in a formal warning issued under section 20(2)(a) and the manner in which that warning must be issued:
 - (f) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the <i>Gazette</i>	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Consequential amendments

33 Anti-Money Laundering and Countering Financing of Terrorism Act 2009 amended

- (1) This section amends the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.
- (2) In section 5(1), definition of **law enforcement purposes**, paragraph (b), after subparagraph (vi), insert:

(vii) the Russia Sanctions Act 2022:
- (3) In section 140(2), after paragraph (t), insert:

(ta) the Russia Sanctions Act 2022:
- (4) In section 142, after paragraph (ka), insert:

(kb) co-operate with the Secretary of Foreign Affairs and Trade to implement and enforce the Russia Sanctions Act 2022:

34 Companies Act 1993 amended

- (1) This section amends the Companies Act 1993.
- (2) In section 366(1B), definition of **government agency**, after paragraph (f), insert:

(fa) the Ministry of Foreign Affairs and Trade:
- (3) In section 366(1B), definition of **law enforcement purposes**, after paragraph (e), insert:

(ea) the enforcement of the Russia Sanctions Act 2022:

35 Tax Administration Act 1994 amended

- (1) This section amends the Tax Administration Act 1994.
- (2) In Schedule 7, Part C, after clause 23, insert—

23A Government agencies: Russia sanctions purposes

- (1) Section 18 does not prevent the Commissioner disclosing to the Ministry of Foreign Affairs and Trade or to another government agency information supplied or obtained under an Act referred to in section 31 of the Russia Sanctions Act 2022 that is necessary or desirable for the purposes of that section.
- (2) In this clause, **government agency** has the meaning given in section 5(1) of the Anti-Money Laundering and Countering Financing of Terrorism Act 2009.

Legislative history

9 March 2022

Introduction (Bill 111–1), first reading, second reading,
committee of the whole House, third reading

11 March 2022

Royal assent

This Act is administered by the Ministry of Foreign Affairs and Trade.