

# Legislation Bill

Government Bill

As reported from the Regulations Review  
Committee

## Commentary

### Recommendation

The Regulations Review Committee has examined the Legislation Bill and recommends that it be passed with the amendments shown.

### Introduction

The Legislation Bill is intended to modernise and improve the law regarding the publication, availability, reprinting, revision, and official versions of legislation, and bring it together into one piece of legislation.

The bill forms part of the Government's response to recommendations made in two reports by the Law Commission,<sup>1</sup> and also responds to recommendations made by previous Regulations Review Committees on inquiries relating to incorporating material by reference and the principles to be followed in determining whether delegated legislation is given the status of regulations.

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<sup>1</sup> *Presentation of New Zealand Statute Law* (NZLC R104) and *Review of the Statutes Drafting and Compilation Act 1920* (NZLC R107)

It would replace the Statutes Drafting and Compilation Act 1920, the Acts and Regulations Publication Act 1989, and the Regulations (Disallowance) Act 1989, and allow for the following key changes:

- the establishment of a three-yearly programme of systematic revision of Acts
- the modernisation of legislation providing for the disallowance of subordinate legislation, and the amendment of existing Acts to specify whether particular subordinate legislation is disallowable
- the provision of enabling powers and related processes to allow certain kinds of subordinate legislation to incorporate material by reference
- the updating of aspects of the Statutes Drafting and Compilation Act 1920, and particularly those that relate to the appointment of counsel and the organisational structure of the Parliamentary Counsel Office and its continuation as a separate statutory office.

The bill would also alter the roles and functions of the Chief Parliamentary Counsel in the following ways:

- The Chief Parliamentary Counsel would be required to publish legislation in electronic as well as printed form.
- The Chief Parliamentary Counsel would be able to issue official versions of legislation in electronic and printed form.
- The Chief Parliamentary Counsel's reprinting powers would be enhanced to allow him or her, if authorised by Order in Council to do so, to renumber and make consequential renumbering amendments to legislation, but not in such a way as to change the effect of provisions.

This commentary discusses the more significant amendments we propose to the bill, and does not describe minor and technical drafting amendments. It comments on recommendations thematically, rather than in the order of the clauses in the bill.

### **Revision bills**

We recommend the insertion of new clause 33A in relation to minor policy changes to revision bills. We consider that the bill as introduced might cause confusion about the relationship between changes

properly made using the revision powers of the Chief Parliamentary Counsel in clause 31, and the changes made by Members of Parliament during the passage of a revision bill through the House. This is because clause 34(3) would allow a revision Act to change the effect of a law if it expressly provided for this, whereas clause 31(3) would prohibit a revision bill from changing the effect of the law, other than in the very minor and constrained ways permitted under clause 31(2)(i) or (j). We consider the bill should make the distinction clearer, by providing that a revision bill may not contain any proposed changes to the law unless authorised by clause 31, but that this does not affect the powers of the House to introduce such changes if it wishes to do so after introduction.

We also contemplated recommending a process for passing revision bills in our consideration of Part 2 of the bill. However, because we consider that this issue is a matter for the House to determine by way of Standing Orders, we are of the view that the Standing Orders Committee is the most appropriate committee to consider and make recommendations in this area. Nonetheless, we support the proposed process for the passing of these bills as laid out in the Law Commission's October 2008 report *Presentation of New Zealand Statute Law*, which would see a special select committee established for the purpose of considering such bills. We encourage the Standing Orders Committee to consider the procedure laid out in the Commission's report in its current review of the Standing Orders.

### **Functions of the Parliamentary Counsel Office**

We recommend the redrafting of clause 58 into three separate clauses for clarity: new clauses 58, 58A, and 58B. New clause 58 sets out the functions of the Parliamentary Counsel Office, new clause 58A sets out the Inland Revenue Department's powers to draft and supervise the printing of certain Government bills, and new clause 58B sets out the limits of confidentiality of communications between the Parliamentary Counsel Office and its clients.

We also recommend that subclause (1)(h) of new clause 58 refer expressly to the rights of the public. We are aware of some concern that the clause as introduced might limit the ability of the Parliamentary Counsel Office to report on the way local, private, or members' bills would affect the rights of the public. We consider an amendment ne-

cessary to make it clear that the clause is not intended to limit this ability.

We also recommend an amendment to incorporate an inclusive definition of “client”. In the bill as introduced, subclause (6) of clause 58 refers to “clients” of the Parliamentary Counsel Office, but does not define this term. We consider that supplying a definition would be helpful to prevent any confusion or ambiguity arising from use of the term. We recommend including this definition in new clause 58B.

### **Appointment and functions of the Chief Parliamentary Counsel**

We recommend amendments to clauses 60 and 61, and various amendments to clause 63, to improve the clarity of the bill and its policy intentions regarding the appointment and functions of the Chief Parliamentary Counsel.

We recommend that clauses 60 and 61 be amended to provide for delegation during a period when the office of Chief Parliamentary Counsel is vacant. The bill as introduced does not make adequate provision for such situations, and we therefore consider that providing for delegation is the appropriate way to rectify this omission.

We also recommend an amendment to clause 63(3)(a) and the insertion of new clause 64A so that the bill makes it very clear that the Chief Parliamentary Counsel should be qualified to practice as a lawyer in New Zealand or a similar jurisdiction. We recommend that new clause 64A state that, unless the Attorney-General is satisfied that an applicant has an equivalent qualification sufficient for the position, the Chief Parliamentary Counsel must be a lawyer within the meaning of section 6 of the Lawyers and Conveyancers Act 2006 or a person who is eligible to practice law in a country named in an Order in Council. We consider that this would provide for the necessary qualification requirements for the person holding office as the Chief Parliamentary Counsel.

Further, we recommend an amendment to clause 63(4) regarding the removal or suspension of the Chief Parliamentary Counsel by the Governor-General, inserting the words “proved to the satisfaction of the Governor-General” after the words “or misconduct”. We believe that this clause should state the standard of proof required before the

Governor-General can remove the Chief Parliamentary Counsel; and we consider that this wording would impose sufficient duty on the Minister advising the Governor-General in situations where removal or suspension was under consideration.

We also recommend that subclause (5) of clause 63 be deleted. It provides for the State Services Commissioner to be responsible for managing the appointment of the Chief Parliamentary Counsel and providing advice to the Prime Minister on nominations for this role. This provision reflects current practice, as the State Services Commission managed the recruitment process for the position in 1996 and 2007. However, we believe that there would be more flexibility in these processes if this subclause were deleted. We note that removing the provision would not preclude the Government from seeking assistance from the State Services Commission if it so desired, or employing another process entirely for recruitment to the position.

We also recommend one further change to clause 63 to make it clear that the Chief Parliamentary Counsel would be permitted to resign during his or her term of office.

Finally, we recommend amending clause 66 to provide for the terms and conditions of appointment of the Chief Parliamentary Counsel (other than remuneration and allowances) to be determined by the Attorney-General. The bill as introduced does not currently make provision for the relevant terms and conditions for this role, but comparable provisions exist for similar roles. For example, the Speaker is explicitly required to determine these conditions for the Clerk of the House under the Clerk of the House of Representatives Act 1988. As the Chief Parliamentary Counsel is responsible to the Attorney-General, we consider the Attorney-General to be the most appropriate person to determine his or her terms and conditions.

### **Appointment of parliamentary counsel**

We recommend amending clause 64 and applying the provisions of new clause 64A to parliamentary counsel, so that they would be subject to similar eligibility requirements to those we recommend for the Chief Parliamentary Counsel in respect of clause 63(3)(a). We propose these amendments to make it clear that parliamentary counsel should be lawyers who are qualified to practice in New Zealand or a similar jurisdiction, whilst also leaving sufficient flexibility to

allow the Chief Parliamentary Counsel to set aside the qualification requirements if necessary.

### **Liability**

We recommend the insertion of new clause 71A to make it clear that the Chief Parliamentary Counsel and employees of the Parliamentary Counsel Office are protected from liability resulting from their work for the Office. We are concerned that there might be some ambiguity in this regard in the bill as introduced, and consider the insertion of such a provision is warranted to ensure certainty on this issue.

### **Reprints of legislation**

We recommend amending clause 24(2) to make it clear that clauses 25 and 26, which set out the Chief Parliamentary Counsel's powers to make changes in reprints, would not permit any change to the text of a provision of any legislation that, if enacted, would change the effect of the provision. We are aware of some concern that the reprinting powers in the bill could be unintentionally or inadvertently used to change the effect of a provision, and believe that that this amendment would clarify the policy intention of the subpart and ensure that the distinction between reprinting and re-enacting the law is clear. We are also satisfied that there are sufficient restrictions in clause 24(2) to ensure that changes could not be made in a reprint that would change the effect of a provision.

### **Interpretation**

We recommend amending clause 4 to replace the term "legislative order" with "legislative instrument", for the sake of accuracy, as a legislative order may sometimes be an instrument other than an Order in Council. For consistency, we propose that this term be used throughout the bill in place of "legislative order".

### **Publication of legislation in hard copy**

We considered recommending an amendment to ensure it is clear that there is provision for all legislation to be printed in hard copy, as we were aware of concern that the passing of the bill into law might result in legislation being published in electronic form only. However,

we are assured that the purpose of the power in clause 6(4) of the bill to make an Order in Council that authorises the Chief Parliamentary Counsel to print legislation in hard copy is not to undermine the value of hard copy versions, but rather to allow flexibility should a Government at some time in the future decide that legislation could be made properly accessible by electronic publication only.

### **Disallowance of subordinate legislation**

We are aware of concern that clauses 37 and 38 would narrow the scope of disallowance, as the definition of “legislative order [instrument]” appears to be significantly narrower than the current definition of regulation. However, after careful consideration we are satisfied that the provisions in the bill that separate the publication and the disallowance of delegated legislation, and the broad definition of “disallowable instrument”, will in fact have the opposite effect. For instance, paragraph (c) of the definition includes instruments that have “significant legislative effect”. This focuses on the substance of delegated legislation rather than its form or description, and reverses the current position that allows delegated legislation to be excluded from the disallowance regime depending on how it is described. We are therefore satisfied that the bill would increase parliamentary oversight of the use of delegated powers by the Executive, and make it more difficult to avoid disallowance.

### **Other matters**

Should the bill be enacted, we note that this committee would need to give careful consideration to practical issues that may arise from the bill’s proposed changes to the definition of disallowable instruments. In particular, we note that two of the three categories of disallowable instruments would be required to be presented to the House, but instruments of significant legislative effect would not. While the vast majority of instruments would fall within the first two categories, we consider there is a need for Standing Orders to put the jurisdiction of this committee to scrutinise all three categories beyond doubt. We will be encouraging the Standing Orders Committee to consider this matter in its current review of the Standing Orders.

## **Appendix**

### **Committee process**

The Legislation Bill was referred to the committee on 3 August 2010. The closing date for submissions was 23 September 2010. We received and considered 9 submissions from interested groups and individuals. We heard 5 submissions.

We received advice from the Parliamentary Counsel Office and the Ministry of Justice.

### **Committee membership**

Charles Chauvel (Chairperson)

Amy Adams

Aaron Gilmore

Chris Hipkins

Rahui Katene

Tim Macindoe

Moana Mackey

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Legislation Bill

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**Key to symbols used in reprinted bill**

**As reported from a select committee**

text inserted unanimously

~~text deleted unanimously~~

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*Hon Christopher Finlayson*

## **Legislation Bill**

Government Bill

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

**1 Title**

This Act is the Legislation Act **2010**.

**2 Commencement**

- (1) **Sections 9 and 22** come into force on the earlier of—
  - (a) a date appointed by the Governor-General by Order in Council;
  - (b) **1 July 2013**.
- (2) One or more Orders in Council may be made under **subsection (1)** appointing different dates for different provisions.
- (3) The rest of this Act comes into force on **1 July 2011**.

**Part 1**  
**General provisions**

**3 Purposes**

The purposes of this Act are—

- (a) to bring together in this Act the main provisions of New Zealand legislation that relate to the drafting, publication, and reprinting of legislation, and the disallowing of instruments:

- (b) to provide for electronic and printed copies of Acts and legislative ~~orders~~ instruments to be published:
- (c) to provide for official versions of Acts and legislative ~~orders~~ instruments to be published in electronic form:
- (d) to facilitate the production of up-to-date reprints that are modernised and made consistent with current drafting practice concerning their mode of expression, style, and format:
- (e) to make New Zealand statute law more accessible, readable, and easier to understand by facilitating the progressive and systematic revision of the New Zealand statute book so that—
  - (i) statute law is rationalised and arranged more logically:
  - (ii) inconsistencies and overlaps are removed:
  - (iii) obsolete and redundant provisions are repealed:
  - (iv) expression, style, and format are modernised and made consistent:
- (f) to enable certain kinds of subordinate legislation to incorporate material by reference in reliance on this Act, subject to compliance with consultation and other requirements:
- (g) to replace the Statutes Drafting and Compilation Act 1920 with modern legislation that continues the Parliamentary Counsel Office as a separate statutory office and facilitates the drafting and publishing of high-quality legislation.

#### 4 Interpretation

In this Act, unless the context otherwise requires,—

**Chief Parliamentary Counsel** means the person who for the time being holds that office under **section 63**

**disallowable instrument** has the meaning given to it by **section 37**

**Imperial enactment** means an Imperial enactment that has effect as part of the laws of New Zealand under the Imperial Laws Application Act 1988



**Imperial subordinate legislation** means Imperial subordinate legislation that has effect as part of the laws of New Zealand under the Imperial Laws Application Act 1988

**legislation** means any Act, Imperial enactment, Imperial subordinate legislation, regulations, or legislative ~~order~~ instrument

**legislative order instrument** means—

- (a) an Order in Council other than—
  - (i) an Order in Council that the empowering Act requires to be published in the *Gazette*;
  - (ii) an Order in Council that relates exclusively to an individual;
- (b) an instrument made by a Minister of the Crown that amends an Act or defines the meaning of a term used in an Act;
- (c) an instrument that an Act requires to be published under this Act;
- (d) resolutions of the House of Representatives that—
  - (i) revoke a disallowable instrument in whole or in part; or
  - (ii) amend a disallowable instrument; or
  - (iii) revoke and substitute a disallowable instrument

**official version**, in relation to legislation, means a version of the legislation that has the status of an official version of the legislation under **section 17**

**PCO** means the Parliamentary Counsel Office continued by **section 57**

**reprint** means a version of legislation that—

- (a) states, as at the date at which it is stated to be reprinted, the law enacted or made by the legislation reprinted and by the amendments (if any) to that legislation; and
- (b) is published under this Act.

Compare: 1989 No 142 ss 2, 16B(2)

## 5 Act binds the Crown

This Act binds the Crown.

**Part 2**  
**Law relating to publishing, reprinting,  
and revising legislation**

Subpart 1—Publishing legislation

*Responsibilities and requirements*

- 6 Chief Parliamentary Counsel to arrange publication**
- (1) The Chief Parliamentary Counsel must arrange for the publication of—
- (a) copies of every Act enacted by Parliament after the commencement of this section; and
  - (b) copies of all legislative ~~orders~~ instruments made after the commencement of this section; and
  - (c) any reprints of Acts and legislative ~~orders~~ instruments, and any reprints of regulations made before the commencement of this section, issued by him or her in addition to reprints to which **subsection (5)** applies; and
  - (d) reprints of Imperial enactments and Imperial subordinate legislation.
- (2) A copy of every Act must be published in electronic form as soon as practicable after the Act is enacted.
- (3) A copy of every legislative ~~order~~ instrument must be published in electronic form as soon as practicable after the ~~order~~ instrument is made.
- (4) The Governor-General may, by Order in Council,—
- (a) authorise or direct the Chief Parliamentary Counsel to arrange for the publication in printed form of any legislation or class of legislation specified in the order; and
  - (b) specify conditions to which the authorisation or direction is subject.
- (5) When an Act or a legislative ~~order~~ instrument is amended after the commencement of this section, the Chief Parliamentary Counsel—
- (a) must arrange for a reprint of the Act or legislative ~~order~~ instrument to be published in electronic form so that an up-to-date version of the legislation is available in accordance with **section 9** as soon as practicable; and

- (b) may also arrange for the reprint to be published in printed form.
- (6) All copies and reprints of legislation published under this section must include a statement that they are published under the authority of the New Zealand Government.
- (7) The Chief Parliamentary Counsel performs functions under this section subject to any directions given by the Attorney-General.
- (8) An Order in Council made under **subsection (4)** is a legislative order instrument and a disallowable instrument for the purposes of this Act and must be presented to the House of Representatives under **section 40**.

Compare: 1989 No 142 s 4

#### *Availability*

### **7 Designation of places where printed copies of legislation may be purchased**

- (1) The Attorney-General must, by notice in the *Gazette* or in some other manner, designate places where printed copies of legislation that are published under **section 6** are available for purchase by members of the public.
- (2) Copies may be made available for purchase by members of the public not only at the places designated under **subsection (1)** but also at other places.

Compare: 1989 No 142 s 9

### **8 Sale of copies of legislation**

- (1) The Chief Parliamentary Counsel must ensure that printed copies of legislation that are published under **section 6** are available for purchase by members of the public at the places designated under **section 7(1)**.
- (2) The price of printed copies of legislation must be reasonable, having regard to the actual cost of printing and making the copies available for sale.
- (3) When the repeal or expiry of an Act or the revocation or expiry of regulations or a legislative order instrument takes effect, **subsection (1)** ceases to apply to that legislation.

Compare: 1989 No 142 s 10

**9 Availability of electronic versions of legislation**

- (1) The Chief Parliamentary Counsel must ensure that, as far as practicable, official electronic versions of legislation issued under **section 17** are at all times able to be accessed at, or downloaded from, an Internet site maintained by or on behalf of the New Zealand Government.
- (2) Official electronic versions of legislation must be made available under this section free of charge.
- (3) This section applies to all enacted legislation other than legislation that ceased to be in force before the commencement of this section.
- (4) This section is subject to any regulations made under **section 22**.

*Forwarding to Chief Parliamentary Counsel***10 Copies of legislative ~~orders~~ instruments to be forwarded to Chief Parliamentary Counsel**

A copy of every legislative ~~order~~ instrument made after the commencement of this section must be forwarded to the Chief Parliamentary Counsel without delay.

Compare: 1989 No 142 s 5

*Numbering and notification***11 Numbering of legislative ~~orders~~ instruments**

- (1) All copies of legislative ~~orders~~ instruments published under **section 6** must be identified by a number as part of an annual series of legislative ~~orders~~ instruments.
- (2) Legislative ~~orders~~ instruments may be cited by the number given to them and by a reference to the year in which copies of them are published.
- (3) **Subsection (2)** does not limit any other mode of citation.

Compare: 1989 No 142 s 11

**12 Notice of making of legislative ~~orders~~ instruments**

- (1) The Chief Parliamentary Counsel must notify the making of legislative ~~orders~~ instruments.

- (2) A notice under **subsection (1)** must be published in the *Gazette* and give the following information about each legislative order instrument listed in the notice:
- (a) the title of the legislative order instrument;
  - (b) the date on which the legislative order instrument was made;
  - (c) the Act or other authority under which the legislative order instrument was made;
  - (d) the number allocated to the legislative order instrument under **section 11**;
  - (e) the places at which copies of the legislative order instrument may be purchased;
  - (f) any other information the Chief Parliamentary Counsel considers appropriate.

Compare: 1989 No 142 s 12

**13 Complying with requirement to publish or notify in *Gazette* by publishing and notifying under this Act**

- (1) This section applies if an Act requires that an instrument be published or notified in the *Gazette*.
- (2) It is sufficient compliance with the requirement to publish or notify the instrument in the *Gazette* if the instrument is published under this Act and notified in the *Gazette* under **section 12**.

Compare: 1989 No 142 s 13

*Other instruments*

**14 Publication of instruments other than legislative orders instruments**

- (1) The Attorney-General or the Chief Parliamentary Counsel may arrange for an instrument that is not a legislative order instrument to be published in accordance with **section 6** as if it were a legislative order instrument.
- (2) An instrument is not a legislative order instrument for the purposes of this subpart just because it is published under this section.
- (3) The following provisions apply to every instrument that is published under this section:

- (a) **section 11** (numbering of legislative ~~orders~~ instruments):
- (b) **section 12** (notice of making of legislative ~~orders~~ instruments):
- (c) **section 13** (complying with requirement to publish or notify in *Gazette* by publishing and notifying under this Act):
- (d) **section 16** (judicial notice of Acts, regulations, and legislative ~~orders~~ instruments):
- (e) **section 17** (electronic and printed official versions of legislation):
- (f) **section 18** (legal status of official version):
- (g) **section 20** (directions as to form of copies and reprints of legislation):
- (h) **section 21** (special requirements for copies of legislative ~~orders~~ instruments).

Compare: 1989 No 142 s 14

### *Revocation of spent instruments*

#### **15 Power to revoke spent instruments**

- (1) The Governor-General may, by Order in Council, on the recommendation of the Attorney-General, revoke any instrument or (as the case requires) declare that the instrument ceases to have effect as part of the law of New Zealand.
- (2) Before making a recommendation under **subsection (1)**, the Attorney-General must be satisfied that the instrument has ceased to have effect or is no longer required.
- (3) This section is in addition to any other enactment relating to the revocation of instruments.
- (4) In this section, **instrument** means—
  - (a) any regulations:
  - (b) any legislative ~~order~~ instrument:
  - (c) any of the following kinds of instrument made or given by the Governor-General or any Minister of the Crown or any person in the service of the Crown, or made or given under any Imperial Act:
    - (i) any Order in Council or Proclamation:

- (ii) any notice, warrant, order, direction, determination, rules, or other instrument of authority.

Compare: 1989 No 142 s 16

*Judicial notice of legislation*

**16 Judicial notice of Acts, regulations, and legislative ~~orders~~ instruments**

All courts and persons acting judicially must take judicial notice of all Acts, regulations, and legislative ~~orders~~ instruments.

Compare: 1989 No 142 ss 16A, 16B

*Official versions of legislation*

**17 Electronic and printed official versions of legislation**

- (1) The Chief Parliamentary Counsel may issue—
  - (a) official electronic versions of legislation; and
  - (b) official printed versions of legislation.
- (2) A printed version of legislation that is produced directly from an official electronic version is also an official version.
- (3) An electronic or printed document that is identifiable as an official version of legislation in accordance with regulations made under **section 22** must be treated as an official version unless the contrary is shown.
- (4) This section applies whether the legislation is enacted, made, printed, or published before or after the commencement of this section.

**18 Legal status of official version**

- (1) An official version of legislation as originally enacted or made is taken to correctly set out the text of the legislation.
- (2) An official version that is a reprint—
  - (a) is taken to correctly state, as at the date at which it is stated to be reprinted, the law enacted or made by the legislation reprinted and by the amendments (if any) to that legislation; and
  - (b) is evidence that any changes made in the reprint are authorised by **subpart 2**.

- (3) An official version of regulations or a legislative ~~order~~ instrument, or of a reprint of regulations or a legislative ~~order~~ instrument, that shows the date of the notification of the regulations or legislative instrument in the *Gazette* is evidence that the making of the regulations or legislative ~~order~~ instrument was notified in the *Gazette* on the date shown.
- (4) The presumptions in **subsections (1) to (3)** apply unless the contrary is shown.

*Evidence of parliamentary journals*

**19 Copies of parliamentary journals to be evidence**

- (1) This section applies to copies of the Journals of the Legislative Council or the House of Representatives that purport to be printed by the Government Printer or published by order or under the authority of the House of Representatives.
- (2) All courts and all persons acting judicially must admit those copies as evidence of the matters stated in them, without further proof that they were so printed or published.

Compare: 1989 No 142 s 16E

*Form of copies and reprints of legislation*

**20 Directions as to form of copies and reprints of legislation**

- (1) The Attorney-General may give directions about the form in which 1 or more of the following must be published under this subpart:
  - (a) copies of Acts:
  - (b) reprints of Acts:
  - (c) copies of legislative ~~orders~~ instruments:
  - (d) reprints of regulations and legislative ~~orders~~ instruments:
  - (e) reprints of Imperial enactments and Imperial subordinate legislation.
- (2) A direction may include provision for the omission of signatures and formal or introductory parts.

Compare: 1989 No 142 s 7



## 21 **Special requirements for copies of legislative orders instruments**

- (1) A published copy of a legislative ~~order~~ instrument must contain references to the following:
  - (a) the Act or other authority under which the legislative ~~order~~ instrument was made:
  - (b) the date on which the legislative ~~order~~ instrument was made:
  - (c) the date (if any) on which the legislative ~~order~~ instrument is stated to come into force.
- (2) This section overrides **section 20(2)**.  
Compare: 1989 No 142 s 8

### *Regulations*

## 22 **Regulations**

The Governor-General may, by Order in Council, make regulations for 1 or more of the following purposes:

- (a) imposing requirements or conditions concerning the manner in which official versions of legislation in electronic form are to be made available to the public under **section 9**:
- (b) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of **section 17**, including (without limitation) by—
  - (i) imposing requirements or conditions as to the form of official versions of legislation:
  - (ii) providing how official versions of legislation in an electronic form can be authenticated:
- (c) providing for any other matters contemplated by this subpart, necessary for its administration, or necessary for giving it full effect.

### Subpart 2—Reprints

## 23 **Interpretation**

In this subpart, unless the context otherwise requires,—  
**current drafting practice** means the legislative drafting practice for the time being used by the PCO

**legislation** includes an instrument published under **section 14** or published under a corresponding provision in a previous enactment

**referential words** means words (for example, “of this Act”, “of this section”, “of this paragraph”, “the said”, and “hereof”) that identify the whole or part of a provision (including a schedule) as a provision, or as part of a provision, of the enactment in which they appear.

Compare: 1989 No 142 s 17A

#### **24 Power to make changes in reprints**

- (1) Changes authorised by **sections 25 and 26** may be made in a reprint.
- (2) **Sections 25 and 26** do not permit any change to the text of a provision of any legislation that changes, if enacted, would change the effect of the provision.
- (3) Nothing in this section limits the authority to make changes in a reprint in reliance on the application of section 22 of the Interpretation Act 1999 or any other enactment.

Compare: 1989 No 142 s 17C; Reprints Act 1992 (Queensland) s 8

#### **25 Editorial changes**

- (1) The Chief Parliamentary Counsel may make the following changes in a reprint:
  - (a) language that indicates or could be taken to indicate a particular gender may be changed to gender-neutral language so that it is consistent with current drafting practice, as long as it is also consistent with the purpose of the legislation being reprinted:

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##### **Examples**

The word “he” may be changed to “he or she”, or replaced with the relevant noun.

The word “chairman” may be changed to “chairperson”.  
The words “Her Majesty the Queen” may be changed to “the Sovereign”.

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- (b) the numbering, renumbering, and consequential amendments authorised by an Order in Council made under **subsection (2)**:

- 
- (c) a reference to the name or title of a body, an office, a person, a place, or a thing that has been changed may be replaced with a reference to the name or title as changed:
  - (d) a reference to a body, office, person, place, or thing that has been replaced by another body, office, person, place, or thing may be changed to a reference to the replacement body, office, person, place, or thing:
  - (e) changes may be made to the way provisions are referred to, so as to be consistent with current drafting practice:
- 

**Example**

“Schedule 1 to the Ombudsmen Act 1975” may be changed to “Schedule 1 of the Ombudsmen Act 1975”.

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- (f) unnecessary referential words may be omitted:
  - (g) punctuation may be changed or omitted, or new punctuation inserted, so as to be consistent with current drafting practice:
  - (h) conjunctives and disjunctives may be inserted, omitted, or changed so as to be consistent with current drafting practice:
  - (i) obvious errors of the following kinds may be corrected:
    - (i) typographical and clerical errors:
    - (ii) grammatical and spelling errors, and errors of punctuation:
    - (iii) errors in numbering, cross-referencing, and alphabetical ordering:
    - (iv) errors in or arising out of an amendment, by another enactment, to the legislation reprinted:
    - (v) any other errors of a similar nature:
- 

**Examples**

In the following provision, the word in bold can be omitted: “The board of a company may make offers on **on** one or more stock exchanges”.

An Act consequentially repeals section 85(3) of another Act. The other Act does not contain a section 85, and it is obvious from the context that the intention was to repeal section 75(3). The error can be corrected.

An Act contains amendments to section 6 of another Act. Before the first Act comes into force, the

**Examples**—*continued*

other Act is amended so that section 6 is replaced by section 6A in substantially similar terms. Section 6A can be amended to reflect the intent of the amendments to section 6.

- (j) changes may be made to the way numbers, dates, times, quantities, measurements, and similar matters, ideas, or concepts are referred to or expressed so as to be consistent with current drafting practice:

**Example**

A reference in a form to “this [blank] day of [blank] 19...” may be changed to “[Date]”.

- (k) a provision in the nature of a savings, transitional, validation, or other similar provision that is contained in an amending enactment may be incorporated as a provision of the enactment it amends, and all necessary consequential amendments may be made:
- (l) changes may be made to show the effect of any amendment or repeal, and changes may be made that are purely consequential on any amendment made, by another enactment, to the legislation reprinted:

**Example**

The heading to a section may be changed to reflect the effect of an amendment to the section.

- (m) changes may be made that are purely consequential on any other change authorised by this subpart.
- (2) The Governor-General may, by Order in Council, authorise a reprint of legislation to do 1 or more of the following so as to make the legislation consistent with current drafting practice:
- (a) number any provisions of the legislation that are not numbered in the manner indicated by the order:
- (b) renumber the legislation in the manner indicated by the order:
- (c) make the necessary consequential amendments to other enactments, as indicated by the order, to reflect the changes made under **paragraph (a) or (b)**.

- (3) Alternative text that is inserted in a reprint to indicate the effect of an element (for example, a graphical image such as a crest, map, or medal) does not form part of an official version of the reprinted enactment.

Compare: 1989 No 142 s 17E

## **26 Changes to format**

- (1) The Chief Parliamentary Counsel may make format changes so that the format of the reprint is consistent with current drafting practice.
- (2) Changes authorised by this section include (without limitation)—
- (a) changes to the setting out of provisions, tables, and schedules:
  - (b) the repositioning of marginal notes or section headings:
  - (c) changes to typeface and type size:
  - (d) the addition or removal of boldface, italics, and similar textual attributes:
  - (e) the addition or removal of quotation marks and rules:
  - (f) changes to the case of letters or words:

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### **Example**

Small capitals may be changed to ordinary capitals or to lower case.

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- (g) the repositioning of the date of Royal assent.

Compare: 1989 No 142 s 17D

## **27 Changes to be noted in reprint**

If changes authorised by this subpart are made in a reprint, the reprint must—

- (a) indicate that fact in a suitable place; and
- (b) outline in general terms, and in a suitable place, the changes made.

Compare: 1989 No 142 s 17F

## Subpart 3—Revision Bills

### *Preliminary provisions*

#### **28 Interpretation**

In this subpart, unless the context otherwise requires,—

**revision Act** means an Act that was introduced into the House of Representatives as a revision Bill

**revision Bill** means a Bill prepared under this subpart

**revision programme** means a revision programme approved under **section 30**.

#### **29 Overview**

- (1) This subpart sets out the process for the preparation of revision Bills.
- (2) The purpose of revision is to re-enact, in an up-to-date and accessible form, the law previously contained in all or part of 1 or more Acts, but (except as authorised by this subpart) revision is not intended to change the effect of a law.
- (3) This subpart contains—
  - (a) a requirement for the preparation and approval of a 3-yearly revision programme;
  - (b) the powers that may be exercised in the preparation of revisions.

### *Preparation of revisions*

#### **30 3-yearly revision programme**

- (1) The Attorney-General must prepare a draft 3-yearly revision programme for each new Parliament.
- (2) A draft revision programme must set out—
  - (a) the revisions that are proposed to be started during the 3-year period; and
  - (b) the revisions that are expected to be enacted during that period; and
  - (c) the revisions on which work is expected to continue during that period.
- (3) The Attorney-General must make the draft publicly available and invite submissions on the draft from interested persons and

members of the public, allowing a reasonable time for those submissions to be made.

- (4) The Attorney-General must present a revision programme to the House of Representatives as soon as practicable after it is approved by the Government.
- (5) The PCO's annual report under section 43 of the Public Finance Act 1989 may (without limitation) make—
  - (a) recommendations for the repeal of obsolete or redundant enactments or provisions of enactments, if their repeal is not suitable for inclusion in a revision; and
  - (b) recommendations for changes to 1 or more of the following:
    - (i) the revision powers set out in **section 31**;
    - (ii) the reprint powers under **subpart 2**;
    - (iii) the procedure for the certification of revision Bills.

### **31 Revision powers**

- (1) The Chief Parliamentary Counsel must prepare revision Bills in accordance with the current revision programme and this section.
- (2) A revision Bill may—
  - (a) revise the whole or part of 1 or more Acts, and for that purpose combine or divide Acts or parts of Acts;
  - (b) adopt a Title that is different from the Title or Titles of the Acts or parts of Acts revised;
  - (c) omit redundant and spent provisions;
  - (d) renumber and rearrange provisions from the Acts or parts of Acts revised;
  - (e) make changes in language, format, and punctuation to achieve a clear, consistent, gender-neutral, and modern style of expression, to achieve consistency with current drafting style and format, and generally to express better the spirit and meaning of the law;
  - (f) include new or additional purpose provisions, outline or overview provisions, examples, diagrams, graphics, flowcharts, readers' notes, lists of defined terms, and other similar devices to aid accessibility and readability;

- (g) include new or additional provisions alerting users of the revision to enactments that are not incorporated in the revision but are relevant to the subject matter of the revision:
  - (h) correct typographical, punctuation, and grammatical errors, and other similar errors:
  - (i) make minor amendments to clarify Parliament's intent, or reconcile inconsistencies between provisions:
  - (j) update any monetary amount (other than an amount specified for the purpose of jurisdiction or an offence or penalty), having regard to movements in the Consumers Price Index over the relevant period, or provide for the amount to be prescribed by Order in Council:
  - (k) omit forms and schedules from the Acts or parts of Acts revised, and instead authorise the matters in those forms and schedules to be prescribed by or under regulations:
  - (l) make consequential amendments to enactments that are not incorporated, or are incorporated only in part, in the revision:
  - (m) include any necessary repeals, savings, and transitional provisions.
- (3) A revision Bill must not change the effect of the law, except as authorised by **subsection (2)(i) or (j)**.
- (4) To avoid doubt, the changes that may be made in a revision Bill include, ~~but are not limited to,~~ (without limitation) any of the changes that may be made in a reprint under **subpart 2**.

### **32 Format of revision Bill**

- (1) A revision Bill must be in the form of a Bill suitable for introduction into the House of Representatives.
- (2) A revision Bill must include, as part of its explanatory note, a statement setting out, in general terms, the inconsistencies, anomalies, discrepancies, and omissions that were identified in the course of the preparation of the revision, and how they have been remedied in the Bill.
- (3) A revision Bill may be structured so that it is able to be divided into 2 or more Bills.



**33 Certification of revision Bill**

- (1) For the purposes of this subpart, the certifiers are the President of the Law Commission, the Solicitor-General, a retired Judge of the High Court nominated by the Attorney-General, and the Chief Parliamentary Counsel.
- (2) The Chief Parliamentary Counsel must submit a revision Bill to the certifiers for certification under this section.
- (3) The certifiers may certify a revision Bill if they are satisfied that—
  - (a) the revision powers set out in **section 31** have been exercised appropriately in the preparation of the revision; and
  - (b) the revision Bill does not change the effect of the law, except as authorised by **section 31(2)(i) or (j)**.
- (4) Before certifying a revision Bill, the certifiers may require the Chief Parliamentary Counsel to make whatever changes they consider necessary.
- (5) When a revision Bill has been certified, the Chief Parliamentary Counsel must give the revision Bill and certificate to the Attorney-General.

**33A Amendments proposed by revision Bills**

- (1) A revision Bill, as introduced, must not contain any proposed change to the effect of the law unless the amendment is authorised by **section 31**.
- (2) However, nothing in this Act affects the powers of the House of Representatives to amend a revision Bill for any purpose and to pass it with amendment.

*Interpretation of revision Acts***34 Revision Acts not intended to change effect of law**

- (1) A revision Bill prepared and certified under this subpart becomes a **revision Act** for the purpose of this section once it is enacted.
- (2) A provision of a revision Act is not intended to change the effect of the law as expressed in the Acts or parts of Acts repealed by and incorporated in the revision Act.

- (3) However, if a revision Act expressly provides that a particular provision is intended to change the effect of the law, **subsection (2)** is overridden to the extent necessary to give effect to the change.

Compare: 2007 No 97 s ZA 3(3)

*Review of this subpart*

**35 Review after 6 years**

- (1) The Attorney-General must, as soon as practicable after the end of the 6-year period specified in **subsection (2)**, require the Chief Parliamentary Counsel to prepare a report on—
- (a) the need for this subpart; and
  - (b) this subpart's operation and effectiveness; and
  - (c) whether any amendments to this subpart are necessary or desirable.
- (2) The **6-year period** is the period ~~that starts on the date of commencement of this section and ends 6 years after that date~~ of 6 years that starts on 1 July 2011 and ends with the close of 30 June 2017.
- (3) The Attorney-General must ensure that the persons and organisations that he or she thinks appropriate are consulted during the preparation of the report about the matters to be considered in the report.
- (4) The Attorney-General must present a copy of the report to the House of Representatives as soon as practicable after he or she receives the report.

**Part 3**

**Subordinate legislation: Disallowable instruments and incorporation of material by reference**

Subpart 1—Disallowable instruments

*Interpretation*

**36 Interpretation**

In this subpart, unless the context otherwise requires,—

**confirmation provision**, in relation to an instrument made under an enactment, means an enactment that provides that the instrument lapses, expires, or is revoked at a stated time unless the instrument is confirmed, confirmed and validated, or validated by an Act passed or enacted before that time

**obligations** includes—

- (a) duties or liabilities:
- (b) obligations to comply with prohibitions:
- (c) ineligibility for rights, benefits, entitlements, interests, powers, or privileges

**rights** includes—

- (a) benefits, entitlements, interests, powers, or privileges:
- (b) eligibility for rights, benefits, entitlements, interests, powers, or privileges.

### 37 Disallowable instruments

- (1) An instrument made under an enactment is a **disallowable instrument** for the purposes of this Act if 1 or more of the following applies:
  - (a) the instrument is a legislative ~~order~~ instrument;
  - (b) that enactment or another enactment contains a provision (however expressed) that has the effect of making the instrument disallowable for the purposes of this Act;
  - (c) the instrument has a significant legislative effect.
- (2) However, an instrument ~~that has a significant legislative effect~~ is not a disallowable instrument for the purposes of this Act if the instrument—
  - (a) is made or approved by a resolution of the House of Representatives; or
  - (b) is one that the House of Representatives could, by resolution, prevent from coming into force or taking effect; or
  - (c) is one made by a court, Judge, or person acting judicially.
- (3) A bylaw that is subject to the Bylaws Act 1910 is not a disallowable instrument for the purposes of this Act.

- (4) This section is subject to other enactments that limit or affect when, or the extent to which, a kind of instrument is a disallowable instrument for the purposes of this Act.

**38 Instruments that have significant legislative effect**

- (1) An instrument has a **significant legislative effect** if the effect of the instrument is to do both of the following:
- (a) create, alter, or remove rights or obligations; and
  - (b) determine or alter the content of the law applying to the public or a class of the public.
- (2) For the purposes of **subsection (1)**,—
- (a) an instrument that determines or alters the temporal application of rights or obligations must be treated as having the effect described in **paragraph (a)** of that subsection; and
  - (b) an instrument that determines or alters the temporal application of the law applying to the public or a class of the public must be treated as having the effect described in **paragraph (b)** of that subsection.
- (3) In applying **subsection (1)**, the following must be disregarded:
- (a) the description, form, and maker of the instrument;
  - (b) whether a confirmation provision applies to 1 or more of its provisions;
  - (c) whether it also contains provisions that are administrative.
- (4) An instrument does not have a significant legislative effect if it explains or interprets rights or obligations in a non-binding way, as long as the instrument does not do anything else that would bring it within **subsection (1)**.
- (5) An instrument that is made in the exercise of a statutory power and imposes obligations in an individual case does not determine or alter the content of the law just because the statutory power applies generally or to a class of persons.

Compare: Legislative Instruments Act 2003 ss 4–11 (Aust)

- 39 Instruments that determine or alter temporal application**  
An instrument that determines or alters the temporal application of rights or obligations includes (without limitation) one that does 1 or more of the following to the enactments or other laws that directly or indirectly confer or impose those rights or obligations:
- (a) appoints or prescribes a date on which, or other time at which, they come into force:
  - (b) defers the date on which, or other time at which, they apply or come into force:
  - (c) suspends, or in any way cancels, for a period or until a time, their application or operation:
  - (d) continues or extends (with or without a break) for a period or until a time their application or operation:
  - (e) defers the date on which, or other time at which, they are abolished, repealed, or revoked:
  - (f) on a date, or at any other time, abolishes, repeals, or revokes them.

*Presentation to House of Representatives*

- 40 Legislative ~~orders~~ instruments and disallowable instruments to be presented to House of Representatives**
- (1) This section applies to—
    - (a) legislative ~~orders~~ instruments; and
    - (b) every instrument stated by an Act to be a disallowable instrument.
  - (2) All legislative ~~orders~~ instruments and those disallowable instruments must be presented to the House of Representatives not later than the 16th sitting day of the House of Representatives after the day on which they are made.

Compare: 1989 No 143 s 4

*How instruments are disallowed*

- 41 Disallowance of instruments by resolution of House of Representatives**
- (1) The House of Representatives may, by resolution, disallow any disallowable instrument or provisions of a disallowable instrument.

- (2) An instrument or provisions disallowed by resolution of the House of Representatives cease to have effect on the later of—
- (a) the passing of the resolution; or
  - (b) any date specified in the resolution as the date on which the instrument or provisions cease to have effect.
- (3) This section does not apply to any resolution to which **section 45** applies.
- Compare: 1989 No 143 s 5

**42 Disallowance of instrument if motion to disallow not disposed of**

- (1) This section applies if—
- (a) a member of the Committee of the House of Representatives responsible for the review of disallowable instruments gives notice of a motion to disallow a disallowable instrument or any provisions of a disallowable instrument; and
  - (b) none of the following things happens within 21 sitting days after the date on which the notice is given:
    - (i) the notice is withdrawn;
    - (ii) the House disposes of the motion;
    - (iii) Parliament is dissolved or expires.
- (2) When this section applies, the instrument or provisions specified for disallowance in the motion must be treated as having been disallowed.
- (3) An instrument or provisions disallowed under **subsection (2)** cease to have effect on the later of—
- (a) the close of the 21st sitting day after the giving of notice of the motion; or
  - (b) any date specified in the motion as the date on which the instrument or provisions cease to have effect.

Compare: 1989 No 143 s 6

*Effect of disallowance*

**43 Effect of disallowance generally**

- (1) A disallowance under **section 41 or 42** has the same effect as a revocation of the disallowed instrument or provisions.

- (2) This section is subject to **section 44**.

Compare: 1989 No 143 s 7

**44 Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument**

- (1) This section applies if the disallowed instrument or provisions amended any Act or instrument or repealed any Act or revoked any instrument.
- (2) When this section applies, the disallowance of the instrument or provisions has the effect of restoring or reviving the Act or instrument, as it was immediately before it was amended, repealed, or revoked, as if the disallowed instrument or provisions had not been made.
- (3) The restoration or revival of an Act or instrument under **subsection (2)** takes effect on the day on which the instrument or provisions by which it was amended, repealed, or revoked ceased to have effect.

Compare: 1989 No 143 s 8

*Amendment or substitution of instrument by  
House of Representatives*

**45 Amendment or substitution of disallowable instrument by House of Representatives**

- (1) The House of Representatives may, by resolution,—
- (a) amend any disallowable instrument; or
  - (b) revoke any disallowable instrument and substitute another instrument.
- (2) The amendment or the revocation and substitution, as the case may be, takes effect on the later of—
- (a) the 28th day after the date of the publication of the notice required by **section 46**; or
  - (b) any date specified in the notice required by **section 46** as the date on which the amendment or the revocation and substitution, as the case may be, takes effect.

Compare: 1989 No 143 s 9

*Notification of disallowance, amendment, or substitution*

**46 Notice of resolution or motion**

- (1) This section applies in any of the following circumstances:
  - (a) the House of Representatives resolves to disallow or revoke a disallowable instrument:
  - (b) the House of Representatives resolves to amend a disallowable instrument or to revoke a disallowable instrument and substitute another instrument:
  - (c) notice of a motion to disallow a disallowable instrument or any provisions of a disallowable instrument has been given and the instrument or provisions specified for disallowance in the motion are treated as having been disallowed under **section 42**.
- (2) When this section applies, the Clerk of the House of Representatives must immediately forward to the Chief Parliamentary Counsel a notice of that resolution or notice of motion.
- (3) The notice forwarded under **subsection (2)**—
  - (a) must be accompanied by the text of the resolution or the text of the notice of motion, as the case requires; and
  - (b) in the case of a resolution, must show the date on which the resolution was passed; and
  - (c) in the case of a notice of motion, must show—
    - (i) the date of the sitting day on which the notice of motion was given; and
    - (ii) the date of the 21st sitting day after the giving of the notice of motion.
- (4) The notice is conclusive evidence of the matters stated in **subsection (3)(b) and (c)**.
- (5) The Chief Parliamentary Counsel must arrange for every notice forwarded under **subsection (2)** to be published under **section 6** as if it were a legislative ~~order~~ instrument.

Compare: 1989 No 143 s 10

Subpart 2—Incorporation by reference in instruments

**47 Interpretation**

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



**administering department** means the department, Ministry, Office of Parliament, or other organisation that is responsible for administering the instrument

**chief executive** means the chief executive of the administering department

**inspection sites** means the head office of the administering department and any other places that the chief executive may, at his or her discretion, determine are appropriate

**instrument**—

- (a) means any instrument (whether called regulations, rules, an Order in Council, a notice, bylaws, a code, a framework, or by any other name) that has legislative effect and that is authorised by an enactment; but
- (b) does not include a bylaw that is subject to the Bylaws Act 1910

**material** means—

- (a) material referred to in **section 48(3)**; but
- (b) does not include anything incorporated by reference by that material

**parent Act** means an Act that is a parent Act for the purpose of **section 48**.

- (2) For the purposes of this subpart, unless the context otherwise requires, an instrument incorporates material by reference if the instrument does 1 or more of the following:
  - (a) incorporates the material in whole or in part, and with or without modification:
  - (b) incorporates amendments to which **section 54-52** applies.

#### **48 Instruments that may incorporate material by reference**

- (1) An instrument that may be made under any Act (the **parent Act**) for a purpose specified in **subsection (2)** may incorporate material by reference under this subpart.
- (2) A purpose of the instrument must be to define terms, prescribe matters, or make other provision in relation to an activity or thing, including (without limitation) any asset, equipment, facility, goods, information, material, practice, premises, process, product, programme, service, or system.

- (3) This section, in so far as it applies, is sufficient authority for the instrument to incorporate 1 or more of the following by reference:
- (a) a standard, framework, code of practice, recommended practice, or requirement of an international organisation or a national organisation;
  - (b) a standard, framework, code of practice, recommended practice, or requirement prescribed in any country or jurisdiction, or by any group of countries;
  - (c) any other written material that deals with technical matters and that can reasonably be regarded as being too large or impractical to include in, or publish as part of, the instrument.
- (4) Material incorporated by reference under this section has legal effect as part of the instrument that incorporates the material.  
Compare: 1988 No 5 s 22(1)

#### **49 Application of this subpart**

- (1) This subpart applies in relation to the making of an instrument that incorporates material by reference in reliance on **section 48**, except where the parent Act expressly provides to the contrary.
- (2) This subpart applies, subject to the exception stated in **subsection (1)**, regardless of whether the parent Act—
- (a) is an Act passed before or after the commencement of this section; or
  - (b) provides for the incorporation of material by reference in an instrument; or
  - (c) expressly mentions the incorporation of material by reference in reliance on **section 48**.

#### **50 Requirement to consult on proposal to incorporate material by reference**

- (1) Before an instrument incorporating material by reference in reliance on **section 48** is made, the chief executive must—
- (a) make copies of the material proposed to be incorporated by reference (the **proposed material**) available for inspection during working hours for a reasonable period, free of charge, at the inspection sites; and

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- (b) state where copies of the proposed material are available for purchase; and
  - (c) make copies of the proposed material available, free of charge, on an Internet site maintained by or on behalf of the administering department, unless doing so would infringe copyright; and
  - (d) give notice in the *Gazette* stating—
    - (i) that the proposed material is available for inspection during working hours, free of charge, and stating the places at which it can be inspected and the period during which it can be inspected; and
    - (ii) that copies of the proposed material can be purchased and stating the places at which they can be purchased; and
    - (iii) if applicable, that the proposed material is available on the Internet, free of charge, and stating the Internet site address; and
  - (e) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and
  - (f) consider any comments made.
- (2) The chief executive—
- (a) may make copies of the proposed material available in any other way that he or she considers appropriate in the circumstances; and
  - (b) must, if **paragraph (a)** applies, give notice in the *Gazette* stating that the proposed material is available in other ways and giving details of where or how it can be accessed or obtained.
- (3) The chief executive may comply with **subsection (1)(c)** (if applicable) by providing a hypertext link from an Internet site maintained by or on behalf of the department to a copy of the proposed material that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.
- (4) The references in this section to material include, if the material is not in an official New Zealand language, as well as the material itself, an accurate translation in an official New Zealand language of the material.

- (5) A failure to comply with this section does not invalidate an instrument that incorporates material by reference in reliance on **section 48**.
- (6) For the purposes of **subsection (1)(c)**, a chief executive may not rely on section 66 of the Copyright Act 1994 as authority to make the proposed material available on an Internet site.

### **51 Access to material incorporated by reference**

- (1) This section applies if an instrument incorporating material by reference in reliance on **section 48** is made.
- (2) The chief executive must—
  - (a) make the material (the **incorporated material**) available for inspection during working hours free of charge at the inspection sites; and
  - (b) state where copies of the incorporated material are available for purchase; and
  - (c) make copies of the incorporated material available, free of charge, on an Internet site maintained by or on behalf of the administering department, unless doing so would infringe copyright; and
  - (d) give notice in the *Gazette* stating—
    - (i) that the incorporated material is incorporated in the instrument and stating the date on which the instrument was made; and
    - (ii) that the incorporated material is available for inspection during working hours, free of charge, and stating the places at which it can be inspected; and
    - (iii) that copies of the incorporated material can be purchased and stating the places at which they can be purchased; and
    - (iv) if applicable, that the incorporated material is available on the Internet, free of charge, and stating the Internet site address.
- (3) The chief executive—
  - (a) may make copies of the incorporated material available in any other way that he or she considers appropriate in the circumstances; and

- (b) must, if **paragraph (a)** applies, give notice in the *Gazette* stating that the incorporated material is available in other ways and giving details of where or how it can be accessed or obtained.
- (4) The chief executive may comply with **subsection (2)(c)** (if applicable) by providing a hypertext link from an Internet site maintained by or on behalf of the administering department to a copy of the incorporated material that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.
- (5) The references in this section to material are to—
  - (a) material incorporated by reference in the instrument; and
  - (b) if the material is not in an official New Zealand language, the material itself together with an accurate translation in an official New Zealand language of the material.
- (6) A failure to comply with this section does not invalidate an instrument that incorporates material by reference.
- (7) For the purposes of **subsection (2)(c)**, a chief executive may not rely on section 66 of the Copyright Act 1994 as authority to make the incorporated material available on an Internet site.

## **52 Effect of amendments to material incorporated by reference**

- (1) This section applies if the material incorporated by reference in reliance on **section 48** is amended by the originator of the material after the instrument is made.
- (2) For the purposes of this section, material is **amended** if the material or any part of it—
  - (a) is amended or replaced; or
  - (b) expires or is revoked; or
  - (c) otherwise ceases to have effect.
- (3) Amendments made by the originator of the material have no legal effect as part of the instrument unless they are specifically incorporated by a later instrument made in accordance with this subpart.

**53 Proof of material incorporated by reference**

- (1) A copy of material incorporated by reference in an instrument in reliance on **section 48** must be—
  - (a) certified as a correct copy of the material by the chief executive; and
  - (b) retained by the chief executive.
- (2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the material incorporated by reference in the instrument.

**54 Application of subpart 1 of Part 2 to instrument and material incorporated by reference**

- (1) **Subpart 1 of Part 2** does not apply to material that is for the time being incorporated by reference in an instrument in reliance on **section 48**, even if the instrument is a legislative order instrument.
- (2) To avoid doubt, the material does not have to be presented to the House of Representatives under **section 40** even though the instrument is a disallowable instrument by virtue of **section 55**.

**55 Application of subpart 1 of this Part to instrument incorporating material by reference**

An instrument that incorporates material by reference in reliance on **section 48** is a disallowable instrument for the purposes of **subpart 1 of this Part**.

**56 Application of Standards Act 1988, other enactments, and rules of law not affected**

Nothing in this subpart affects the application of sections 22 to 25 of the Standards Act 1988, any other enactment, or any rule of law.

## Part 4 Parliamentary Counsel Office

### *Constitution and functions*

#### **57 ~~PCO~~Parliamentary Counsel Office continues as separate statutory office**

- (1) The ~~PCO~~ Parliamentary Counsel Office continues as an instrument of the Crown and a separate statutory office under the Attorney-General's control.
- (2) During any period when there is no Minister of the Crown who is Attorney-General, the ~~PCO~~ Parliamentary Counsel Office is under the Prime Minister's control.
- (3) Every reference to the Parliamentary Counsel Office in any enactment, agreement, deed, instrument, application, notice, or other document in force immediately before the commencement of this section must, on and after that commencement, be read as a reference to the ~~PCO~~ Parliamentary Counsel Office as continued by this section, unless the context otherwise requires.

Compare: 1920 No 46 s 2

#### **58 Functions of PCO**

- (1) The functions of the PCO are—
  - (a) to draft government Bills and amendments to them:
  - (b) to draft instruments specified in **subsection (5)** and amendments to them:
  - (c) to arrange for the printing and publication of Bills and amendments to them (as provided in **Part 2**):
  - (d) to arrange for the printing and publication of Acts, legislative orders, and reprints of legislation in electronic form and printed form (as provided in **Part 2**):
  - (e) to undertake reprints of Acts, regulations, and legislative orders (as provided in **Part 2**):
  - (f) to revise Acts in accordance with the current revision programme (as provided in **Part 2**):
  - (g) to advise departments and agencies on the drafting of legislative instruments that are not drafted by the PCO:
  - (h) to examine all local Bills and private Bills, and to examine the members' Bills that the Attorney-General directs

- be examined; and to report to the Attorney-General on the effect of Bills examined; in particular on whether they affect the rights of the Crown and on their relationship to other legislation:
- (i) to advise on and assist with the drafting of all local Bills and private Bills; and to draft members' Bills that the Attorney-General directs be drafted by the PCO;
  - (j) to perform the other functions relating to the drafting and publication of legislation that the Attorney-General directs be performed by the PCO.
- (2) Despite **subsection (1)(a)**, the Governor-General may, by Order in Council made on the recommendation of the Attorney-General, authorise the Inland Revenue Department—
- (a) to draft (subject to the exceptions specified in the order) the Government Bills (being Bills intended to become Acts administered by that Department) that the Minister of the Crown who is responsible for that Department may direct to be prepared for the consideration of Parliament, and amendments to them; and
  - (b) to supervise the printing of the Bills and amendments referred to in **paragraph (a)**.
- (3) An Order in Council made under **subsection (2)** is a legislative order and a disallowable instrument for the purposes of this Act.
- (4) The Inland Revenue Department (Drafting) Order 1995 continues in force as if made under **subsection (2)**.
- (5) The instruments to be drafted by the PCO are—
- (a) Orders in Council other than—
    - (i) Orders in Council that are required by their empowering Act to be published in the *Gazette*;
    - (ii) Orders in Council that relate exclusively to an individual;
  - (b) instruments made by a Minister that amend an Act or define the meaning of a term used in an Act;
  - (c) instruments that are required by an Act to be published under this Act (other than resolutions of the House of Representatives referred to in **paragraph (d)** of the definition of legislative order):



- (d) other instruments that the Attorney-General or the Chief Parliamentary Counsel directs in writing be drafted by the PCO.
- (6) Confidential communications between a client of the PCO and the Chief Parliamentary Counsel (or between a client of the PCO and another counsel in the PCO) are subject to legal professional privilege, but nothing in this subsection limits or affects the Standing Orders of the House of Representatives.
- (7) In **subsection (6)**, **confidential communications** includes (without limitation)—
  - (a) drafting instructions received by the PCO and communications between any client of the PCO and any counsel in the PCO that relate to the subject matter of the instructions;
  - (b) drafts of legislation prepared by or on behalf of the PCO.

Compare: 1920 No 46 ss 4, 5, 8A; Legislative Standards Act 1992 (Queensland) s 9A(2)

## **58 Functions of PCO**

- (1) The functions of the PCO are—
  - (a) to draft government Bills and amendments to them;
  - (b) to draft instruments specified in **subsection (2)** and amendments to them;
  - (c) to arrange for the printing and publication of Bills and amendments to them (as provided in **Part 2**);
  - (d) to arrange for the printing and publication of Acts, legislative instruments, and reprints of legislation in electronic form and printed form (as provided in **Part 2**);
  - (e) to undertake reprints of Acts, regulations, and legislative instruments (as provided in **Part 2**);
  - (f) to revise Acts in accordance with the current revision programme (as provided in **Part 2**);
  - (g) to advise departments and agencies on the drafting of legislative instruments that are not drafted by the PCO;
  - (h) to examine all local Bills and private Bills, and to examine the Members' Bills that the Attorney-General directs be examined, and to report to the Attorney-General on the effect of Bills examined, in particular on whether

- they affect the rights of the Crown or the public, and on their relationship to other legislation:
- (i) to advise on and assist with the drafting of all local Bills and private Bills, and to draft Members' Bills that the Attorney-General directs be drafted by the PCO:
  - (j) to perform the other functions relating to the drafting and publication of legislation that the Attorney-General directs be performed by the PCO.
- (2) The instruments to be drafted by the PCO are—
- (a) Orders in Council other than—
    - (i) Orders in Council that are required by their empowering Act to be published in the *Gazette*:
    - (ii) Orders in Council that relate exclusively to an individual:
  - (b) instruments made by a Minister that amend an Act or define the meaning of a term used in an Act:
  - (c) instruments that are required by an Act to be published under this Act (other than resolutions of the House of Representatives referred to in **paragraph (d)** of the definition of legislative instrument in **section 4**):
  - (d) other instruments that the Attorney-General or the Chief Parliamentary Counsel directs in writing be drafted by the PCO.

Compare: 1920 No 46 ss 4, 5

**58A Power to authorise drafting and printing of Government Bills by Inland Revenue Department**

- (1) Despite **section 58(1)(a)**, the Governor-General may, by Order in Council made on the recommendation of the Attorney-General, authorise the Inland Revenue Department—
- (a) to draft (subject to the exceptions specified in the order) the Government Bills (being Bills intended to become Acts administered by that department) that the Minister of the Crown who is responsible for that department may direct be prepared for the consideration of Parliament, and amendments to them; and
  - (b) to supervise the printing of the Bills and amendments referred to in **paragraph (a)**.

- (2) An Order in Council made under **subsection (1)** is a legislative instrument and a disallowable instrument for the purposes of this Act.

Compare: 1920 No 46 s 8A

**58B Confidentiality**

- (1) Confidential communications between a client of the PCO and the Chief Parliamentary Counsel (or between a client of the PCO and another counsel in the PCO) are subject to legal professional privilege, but nothing in this subsection limits or affects the Standing Orders of the House of Representatives.

- (2) In **subsection (1)**, confidential communications includes (without limitation)—

(a) drafting instructions received by the PCO and communications between any client of the PCO and any counsel in the PCO that relate to the subject matter of the instructions;

(b) drafts of legislation prepared by or on behalf of the PCO.

- (3) In this section, **client** includes a Minister of the Crown, a member of Parliament, a government department, an instrument of the Crown, a judicial officer, and a promoter of a local or private Bill.

Compare: Legislative Standards Act 1992 (Queensland) s 9A(2)

*Powers of Chief Parliamentary Counsel*

**59 Powers of Chief Parliamentary Counsel**

The Chief Parliamentary Counsel has all the powers that are reasonably necessary or expedient to enable him or her to carry out the functions, responsibilities, and duties imposed on the Chief Parliamentary Counsel by or under this Act or any other enactment.

Compare: 1988 No 20 s 34(2)

**60 Delegation of functions, responsibilities, duties, or powers**

- (1) The Chief Parliamentary Counsel—

(a) may from time to time, either generally or particularly, delegate to any employee of the PCO any of the func-

tions, responsibilities, duties, or powers of the Chief Parliamentary Counsel, including functions or powers delegated to the Chief Parliamentary Counsel under any Act:

- (b) must ensure that an appropriate delegation is at all times in place under this section to enable a person to act in place of the Chief Parliamentary Counsel during any absence or incapacity of the Chief Parliamentary Counsel or during any vacancy in the office of Chief Parliamentary Counsel.
- (2) The person to whom any functions, responsibilities, duties, or powers are delegated under this section may exercise those functions or powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.
- (3) **Subsection (2)** is subject to any general or special directions given or conditions imposed by the Chief Parliamentary Counsel.
- (4) A person purporting to act under any delegation under this section is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (5) A delegation under this section may be made to—
  - (a) a specified person or persons of a specified class; or
  - (b) the holder or holders for the time being of a specified position, or of a specified class of positions.
- (6) No delegation under this section affects or prevents the exercise of any function, responsibility, duty, or power by the Chief Parliamentary Counsel, or affects the responsibility of the Chief Parliamentary Counsel for the actions of any person acting under the delegation.

Compare: 1988 No 126 s 12

**61 Absence or incapacity of Chief Parliamentary Counsel or vacancy**

- (1) A person who holds a delegation referred to in **section 60(1)(b)** may act in place of the Chief Parliamentary Counsel while the Chief Parliamentary Counsel is absent or

incapacitated or during any vacancy in the office of Chief Parliamentary Counsel.

- (2) No acts done by the person acting in place of the Chief Parliamentary Counsel under **subsection (1)** may, in any proceedings, be questioned on the ground that the occasion for the authorisation had not arisen or had ceased.

## **62 Revocation of delegations**

- (1) A delegation under **section 60** is revocable at any time in writing.
- (2) A delegation, until it is revoked, continues to have effect according to its terms even if the Chief Parliamentary Counsel by whom it was made has ceased to hold office.
- (3) A delegation made by a Chief Parliamentary Counsel who has ceased to hold office continues to have effect as if made by the successor in office of that Chief Parliamentary Counsel.

Compare: 1988 No 126 s 13

### *Chief Parliamentary Counsel and employees of PCO*

## **63 Chief Parliamentary Counsel**

- (1) The Chief Parliamentary Counsel is the chief executive of the PCO and is responsible to the Attorney-General for—
- (a) carrying out the functions, responsibilities, and duties of the PCO; and
  - (b) the general conduct of the PCO; and
  - (c) managing the activities of the PCO efficiently, effectively, and economically.
- (2) However, in matters relating to decisions on individual employees, the Chief Parliamentary Counsel is not responsible to the Attorney-General and must act independently.
- (3) The Chief Parliamentary Counsel—
- (a) must hold a legal qualification ~~granted in a common law jurisdiction~~;
  - (b) is appointed by the Governor-General on the recommendation of the Prime Minister:

- (c) holds office for the period, which may not exceed 7 years, that is specified in the instrument by which the Chief Parliamentary Counsel is appointed:
  - (d) is eligible for reappointment from time to time:
  - (e) may resign from office by written notice to the Attorney-General.
- (4) The Chief Parliamentary Counsel may at any time be removed or suspended from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.
- (5) ~~The State Services Commissioner—~~
- (a) ~~is responsible for managing the process for the appointment of the Chief Parliamentary Counsel:~~
  - (b) ~~must provide advice on nominations for Chief Parliamentary Counsel to the Prime Minister.~~

Compare: 1920 No 46 s 6(1)–(3); 1988 No 20 ss 32, 33; 1988 No 126 s 10(1)

#### **64 Parliamentary counsel**

- (1) The Chief Parliamentary Counsel may appoint such people to be parliamentary counsel as he or she thinks necessary for the efficient exercise of the functions, responsibilities, duties, and powers of the Chief Parliamentary Counsel and the PCO.
- (2) A parliamentary counsel must hold a legal qualification granted in a common law jurisdiction.
- (3) A parliamentary counsel is an employee for the purposes of the Employment Relations Act 2000.

#### **64A Chief Parliamentary Counsel and parliamentary counsel to hold legal qualification**

- (1) A person meets the qualification requirement in **section 63(3)(a)** for the office of Chief Parliamentary Counsel if the person—
  - (a) is a lawyer as defined in section 6 of the Lawyers and Conveyancers Act 2006; or
  - (b) is eligible to practise law in a country or jurisdiction specified by an Order in Council made under **subsection (3)**; or

- (c) holds a qualification that the Attorney-General considers is sufficient for the position.
- (2) A person meets the qualification requirement in **section 64(2)** for a position as a parliamentary counsel if the person—
- (a) is a lawyer as defined in section 6 of the Lawyers and Conveyancers Act 2006; or
- (b) is eligible to practise law in a country or jurisdiction specified by an Order in Council made under **subsection (3)**; or
- (c) holds a qualification that the Chief Parliamentary Counsel considers is sufficient for the position.
- (3) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, specify countries and jurisdictions for the purposes of **subsections (1)(b) and (2)(b)**.

#### **65 Other employees of PCO**

- (1) The Chief Parliamentary Counsel may appoint such other employees as he or she thinks necessary for the efficient exercise of the functions, responsibilities, duties, and powers of the Chief Parliamentary Counsel and the PCO.
- (2) A person appointed under this section is also an employee for the purposes of the Employment Relations Act 2000.

Compare: 1920 No 46 s 6(1), (3), (4)

#### **66 Remuneration and conditions of appointment of Chief Parliamentary Counsel**

- (1) The Chief Parliamentary Counsel is paid the remuneration and allowances determined by the Remuneration Authority.
- (2) The terms and conditions of appointment of the Chief Parliamentary Counsel are determined from time to time by the Attorney-General unless otherwise provided in this Act.

Compare: 1920 No 46 s 6A(1)

#### **67 Chief Parliamentary Counsel acts as employer**

The Chief Parliamentary Counsel has all the rights, duties, and powers of an employer in respect of the parliamentary counsel

and other employees for whom the Chief Parliamentary Counsel is responsible.

**68 Collective agreements**

- (1) The Chief Parliamentary Counsel must conduct any negotiations for a collective agreement under the Employment Relations Act 2000—
- (a) with a union of which employees are members; and
  - (b) in consultation with the State Services Commissioner.
- (2) In this section, **union** has the meaning given to that term by section 5 of the Employment Relations Act 2000.

Compare: 1988 No 126 ss 25, 26

**69 Employment principles**

The Chief Parliamentary Counsel must operate a personnel policy that complies with the principle of being a good employer by following, as if he or she were the chief executive of a Department, the provisions of sections 56 and 58 of the State Sector Act 1988.

Compare: 2008 No 72 s 58

**70 Appointments on merit**

In making an appointment under **section 64 or 65**, the Chief Parliamentary Counsel must give preference to the person who is best suited to the position.

Compare: 2008 No 72 s 59(1)

**71 Chief Parliamentary Counsel to establish procedure for notifying vacancies and appointments, and reviewing appointments**

The Chief Parliamentary Counsel must put in place a procedure that provides for—

- (a) notifying any vacancy or prospective vacancy in a manner sufficient to enable suitably qualified people to apply for the position, except where it is impracticable to do so; and
- (b) notifying PCO employees of every appointment (other than that of an acting, temporary, or casual employee) to a vacant position in the PCO; and



- (c) reviewing those appointments made to an advertised vacant position within the PCO that are the subject of any complaint by an employee of the PCO.

Compare: 1988 No 20 ss 61, 64, 65

### **71A Protection from liability**

- (1) This section applies to the Chief Parliamentary Counsel and every employee of the PCO.
- (2) No action lies against any person to whom this section applies for—
- (a) any liability of the PCO; or
- (b) any act done or omitted by the PCO, or by him or her, in good faith in the performance or intended performance of the functions, duties, or powers of the PCO or the Chief Parliamentary Counsel.

Compare: 1988 No 20 s 86

### *Repeals, consequential amendments, and savings*

### **72 Repeals, consequential amendments, and savings about legislative matters**

- (1) The following Acts are repealed:
- (a) Statutes Drafting and Compilation Act 1920 (1920 No 46):
- (b) Acts and Regulations Publication Act 1989 (1989 No 142):
- (c) Regulations (Disallowance) Act 1989 (1989 No 143).
- (2) The Acts specified in the Schedule are amended in the manner indicated in that schedule.
- (3) The definition of **regulations** in section 29 of the Interpretation Act 1999 is amended by repealing paragraph (e) and substituting the following paragraph:
- “(e) an instrument that is a legislative ~~order~~ instrument or a disallowable instrument for the purposes of the Legislation Act **2010**.”.
- (4) The repeal of the Statutes Drafting and Compilation Act 1920 by **subsection (1)(a)** does not affect the application of section 59 of the Copyright Act 1994 to the PCO.

- (5) A notice given under section 9 of the Acts and Regulations Publication Act 1989 and in force immediately before the commencement of this section continues in force and must be treated as if it had been given under **section 7(1)** of this Act.
- (6) Sections 16C and 16D of the Acts and Regulations Publication Act 1989 continue to apply to every copy of legislation that purports to be printed or published (whether before or after the commencement of **subsection (1)(b)**) under the authority of the New Zealand Government until an official electronic or printed version of the legislation is issued under **section 17** of this Act.
- (7) For the purpose of applying section 16C or 16D of the Acts and Regulations Publication Act 1989 under **subsection (6)**, a legislative ~~order~~ instrument must be treated as a regulation within the meaning of that section.
- (8) In any regulations in force immediately before the commencement of this section, material incorporated by reference in reliance on an enactment repealed by this Act must be treated as having effect under **subpart 2 of Part 3**.

### **73 Savings about former principal officers and other PCO staff**

- (1) On the commencement of this section,—
  - (a) the person holding the offices of Chief Parliamentary Counsel and Compiler of Statutes under the Statutes Drafting and Compilation Act 1920 becomes the Chief Parliamentary Counsel under **section 63** of this Act;
  - (b) the office of Compiler of Statutes is abolished;
  - (c) the Parliamentary Counsel (other than the Chief Parliamentary Counsel) in the PCO become parliamentary counsel under **section 64**;
  - (d) the other members of the staff of the PCO become employees under **section 65**.
- (2) The person to whom **subsection (1)(a)** applies continues to be engaged on the same terms and conditions applying to that person immediately before the commencement of this section.
- (3) Each person to whom **subsection (1)(c)** applies—

- (a) is entitled to terms and conditions of employment no less favourable than the terms and conditions applying to the person immediately before the commencement of this section, except that the person is no longer to be regarded as serving at the Governor-General's pleasure; and
    - (b) continues to be entitled to those terms and conditions of employment until those terms and conditions are varied by agreement between the person and the Chief Parliamentary Counsel.
  - (4) The employment agreements of all other members of staff of the PCO that were in effect immediately before the commencement of this section continue in effect as if those persons were employed under **section 65**.
  - (5) For the purposes of any enactment, no person's service as an officer or employee in the PCO is broken by the repeal of the Statutes Drafting and Compilation Act 1920 by **section 72**.
  - (6) This Act does not affect any entitlement of an office holder or employee of the PCO under the Government Superannuation Fund Act 1956.
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**Schedule**  
**Consequential amendments to Acts**

s 72(2)

**Accident Compensation Act 2001 (2001 No 49)**

Section 46: repeal and substitute:

**“46 Application of Legislation Act 2010 to Code**

The Code is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 183(4): repeal and substitute:

“(4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 322A(4): repeal and substitute:

“(4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)**

Section 2(3): repeal and substitute:

“(3) An Order in Council made under subsection (2) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 81L: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

**Airport Authorities Act 1966 (1966 No 51)**

Section 9(6)(b): repeal and substitute:

“(b) be a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and be presented to the House of Representatives under **section 40** of that Act.”

**Airport Authorities Act 1966 (1966 No 51)**—*continued*

Section 9A(4): repeal and substitute:

“(4) Any guidelines made under subsection (1)(h) are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Animal Products Act 1999 (1999 No 93)**

Section 4(4): repeal and substitute:

“(4) A notice in the *Gazette* made for the purposes of paragraph (d) of the definition of **primary processor** in subsection (1) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 41(10): repeal and substitute:

“(10) An order made under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 46(10): repeal and substitute:

“(10) An order made under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 125: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

Section 167(3): repeal and substitute:

“(3) A notice made under subsection (1)(ma) is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Animal Welfare Act 1999 (1999 No 142)**

Section 6(7): repeal and substitute:

“(7) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 7(2): omit “Acts and Regulations Publication Act 1989” and substitute “Legislation Act **2010**”.

Section 16(6): repeal and substitute:

“(6) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 32(8): repeal and substitute:

“(8) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 79: repeal and substitute:

“**79 Codes of welfare treated as legislative ~~orders instruments~~ for purposes of disallowance**

Codes of welfare issued under section 75 and notices amending or revoking codes of welfare are disallowable instruments, but not legislative ~~orders instruments~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (2009 No 35)**

Section 64(6)(b): repeal and substitute:

“(b) is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 157(4): repeal and substitute:

“(4) An exemption under this section is a disallowable instrument for the purposes of the Legislation Act **2010** and must be pre-

**Anti-Money Laundering and Countering Financing of Terrorism Act 2009 (2009 No 35)—continued**

sent to the House of Representatives under **section 40** of that Act.

- “(5) A class exemption under this section must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption**—
- “(a) means an exemption of general application that applies to a class of reporting entities or transactions; but
  - “(b) does not include an exemption granted in relation to a particular reporting entity or transaction.
- “(6) An exemption under this section that is not a class exemption under **subsection (5)** must, as soon as practicable after being granted, be—
- “(a) published on an Internet site maintained by or on behalf of the chief executive; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.
- “(7) A notification in the *Gazette* for the purpose of **subsection (6)(b)** does not have to incorporate the exemption.”

Section 159(3): repeal.

**Anti-Personnel Mines Prohibition Act 1998 (1998 No 111)**

Section 26(3): repeal and substitute:

- “(3) An order made under subsection (2) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Anzac Day Act 1966 (1966 No 44)**

Section 2(3): repeal and substitute:

- “(3) An Order in Council made under subsection (2) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Arms Act 1983 (1983 No 44)**

Section 4(3): repeal and substitute:

“(3) An Order in Council made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Auckland Regional Amenities Funding Act 2008 (2008 No 3, Private)**

Section 20(5): repeal and substitute:

“(5) A notice given under section 18 or 19—  
“(a) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010**; and  
“(b) must be presented to the House of Representatives under **section 40** of that Act; and  
“(c) is a regulation for the purposes of the Interpretation Act 1999.”

**Biosecurity Act 1993 (1993 No 95)**

Section 68(3): repeal and substitute:

“(3) The strategy rules in an Order in Council made under this section are a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 88(12): repeal and substitute:

“(12) An order made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 88A(2): repeal and substitute:

“(2) An order made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”



**Biosecurity Act 1993 (1993 No 95)**—*continued*

Section 90(2): repeal and substitute:

“(2) An order made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 91: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

Section 121B(5): repeal and substitute:

“(5) An order made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 137(2): repeal and substitute:

“(2) A levy order made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 138: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

Section 151: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

**Broadcasting Act 1989 (1989 No 25)**

Section 30(5): repeal and substitute:

“(5) Rules made under this section are a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Building Act 2004 (2004 No 72)**

Section 25(4): repeal.

Section 134(5): repeal.

**Building Act 2004 (2004 No 72)—continued**

Section 362: repeal and substitute:

**“362 Status of rules**

The rules are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 405: repeal and substitute:

**“405 Application of Legislation Act 2010 to incorporation of material by reference**

“(1) This section applies if **section 48** of the Legislation Act **2010** is relied on to incorporate material by reference in a compliance document made or issued under this Act.

“(2) When this section applies, **subpart 2 of Part 3** of the Legislation Act **2010** (other than **section 55**) applies.”

Sections 406 to 413: repeal.

Section 450(3E): repeal and substitute:

“(3E) An order made under subsection (3D) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Cadastral Survey Act 2002 (2002 No 12)**

Section 49(4)(b): repeal and substitute:

“(b) are a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Charities Act 2005 (2005 No 39)**

Section 43(5): repeal and substitute:

“(5) An exemption under this section is neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Chartered Professional Engineers of New Zealand Act 2002  
(2002 No 17)**

Section 42: repeal and substitute:

**“42 Application of Legislation Act 2010 to rules**

The rules are a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Chemical Weapons (Prohibition) Act 1996 (1996 No 37)**

Section 29(3): repeal and substitute:

“(3) An order made under subsection (2) is a legislative ~~order in-~~ strument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Civil Aviation Act 1990 (1990 No 98)**

Section 28(7): repeal and substitute:

“(7) An ordinary rule is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 31(4): repeal and substitute:

“(4) An emergency rule is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 77A(5): repeal and substitute:

“(5) A direction that takes effect on a date on or after the notice is published in the *Gazette* is a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 77A(5A): repeal and substitute:

“(5A) No direction made under subsection (1) is a legislative ~~order~~ instrument for the purposes of the Legislation Act **2010**.”

**Civil Aviation Act 1990 (1990 No 98)**—*continued*

Section 77B(5): repeal and substitute:

“(5) A direction that takes effect on a date on or after the notice is published in the *Gazette* is a disallowable instrument for the purposes of the Legislation Act 2010 and must be presented to the House of Representatives under **section 40** of that Act.”

Section 77B(5A): repeal and substitute:

“(5A) No direction made under subsection (1) is a legislative ~~order~~ instrument for the purposes of the Legislation Act 2010.”

Section 91T(2): repeal and substitute:

“(2) An order made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act 2010 and must be presented to the House of Representatives under **section 40** of that Act.”

**Civil Defence Emergency Management Act 2002 (2000 No 33)**

Section 39(4): repeal and substitute:

“(4) A national civil defence emergency management plan made under this section is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act 2010 and must be presented to the House of Representatives under **section 40** of that Act.”

Sections 40 and 41: repeal and substitute:

**“40 Incorporation by reference**

“(1) This section applies if **section 48** of the Legislation Act 2010 is relied on to incorporate material by reference in a national civil defence emergency plan.

“(2) When this section applies, **subpart 2 of Part 3** of the Legislation Act 2010 applies with the following modifications:

“(a) **section 50** does not apply:

“(b) **section 51** must be read as if—

“(i) references to the chief executive were references to the Director; and

“(ii) references to the inspection sites were references to the office of the Director:

“(c) **section 53** must be read as if references to the chief executive were references to the Director:

**Civil Defence Emergency Management Act 2002 (2000 No 33)**—*continued*

“(d) **section 55** does not apply.

**“41 Notification of proposed national civil defence emergency management plan**

“(1) The Minister must not recommend to the Governor-General the making of a national civil defence emergency management plan unless the Minister—

“(a) has made copies of the proposed plan available for inspection at the office of the Director, free of charge, for a reasonable period; and

“(b) has stated where copies of the proposed plan are available for purchase; and

“(c) has made copies of the proposed plan available, free of charge, on an Internet site maintained by or on behalf of the Director, except any part of the proposed plan where making it available in this manner would infringe copyright; and

“(d) has publicly notified the proposed plan by—

“(i) publishing a notice in the *Gazette*; and

“(ii) publishing a notice in 1 or more daily newspapers circulating in the major metropolitan areas; and

“(iii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and

“(e) has presented the proposed plan to the House of Representatives at least 90 days before making the recommendation.

“(2) Every notice under this section must include—

“(a) a description of the proposed plan:

“(b) a statement that submissions on the proposed plan may be made in writing to the Minister by any person:

“(c) a closing date for submissions (which must not be earlier than 40 working days after the notification under this section):

“(d) a statement that every submission should state—

**Civil Defence Emergency Management Act 2002 (2000 No 33)**—*continued*

- “(i) those aspects of the proposed plan that the submission supports; and
  - “(ii) those aspects of the proposed plan that the submission opposes; and
  - “(iii) the reasons for the support and opposition identified; and
  - “(iv) any specific alternatives to the proposed plan that the person making the submission wishes to recommend:
  - “(e) a list of places where a copy of the proposed plan may be purchased or inspected:
  - “(f) an address for submissions.
- “(3) The Minister may comply with **subsection (1)(c)** by providing a hypertext link from an Internet site maintained by or on behalf of the responsible department to a copy of the proposed plan that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.
- “(4) For the purposes of **subsection (1)(c)**, the Minister may not rely on section 66 of the Copyright Act 1994 as authority to make available on an Internet site any material that is proposed to be incorporated by reference.
- “(5) In this section, **proposed plan** includes material incorporated by reference in the plan under **section 40**, together with a translation in an official New Zealand language, where that material is not in an official New Zealand language.”

**Civil List Act 1979 (1979 No 33)**

Section 3(6): repeal and substitute:

- “(6) Determinations and Orders in Council made under this section are legislative ~~orders~~ instruments and disallowable instruments for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Civil List Act 1979 (1979 No 33)**—*continued*

Section 4(7): repeal and substitute:

“(7) A determination made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 20A(8): repeal and substitute:

“(8) A determination made under this section is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 22(4): repeal and substitute:

“(4) A determination made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Climate Change Response Act 2002 (2002 No 40)**

Section 70(4) (as to be substituted by section 32 of the Climate Change Response (Moderated Emissions Trading) Amendment Act 2009): repeal and substitute:

“(4) An allocation plan is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 161D(4): repeal and substitute:

“(4) A *Gazette* notice under subsection (1) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 161H(4): repeal and substitute:

“(4) A *Gazette* notice under subsection (1) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Climate Change Response Act 2002 (2002 No 40)**—*continued*

Section 163(6): repeal and substitute:

“(6) Any guidelines or standards issued by the chief executive under regulations made under subsection (1)(d) are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Sections 175 and 176: repeal and substitute:

**“175 Application of Legislation Act 2010 to material incorporated by reference**

“(1) **Part 2** of the Legislation Act **2010** does not apply to material incorporated by reference in regulations or to an amendment to, or replacement of, that material.

“(2) Material incorporated by reference in regulations does not have to be presented to the House of Representatives under **section 40** of the Legislation Act **2010**.”

Section 224(4): repeal and substitute:

“(4) To avoid doubt, a *Gazette* notice under this section is neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Cluster Munitions Prohibition Act 2009 (2009 No 68)**

Section 15(4): repeal and substitute:

“(4) A notice under subsection (1) or (3) is neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of the Legislation Act **2010**.”

**Commerce Act 1986 (1986 No 5)**

Section 52N(6): repeal and substitute:

“(6) The order is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”



**Commerce Act 1986 (1986 No 5)**—*continued*

Section 53ZG(6): repeal and substitute:

“(6) An exemption under this section is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act 2010 and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Clauses 8 and 9 of Schedule 5: repeal and substitute:

**8 Application of Legislation Act 2010 to material incorporated by reference**

“(1) **Part 2** of the Legislation Act 2010 does not apply to material incorporated by reference in a Part 4 determination or to any amendment to, or replacement of, that material.

“(2) **Subpart 1 of Part 3** of the Legislation Act 2010 does not apply to material incorporated by reference in a Part 4 determination or to any amendment to, or replacement of, that material.”

**Commissions of Inquiry Act 1908 (1908 No 25)**

Section 2: insert “published in the *Gazette*” after “Order in Council”.

**Commodity Levies Act 1990 (1990 No 127)**

Section 2(4): repeal and substitute:

“(4) Levy orders and orders made under section 13(2) are legislative ~~orders~~ instruments and disallowable instruments for the purposes of the Legislation Act 2010 and must be presented to the House of Representatives under **section 40** of that Act.”

Section 12: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act 2010”.

Section 13(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “**Part 3** of the Legislation Act 2010”.

**Conservation Act 1987 (1987 No 65)**

Section 48A(2B): repeal and substitute:

“(2B) A notice in the *Gazette* made under subsection (2A) is a legislative ~~order~~ instrument and a disallowable instrument for the

**Conservation Act 1987 (1987 No 65)—continued**

purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Copyright Act 1994 (1994 No 143)**

Paragraph (b) of the definition of **Crown** in section 2(1): omit “and an Office of Parliament” and substitute “an Office of Parliament, and the Parliamentary Counsel Office”.

Definition of **government department** in section 2(1): add:

“(e) the Parliamentary Counsel Office”.

Paragraph (d) of the definition of **Office of Parliament** in section 2(1): repeal.

Definition of **regulations** in section 2(1): repeal and substitute:

“**regulations** includes instruments published under **Part 2** of the Legislation Act **2010** or under any corresponding former enactment”.

**Crimes Act 1961 (1961 No 43)**

Section 406: add as subsection (2):

“(2) A reference under this section must be published in the *Gazette*.”

**Criminal Investigations (Bodily Samples) Act 1995 (1995 No 55)**

Section 4B(2): repeal and substitute:

“(2) A notice in the *Gazette* made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Crown Entities Act 2004 (2004 No 115)**

Section 174(5): repeal and substitute:

“(5) The instructions are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Customs and Excise Act 1996 (1996 No 27)**

Section 76C(1)(b): omit “section 9 of the Acts and Regulations Publication Act 1989” and substitute “**section 7** of the Legislation Act **2010**”.

Section 76D: repeal and substitute:

**“76D Application of Legislation Act 2010**

Orders in Council amending or modifying the Excise and Excise-equivalent Duties Table and made under section 77, 78, 79, or 79A on or after **1 July 2011**—

- “(a) are disallowable instruments for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives not later than 16 sitting days after the day on which they are made; but
- “(b) are not legislative ~~orders~~ instruments for the purposes of the Legislation Act **2010** and do not have to be published under **section 6** of that Act.”

Section 288(11): repeal and substitute:

“(11) Every rule made under subsection (1) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**District Courts Act 1947 (1947 No 16)**

Section 11G(6): repeal and substitute:

“(6) Every Order in Council made under subsection (1)(b) or (2) is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Dog Control Act 1996 (1996 No 13)**

Section 35B(6): repeal and substitute:

“(6) An order made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Dog Control Act 1996 (1996 No 13)**—*continued*

Section 78A(3): repeal and substitute:

“(3) An order made under subsection (1) is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Education Act 1989 (1989 No 80)**

Section 18AA(4): repeal and substitute:

“(4) Rules made under this section are a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 139AJ(5): repeal and substitute:

“(5) Rules made under this section are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 144C(1)(a): omit “, whether the regulations set out the standards themselves or adopt standards contained in other documents”.

Section 144C(1)(b): omit “, whether the regulations set out the codes themselves or adopt codes contained in other documents”.

Section 232(3)(e): repeal and substitute:

“(e) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 317(5): repeal and substitute:

“(5) Criteria prescribed by the Minister for use in assessing compliance with minimum standards imposed by regulations made under this section are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Education Act 1989 (1989 No 80)**—*continued*

Section 319(3): repeal and substitute:

“(3) Criteria prescribed by the Minister for use in assessing compliance with minimum standards imposed by regulations made under this section are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

New section 319AA: insert after section 319:

“**319AA Application of Legislation Act 2010 to certain material incorporated by reference**

“(1) This section applies if **section 48** of the Legislation Act **2010** is relied on to incorporate material by reference in criteria prescribed under section 317(2)(b) or 319(1)(b) of this Act.

“(2) When this section applies, **subpart 2 of Part 3** of the Legislation Act **2010** (other than **section 50**) applies.”

**Education Lands Act 1949 (1949 No 24)**

Section 15(5): omit “gazetted” and substitute “published in the *Gazette*”.

**Electoral Act 1993 (1993 No 87)**

Section 104(2)(a): insert “published in the *Gazette*” after “Order in Council”.

Section 266: omit “gazetted” and substitute “published in the *Gazette*”.

**Electricity Act 1992 (1992 No 122)**

Section 172H(5): repeal and substitute:

“(5) A rule is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Electricity Industry Reform Act 1998 (1998 No 88)**

Section 80(11): repeal and substitute:

“(11) A designation under this section is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 81(7): repeal and substitute:

“(7) An exemption under this section is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Energy Resources Levy Act 1976 (1976 No 71)**

Section 5(2): repeal and substitute:

“(2) An Order in Council made under this section and presented to the House of Representatives under **section 40** of the Legislation Act **2010** in any session expires as follows:

“(a) if the Order in Council is made on or before 30 June in any calendar year, it expires on the close of the last day of that session except so far as it is expressly validated or confirmed by an Act passed during that session:

“(b) if the Order in Council is made on or after 1 July in any calendar year, it expires on the close of the last day of the session of Parliament in the following calendar year except so far as it is expressly validated or confirmed by an Act passed during that session or the preceding session.”

**Epidemic Preparedness Act 2006 (2006 No 85)**

Section 21(4): omit “section 4 of the Acts and Regulations Publication Act 1989” and substitute “the Legislation Act **2010**”.

Section 22: repeal and substitute:

**“22 Application of Part 3 of Legislation Act 2010**

An immediate modification order cannot be disallowed under **Part 3** of the Legislation Act **2010** if a notice of motion under section 17 of this Act to disallow it—

“(a) has lapsed; or

“(b) has not been agreed to.”

**Extradition Act 1999 (1999 No 55)**

Section 15(4): repeal and substitute:

“(4) An Order in Council made under subsection (1) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 16(3): repeal and substitute:

“(3) An Order in Council made under subsection (1) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 40(7): repeal and substitute:

“(7) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Finance Act (No 2) 1990 (1990 No 73)**

Section 4: insert “published in the *Gazette*” after “Order in Council”.

**Financial Advisers Act 2008 (2008 No 91)**

Section 94(3): repeal and substitute:

“(3) The code is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 148(1): omit “by notice in the *Gazette*”.

Section 149(1): omit “in the *Gazette*”.

Section 150(2): omit “by notice in the *Gazette*”.

New section 150A: insert after section 150:

**“150A Publication of exemptions**

“(1) An exemption under section 148 is a disallowable instrument under the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.

“(2) A class exemption under section 148 must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption—**

**Financial Advisers Act 2008 (2008 No 91)**—*continued*

- “(a) means an exemption of general application that applies to a class of persons, transactions, or financial advice; but
- “(b) does not include an exemption granted in relation to—
  - “(i) a particular person or transaction; or
  - “(ii) persons associated with, or transactions involving, a particular entity.
- “(3) An exemption under section 148 that is not a class exemption under **subsection (2)** must, as soon as practicable after being granted, be—
  - “(a) published on an Internet site maintained by or on behalf of the Commission; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.
- “(4) A notification in the *Gazette* for the purpose of **subsection (3)(b)** does not have to incorporate the exemption.”

**Financial Reporting Act 1993 (1993 No 106)**

Section 4B(1): omit “, by notice in the *Gazette*,”.

Section 4B(4): repeal and substitute:

- “(4) An exemption is a disallowable instrument under the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(5) A class exemption must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption** means an exemption of general application that applies to a class of persons.
- “(6) An exemption that is not a class exemption under **subsection (5)** must, as soon as practicable after being granted, be—
  - “(a) published on an Internet site maintained by or on behalf of the Securities Commission; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.



**Financial Reporting Act 1993 (1993 No 106)**—*continued*

“(7) A notification in the *Gazette* for the purpose of **subsection (6)(b)** does not have to incorporate the exemption.”

Section 4D(1): omit “in the *Gazette*”.

Section 33: omit “The Regulations (Disallowance) Act 1989” and substitute “**Part 3** of the Legislation Act **2010**”.

Section 33: omit “regulation” and substitute “disallowable instrument”.

Section 35A(1): omit “, by notice in the *Gazette*,”.

Section 35A(5): repeal and substitute:

“(5) An exemption is a disallowable instrument under the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.

“(6) A class exemption must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption** means an exemption of general application that applies to a class of issuers.

“(7) An exemption that is not a class exemption under **subsection (6)** must, as soon as practicable after being granted, be—

- “(a) published on an Internet site maintained by or on behalf of the Securities Commission; and
- “(b) notified in the *Gazette*; and
- “(c) made available in printed form for purchase on request by members of the public.

“(8) A notification in the *Gazette* for the purpose of **subsection (7)(b)** does not have to incorporate the exemption.”

Section 35B(6): repeal and substitute:

“(6) A notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Fire Service Act 1975 (1975 No 42)**

Section 48(2A): repeal and substitute:

“(2A) An Order in Council made under subsection (2) is a legislative ~~order~~ instrument and a disallowable instrument for the

**Fire Service Act 1975 (1975 No 42)**—*continued*

purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 92(2)(na): omit “, whether by reference to a New Zealand Standard or otherwise”.

Section 92(2)(nb): omit “, whether by reference to a New Zealand Standard or otherwise”.

**Fisheries Act 1996 (1996 No 88)**

Section 299A(2): repeal and substitute:

“(2) An order made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 303(1): repeal and substitute:

“(1) A notice given under this Act that is required to be published in the *Gazette*—

“(a) is a regulation for the purposes of the Interpretation Act 1999; and

“(b) is a legislative ~~order~~ instrument for the purposes of the Legislation Act **2010**, but is not a disallowable instrument for the purposes of that Act and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 303(3): repeal and substitute:

“(3) A notice given under section 11(4)(b)(i) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Food Act 1981 (1981 No 45)**

Section 11I: repeal and substitute:

**“11I Foods standards subject to disallowance**

A food standard is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Foreshore and Seabed Act 2004 (2004 No 93)**

Section 26(10): repeal and substitute:

“(10) A notice given under any of subsections (1), (2), (4), and (5) is a disallowable instrument, but not a legislative ~~order instrument~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Forests Act 1949 (1949 No 19)**

Section 67ZM(2): repeal and substitute:

“(2) A levy order is a legislative ~~order instrument~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 67ZT: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

**Gambling Act 2003 (2003 No 51)**

Section 21(2): repeal and substitute:

“(2) A notice given under subsection (1) is a disallowable instrument, but not a legislative ~~order instrument~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 116(6): repeal and substitute:

“(6) A notice given under subsection (1) is a disallowable instrument, but not a legislative ~~order instrument~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 243(7): repeal and substitute:

“(7) Rules made under this section are a legislative ~~order instrument~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 244(3): repeal and substitute:

“(3) A notice given under this section is a disallowable instrument, but not a legislative ~~order instrument~~ instrument, for the purposes of the

**Gambling Act 2003 (2003 No 51)—continued**

Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 280(7): repeal and substitute:

“(7) A notice given under subsection (1) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 301(7): repeal and substitute:

“(7) A notice given under subsection (1)(c) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 327(5): repeal and substitute:

“(5) Minimum standards prescribed by the Secretary under this section are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 367(7): repeal and substitute:

“(7) A rule, amendment, or revocation made under subsection (1) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Gas Act 1992 (1992 No 124)**

Section 43Q(5): repeal and substitute:

“(5) A rule is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Goods and Services Tax Act 1985 (1985 No 141)**

Section 78(3): insert “or by any legislative ~~order~~ instrument (within the meaning of the Legislation Act **2010**)” after “pursuant to, any Act”.

**Hazardous Substances and New Organisms Act 1996 (1996 No 30)**

Section 49B(2)(b): repeal and substitute:

“(b) is neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 50(5): repeal and substitute:

“(5) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 96B(5): repeal and substitute:

“(5) A notice issued under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 141I: repeal and substitute:

**“141I Application of Legislation Act 2010**

“(1) **Part 2** of the Legislation Act **2010** does not apply to material incorporated by reference in regulations, group standards, notices of transfer, or codes of practice, or to any amendment to, or replacement of, that material.

“(2) **Subpart 1 of Part 3** of the Legislation Act **2010** applies to regulations, group standards, and notices of transfer that incorporate material by reference, but does not apply to codes of practice that incorporate material by reference.

“(3) However, nothing in **section 40** of the Legislation Act **2010** requires material (including any amendment to, or replacement of, that material) that is incorporated by reference in regulations, group standards, or notices of transfer to be presented to the House of Representatives.”

**Health Act 1956 (1956 No 65)**

Section 69O(5): repeal and substitute:

“(5) Standards issued or adopted under subsection (1) are a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be pre-

**Health Act 1956 (1956 No 65)**—*continued*

sent to the House of Representatives under **section 40** of that Act.”

Section 69ZL(3): repeal and substitute:

“(3) A notice under subsection (1)(j)(ii) is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Health and Disability Services (Safety) Act 2001 (2001 No 93)**

Section 16(1): repeal and substitute:

“(1) A notice under section 13 or 14 is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Health Practitioners Competence Assurance Act 2003 (2003 No 48)**

Section 9(7): repeal and substitute:

“(7) An Order in Council under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 14(4): repeal and substitute:

“(4) A notice published under section 11 or 12 is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 63: repeal and substitute:

**“63 Application of Legislation Act 2010 to notices under section 54**

A notice issued under section 54, and an amendment or revocation of a notice issued under that section, is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Health Practitioners Competence Assurance Act 2003 (2003 No 48)**—*continued*

Section 115(4): repeal and substitute:

“(4) An Order in Council under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 132(3): repeal and substitute:

“(3) A notice under section 130 or 131 is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Health Sector (Transfers) Act 1993 (1993 No 23)**

Section 5(6)(b): repeal and substitute:

“(b) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Housing Restructuring and Tenancy Matters Act 1992 (1992 No 76)**

Section 24(3): repeal and substitute:

“(3) An Order in Council under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 25(4)(a): insert “or the Legislation Act **2010**” after “Acts and Regulations Publication Act 1989”.

**Immigration Act 1987 (1987 No 74)**

Section 13A: add:

“(4) A publication under this section is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Immigration Act 1987 (1987 No 74)**—*continued*

Section 13B: add:

“(6) The written expression of Government residence policy is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 14E(2B)(c): repeal and substitute:

“(c) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 130: add:

“(7) A special direction is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act, unless this Act otherwise provides.”

**Immigration Act 2009 (2009 No 51)**

Section 22(8)(b): repeal and substitute:

“(b) are neither legislative ~~orders~~ instruments nor disallowable instruments for the purposes of the Legislation Act **2010** and do not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 69(4)(c): repeal and substitute:

“(c) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 86(5): add “; and” and also add:

“(c) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”



**Immigration Act 2009 (2009 No 51)**—*continued*

Section 378: add:

“(9) A special direction is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act, unless this Act otherwise provides.”

**Immigration Advisers Licensing Act 2007 (2007 No 15)**

Section 39: repeal and substitute:

“**39 Application of Legislation Act 2010 to code and standards**  
The code of conduct and competency standards, and any amendment, revocation, or replacement of the code or standards, are disallowable instruments, but not legislative ~~orders~~ instruments, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Imperial Laws Application Act 1988 (1988 No 112)**

Section 3(7): repeal and substitute:

“(7) An Order in Council made under subsection (6) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Incorporated Societies Act 1908 (1908 No 212)**

Definition of **regulations** in section 3: repeal.

Section 32(1): insert “, by Order in Council,” after “and may”.

Section 36: omit “gazetted”.

**Industry Training Act 1992 (1992 No 55)**

Section 26(4): repeal and substitute:

“(4) A levy order is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Industry Training Act 1992 (1992 No 55)—continued**

Section 51: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “**Part 3** of the Legislation Act **2010**”.

Section 52(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “**Part 3** of the Legislation Act **2010**”.

**Inspector-General of Intelligence and Security Act 1996 (1996 No 47)**

Section 2(3): repeal and substitute:

“(3) An Order in Council made under subsection (2) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 23(5): omit “within the meaning of the Regulations (Disallowance) Act 1989”.

**Institute of Chartered Accountants of New Zealand Act 1996 (1996 No 39)**

Section 8: repeal and substitute:

**“8 Application of Legislation Act 2010 to certain rules and code of ethics**

The following are disallowable instruments, but not legislative ~~orders instruments~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act:

- “(a) rules that relate to the matters referred to in sections 5(d), 6(1)(a), (b), and (f) to (j), and 19:
- “(b) rules that relate to the entitlement of members to use the designation ‘chartered accountant’:
- “(c) the code of ethics required by section 7.”

**Insurance Companies’ Deposits Act 1953 (1953 No 50)**

Section 22E(6): repeal and substitute:

“(6) A notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be pre-

**Insurance Companies' Deposits Act 1953 (1953 No 50)**—*continued*

sented to the House of Representatives under **section 40** of that Act.”

**Intellectual Disability (Compulsory Care and Rehabilitation) Act 2003 (2003 No 116)**

Section 148(3): repeal and substitute:

“(3) All guidelines and standards issued under subsection (1) are disallowable instruments, but not legislative ~~orders~~ instruments, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Intelligence and Security Committee Act 1996 (1996 No 46)**

Section 2(3): repeal and substitute:

“(3) An Order in Council made under subsection (2) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**International War Crimes Tribunal Act 1995 (1995 No 27)**

Section 61(3): repeal and substitute:

“(3) An Order in Council made under this section is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Judicature Act 1908 (1908 No 89)**

Section 51A: repeal and substitute:

**“51A Publication of High Court Rules under Legislation Act 2010**

“(1) The High Court Rules, and any reprint of the High Court Rules, may be published under the Legislation Act **2010** as if the rules were a legislative ~~order~~ instrument within the meaning of that Act.

“(2) The Legislation Act **2010** applies accordingly to rules published in that way.”

**KiwiSaver Act 2006 (2006 No 40)**

Section 65(4): omit “laid before the House of Representatives pursuant to the Regulations (Disallowance) Act 1989” and substitute “presented to the House of Representatives under **section 40** of the Legislation Act **2010**”.

**Land Transport Act 1998 (1998 No 110)**

Section 2(2): omit “regulation for the purposes of the Acts and Regulations Publication Act 1989” and substitute “legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010**”.

Section 160(6): repeal and substitute:

“(6) An ordinary rule is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 162(4): repeal and substitute:

“(4) An emergency rule is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 168A(5): repeal and substitute:

“(5) A notice given under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Land Transport Management Act 2003 (2003 No 118)**

Section 46(4): repeal and substitute:

“(4) An Order in Council made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 65O(5): repeal and substitute:

“(5) An Order in Council made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the pur-

**Land Transport Management Act 2003 (2003 No 118)—continued**

poses of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 85: repeal and substitute:

**“85 Status of GPS**

To avoid doubt, a GPS is not a direction for the purposes of Part 3 of the Crown Entities Act 2004 and is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** (and does not have to be presented to the House of Representatives under **section 40** of that Act).”

**Lawyers and Conveyancers Act 2006 (2006 No 1)**

Section 72: repeal and substitute:

**“72 Application of Legislation Act 2010 to constitution of New Zealand Law Society**

The provisions of the constitution of the New Zealand Law Society and the provisions of any amendment to that constitution or to any new constitution adopted by the New Zealand Law Society are legislative ~~orders~~ instruments and disallowable instruments for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 89: repeal and substitute:

**“89 Application of Legislation Act 2010 to constitution of the New Zealand Society of Conveyancers**

The provisions of the constitution of the New Zealand Society of Conveyancers and the provisions of any amendment to that constitution or to any new constitution adopted by the New Zealand Society of Conveyancers are legislative ~~orders~~ instruments and disallowable instruments for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Lawyers and Conveyancers Act 2006 (2006 No 1)**—*continued*

Section 106: repeal and substitute:

**“106 Application of Legislation Act 2010 to rules**

The rules to which section 100 applies and amendments to those rules are legislative ~~orders~~ instruments and disallowable instruments for the purposes of the Legislation Act **2010**.”

**Local Government Act 2002 (2002 No 84)**

New section 27A: insert after section 27:

**“27A Orders in Council to be published in *Gazette***

An Order in Council made under any of sections 25 to 27 must be published in the *Gazette*.”

Clause 6(4) of Schedule 7: repeal and substitute:

“(4) A determination by the Remuneration Authority under this clause is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Local Government (Auckland Council) Act 2009 (2009 No 32)**

Section 35(7)(b): repeal and substitute:

“(b) is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** (and does not have to be presented to the House of Representatives under **section 40** of that Act).”

**Local Government Official Information and Meetings Act 1987 (1987 No 174)**

Paragraph (a)(ii) of the definition of **enactment** in section 2: repeal and substitute:

“(ii) any legislative ~~order~~ instrument within the meaning of the Legislation Act **2010** made by Order in Council; and”.

Section 56(2): repeal and substitute:

“(2) An Order in Council made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the pur-

**Local Government Official Information and Meetings Act 1987  
(1987 No 174)—continued**

poses of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Major Events Management Act 2007 (2007 No 35)**

Section 81: repeal and substitute:

**“81 Application of Legislation Act 2010**

- “(1) An Order in Council made under section 7 or 8 is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(2) A notice in the *Gazette* under section 16—
- “(a) is a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act; but
- “(b) is not a legislative ~~order~~ instrument for the purposes of that Act.”

**Maori Land Amendment and Maori Land Claims Adjustment Act 1926 (1926 No 64)**

Section 14(12): repeal and substitute:

- “(12) A notice made under subsection (11) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Maritime Security Act 2004 (2004 No 16)**

Section 49(4): repeal and substitute:

- “(4) The notice is not a legislative ~~order~~ instrument for the purposes of the Legislation Act **2010**, but if the direction in the notice takes effect on a date on or after the notice is published in the *Gazette*, the notice is a disallowable instrument for the purposes of that Act and must be presented to the House of Representatives under **section 40** of that Act.”

**Maritime Security Act 2004 (2004 No 16)**—*continued*

Section 78(7)(a): repeal and substitute:

- “(a) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act; and”.

**Maritime Transport Act 1994 (1994 No 104)**

Section 451(6): repeal and substitute:

- “(6) A rule made under this Act is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Meat Board Act 2004 (2004 No 58)**

Section 36(7): repeal and substitute:

- “(7) A notice under subsection (2) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 55(4): repeal and substitute:

- “(4) A notice under subsection (2) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Medicines Act 1981 (1981 No 118)**

Section 2(3): repeal and substitute:

- “(3) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—
- “(a) a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act; and
- “(b) a regulation for the purposes of the Interpretation Act 1999.”



**Medicines Act 1981 (1981 No 118)**—*continued*

Section 96J(3): repeal and substitute:

“(3) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Military Decorations and Distinctive Badges Act 1918 (1918 No 3)**

Section 4(1): omit “gazetted” and substitute “published in the *Gazette*”.

**Military Manoeuvres Act 1915 (1915 No 42)**

Section 8: omit “gazetted” and substitute “published in the *Gazette*”.

**Misuse of Drugs Act 1975 (1975 No 116)**

Section 4(3): repeal and substitute:

“(3) An Order in Council made under subsection (1) or (1B) is a legislative ~~order instrument~~, but not a disallowable instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 5A(3): repeal and substitute:

“(3) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—  
“(a) a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act; and  
“(b) a regulation for the purposes of the Interpretation Act 1999.”

Section 22(6): repeal and substitute:

“(6) A notice issued under subsection (1A) is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Misuse of Drugs Act 1975 (1975 No 116)—continued**

Section 31(6): repeal and substitute:

- “(6) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—
- “(a) a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act; and
  - “(b) a regulation for the purposes of the Interpretation Act 1999.”

**Misuse of Drugs Amendment Act 2005 (2005 No 81)**

Section 33(3): repeal and substitute:

- “(3) An Order in Council made under subsection (1) is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Modern Apprenticeship Training Act 2000 (2000 No 94)**

Section 29: repeal and substitute:

- “**29 Application of Legislation Act 2010 to approved code**  
The approved code of practice is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**National Library of New Zealand (Te Puna Mātauranga o Aotearoa) Act 2003 (2003 No 19)**

Section 35: repeal and substitute:

- “**35 Application of Legislation Act 2010 to requirements**  
A requirement is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**National Parks Act 1980 (1980 No 66)**

New section 12A: insert after section 12:

**“12A Orders in Council to be published in *Gazette***

An Order in Council made under any of sections 7, 10, and 12 must be published in the *Gazette*.”

**National Provident Fund Restructuring Act 1990 (1990 No 126)**

Section 9(3)(b): repeal and substitute:

“(b) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 10(3)(b): repeal and substitute:

“(b) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 10A(3)(b): repeal and substitute:

“(b) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**National Provident Fund Restructuring Amendment Act 1997 (1997 No 83)**

Section 21(4): repeal and substitute:

“(4) The notice is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 22(5): repeal and substitute:

“(5) The notice is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**New Zealand Horticulture Export Authority Act 1987 (1987 No 93)**

Section 3: repeal and substitute:

**“3 Application and limitation of Act**

This Act applies to the extent that it does not conflict with any other enactment (being an Act or a legislative ~~order instrument~~ made by Order in Council) relating to the export of any particular product.”

**New Zealand Stock Exchange Restructuring Act 2002 (2002 No 1, Private)**

Section 11(11): repeal and substitute:

“(11) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act, but the conduct rules are neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of that Act.”

Section 12(8): repeal and substitute:

“(8) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Nuclear-Test-Ban Act 1999 (1999 No 10)**

Section 22(3): repeal and substitute:

“(3) An order made under subsection (2) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Official Information Act 1982 (1982 No 156)**

Paragraph (b) of the definition of **enactment** in section 2(1): repeal and substitute:

“(b) any legislative ~~order instrument~~ within the meaning of the Legislation Act **2010** made by Order in Council”.

**Official Information Act 1982 (1982 No 156)**—*continued*

Section 49(2): repeal and substitute:

- “(2) An order made under subsection (1) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Ombudsmen Act 1975 (1975 No 9)**

Section 15(3): repeal and substitute:

- “(3) All rules made under this section must be published under the Legislation Act **2010** as if they were legislative ~~orders~~ instruments, but they are not disallowable instruments for the purposes of that Act and do not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 19(3): repeal and substitute:

- “(3) Subject to this section and to section 20(1), a person who is bound by the provisions of an enactment (being an Act or a legislative ~~order~~ instrument within the meaning of the Legislation Act **2010** made by Order in Council) to maintain secrecy in relation to, or not to disclose, any matter may be required to supply any information to or answer any question put by an Ombudsman in relation to that matter, or to produce to an Ombudsman any document or paper or thing relating to it, even if compliance with that requirement would otherwise be in breach of the obligation of secrecy or non-disclosure.”

**Parental Leave and Employment Protection Act 1987 (1987 No 129)**

Section 2AB(3): repeal and substitute:

- “(3) A notice published under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Parliamentary Service Act 2000 (2000 No 17)**

Section 25(4): repeal and substitute:

“(4) A resolution made under subsection (1) is a legislative ~~order~~ instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2010**.”

**Petroleum Demand Restraint Act 1981 (1981 No 12)**

Section 12: repeal and substitute:

**“12 Publication or notification is sufficient notice**

The publication in the *Gazette* or in accordance with the Legislation Act **2010** of any petroleum demand restraint regulations, or of any Order in Council, order, notice, warrant, licence, or other act of authority under this Act or under any petroleum demand restraint regulations must be treated for all purposes as notice of the act of authority to all persons concerned, and in any prosecution under this Act the liability of the accused must be determined accordingly.”

**Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74)**

Section 12(4): repeal and substitute:

“(4) A notice published under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 35(2): repeal and substitute:

“(2) A notice published under section 28 or 30 is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 52(3): repeal and substitute:

“(3) A notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Plumbers, Gasfitters, and Drainlayers Act 2006 (2006 No 74)**—*continued*

Section 145(2): repeal and substitute:

“(2) A notice under sections 142 to 144 is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Policing Act 2008 (2008 No 72)**

Section 27(2): repeal and substitute:

“(2) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Port Companies Act 1988 (1988 No 91)**

Section 14: add:

“(4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Privacy Act 1993 (1993 No 28)**

Paragraph (b) of the definition of **enactment** in section 2: repeal and substitute:

“(b) any legislative ~~order instrument~~ within the meaning of the Legislation Act **2010** made by Order in Council”.

Section 7(3)(a): omit “regulations within the meaning of the Regulations (Disallowance) Act 1989” and substitute “legislative ~~order instrument~~ within the meaning of the Legislation Act **2010**”.

Section 50: repeal and substitute:

**“50 Application of Legislation Act 2010 to codes**

All codes of practice issued under section 46 are disallowable instruments, but not legislative ~~orders instruments~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Public Finance Act 1989 (1989 No 44)**

Section 80A(6): repeal and substitute:

“(6) Instructions issued under this section are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Public Transport Management Act 2008 (2008 No 87)**

Section 13(12): repeal and substitute:

“(12) A control is neither a legislative ~~order~~ instrument nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Racing Act 2003 (2003 No 3)**

Section 22(4): repeal and substitute:

“(4) Rules made under subsection (2) are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 32(2): repeal and substitute:

“(2) Rules made under section 29 or 34 are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 59(2): repeal and substitute:

“(2) Rules made under section 52 or 54 are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Railways Act 2005 (2005 No 37)**

Section 54(5): repeal and substitute:

“(5) An ordinary rule is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”



**Railways Act 2005 (2005 No 37)**—*continued*

Section 56(4): repeal and substitute:

“(4) An emergency rule is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Rating Valuations Act 1998 (1998 No 69)**

Section 5(6): repeal and substitute:

“(6) Rules made under this section are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Real Estate Agents Act 2008 (2008 No 66)**

Section 19(2): repeal and substitute:

“(2) A notice under section 14, 15, or 18 is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 23(2): repeal and substitute:

“(2) A notice under any of sections 20 to 22 is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Reciprocal Enforcement of Judgments Act 1934 (1934 No 11)**

Section 11A: repeal and substitute:

**“11A Application of Legislation Act 2010 to orders**

An Order in Council made under this Act is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Registered Architects Act 2005 (2005 No 38)**

Section 74: repeal and substitute:

**“74 Application of Legislation Act 2010 to rules**

The rules are a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Remuneration Authority Act 1977 (1977 No 110)**

Section 12B(9): repeal and substitute:

“(9) A determination to which subsection (1) or (2) applies is a legislative ~~order~~ instrument for the purposes of the Legislation Act **2010**, but is not required to be presented to the House of Representatives under **section 40** of that Act and is not a disallowable instrument for the purposes of that Act.”

Section 16(2): repeal and substitute:

“(2) A determination to which subsection (1) applies is a legislative ~~order~~ instrument for the purposes of the Legislation Act **2010** but is not required to be presented to the House of Representatives under **section 40** of that Act and is not a disallowable instrument for the purposes of that Act.”

**Reprint of Statutes Act 1931 (1931 No 13)**

Section 4: repeal and substitute:

**“4 Judicial notice to be taken of reprint**

All courts and persons acting judicially must take judicial notice of the reprint, and all copies of the reprint printed or published under the authority of the New Zealand Government must be treated as being correct copies of the enactments reprinted and as having been so printed or published, unless the contrary is shown.”

**Reserve Bank of New Zealand Act 1989 (1989 No 157)**

Section 81(5): repeal and substitute:

“(5) An Order in Council made under this section is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Reserve Bank of New Zealand Act 1989 (1989 No 157)**—*continued*

Section 81AA(2)(g): repeal.

Section 81AA(3): repeal.

Section 156N(6)(a): repeal and substitute:

- “(a) rules are neither legislative ~~orders~~ instruments nor disallowable instruments for the purposes of the Legislation Act **2010** (and do not have to be presented to the House of Representatives under **section 40** of that Act); and”.

Section 157G(1): omit “, by notice in the *Gazette*,”.

Section 157G(5) to (7): repeal and substitute:

“(5) An exemption is a disallowable instrument under the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.

“(6) A class exemption must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption** means an exemption of general application that applies to a class of deposit takers.

“(7) An exemption that is not a class exemption under **subsection (6)** must, as soon as practicable after being granted, be—

- “(a) published on an Internet site maintained by or on behalf of the Bank; and
- “(b) notified in the *Gazette*; and
- “(c) made available in printed form for purchase on request by members of the public.

“(8) The Bank’s reasons for granting the exemption (including why an exemption is appropriate) must be published together with the exemption.

“(9) However, the Bank may defer publishing, and need not publish, the reasons for granting an exemption if the Bank is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.

“(10) A notification in the *Gazette* for the purpose of **subsection (7)(b)** does not have to incorporate the exemption.”

Section 157S(2)(e): repeal.

Section 157S(3): repeal.

Section 157W: repeal.

**Reserve Bank of New Zealand Act 1989 (1989 No 157)**—*continued*

New section 173A: insert after section 173:

**“173A Application of Legislation Act 2010 to material incorporated by reference**

- “(1) This section applies if **section 48** of the Legislation Act **2010** is relied on to incorporate material by reference in any of the following:
- “(a) an Order in Council made under section 81:
  - “(b) regulations made under Part 5D:
  - “(c) an exemption granted under section 157G.
- “(2) When this section applies, **subpart 2 of Part 3** of the Legislation Act **2010** applies.”

Schedule 3: repeal.

**Resource Management Act 1991 (1991 No 69)**

Section 46A(4): repeal and substitute:

- “(4) A national policy statement prepared after the use of a process established under subsection (1)(b) is a disallowable instrument, but not a legislative order instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Retirement Villages Act 2003 (2003 No 112)**

Section 92(1): repeal and substitute:

- “(1) A code of practice is a disallowable instrument, but not a legislative order instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Road User Charges Act 1977 (1977 No 124)**

Section 2: add:

- “(5) A notice in the *Gazette* under this section for the purposes of the definition of gross laden weight or the definition of weight is a legislative order instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Securities Act 1978 (1978 No 103)**

Section 5(5): omit “by notice in the *Gazette*,”.

Section 5(5A) to (6): repeal and substitute:

- “(6) An exemption under subsection (5) is a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(7) A class exemption under subsection (5) must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption**—
- “(a) means an exemption of general application that applies to a class of persons or a class of transactions; but
  - “(b) does not include an exemption granted in relation to—
    - “(i) a particular person or transaction; or
    - “(ii) persons associated with, or transactions involving, a particular entity.
- “(8) An exemption that is not a class exemption under **subsection (7)** must, as soon as practicable after being granted, be—
- “(a) published on an Internet site maintained by or on behalf of the Commission; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.
- “(9) The Commission’s reasons for granting an exemption under subsection (5) (including why the exemption is appropriate) must be published together with the exemption.
- “(10) The Commission may defer publishing, and need not publish, the reasons for granting an exemption if the Commission is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.
- “(11) A notification in the *Gazette* for the purpose of **subsection (8)(b)** does not have to incorporate the exemption.
- “(12) Nothing in Part 5 limits subsection (5).”

**Securities Markets Act 1988 (1988 No 234)**

Section 36E(1): omit “, by notice in the *Gazette*,”.

Section 36E(6): omit “, by notice in the *Gazette*,”.

**Securities Markets Act 1988 (1988 No 234)**—*continued*

Section 36E: add:

- “(7) An exemption under this section is a disallowable instrument under the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(8) A class exemption under this section must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption**—
- “(a) means an exemption of general application that applies to a class of securities markets or class of futures markets; but
  - “(b) does not include an exemption granted in relation to a particular securities market or futures market.
- “(9) An exemption that is not a class exemption under **subsection (8)** must, as soon as practicable after being granted, be—
- “(a) published on an Internet site maintained by or on behalf of the Commission; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.
- “(10) A notification in the *Gazette* for the purpose of **subsection (9)(b)** does not have to incorporate the exemption.”

Section 36R: repeal and substitute:

- “**36R Application of Legislation Act 2010 to conduct rules**  
To avoid doubt, conduct rules are neither legislative ~~orders~~ instruments nor disallowable instruments for the purposes of the Legislation Act **2010** (and do not have to be presented to the House of Representatives under **section 40** of that Act) and are not regulations for any purpose.”

Section 37: add:

- “(11) Declarations to which subsection (7)(b) applies (but no other declarations made under this section) are legislative ~~orders~~ instruments for the purposes of the Legislation Act **2010**, and all declarations made under this section are disallowable instruments for the purposes of that Act and must be presented to the House of Representatives under **section 40** of that Act.”

Section 48(1): omit “, by notice in the *Gazette*,”.

**Securities Markets Act 1988 (1988 No 234)**—*continued*

Section 48A(1): omit “in the *Gazette*”.

Section 48B(2): omit “by notice in the *Gazette*”.

New section 48BB: insert after section 48B:

**“48BB Publication of exemptions**

- “(1) An exemption under section 48 is a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(2) A class exemption under section 48 must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption**—
- “(a) means an exemption of general application that applies to a class of persons, transactions, relevant interests, substantial holdings, relevant events, acquisitions, disposals, investment advice, or investment broker services; but
- “(b) does not include an exemption granted in relation to—
- “(i) particular persons, transactions, relevant interests, substantial holdings, relevant events, acquisitions, disposals, investment advice, or investment broker services; or
- “(ii) persons, transactions, relevant interests, substantial holdings, relevant events, acquisitions, disposals, investment advice, or investment broker services associated with or involving a particular entity.
- “(3) An exemption that is not a class exemption under **subsection (2)** must, as soon as practicable after being granted, be—
- “(a) published on an Internet site maintained by or on behalf of the Commission; and
- “(b) notified in the *Gazette*; and
- “(c) made available in printed form for purchase on request by members of the public.
- “(4) A notification in the *Gazette* for the purpose of **subsection (3)(b)** does not have to incorporate the exemption.”

**Securities Transfer Act 1991 (1991 No 119)**

Section 7(8): repeal and substitute:

- “(8) An Order in Council made under this section is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Social Security Act 1964 (1964 No 136)**

Section 61H(3): repeal and substitute:

- “(3) An Order in Council made under this section and presented to the House of Representatives under **section 40** of the Legislation Act **2010** expires on the close of the period of 12 months commencing with the date on which it was presented, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date.”

Section 61H(4): repeal and substitute:

- “(4) An Order in Council made under this section that is presented to the House of Representatives under **section 40** of the Legislation Act **2010**, and that has been revoked by a subsequent Order in Council before the close of 31 December in the calendar year following the calendar year during which it was presented to the House, must be treated as being invalid in respect of the period for which it purported to have effect except so far as it is expressly validated and confirmed in respect of that period by an Act passed before that date.”

**Social Workers Registration Act 2003 (2003 No 17)**

Section 110(3): repeal and substitute:

- “(3) A notice published under section 108 or 109 or this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”



**Sports Anti-Doping Act 2006 (2006 No 58)**

Section 24: repeal and substitute:

**“24 Application of Legislation Act 2010 to rules**

- “(1) The rules are a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(2) However, **section 40** of the Legislation Act **2010** does not apply to material incorporated by reference in the rules.
- “(3) To avoid doubt, nothing in **Part 2** of the Legislation Act **2010** applies to material incorporated by reference in the rules.”

Section 25: repeal.

**State-Owned Enterprises Act 1986 (1986 No 124)**

Section 32(4): repeal and substitute:

- “(4) A State enterprise must comply with a notice given under subsection (3), and the notice is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Takeovers Act 1993 (1993 No 107)**

Section 45(4) to (8): repeal and substitute:

- “(4) An exemption under this section is a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.
- “(5) A class exemption under this section must be published under **section 6** of the Legislation Act **2010** and, for this purpose, **class exemption**—
- “(a) means an exemption of general application that applies to a class of persons, transactions, or offers; but
- “(b) does not include an exemption that applies to—
- “(i) particular persons, transactions, or offers; or
- “(ii) persons, transactions, or offers associated with or involving a particular code company or other entity.

**Takeovers Act 1993 (1993 No 107)—continued**

- “(6) An exemption under this section that is not a class exemption under **subsection (5)** must, as soon as practicable after being granted, be—
- “(a) published on an Internet site maintained by or on behalf of the Panel; and
  - “(b) notified in the *Gazette*; and
  - “(c) made available in printed form for purchase on request by members of the public.
- “(7) The Panel’s reasons for granting an exemption must be published together with the exemption, and the reasons must include—
- “(a) why it is appropriate that the exemption is granted; and
  - “(b) how the exemption is consistent with the objectives of the takeovers code.
- “(8) **Subsections (4) to (7)** are subject to **section 45A**.
- “(9) A notification in the *Gazette* for the purpose of **subsection (6)(b)** does not have to incorporate the exemption.”

New section 45A: insert after section 45:

**“45A Deferral of obligations, and variation or revocation of exemptions**

- “(1) The Panel may defer complying with **section 45(6)** if the Panel is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.
- “(2) The Panel may defer publishing, and need not publish, under section 45 the reasons for granting an exemption if the Panel is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.
- “(3) The Panel may vary or revoke an exemption granted under section 45.
- “(4) Section 45 and this section apply, with necessary modifications, in all respects to a variation or revocation under this section.”

**Taratahi Agricultural Training Centre (Wairarapa) Act 1969  
(1969 No 138)**

Section 3(2B): repeal and substitute:

“(2B) An Order in Council made under subsection (2A) is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Tariff Act 1988 (1988 No 155)**

Section 7G: repeal and substitute:

**“7G Application of Legislation Act 2010**

“(1) An Order in Council that incorporates material by reference under section 7C, or amends or replaces such an order, is a legislative ~~order~~ instrument and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.

“(2) However, material incorporated by reference under section 7C does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 7H: repeal.

Section 9B(1)(b): omit “section 9 of the Acts and Regulations Publication Act 1989” and substitute “**section 7** of the Legislation Act **2010**”.

Section 11(1): repeal and substitute:

“(1) Every Order in Council made under section 9 and presented to the House of Representatives under the Legislation Act **2010** expires on the close of 31 December in the calendar year following the calendar year during which it was presented to the House, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date.”

Section 11(3): repeal and substitute:

“(3) If the House of Representatives resolves that any Order in Council made under this Act (other than an Order in Council made under section 9) presented to it under the Legislation Act **2010** should be revoked or varied, it must be treated as having been revoked or varied in accordance with the terms of

**Tariff Act 1988 (1988 No 155)**—*continued*

the resolution, and any duty payable must, so far as that resolution provides, be refunded.”

**Tax Administration Act 1994 (1994 No 166)**

Section 225A(3): repeal and substitute:

“(3) An Order in Council made under subsection (1) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Telecommunications Act 2001 (2001 No 103)**

Section 69G(5): repeal and substitute:

“(5) A determination is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 69G(6): repeal.

Section 105(2): repeal and substitute:

“(2) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 160(3): repeal and substitute:

“(3) A notice in the *Gazette* under subsection (1)(b) is a disallowable instrument, but not a legislative ~~order instrument~~, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Tourist and Health Resorts Control Act 1908 (1908 No 194)**

Section 5: omit “gazetted” and substitute “published in the *Gazette*”.

Section 6: omit “gazetted” and substitute “published in the *Gazette*”.

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**

Section 76(3): omit “Acts Interpretation Act 1924” and substitute “Interpretation Act 1999”.

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**—*continued*

Section 76(4): repeal and substitute:

- “(4) In subsection (3), **regulations**—
- “(a) has the same meaning as it has in the Interpretation Act 1999; and
  - “(b) includes legislative ~~orders~~ instruments within the meaning of the Legislation Act **2010**; and
  - “(c) includes any instruments that have, under any Act, been printed or published as if they were regulations or legislative ~~orders~~ instruments.”

**United Nations Act 1946 (1946 No 7)**

Section 3(2): repeal and substitute:

- “(2) The publication in the *Gazette* or in accordance with the Legislation Act **2010** of any regulations made under this Act or of any Order in Council, Proclamation, order, notice, warrant, licence, or other act of authority under this Act or under the regulations must be treated for all purposes as being notice of the act of authority to all persons concerned, and in any prosecution the liability of the accused must be determined accordingly.”

**Veterinarians Act 2005 (2005 No 126)**

Section 89: repeal and substitute:

- “**89 Application of Legislation Act 2010 to *Gazette* notices**  
Every matter approved or prescribed under this Act that is required to be published in the *Gazette* is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**War Pensions Act 1954 (1954 No 54)**

Section 75C(3): repeal and substitute:

- “(3) Every Order in Council made under this section and presented to the House of Representatives under **section 40** of the Legislation Act **2010** expires on the close of the period of 12

**War Pensions Act 1954 (1954 No 54)—continued**

months commencing with the date on which it was presented to the House, except so far as it is expressly validated and confirmed by an Act passed before that date.”

Section 75C(4): repeal and substitute:

“(4) Every Order in Council made under this section and presented to the House of Representatives under **section 40** of the Legislation Act **2010**, and revoked by a subsequent Order in Council before the close of 31 December in the calendar year following the calendar year during which it was presented to the House, must be treated as being invalid in respect of the period for which it purported to have effect except so far as it is expressly validated and confirmed in respect of that period by an Act passed before that date.”

**Wellington Airport Act 1990 (1990 No 56)**

Section 7: add:

“(11) An Order in Council made under subsection (3) is neither a legislative ~~order instrument~~ nor a disallowable instrument for the purposes of the Legislation Act **2010** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

**Wildlife Act 1953 (1953 No 31)**

Section 72(3B): repeal and substitute:

“(3B) A notice in the *Gazette* made under subsection (3A) is a legislative ~~order instrument~~ and a disallowable instrument for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

**Wine Act 2003 (2003 No 114)**

Section 96(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “**Part 3** of the Legislation Act **2010**”.

Section 96(2)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “**Part 3** of the Legislation Act **2010**”.

**Legislation Bill**

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**Wine Act 2003 (2003 No 114)—continued**

Section 120(3): repeal and substitute:

“(3) A notice under subsection (1)(o) is a disallowable instrument, but not a legislative ~~order~~ instrument, for the purposes of the Legislation Act **2010** and must be presented to the House of Representatives under **section 40** of that Act.”

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**Legislative history**

25 June 2010  
3 August 2010

Introduction (Bill 162–1)  
First reading and referral to Regulations Review  
Committee

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