



Foreign Affairs (Consular Loans) Amendment Act 2023

Public Act 2023 No 9
Date of assent 4 April 2023
Commencement see section 2

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New Schedule 1 inserted

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Foreign Affairs (Consular Loans) Amendment Act 2023.

2 Commencement

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

3 Principal Act

This Act amends the Foreign Affairs Act 1988.

4 New section 2AA inserted (Transitional, savings, and related provisions)

After section 2, insert:

2AA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1 have effect according to their terms.

5 New section 12A inserted (Consular loans)

After section 12, insert:

12A Consular loans

- (1) The Minister of Foreign Affairs, on behalf of the Crown, may lend money to—
 - (a) a New Zealand citizen who is outside New Zealand;
 - (b) a permanent resident who is outside New Zealand;
 - (c) an individual who is assisting a person referred to in paragraph (a) or (b) (an **assisting party**).
- (2) The Minister may lend money under subsection (1) if the Minister is satisfied that—
 - (a) a person referred to in subsection (1)(a) or (b) is in distress; and
 - (b) exceptional circumstances exist; and
 - (c) lending money would provide short-term assistance consistent with New Zealand's consular functions.
- (3) The Minister may lend money under subsection (1) on any terms and conditions that the Minister sees fit.
- (4) If the Minister lends money under subsection (1), the amount payable by the borrower is recoverable in a court of competent jurisdiction as a debt due to the Crown.
- (5) In this section,—

borrower means a person or an assisting party who—

 - (a) received a loan under subsection (1); and
 - (b) has not fully repaid the amount payable under the loan

permanent resident has the same meaning as in section 4 of the Immigration Act 2009.

6 New Schedule 1 inserted

Insert the Schedule 1 set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

7 Section 14 amended (Consequential amendments, repeals, and savings)

In section 14(1), replace “the Schedule” with “Schedule 2”.

8 Schedule amended

In the Schedule heading, after “**Schedule**”, insert “**2**”.

Schedule
New Schedule 1 inserted

s 6

Schedule 1
Transitional, savings, and related provisions

s 2AA

Part 1
Provision relating to Foreign Affairs (Consular Loans) Amendment Act 2023

- 1 Validation of consular loans**
- (1) This clause applies to any lending of money by the Ministry in the period that started on 18 July 2013 and ended on 15 June 2020 for the purpose of providing consular assistance to a person outside New Zealand.
- (2) The lending is and always has been authorised for the purposes of section 65K of the Public Finance Act 1989.
- (3) In this clause, **lend money** has the meaning given in section 2(1) of the Public Finance Act 1989.

Legislative history

21 June 2022	Introduction (Bill 135–1)
26 July 2022	First reading and referral to Foreign Affairs, Defence and Trade Committee
24 November 2022	Reported from Foreign Affairs, Defence and Trade Committee
28 March 2023	Second reading, committee of the whole House, third reading
4 April 2023	Royal assent

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