

# **Legislation Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill—

- rewrites and replaces the Legislation Act 2012 to implement publication and other reforms relating to the production of high-quality legislation that is easy to find, use, and understand; and
- updates and re-enacts the Interpretation Act 1999.

The policy objectives of this Bill are to—

- enable easy access to legislation in New Zealand, and improve the overview and enforcement of regulatory regimes, by expanding the content of the New Zealand Legislation website. The website is the authoritative source of official legislation and will now include all secondary legislation, whether made by central Government or other government agencies (other than secondary legislation made by local authorities); and
- improve the accessibility of the law by incorporating the Interpretation Act 1999 into the Legislation Bill. This relocation will ensure that the main provisions of New Zealand legislation that are concerned with Acts and secondary legislation can be found in 1 statute; and
- improve the relocated interpretation rules for the courts and the public by addressing a small number of technical and operational issues identified since 1999; and
- further encourage the production of good legislation by increasing the availability of information about the development and content of new Government-initiated legislation. This is designed to inform the parliamentary and public scrutiny of that legislation; and

- clarify, update, and recast some of the provisions in the Legislation Act 2012 that are being carried forward.

### *Access to secondary legislation*

The general policy objective is to address the problem that currently there is no single place where individuals and businesses can see all of New Zealand's legislation. Only Acts of Parliament drafted by the Parliamentary Counsel Office (PCO), Inland Revenue Department (IRD), and the Office of the Clerk (OOC), and secondary legislation drafted by the PCO, are published on the New Zealand Legislation website. More than 100 government agencies are empowered to draft and make secondary legislation, which is not generally published on the New Zealand Legislation website. Some of this secondary legislation is notified or published in the *New Zealand Gazette*. Some is published in newspapers or on various agency Internet sites. Some is not published at all. The absence of a single authoritative place where individuals, businesses, and Parliament can access this important type of legislation—

- limits the ability of individuals and businesses to identify their rights and obligations; and
- frustrates Parliament's oversight of secondary legislation.

*Part 3* of the Bill will improve access to legislation in New Zealand by providing that all secondary legislation, other than that made by local authorities,—

- must be published on the New Zealand Legislation website (unless a restricted and specified exception applies); and
- must be presented to the House of Representatives; and
- is disallowable (unless a restricted and specified exemption applies).

Consequently, these improvements will—

- provide individuals and businesses with better access to the law that affects them; and
- make the overview and enforcement of regulatory regimes more efficient; and
- modernise the requirements for presenting secondary legislation to the House of Representatives and therefore facilitate Parliament's examination of it; and
- enable better legislative schemes to be developed in the longer term.

### *Updating and relocating Interpretation Act 1999*

The Interpretation Act 1999 is being relocated to improve accessibility to the principles and rules that it contains. The Interpretation Act 1999 applies to more than just the interpretation of legislation because it covers the commencement and repeal of legislation. This relocation completes the implementation of the Law Commission's recommendation in its 2008 report entitled *Presentation of New Zealand Statute Law* (NZLC R104) to bring together in 1 statute all of the provisions about legislation. *Part 2* of the Bill makes some technical improvements and clarifications to interpretation principles and rules to address developments and issues identified since 1999.

### *Disclosure requirements for Government-initiated legislation*

*Part 4* of this Bill will require the departments that are primarily involved in developing a piece of Government-initiated legislation to disclose the following information held by them:

- useful background material and policy information concerning the legislation:
- the main quality assurance assessments or processes used to test that the legislation is robust:
- any departures from specified legislative guidelines or standards endorsed or adopted by the Government:
- any other significant or unusual features of the legislation that should be drawn to the attention of the public and the House of Representatives.

The provision of information about the development and key features of Government-initiated legislation is intended to support more informed parliamentary and public scrutiny of that legislation. More informed scrutiny should encourage closer attention to the range of existing expectations for the development of legislation, and increase the likelihood that legislation will be robust and conform to accepted legal principles.

A disclosure statement will be required for most Government Bills and for most substantive Government amendments to a Bill. The Minister responsible for *Part 4* and the Attorney-General may also jointly propose, for comment and approval by the House of Representatives, that the disclosure statement requirements apply to 1 or more classes of secondary legislation.

To support a consistent approach to disclosure by departments, while recognising that expectations for the development of legislation will continue to evolve, the Bill requires the Minister responsible for *Part 4* and the Attorney-General to jointly propose, from time to time, a core set of information of the kind noted above that must be disclosed by departments. Once the core disclosures are approved, the Bill will allow the Minister responsible for *Part 4* to set some supplementary or more specific disclosure requirements.

Finally, to limit the potential for unintended consequences, the Bill makes clear that the disclosure obligation on departments is not intended to impose conditions or restrictions of any kind on the content of legislation, on the legislative processes of Parliament, or on the ability of the Government to develop legislation.

### *Updating the Legislation Act 2012*

In bringing forward the content of the Legislation Act 2012, the Bill updates, recasts, and makes some small technical changes to some of the provisions in the Legislation Act 2012, in particular, to—

- recast the PCO's purpose and functions, and reinforce PCO's objective to promote high-quality legislation that is easy to find, use, and understand, and to exercise stewardship over legislation as a whole; and

- align PCO's secondment practices with the wider public sector to facilitate secondments to the PCO to develop leadership and management capability; and
- make small amendments to improve the revision programme powers and procedure; and
- update the standard provisions for the incorporation of material by reference in secondary legislation to make those provisions more flexible and technology neutral.

It is intended to divide this Bill at the select committee or Committee of the whole House stage into separate Bills as follows:

- *Parts 1 to 7 and Schedules 1 to 4* will become the Legislation Bill:
- *Parts 8 and 9 and Schedules 5 and 6* will become the Legislation (Repeals and Amendments) Bill.

#### **Departmental disclosure statement**

The Parliamentary Counsel Office and the Treasury are jointly required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2017&no=275>.

#### **Regulatory impact statement**

The Treasury produced 2 regulatory impact statements (dated 29 January 2013 and 18 May 2017) to help inform the main policy decisions taken by the Government relating to the contents of Part 4 of this Bill.

A copy of these regulatory impact statements can be found at—

- <http://purl.oclc.org/nzt/f-1541> and <http://purl.oclc.org/nzt/f-1959>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. The Bill is intended to start in 2 main phases as follows:

- some early amendments will be made on Royal assent. This will enable targeted improvements to be made immediately to the current Legislation Act 2012 (for example, removing the redundant obligation to designate bookshops for the sale of legislation) and realign some drafting responsibilities under other Acts:

- the commencement of the rest of the Bill is dependent on the timing of the business and IT changes needed for the PCO to publish all secondary legislation on the New Zealand legislation website and on the changes needed to put in place the disclosure requirements regime (and *see* the note on *clause 72* below). However, the Bill will commence 3 years after Royal assent at the latest.

## Part 1

### Preliminary provisions

*Clause 3* contains the purpose of the Bill, which is to promote high-quality legislation for New Zealand that is easy to find, use, and understand.

*Clause 4* provides an overview of the Bill.

*Clause 5* sets out the definitions for the Bill, which are in addition to the general definitions for all legislation in *clause 13*.

The most important definition is secondary legislation. It is significant because all secondary legislation will be subject to the interpretation rules, the publishing requirements, the requirements for presentation to the House, and the power for the House to disallow legislation (with only limited exceptions).

Regulations, rules, and other instruments will be classed as secondary legislation if they come within 1 of 2 main categories:

- they are made under an empowering Act that states that they are secondary legislation. This approach (rather than having a generic test of what is legislation based either on its effect or on who makes it) is intended to give more certainty and clarity to administering agencies and other users of legislation:
- they are made under the Royal prerogative and they have legislative effect. Given that there is only a small number of instruments that are made under the Royal prerogative (and there is no empowering Act to classify them), a generic test is retained for this residual category.

This approach differs from that under the Legislation Act 2012 (the **2012 Act**). Under the 2012 Act, the legislative status of an instrument depends on a mixture of approaches: it may be classed as a legislative instrument or a disallowable instrument because of the type of instrument it is, who makes it, or a statement in the empowering Act, or because it has “significant legislative effect”.

The approach in the Bill to defining secondary legislation needs to be implemented through many consequential amendments to empowering Acts so that they expressly state that they empower secondary legislation (rather than administrative or other non-legislative instruments). Those amendments are not contained in this Bill (given the size and scale involved). Instead, it is proposed that they be made in a separate consequential amendment Bill to be introduced while this Bill is being considered by Parliament.

The status quo is being preserved, however, for local authority legislation. The Local Government Act 2002 is amended to state that bylaws are secondary legislation and

to continue the current test of “significant legislative effect” for other local authority instruments (*see also* the note on the amendments in *subpart 2 of Part 9* below). As at present, local authority legislation will generally not need to be published on the New Zealand Legislation website or presented to the House of Representatives and bylaws will not be disallowable by Parliament (*see clauses 75, 113(2), and 114*).

*Clause 6* provides for the transitional and savings provisions in *Schedule 1*. These provisions provide the following flexibility for agencies that will, under the Bill, be required to shift publication of all their secondary legislation to the New Zealand Legislation website:

- agencies will be able to adopt the new publication method early (and this will be treated as satisfying any existing publication requirement):
- once *Part 3* of the Bill commences, agencies may still use their old publication methods for new legislation as long as, at a minimum, they ensure that the name of the legislation (and other minimum identifying information) is notified on the New Zealand Legislation website:
- other provisions facilitate the republication of agencies’ existing legislation on the New Zealand Legislation website.

More on the transitional provisions is set out in the note below on *Schedule 1*.

*Clause 7* provides that the Bill binds the Crown.

## Part 2

### Interpretation and application of legislation

*Part 2* incorporates the Interpretation Act 1999 (the **1999 Act**) into this Bill. Most of the replacement provisions re-enact the existing law without substantive changes. Some improvements are proposed. The analysis underpinning most of those improvements is set out in the *Interpretation Act 1999—A Discussion Paper* (Parliamentary Counsel Office, 6 March 2013) (the **discussion paper**).

*Clause 8* substantially re-enacts the previous purpose of the 1999 Act.

*Clause 9* re-enacts section 4(1) of the 1999 Act, but also makes it clearer (as proposed in the discussion paper) that some or all of *Part 2* may be displaced by provisions or context. This is consistent with the approach taken by the courts.

Legislation can provide for *Part 2* not to apply to it in different ways, including by an express provision, by necessary implication (for example, by including a definition of a term that is different from the general default definition), or by its general character.

*Clause 10* differs from section 5(1) of the 1999 Act by requiring the meaning of legislation to be ascertained from its text and in the light of its purpose *and its context*. Addition of a reference to context was not proposed in the discussion paper, but is intended only to align this general interpretation direction with existing law and practice, and not to alter significantly its substance.

The change in *clause 10* is in line with the Law Commission's original recommendation on the 1999 Act (NZLC R17, 1990). However, the recommendation was not implemented in the 1999 Act. The explanatory note to the Bill for the 1999 Act suggested this omission arose from concern about the imprecision of the term, and concern that it could lead to "a meaning that might well go beyond the approach of the Courts currently". The Justice and Electoral Committee's report on the Bill similarly showed a concern that including context might result in a "more liberal interpretation" that departs from Parliament's words and aims.

However, submissions on that Bill opposed this omission. Moreover, the courts have continued to be informed by internal and extrinsic context (including parliamentary history) in interpretation. "While the reference to ... context was not enacted", Glazebrook J observed in *Agnew v Pardington* [2006] 2 NZLR 520 (CA), "there is no doubt that the text of a provision must be interpreted having regard to the Act as a whole and the legal system generally." Indeed, "[in] determining purpose", Tipping J said in *Commerce Commission v Fonterra Co-operative Group Ltd* [2007] 3 NZLR 767 (SCNZ), "the Court must obviously have regard to both the immediate and the general legislative context." Interpretation informed by context is thus now, and has perhaps always been, both orthodox and routine. *Clause 10* requires interpretation to be informed by context, but it does not allow it to be distorted by context.

*Clause 10(2)* has no counterpart in the 1999 Act, but is informed by section 15AA of the Australian Acts Interpretation Act 1901. It makes existing law and practice clearer by stating that *clause 10* applies whether or not the legislation's purpose is stated in the enactment.

*Clause 10(3)* rewords section 5(2) of the 1999 Act to clarify that both "text" and "indications" are on the same footing for interpretation purposes. This better reflects both current legislative drafting and interpretation practice and the fact that legislators approve the indications in legislation. For example, as the Court of Appeal said in a recent decision: "We ... begin with the text ... and the associated heading. ... the words gain definition from the section heading, which states the purpose of the section" (*Accident Compensation Corporation v Algie* [2016] NZCA 120).

*Clauses 11 and 12* re-enact the important current principles that legislation applies to circumstances as they arise and that legislation does not have retrospective effect.

*Clauses 13 to 15* set out general definitions that apply to all legislation by default (currently contained in section 29 of the 1999 Act) to remove the need in legislation to define those common terms. The main changes are as follows:

- the definition of Act no longer expressly includes Imperial Acts. Instead, Imperial Acts continue to be part of the laws of New Zealand by virtue of an amendment to the Imperial Laws Application Act 1988 (*see subpart 1 of Part 9*);
- department and Ministry are now defined as those responsible for the administration of the relevant Act. Responsibility for administration of particular Acts

is set by the Prime Minister and a list of responsibilities is maintained by the Cabinet Office on its Internet site:

- the new term legislation is defined as any Act or secondary legislation (or any part of any Act or secondary legislation). However, the term enactment is also retained (with the same meaning), so as to ensure existing legislation may continue to use that term:
- there are changes to the terms North Island/Te Ika-a-Māui and South Island/Te Waipounamu to reflect the fact that these are now official names:
- proceeding is now defined to mean both judicial and administrative or investigative proceedings (and to include interlocutory proceedings):
- the definition of public notice is updated to include notification on an Internet site, but only if the notice is given on an Internet site maintained by or on behalf of the person giving that notice and is publicly available as far as practicable and free of charge:
- the definition of repeal is expanded to include lapsing or ceasing to have effect by any other means:
- definitions of de facto partner and de facto relationship are updated to reflect the definition of marriage, in section 2(1) of the Marriage Act 1955, as the union of 2 people, regardless of their sex, sexual orientation, or gender identity.

*Clause 16* updates the current section 31 of the 1999 Act so that words denoting a gender include every other gender. The purpose of this change is to ensure that legislation is not arbitrarily narrow in its application. However, new drafting practice should avoid wording that, contrary to purpose, applies to only a particular gender. The other change is to reflect the fact that legislation that assumes a person is a natural person often also applies to companies and other legal persons. The purpose of this change is to ensure that law applies to companies and bodies corporate when this is appropriate. Legislation may of course displace this rule, either expressly or by its context (for example, legislation often states that only individuals can be directors of entities).

*Clause 17* contains a new provision about when sending by post is taken as done. This default provision will enable properly addressed and sent documents to be treated as sent and received when they would be received in the ordinary course of post. Equivalent rules for the time and place of dispatch and receipt of electronic communications are already provided by Part 4 of the Contract and Commercial Law Act 2017.

*Clauses 18 to 20* re-enact the existing principles that—

- words used in one grammatical form have a corresponding meaning when used in another grammatical form elsewhere in the same legislation:
- the singular includes the plural, and vice versa:
- words used in secondary legislation have the same meaning as they have in the legislation under which the secondary legislation is made.



*Clause 21* clarifies that a matter done under secondary legislation is also done, though indirectly, under the legislation's empowering Act. The clarification will ensure that Acts that refer to actions being done "under the Act" are not interpreted in an arbitrarily narrow way.

*Clause 22* re-enacts section 29 of the 1999 Act and continues the default position that legislation does not bind the Crown unless it expressly provides so. A change is made, however, to clarify that the Crown is bound by secondary legislation if the empowering Act binds the Crown or the secondary legislation itself (if authorised to do so) expressly provides that it binds the Crown.

*Clause 23* is a new provision that expressly deals with how examples should be interpreted. It is common in existing legislation to state that the example does not extend the operation of the provision and, if there is an inconsistency between the provision and the example, the provision prevails. *Clause 23* will set a new default rule that, in effect, examples have the same relevance to interpretation as the provision they illustrate. How they should be interpreted, if there is a conflict, will depend on the purpose and context of the legislation (as per *clause 10*). This ensures that, consistent with *clause 10(4)*, examples are not given a "lower" interpretative status. Particular Acts may still displace this general rule by providing otherwise.

*Clauses 24 and 25* substantially re-enact the default rules in the 1999 Act for the commencement of legislation. Legislation comes into force on the date stated in it or, if no date is stated, on the day after the date of Royal assent (in the case of an Act) or on the day after publication (in the case of secondary legislation).

*Clause 26* deals with the specific time of the day at which legislation commences.

*Clause 27* is a new provision dealing with how to determine an exact commencement date if it depends on a set number of months (for example, 6 months after Royal assent). The outcome of the rule is that commencement will be on the date that corresponds to the starting date. So if Royal assent is on 1 June and the legislation states that it comes into force 6 months after Royal assent, the legislation will commence on 1 December.

*Clause 28* re-enacts section 10(3) of the 1999 Act by providing for commencement by Order in Council. The current default powers are extended so that, if an Act is to come into force on a date set by Order in Council, different commencement dates can be set for different provisions of the Act. It is clarified that a commencement date can be changed (as long as the commencement date has not been reached) and that parts of schedules can be separately commenced (for example, to stage consequential amendments in a schedule).

*Clauses 29 to 38* set rules for amendments and repeals. The rules essentially re-enact sections 17 to 23 of the 1999 Act, but with the following key changes:

- it is clarified that amending legislation must be construed with the legislation that it amends (*clause 29(2)*);
- the rules are extended, under *clause 30*, to implied amendments and repeals and changes that have the same effect:

- the rule that an amendment or a repeal does not affect liability for an offence if the conduct involved occurs before the amendment or repeal is extended so as to cover other penalties (*clause 33*):
- *clause 36* ensures that if legislation is passed, but is not yet in force, other legislation may still cross-refer to the new legislation. In this case, the reference will be read as if it were to the old corresponding legislation (until the new legislation is in force). This will give more flexibility for cases where multiple Bills are passed at about the same time and it is not known in advance which will commence first:
- *clause 38* clarifies the time of day at which legislation is repealed if it is said to be repealed on a particular day or to continue in force until a particular day.

*Clauses 39 to 53* contain general default empowering provisions. The following key changes are made:

- secondary legislation will be able to consequentially amend other secondary legislation made by the same person (and will only have to satisfy the preconditions that apply to the main secondary legislation) (*clause 40*):
- *clause 42* clarifies that the power to make an instrument does not automatically confer the power to determine whether or not that instrument is secondary legislation—this will generally be done by the empowering Act itself, unless the empowering Act expressly authorises it to be determined by secondary legislation:
- *clause 43* clarifies some aspects of the current section 11 of the 1999 Act, which enables some powers to be exercised after legislation is enacted but before it commences:
- *clause 45* extends the current power to appoint a person to an office to cover various other situations where vacancies can arise:
- *clause 47* clarifies the power for a deputy or a temporary office holder to act in place of the usual office holder:
- *clauses 49 and 50* clarify that powers to deal with a matter (for example, setting fees for licensing vehicles) can be exercised differently for different classes of those matters (for example, by setting different licence fees for heavy vehicles and light vehicles):
- the power to prescribe forms is extended to confer a power to (instead of prescribing a form) identify information that must be in the form and authorise a person to approve the format or medium for making the information available (*clause 53*). This is intended to enable paper-based or overly technical empowering provisions to apply more flexibly.

*Clauses 54 to 57* deal with calculations of time in legislation. The key changes from the rules in the 1999 Act are—

- to include examples for calculating periods of time, and cover some additional situations (*clause 54*):

- to deal with how to calculate periods of months. This is intended to give the same outcome as the calculation for commencement, but is stated separately to make it easier for users to find the relevant rule.

*Clauses 58 to 65* deal with the interpretation of revision Acts (previously section 35 of the 2012 Act). There is a presumption that the previous interpretation of the old law continues under the revision Act. This will not apply, however, if the revision Act is in fact amended substantively by other legislation (for example, by a later Act) or if it expressly provides that it intends to change the law.

Provisions enabling secondary legislation to incorporate other material (for example, standards set by international bodies) are also re-enacted in *Part 2* and in *Schedule 2*, but with minor changes as follows:

- to ensure that electronic material can be incorporated by reference (*see* the new definition of written material):
- to remove the ability to incorporate material by reference simply because it is too large (which is less relevant now that legislation is largely electronic) (*see clause 63(1)(c)*):
- to make requirements to consult on the proposal to incorporate the material more technologically neutral and flexible (*see clause 3 of Schedule 2*):
- to require agencies relying on the powers to be satisfied, after considering consultation comments, that the material incorporated is clearly identified and that the method of making the material publicly available will ensure reasonable availability to those to whom it will apply (*see clause 1 of Schedule 2*):
- to clarify that the provisions do not limit other powers to incorporate material (*clause 63(4)*) and that the access and consultation requirements do not apply to other legislation (which must already be made publicly available on the New Zealand Legislation website under the Bill) (*clause 64(2)*).

## Part 3

### Drafting and publishing of legislation

#### Subpart 1—Drafting and publishing legislation

*Part 3* re-enacts the provisions of the 2012 Act relating to the drafting and publication of legislation with the changes needed to require all secondary legislation to be published on the New Zealand Legislation website.

*Clauses 66 and 67* set out the drafting responsibilities for the PCO and the IRD, but with less detail than the 2012 Act. In general, the PCO continues to draft Government Bills and amendments, assist with the drafting of local and private Bills, draft Members' Bills when the Attorney-General directs, and draft secondary legislation made by the Governor-General (ie, through Cabinet) or when secondary legislation amends an Act. In addition, the Chief Parliamentary Counsel and the maker of secondary

legislation may agree that the PCO draft that secondary legislation or the Attorney-General may direct the PCO to draft the secondary legislation.

*Clauses 68 to 72* set the key publishing responsibilities.

*Clause 68* expands the PCO's publishing responsibilities to require publication of all secondary legislation (as well as Bills, amendments to Bills when the Attorney-General directs, and Acts). *Clause 69* requires the PCO to continue to publish consolidations (which show the law, as amended, as at a stated date). The PCO need not prepare the consolidation itself (in particular, if secondary legislation is drafted by the maker).

Under *clause 70*, the PCO's primary method of publishing legislation is electronic, but printed publication is sufficient for any period for which it is not practicable to publish legislation electronically. The publication obligations must be met as soon as practicable after legislation is introduced, made, or lodged.

*Clause 71* continues to require the PCO to ensure the availability of the New Zealand Legislation website at all times, as far as practicable.

*Clause 72*, importantly, states that secondary legislation has no effect until it is published (even if it has an earlier commencement date) unless it is expressly authorised to commence before publication or there is an applicable exemption. It is expected that commencement of this provision will be deferred until after the rest of *Part 3* commences (to allow more time to ensure that the commencement of secondary legislation is not affected by the new publication processes).

*Clauses 73 to 77* relate to the publication of secondary legislation that is not drafted by the PCO. Under *clauses 73 and 74*, the maker must lodge the secondary legislation with the PCO in compliance with requirements set by or under regulations (for example, requirements for amendments to be provided as consolidated provisions or together with a consolidation).

*Clauses 75 to 77* deal with exemptions from the usual lodgement and publication obligations as follows:

- local authority legislation does not need to be published on the New Zealand Legislation website (*clause 75*) but instead continues to be published as is required at present under the Local Government Act 2002:
- there will be some legislation (or parts of legislation) that it is impractical to publish electronically on the New Zealand Legislation website (*clause 76*). In this case, the minimum legislative information must at least be lodged with the PCO for publication, and the PCO must also publish a statement indicating where the legislation or part is publicly available:
- other exemptions will be needed for cases where legislation is confidential (for example, where takeovers notices are temporarily confidential due to their market sensitivity). It is proposed that these exemptions be placed in empowering Acts (through the separate Bill implementing the consequential amendments). However, *clause 77* highlights that regulations may also, if need be, provide exemptions under *clause 145*. These regulations can be made only on the At-

torney-General's recommendation and require the Attorney-General to be satisfied that there are good reasons for the exemption that outweigh the counter-vailing interests and that the exemption is no broader than is reasonably necessary. Reasons must be stated in the explanatory note.

*Clauses 78 to 81* re-enact the current provisions for official versions, provision for judicial notice of legislation to be taken, and a power to revoke spent secondary legislation and other instruments.

*Clause 82* provides for the Attorney-General's directions to the PCO under this Part. These directions affect the exact scope of the PCO's drafting functions under *clause 66* and how publishing is carried out. Directions must be in writing and be consistent with the Bill and the regulations.

### Subpart 2—Correcting errors and making other editorial changes

*Subpart 2 of Part 3* continues the PCO's ability to make editorial changes (currently set out in subpart 2 of Part 2 of the 2012 Act).

The purpose of the subpart is to enable errors to be corrected and other editorial changes to be made to keep New Zealand legislation up to date and improve users' ability to find, use, and understand legislation (*clause 83*).

*Clause 84* contains definitions.

The power to make editorial changes is set out in *clause 85*. As at present, editorial changes must not change the effect of the law.

The scope of editorial changes permitted under *clause 86* is largely unchanged from those permitted at present, except for the addition of a power to replace general commencement words (for example, "comes into force 6 months after the date of Royal assent") with a specific date once that date can be calculated.

*Clauses 87 to 90* continue current provisions in the 2012 Act that govern the power to make editorial changes.

### Subpart 3—Revision Bills

*Subpart 3 of Part 3* continues the provisions governing revision Bills that are currently set out in subpart 3 of Part 2 of the 2012 Act. The purpose of the subpart is set out in *clause 91* (which also makes it clear that revision Bills enable re-enactment without changing legal effect). *Clause 92* provides an overview of the subpart.

*Clause 94* continues the current requirement for a 3-yearly revision programme to be approved by each new Parliament, but also now allows for that programme to be amended or replaced during the parliamentary term.

*Clause 95* sets out the revision powers. The powers are extended by enabling minor amendments to revision Bills if the amendment—

- resolves ambiguities in Parliament's intent where that is not clear:
- updates the Act to take account of technological changes, if that is consistent with the spirit and meaning of the law:

- enables matters of detail to instead be set out in or under secondary legislation and matters of general principle to instead be set out in the revision Bill.

These extensions to the revision powers address limitations identified in the existing revision powers in the course of preparing the first revision Bill, the Contract and Commercial Law Act 2017.

*Clauses 96 and 97*, which deal with the format and certification of revision Bills, are largely unchanged from the current provisions. *Clause 98* prohibits a revision Bill from containing unauthorised amendments to the existing law. However, this does not prevent the House of Representatives from amending a revision Bill and passing it with amendment.

*Clause 99* continues to provide for the PCO's annual report to make recommendations on specific matters requiring revision and on general improvements to the revision and editorial powers under the Bill.

## Part 4

### Disclosure requirements for Government-initiated legislation

*Part 4* sets out the new disclosure requirements for Government-initiated legislation. Currently, disclosure statements are administratively imposed (via a Cabinet decision). *Part 4* will make disclosure statements a legislative requirement.

The Bill makes 2 main substantive changes to the current administrative requirements. First, the provisions will require disclosure statements for classes of secondary legislation if required by a Government notice. In addition, the House of Representatives is involved in the process of determining the detailed disclosure statement requirements because its prior approval is required for the Government notice.

*Clause 100* sets out the purpose of providing for disclosure requirements for Government-initiated legislation. The purpose of the Part is to—

- better inform parliamentary and public scrutiny of Government-initiated legislation; and
- promote good administrative practices for the development of such legislation.

*Clause 101* defines various terms used in the Part.

*Clause 102* requires the chief executive of the policy agency that is primarily involved in developing certain Government-initiated legislation to ensure that a disclosure statement is prepared for the legislation.

The requirement applies (subject to *clause 104*) to—

- Government Bills;
- Government amendments to those Bills;
- secondary legislation of a class that is specified by a Government notice under *clause 106*.

Under *clause 103*, the disclosure statement must contain (or have a link to) information about—

- the policy background of the legislation; and
- the main legislative quality procedures that have been carried out by or on behalf of the policy agency; and
- any provisions of the legislation that, in the chief executive's opinion, are unusual or involve matters that call for particular attention; and
- departures from legislative guidelines or standards. A Government notice under *clause 106* will identify the legislative guidelines or standards and the type of information about departures required. The notice could, for example, identify the *Legislation Advisory Committee Guidelines on Process and Content of Legislation* (2014 edition), and could require departures from those guidelines to be identified together with the Government's justification relating to the departures.

The chief executive must ensure that the disclosure statement complies with the Government notice or notices under *clause 106* and any supporting direction given under *clause 109*. The disclosure statement must also be published electronically.

*Clause 103(2)* clarifies that a chief executive does not need to give their own reasons or justifications for the decisions taken by the Government on the legislation (but this does not prevent disclosure of the Government's reasons or justification for those decisions).

*Clause 104* provides that the disclosure statement requirement does not apply to—

- certain Bills (for example, Imprest Supply Bills, Appropriation Bills, and Statutes Amendment Bills);
- certain Government amendments (for example, where it is not reasonably practicable to comply with the disclosure requirements before the parliamentary scrutiny of the amendment occurs or where the amendment does not materially change the disclosure statement).

*Clause 105* requires the chief executive to independently carry out their duties under *clauses 102 and 104(2)(c) and (3)*. The requirement applies despite section 32 of the State Sector Act 1988 (which would normally provide for a chief executive to be responsible to a Minister).

*Clause 106* provides for the issuing of the Government notice (or notices) on the core content of disclosure statements jointly by the Minister responsible for *Part 4* and the Attorney-General. The notice can also determine whether the disclosure requirements should apply to a class of secondary legislation (after the responsible Minister and the Attorney-General have had regard to certain matters set out in *clause 108*). The notice is secondary legislation (and must be published under this Bill). The notice may be issued only after it has been approved by a resolution of the House of Representatives (*clause 107*).

*Clause 109* allows the Minister responsible for *Part 4* to give supporting directions that provide for additional or more specific content and that specify the required form and layout of disclosure statements.

*Clause 110* provides that disclosure relates only to information that is available to the public under the Official Information Act 1982.

*Clause 111* provides that a failure to comply with *Part 4* does not affect any power to make any legislation or the validity of any legislation.

The legislative disclosure statement requirements were previously set out in the Legislation Amendment Bill 2014 (the **2014 Bill**). The key difference from the 2014 Bill is that this Bill provides more flexibility. In particular, this Bill no longer sets out the minimum content requirements for disclosure statements and instead leaves those content requirements to be set by the Government notice (as supported by the ministerial direction).

This Bill also provides more flexibility as to when a disclosure statement is required for secondary legislation by enabling classes of secondary legislation to be set by the Government notice, rather than requiring disclosure statements for all secondary legislation drafted by the PCO (subject to certain exceptions).

*Part 4* also strengthens the requirements in the 2014 Bill by—

- requiring a chief executive to act independently in relation to the duty in *clause 105(3)* (without being responsible to a Minister); and
- requiring a statement of responsibility from the chief executive (in the form set by the Government notice); and
- providing for the House of Representatives to approve a notice before it is issued under *clause 106*; and
- requiring disclosures relating to legislative standards or guidelines.

## **Part 5**

### **Parliament's oversight of secondary legislation**

*Part 5* supports parliamentary oversight and control of secondary legislation by continuing the current provisions for disallowance and re-enacting the current provisions for confirming secondary legislation (with minor changes).

*Clause 112* provides that the purpose of the Part is to support Parliament in its oversight and control of the use of delegated powers to make legislation.

#### **Subpart 1—Presentation to House of Representatives**

*Clause 113* requires the Minister who is responsible for secondary legislation to present that legislation to the House of Representatives in accordance with the House's rules and practice. This differs slightly from the current obligation by clarifying that it applies to the Minister and by leaving the exact requirements as to timing and process to be set by the House of Representatives's rules and practice (for example, in Standing Orders).



The presentation obligation generally does not apply to local authority legislation (as at present), to secondary legislation that is exempted from publication by an Act, or to material incorporated by reference under the Bill (as at present).

### Subpart 2—Disallowance by House of Representatives

*Clause 114* states that *subpart 2* applies to all secondary legislation with limited exceptions for resolutions of the House of Representatives, legislation made under the Royal prerogative, bylaws, and legislation listed in *Schedule 3*. There are 2 key differences from the current provisions. First, legislation approved by resolution of the House of Representatives will now be subject to disallowance (because, for example, a future complaint may arise and need to be dealt with even though the House originally approved the legislation). Secondly, legislation made under the Royal prerogative is excluded on the basis that Parliament's authority to disallow should apply only to powers delegated by Parliament. The list of excluded legislation in *Schedule 3* carries forward the existing express exclusions in empowering Acts.

*Clauses 115 to 119* substantially re-enact the current provisions. The House of Representatives may disallow secondary legislation by resolution. Alternatively, secondary legislation is disallowed if a member of the Regulations Review Committee gives notice of a motion to disallow it and the motion is not dealt with by the House of Representatives within 21 sitting days. Disallowance generally has the same effect as a revocation. As at present, the House of Representatives may amend, revoke, or replace by resolution any secondary legislation to which the subpart applies. *Clause 119* provides that a copy of a resolution or motion under the subpart is itself secondary legislation (and must be published under this Bill).

### Subpart 3—Confirmation

The provisions governing confirmation (currently set out in subpart 1A of Part 3 of the 2012 Act) are redrafted but with minimal change in effect. *Clause 120* provides definitions relating to confirmation (including a deadline for confirmation).

Secondary legislation must be confirmed under the subpart if it is made under an empowering provision listed in *Schedule 4* (*clause 121*). If the secondary legislation is not confirmed on or before a deadline, the legislation is revoked on the deadline (*clause 122*).

*Clause 123* provides for secondary legislation to be confirmed by way of an Act that contains a provision to the effect that it confirms the legislation.

The effect of revocation is set out in *clause 124*. Generally, any fees or levies payable are cancelled (and any already collected must be repaid) and any amendments or repeals made are undone. The revoked legislation is otherwise effective in terms of its past operation (as is generally the case for revoked legislation).

However, *clause 125* deals with some legislation that is annually replaced (called annual confirmable instruments in the 2012 Act and, now, listed in *Part 2 of Schedule 4*). This legislation will be invalid in terms of its past operation (ie, void as if it had never been made) if it is not confirmed by the deadline. This applies even if it has

been earlier revoked or (under a minor change from the current provisions) if it has been left to be revoked automatically on the deadline by *clause 122*.

## **Part 6**

### **Parliamentary Counsel Office**

*Part 6* continues the PCO as a separate statutory office under the Attorney-General's direction. To better support the purposes of the Bill, the PCO is given—

- an explicit objective of promoting high-quality legislation that is easy to find, use, and understand and, to that end, exercising stewardship of New Zealand's legislation as a whole:
- an explicit function of providing guidance or other support for, and keeping under review, practices relating to the design, drafting, and publication of legislation.

The other key changes are—

- to clarify that secondees and contractors to the PCO who are lawyers are also covered by provisions governing confidentiality of draft legislation:
- to align the provisions governing senior management secondments with those applying to the State services generally.

*Clause 126* continues the PCO.

*Clause 127* states the objective of the PCO.

*Clause 128* sets out the PCO's functions, including—

- drafting, publishing, and consolidating legislation:
- revising Acts under *subpart 3 of Part 3*:
- examining local Bills and private Bills, and those Members' Bills that the Attorney-General directs be examined:
- advising agencies on the drafting and publication of secondary legislation that is not drafted by the PCO:
- providing guidance or other support for, and keeping under review, practices relating to the design, drafting, and publication of legislation.

*Clause 129* provides that confidential communications between the PCO and its clients are subject to legal professional privilege. The privilege is now extended to drafters working on secondment or contract at the PCO.

*Clauses 130 to 132* provide for the powers of the Chief Parliamentary Counsel. The Chief Parliamentary Counsel has all of the powers that are reasonably necessary or expedient to carry out the Chief's functions, duties, and powers, and may delegate those powers.

*Clause 133* provides that the Chief Parliamentary Counsel is the chief executive of the PCO and is responsible to the Attorney-General for the conduct of the PCO. The

clause requires the Chief Parliamentary Counsel to hold a legal qualification and provides for matters relating to appointment, resignation, removal, and suspension.

The current provisions governing staff of the Parliamentary Counsel Office are re-enacted in *clauses 134 to 144*. The main change is to align the provisions more with those applying to the State services generally, so that the usual procedures for appointments do not apply to secondments from elsewhere in the State services for developing senior leadership and management capability. The provisions otherwise continue to cover the appointment of parliamentary counsel and other employees, the legal qualifications that must be held by the Chief Parliamentary Counsel and parliamentary counsel, the remuneration of the Chief Parliamentary Counsel, other matters governing the Chief Parliamentary Counsel in acting as the employer of PCO's employees and in making appointments, and the protection from liability that applies to the Chief and PCO employees.

## Part 7

### Regulations and miscellaneous provisions

*Clause 145* contains powers to make regulations—

- governing how legislation must be lodged with the PCO for publication and providing for the standard requirements for lodgement:
- enabling limited exemptions from the new publication requirements:
- enabling the PCO to charge fees, but only for requests to use its powers in ways that are discretionary (ie, where an agency would have another option for compliance). For example, an agency may ask the PCO to make typographical corrections under its powers to make editorial changes, but could instead choose to make those corrections through an amendment.

*Clause 146* continues the requirement in the 2012 Act for there to be a statutory review of the revision programme provisions after 30 June 2020.

## Part 8

### Interim amendments

*Part 8* contains interim amendments to the 2012 Act and other Acts until the 2012 Act is replaced by this Bill and broader changes are made to empowering Acts by the separate consequential amendments Bill.

*Part 1 of Schedule 5* makes early targeted amendments to the 2012 Act to—

- repeal the redundant requirement to state that legislation is published under the authority of the New Zealand Government (which *clause 149* also provides is treated as having never applied under the 2012 Act):
- repeal the current provision for designating bookshops for the sale of legislation:

- insert the new editorial power to include actual commencement dates (once they can be determined) in legislation:
- include the improvements to the powers to make minor amendments in revision Bills and the new flexibility for amending the revision programme:
- ensure that legal professional privilege for confidential communications extends to drafters working on secondment or contract at the PCO and that the provisions for senior secondments are aligned with those applying to the State services.

*Part 2 of Schedule 5* provides for early commencement of changes in drafting responsibilities in a number of Acts.

## Part 9

### Repeals, revocations, and related amendments

*Subpart 1 of Part 9* repeals the 1999 Act and contains other related amendments. The key changes (in *clauses 151 to 153*) are to provide, in the Imperial Laws Application Act 1988, that imperial laws are part of New Zealand laws (rather than setting this out in this Bill).

*Subpart 2 of Part 9* repeals the 2012 Act (*clause 155*) and revokes the redundant Legislation (Publication) Order 2013. Other existing regulations are continued in force (*clause 156*). *Subpart 2* also makes changes to the Local Government Act 2002 to preserve the status quo for local authority legislation in a *new subpart 1A of Part 8* of that Act (*clauses 157 and 158*). *Clauses 159 and 160* move the provisions dealing with the evidential status of parliamentary journals to the Parliamentary Privilege Act 2014 (currently section 19(1) of the 2012 Act). *Clause 154 and Schedule 6* set out other consequential amendments.

*Schedule 1* contains the transitional and savings provisions. These are divided into the following 6 subparts:

- *subpart 1* contains transitional provisions for interpretation matters relating to *Part 2*. These provisions apply *Part 2* to both existing and new legislation (with limited exceptions):
- *subpart 2* contains the provisions for secondary legislation transitioning to the new publication requirements under this Bill. The notes on *clause 2* above provide more detail. However, the provisions include a transitional regulation-making power that will enable changes to empowering Acts to be made to reflect a determination of the legislative status of an instrument. While changes to empowering Acts will be made by a separate consequential amendments Bill, there are likely to be errors and omissions given the scale of amendments required. This transitional power will ensure clarifications or corrections to legislative status can be made during the implementation period. The power is repealed on the third anniversary of the new publication requirements for secondary legislation coming into force:

- *subpart 3* contains transitional provisions for more general drafting and publication matters:
- *subpart 4* provides that the new disclosure requirements apply only to legislation introduced or amendments released after the commencement date:
- *subpart 5* provides for existing confirmable instruments to continue to be confirmed under the 2012 Act:
- *subpart 6* provides for the Chief Parliamentary Counsel to continue in office.

*Schedule 2* contains the detailed access and consultation requirements that apply when material is incorporated by reference (*see* notes on the changes from the current standard provision on *clauses 62 to 65* above).

*Schedule 3* lists the specific exclusions for secondary legislation from disallowance (continuing the status quo for these exclusions). This list will need further reassessment in light of changes to be made to empowering Acts in the separate consequential amendments Bill.

*Schedule 4* lists the secondary legislation that requires confirmation by Act (and lists the legislation that has no previous effect if not confirmed by the deadline).

*Schedule 5* sets out interim amendments that will come into force on the day after the date of Royal assent (*see* notes on *Part 8* above for a fuller description of these changes).

*Schedule 6* contains consequential amendments to other Acts.



*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 **2017**.

**2 Commencement**

- (1) This Act comes into force as follows: 5
- (a) the following provisions come into force on the day after the date of Royal assent:
- (i) **Part 7** (which contains regulation-making powers and miscellaneous provisions):
- (ii) **Part 8 and Schedule 5** (which contain interim amendments to the Legislation Act 2012 and other Acts): 10
- (b) the rest of this Act comes into force—
- (i) on 1 or more dates set by Order in Council; or
- (ii) to the extent not brought into force earlier, on the third anniversary of the date of Royal assent. 15
- (2) One or more Orders in Council may set different dates for different provisions (and, for that purpose, may commence a provision only for the purpose of giving effect to some, but not other, parts of this Act).

## Part 1

### Preliminary provisions

- 3 Purpose of this Act**
- The purpose of this Act is to promote high-quality legislation for New Zealand that is easy to find, use, and understand, including by— 5
- (a) stating principles and rules about the interpretation of legislation:
  - (b) allowing legislation to be shorter, simpler, and more consistent:
  - (c) requiring all legislation to be published electronically in its official version in 1 place (with limited exceptions):
  - (d) providing tools for modernising and simplifying New Zealand’s legislation and keeping legislation up to date: 10
  - (e) supporting effective parliamentary and public scrutiny of legislation:
  - (f) continuing the PCO with functions and objectives that promote this purpose.
- 4 Overview of this Act** 15
- (1) In this Act,—
- (a) this Part contains the purpose of this Act, definitions, and other preliminary provisions:
  - (b) **Part 2** provides for the interpretation and application of legislation, including— 20
    - (i) principles of interpretation and default definitions that apply (for example, a definition of working day):
    - (ii) providing for rules that apply to the commencement, amendment, and repeal of legislation:
    - (iii) general empowering provisions (for example, so that a power to prescribe a form can be used to prescribe required information and the method for supplying the required information in place of a form): 25
  - (c) **Part 3** provides for the drafting and publication of legislation, including by— 30
    - (i) setting drafting and publication responsibilities; and
    - (ii) providing tools for correcting errors in legislation; and
    - (iii) providing for revision programmes to revise New Zealand’s legislation:
  - (d) **Part 4** sets disclosure requirements for Government-initiated legislation: 35

- (e) **Part 5** enables Parliament to maintain oversight and control over the use of secondary legislation through—
- (i) enabling the House of Representatives to disallow all secondary legislation (with limited exceptions); and
  - (ii) setting the deadlines for confirmation of secondary legislation (if confirmation by Parliament is required) and the consequences for not confirming: 5
- (f) **Part 6** continues the PCO with functions of drafting and publishing legislation and with associated functions that support the stewardship of New Zealand’s legislation: 10
- (g) **Part 7** contains regulation-making powers and other miscellaneous provisions:
- (h) **Part 8** contains repeals, revocations, and other related and consequential amendments.
- (2) This section is only a guide to the general scheme and effect of this Act. 15
- (3) *See also* the Imperial Laws Application Act 1988, which provides for this Act to apply to Imperial legislation.

## 5 Interpretation

- (1) In this Act, unless the context otherwise requires,—
- administering agency** means, in relation to legislation, the department, Office of Parliament, or other organisation that is responsible for administering the legislation 20
- available to the public under the OIA**, in **Part 4**, has the meaning set out in **section 101**
- chief executive**, in relation to an administering agency, means the chief executive of the administering agency 25
- Chief Parliamentary Counsel** means the person who holds that office under **section 133**
- consolidation** means a version of legislation published under **section 69**
- current drafting practice**, in **subpart 2 of Part 3**, has the meaning set out in **section 84** 30
- empowering legislation**, in relation to any secondary legislation or instrument, means—
- (a) the legislation that empowers the making of the secondary legislation or instrument; or 35
  - (b) the Royal prerogative (for anything done under the Royal prerogative)
- empowering provision**, in relation to any secondary legislation or instrument, means the provision of empowering legislation that empowers the making of the secondary legislation or instrument



- Government amendment** has the meaning set out in the rules and practice of the House of Representatives
- instrument** includes secondary legislation and any instrument that is not legislation (for example, an administrative document)
- introduction**, in relation to a Bill, means the introduction of the Bill in accordance with the rules and practice of the House of Representatives 5
- legislation** means the whole or a part of an Act or any secondary legislation
- legislation website** means any Internet site maintained by, or on behalf of, the PCO for the publication of legislation or supporting material (or both)
- legislative guidelines or standards**, in **Part 4**, has the meaning set out in **section 101** 10
- legislative quality procedures**, in **Part 4**, has the meaning set out in **section 101**
- local authority** has the meaning set out in section 5(1) of the Local Government Act 2002 15
- maker**, in relation to any secondary legislation, means the person empowered to make the secondary legislation
- minimum legislative information** means, for any secondary legislation, all of the following:
- (a) the Title of the legislation: 20
  - (b) the maker:
  - (c) the date on which the legislation was made:
  - (d) the date on which the legislation commences (if known):
  - (e) the empowering provision:
  - (f) the administering agency 25
- official version**, in relation to legislation, means a version of the legislation that has the status of an official version under **section 78**
- PCO** means the Parliamentary Counsel Office
- referential words**, in **subpart 2 of Part 3**, has the meaning set out in **section 84** 30
- release**, in relation to an amendment to a Bill, means the circulation or release of the amendment to the House of Representatives in accordance with the rules and practice of the House of Representatives
- relevant policy agency**, in **Part 4**, has the meaning set out in **section 101**
- responsible Minister**, in **Part 4**, has the meaning set out in **section 101** 35
- secondary legislation** means an instrument (whatever it is called) that—
- (a) is made under an Act if the Act (or other legislation) states that the instrument is secondary legislation; or

(b) is made under the Royal prerogative and has legislative effect

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**Example**

The ABC Act 2018 enables the Governor-General, by Order in Council, either to make exemptions in the Order in Council or to enable the regulator to issue exemption notices. Both the Order and notice are made (directly or indirectly) under the ABC Act (see **section 21**). The ABC Act states that both are secondary legislation. As a result, both the Order in Council and the exemption notice made under that Order are secondary legislation under this definition. 5

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**sitting day** means a sitting day of the House of Representatives.

(2) See also the definitions of terms for all legislation in **section 13**, which also apply to this Act. 10

**6 Transitional, savings, and related provisions**

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

**7 Act binds the Crown** 15

This Act binds the Crown.

**Part 2**

**Interpretation and application of legislation**

*Purposes and application*

**8 Purposes of this Part** 20

The purposes of this Part are to—

- (a) state principles and rules for the interpretation of legislation:
- (b) allow legislation to be simpler, shorter, and more consistent.

Compare: 1999 No 85 s 2

**9 Application of this Part** 25

(1) A provision of this Part applies to legislation that is part of the laws of New Zealand unless—

- (a) the legislation provides otherwise; or
- (b) the context of the legislation requires a different interpretation.

(2) The provisions of this Part also apply to the interpretation of this Act. 30

Compare: 1999 No 85 s 4

*General principles of interpretation***10 How to ascertain meaning of legislation**

- (1) The meaning of legislation must be ascertained from its text and in the light of its purpose and its context.
- (2) **Subsection (1)** applies whether or not the legislation's purpose is stated in the legislation. 5
- (3) The text of legislation includes the indications provided in the legislation.
- (4) Examples of those indications are preambles, a table of contents, headings, diagrams, graphics, examples and explanatory material, and the organisation and format of the legislation. 10
- Compare: 1999 No 85 s 5

**11 Legislation applies to circumstances as they arise**

Legislation applies to circumstances as they arise.

Compare: 1999 No 85 s 6

**12 Legislation does not have retrospective effect** 15

Legislation does not have retrospective effect.

Compare: 1999 No 85 s 7

*General definitions and interpretation provisions***13 Definitions of terms for all legislation**

In legislation,— 20

**Act** means an Act—

- (a) of the Parliament of New Zealand; or
- (b) of the General Assembly

**commencement**, in relation to any legislation, means the time when the legislation comes into force 25

**Commonwealth country** and **part of the Commonwealth** mean a country that is a member of the Commonwealth; and include a territory for the international relations of which the member is responsible

**consular officer** means a person who has authority to exercise consular functions 30

**de facto partner** means a person who is a party to a de facto relationship (as defined in **section 14**)

**department** and **Ministry**, in relation to any legislation, mean the department (within the meaning of section 27A of the State Sector Act 1988) that, with the authority of the Prime Minister, is responsible for the administration of the legislation 35

- enactment** means the whole or a part of an Act or any secondary legislation
- Gazette** means the *New Zealand Gazette* (or a supplement to the *New Zealand Gazette*) published or purporting to be published under the authority of the New Zealand Government
- Governor-General in Council** or a similar expression means the Governor-General acting on the advice and with the consent of the Executive Council 5
- legislation** has the meaning set out in **section 5(1)**
- Minister**, in relation to any legislation, means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the legislation 10
- month** means a calendar month
- New Zealand** or similar words referring to New Zealand, when used as a territorial description,—
- (a) mean the islands and territories within the Realm of New Zealand; but
  - (b) do not include the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency 15
- North Island** or **Te Ika-a-Māui**, both official alternative names, means the island commonly known as the North Island, and includes the islands adjacent to it north of Cook Strait
- office** includes position 20
- Order in Council** means an order made by the Governor-General in Council
- person** includes a corporation sole, a body corporate, and an unincorporated body
- prescribed** means prescribed by or under legislation
- proceeding** means a proceeding (whether civil, criminal, disciplinary, or other, at any stage, and interlocutory or main)— 25
- (a) in or before a court or tribunal, or before a person acting judicially; or
  - (b) of a person or body performing administrative functions, investigative functions, or both
- Proclamation** means a Proclamation made and signed by the Governor-General under the Seal of New Zealand and (if it is not legislation) published in the *Gazette* 30
- public notification, public notice**, or a similar expression in relation to an act, matter, or thing, means a notice published—
- (a) in the *Gazette*; or 35
  - (b) in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or

- (c) on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is publicly available as far as practicable and free of charge

**repeal**, in relation to any legislation, includes—

- (a) expiry (or any other lapsing or ceasing of effect); and 5  
 (b) revocation; and  
 (c) replacement

**rules of court**, in relation to a court, means rules regulating the practice and procedure of the court

**secondary legislation** has the meaning set out in **section 5(1)** 10

**South Island** or **Te Waipounamu**, both official alternative names, means the island commonly known as the South Island, and includes the islands adjacent to it south of Cook Strait

**territorial limits of New Zealand**, **limits of New Zealand**, or a similar expression, when used as a territorial description, means the outer limits of the territorial sea of New Zealand 15

**working day** means a day of a week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, and Labour Day; and  
 (b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and 20  
 (c) if 1 January falls on a Friday, the following Monday; and  
 (d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and  
 (e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday 25

**writing** means representing or reproducing words, figures, or symbols in a visible and tangible form and medium (for example, in print) (but *see* Part 4 of the Contract and Commercial Law Act 2017, which provides for meeting written requirements by electronic means). 30

Compare: 1999 No 85 s 29

#### 14 **Meaning of de facto relationship**

- (1) In any legislation, **de facto relationship** means a relationship between 2 people (regardless of their sex, sexual orientation, or gender identity) who— 35
- (a) live together as a couple in a relationship in the nature of marriage or civil union; and  
 (b) are not married to, or in a civil union with, each other; and  
 (c) are both aged 16 years or older.

- (2) However, a relationship involving a person aged 16 or 17 years is not a de facto relationship unless that person has obtained consent for the relationship in accordance with section 46A of the Care of Children Act 2004.
- (3) In determining whether 2 people live together as a couple in a relationship in the nature of marriage or civil union, the court or person required to determine the question must have regard to— 5
- (a) the context, and the purpose of the law, in or for which the question is to be determined; and
  - (b) all the circumstances of the relationship.
- (4) A de facto relationship ends if— 10
- (a) the de facto partners cease living together as a couple in a relationship in the nature of marriage or civil union; or
  - (b) one of the de facto partners dies.
- Compare: 1999 No 85 s 29A
- 15 Meaning of step-parent, etc** 15
- The relationship of step-parent, stepson, stepdaughter, or any other relationship described by a word containing the prefix “step”, may be established by civil union or by de facto relationship as well as by marriage.
- Compare: 1999 No 85 s 29B
- 16 References to specific gender or kind of person include others** 20
- (1) Words denoting a gender include every other gender.
  - (2) Words denoting a natural person by referring to a gender (for example, “he or she”) or words referring to persons generally (for example, “someone”) include a corporation sole, a body corporate, and an unincorporated body.
  - (3) Words denoting a corporation sole, a body corporate, or an unincorporated body include a natural person if capable of referring to a natural person. 25
- Compare: 1999 No 85 s 31; Acts Interpretation Act 1901 ss 2C, 23(a) (Aust); Acts Interpretation Act 1915 s 26(d), (e) (SA)
- 17 When sending by post is taken as done**
- (1) This section applies to legislation that authorises or requires a document to be sent by post (whether the expression “serve”, “give”, or “send”, or any other expression, is used). 30
  - (2) The document is taken to be sent if it is properly addressed, prepaid, and posted as a postal article.
  - (3) The document is taken to be received at the time at which it would be delivered in the ordinary course of post. 35
  - (4) However, **subsection (2) or (3)** does not apply if the contrary is proved.

- (5) *See also* Part 4 of the Contract and Commercial Law Act 2017, which provides for the deemed timing and receipt of electronic communications.  
Compare: Acts Interpretation Act 1901 s 29 (Aust); Interpretation Act 1978 s 7 (UK)
- 18 Parts of speech have corresponding meaning**  
Parts of speech and grammatical forms of a word that is defined in any legislation have corresponding meanings in the same legislation. 5  
Compare: 1999 No 85 s 32
- 19 Words in singular include plural and vice versa**  
Words in the singular include the plural, and words in the plural include the singular. 10  
Compare: 1999 No 85 s 33
- 20 Words used in secondary legislation have same meaning as in legislation made under**  
A word or an expression used in secondary legislation, or in any instrument, has the same meaning as it has, from time to time, in the legislation under which the secondary legislation or instrument is made. 15  
Compare: 1999 No 85 s 34
- 21 Anything done under secondary legislation is also done under empowering legislation**  
A reference to anything being done under an Act includes anything done under secondary legislation, or another instrument, that is made under that Act. 20
- 
- Example**  
An Act empowers regulations to authorise a regulator to set fees. The Act requires all fees paid under the Act to be paid to the Crown. The regulations require the regulator to set fees by issuing a notice. The fees set in the regulator's notice are paid under the Act and so must be paid to the Crown. 25
- 
- 22 Legislation not binding on the Crown**
- (1) No Act or part of an Act binds the Crown unless the Act (or other legislation) expressly provides that the Crown is bound by the Act or part.
- (2) No secondary legislation, or part of secondary legislation, made under an Act binds the Crown unless— 30
- (a) the Act (or another Act) expressly provides that the Crown is bound by the Act; or
- (b) the Act or secondary legislation (or other legislation) expressly provides that the Crown is bound by the secondary legislation or part. 35
- Compare: 1999 No 85 s 27

**23 Examples do not limit provision but may extend its operation**

- (1) An example provided in legislation of the operation of a provision of the legislation does not limit the provision.
- (2) *See section 10*, which includes examples as part of the text of legislation from which its meaning must be ascertained. 5
- Compare: Acts Interpretation Act 1901 s 15AD (Aust)

*Commencement of legislation***24 Date on which Acts commence**

- (1) An Act or a part of an Act comes into force on the date stated or provided in the Act. 10
- (2) If an Act does not state or provide for a commencement date for the Act or part, the Act or part comes into force on the day after the date of Royal assent.
- (3) However, an Act's Title and commencement section, and any section identifying the principal Act amended, come into force on Royal assent (and no reference in the commencement section includes them). 15
- Compare: 1999 No 85 s 8

**25 Date on which secondary legislation commences**

- (1) Secondary legislation or a part of any secondary legislation comes into force on the date stated or provided in the legislation.
- (2) If it does not state or provide for that date, the legislation or part comes into force— 20
- (a) on the day after it is published under this Act; or
- (b) if it is exempt from publication under this Act, on the day after it is first made available as required by law.
- (3) However, the secondary legislation's Title and commencement provisions, and any provision identifying the principal secondary legislation amended, come into force on its making (and no reference in the commencement provision includes them). 25
- (4) **Subsection (1)** is subject to **section 72** (which generally requires publication before secondary legislation comes into force). 30
- Compare: 1999 No 85 s 9

**26 Time at which legislation commences**

- (1) Legislation comes into force at the start of the day on which the legislation comes into force.
- (2) If legislation is expressed to take effect from a particular day, the legislation takes effect at the start of the next day. 35



- (3) This section is subject to **sections 28(1)(b) and 72**.

Compare: 1999 No 85 s 10

## 27 When legislation commences if calculated by number of months

- (1) This section applies to legislation expressed to come into force a number of months after a day or an act or event that occurs on a day (**date A** in the **starting month**). 5
- (2) The legislation comes into force in the month that is that number of months after the starting month,—
- (a) on the day of that month that corresponds to date A; or
- (b) if there is no such day, on the last day of that month. 10
- (3) This section applies instead of **section 56** (on months generally).

### Examples

ABC Act 2018 states that it comes into force a month after Royal assent. Royal assent is given on 1 July 2018. The Act comes into force on 1 August 2018.

XYZ Act 2018 states that it comes into force 4 months after Royal assent. Royal assent is given on 31 May 2018. The Act comes into force on 30 September 2018 (because September does not have 31 days). 15

## 28 Power to make commencement order

- (1) A power to make an Order in Council bringing legislation into force—
- (a) includes a power to set a date for legislation to come into force that is the same day as the day on which the Order in Council is made (in which case the legislation comes into force at the start of that day); and 20
- (b) includes a power to state a time of commencement on the date that is set (and, if that power is exercised, the legislation comes into force at that time on that date); and 25
- (c) is capable of being exercised more than once to amend, revoke, or replace an Order in Council made in a previous exercise of the power, so long as each re-exercise of the power takes effect before the commencement takes effect; and
- (d) includes (unless the power is one to set a single date) a power to make 1 or more orders setting different dates for different provisions of the legislation; and 30
- (e) includes (if there is a provision where its commencement would otherwise operate to give effect to other parts of legislation) a power to commence the provision only for the purpose of giving effect to some, but not other, parts of that legislation. 35

### Example

The Dogs and Cats Act states that it comes into force on a date set by Order in Council. Section 100 states that the legislation set out in Schedule

4 is consequentially amended (and Schedule 4 sets out all the amendments). An Order in Council is made that commences section 100 on 1 July 2020 for the purpose of giving effect to the first 10 consequential amendments in Schedule 4. The rest of the consequential amendments in Schedule 4 do not come into force at that time. A later Order in Council commences section 100 for the purpose of the rest of the consequential amendments on 1 July 2021.

- (2) If the power referred to in **subsection (1)(e)** is exercised, the provision comes into force only for that purpose and only the identified parts come into force.

Compare: 1999 No 85 s 10(3)

### *Amendment and repeal*

## **29 Amendments part of, and construed with, legislation amended**

- (1) Amending legislation is part of the legislation that it amends.
- (2) Amending legislation must be construed with the legislation that it amends.

Compare: 1999 No 85 s 23; Acts Interpretation Act 1901 s 11B(1) (Aust)

## **30 References to repeal or amendment extend to other ceasing of effect**

A reference in **sections 31 to 35** to repealing or amending legislation includes a reference to—

- (a) an implied repeal or amendment; and
- (b) a change that removes or limits the effect of the legislation; and
- (c) a change that disapplies the legislation to any person, subject matter, or circumstance.

Compare: Acts Interpretation Act 1901 s 7(3)(a), (c), (d) (Aust)

## **31 Effect of repeal or amendment generally**

- (1) The repeal or amendment of legislation does not—
- (a) affect the validity, invalidity, effect, or consequences of anything done or suffered:
- (b) affect an existing right, interest, title, immunity, duty, status, or capacity:
- (c) affect an amendment made by the legislation to other legislation:
- (d) affect the previous operation of the legislation or anything done or suffered under it:
- (e) revive any thing that is not in force or existing at the time the repeal or amendment takes effect.
- (2) The repeal of legislation does not revive—
- (a) legislation that has been repealed; or

- (b) a rule of law that has been abolished.

Compare: 1999 No 85 s 17; Acts Interpretation Act 1901 s 7(1), (2) (Aust); Acts Interpretation Act 1915 s 16 (SA)

### **32 Effect of repeal or amendment on existing rights and proceedings**

- (1) The repeal or amendment of legislation does not affect— 5
- (a) the completion of a matter or thing that relates to an existing right, interest, title, immunity, duty, status, or capacity (a **legal position**); or
- (b) the commencing of a proceeding that relates to an existing legal position; or
- (c) the completion of a proceeding commenced or in progress under the legislation. 10
- (2) Repealed or amended legislation continues to have effect for the purposes stated in **subsection (1)** as if the legislation had not been repealed or amended.

Compare: 1999 No 85 s 18; Acts Interpretation Act 1901 s 7(2) (Aust)

### **33 Effect of repeal or amendment on prior offences and breaches of legislation** 15

- (1) The repeal or amendment of legislation does not affect a liability to a penalty or any other remedy or relief, or to an order or a direction, for an offence or for a breach of any legislation committed before the repeal or amendment.
- (2) Repealed or amended legislation continues to have effect as if it had not been repealed or amended for the purpose of— 20
- (a) investigating the offence or breach:
- (b) commencing or completing a proceeding for the offence or breach:
- (c) imposing a penalty, or any other remedy or relief, or making or giving an order or a direction, for the offence or breach. 25

Compare: 1999 No 85 s 19; Acts Interpretation Act 1901 s 7(2) (Aust)

### **34 Powers exercised under repealed or amended legislation have continuing effect**

Anything done in the exercise of a power under repealed or amended legislation, and that is in effect immediately before that repeal or amendment, continues to have effect as if it had been exercised under any other legislation— 30

- (a) that, with or without modification, replaces, or that corresponds to, the legislation repealed or amended; and
- (b) under which the power could be exercised.

Compare: 1999 No 85 s 21

35

- 35 Legislation made under repealed legislation has continuing effect**
- (1) Any legislation made under repealed legislation, and that is in force immediately before that repeal, continues in force as if it had been made under any other legislation—
- (a) that, with or without modification, replaces, or that corresponds to, the legislation repealed; and 5
- (b) under which it could be made.
- (2) Legislation that continues in force may be amended or revoked as if it had been made under the legislation that replaces, or that corresponds to, the repealed legislation. 10
- Compare: 1999 No 85 s 20
- 36 How to apply references to new legislation that is not yet in force**
- (1) This section applies if legislation (**new legislation**)—
- (a) is to replace (with or without modification), or is to correspond to, existing legislation; and 15
- (b) is not yet in force.
- (2) A reference in legislation to the new legislation is, until that new legislation comes into force, a reference to the whole or the corresponding part of the existing legislation.
- 37 How to apply references to repealed legislation** 20
- (1) The repeal of legislation does not affect legislation in which the repealed legislation is applied, incorporated, or referred to.
- (2) A reference in legislation to repealed legislation is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation repealed. 25
- (3) **Subsection (1)** is subject to **subsection (2)**.
- Compare: 1999 No 85 s 22
- 38 Time of repeal of legislation on particular day**
- (1) Legislation that is expressed to be repealed on a particular day is repealed at the start of that day. 30
- (2) Legislation that is expressed to remain in force, or to continue to have effect, until a particular day, remains in force or has effect until the close of that day.
- General empowering provisions*
- 39 Authority to make secondary legislation**
- (1) It is not necessary for secondary legislation to refer to facts, circumstances, or preconditions that must exist or be satisfied before the legislation can be made. 35

- (2) Secondary legislation is not invalid just because the legislation under which it is expressed to have been made does not authorise its making as long as its making is authorised by other legislation.  
Compare: 1999 No 85 s 24
- 40 Secondary legislation may make consequential amendments to other secondary legislation** 5
- (1) A power to make secondary legislation (the **main secondary legislation**) under one Act (the **main Act**) includes a power to make consequential amendments to other secondary legislation made by the same person (whether or not made under the same Act). 10
- (2) An amendment is **consequential** for the purposes of this section if it is purely consequential on the passing or making of either or both of the following:
- (a) the main Act or any amendment to it;
  - (b) the main secondary legislation or any amendment to it.
- (3) The only facts, circumstances, or preconditions that must exist or be satisfied before the consequential amendments are made are those (if any) for making the main secondary legislation. 15
- 41 Amendments made to secondary legislation by Act do not prevent later amendments**
- Secondary legislation amended or replaced by an Act may be amended, revoked, or replaced by later secondary legislation as if the amendment or replacement had been made by secondary legislation. 20  
Compare: 1999 No 85 s 25
- 42 Authority to make instrument does not include power to determine its status as legislation** 25
- A power to make an instrument does not include the power to determine whether or not the instrument is secondary legislation.
- Exercise of powers in legislation generally*
- 43 When powers can be exercised before commencement**
- (1) A power conferred by legislation may be exercised before the legislation comes into force or takes effect to— 30
- (a) make secondary legislation or another instrument; or
  - (b) serve a notice or document; or
  - (c) appoint a person to an office; or
  - (d) establish a body of persons; or 35
  - (e) confer or impose on a person a right, interest, title, immunity, duty, status, or capacity (a **legal position**); or

- (f) do any other act or thing for the purposes of the legislation.
- (2) However, the power may be exercised only if the exercise of the power is necessary or desirable—
- (a) to bring the legislation into operation; or
- (b) in connection with bringing the legislation into operation. 5
- (3) **Subsection (1)** applies as if—
- (a) the legislation that confers the power, and all other legislation that is relevant to the power's exercise and that has not yet commenced, had commenced; and
- (b) a legal position that would be conferred or imposed by legislation that is relevant to the power's exercise, and that has not yet commenced, has been conferred or imposed. 10

Compare: 1999 No 85 s 11

#### 44 **Limit on when pre-commencement exercise of powers takes effect**

- (1) Anything that results from the exercise of a power under **section 43** may take effect only on and after the commencement of the legislation that confers the power. 15
- (2) However, that limit does not apply if the exercise of the power is necessary or desirable—
- (a) to bring the legislation into operation; or 20
- (b) in connection with bringing the legislation into operation; or
- (c) to amend, revoke, or replace anything previously done in reliance on **section 43**.

Compare: 1999 No 85 s 11

#### 45 **Power to appoint to an office includes related powers** 25

The power to appoint a person to an office includes the power to—

- (a) remove or suspend a person from the office:
- (b) reappoint or reinstate a person to the office:
- (c) appoint (temporarily or permanently, and for all or limited purposes) another person in place of a person who— 30
- (i) has vacated the office voluntarily (for example, by resigning); or
- (ii) has died; or
- (iii) is absent temporarily or permanently; or
- (iv) is incapacitated temporarily or permanently in a way that affects the performance of that person's duty; or 35

(v) has been removed or suspended from the office.

Compare: 1999 No 85 s 12; Acts Interpretation Act 1901 ss 33AA, 33A (Aust); Acts Interpretation Act 1915 s 36 (SA)

#### **46 Power to do things may be exercised to correct errors**

(1) The power to do anything may be exercised to correct an error or omission in a previous exercise of the power. 5

(2) **Subsection (1)** applies even though the power is not generally capable of being exercised more than once.

Compare: 1999 No 85 s 13

#### **47 Powers of office holder may be exercised by acting office holders** 10

A power conferred on the holder of an office, other than a Minister of the Crown, may be exercised by 1 or both of the following:

- (a) a person who is the holder's deputy lawfully acting in the office:
- (b) a person who is for the time being lawfully holding, or performing the duties of, the office. 15

Compare: 1999 No 85 s 14; Acts Interpretation Act 1901 s 34AAA (Aust)

#### **48 Power to make includes power to amend or revoke**

The power to make secondary legislation or any other instrument includes the power to—

- (a) amend or revoke the legislation or instrument: 20
- (b) replace the legislation or instrument.

Compare: 1999 No 85 s 15

#### **49 Power to make different provision for classes of matters**

(1) This section applies to legislation that confers on a person a power to make secondary legislation or another instrument with respect to particular matters (however the matters are described). 25

(2) The power includes a power—

- (a) to make the secondary legislation or instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters; and 30
- (b) to make different provision with respect to different matters or different classes of matters.

Compare: Acts Interpretation Act 1901 s 33(3A) (Aust)

#### **50 Power to identify matters using classes**

(1) This section applies to legislation that confers on a person a power to make secondary legislation or any other instrument— 35

- (a) declaring, prescribing, or specifying a matter; or

- (b) doing anything in relation to a matter.
- (2) In exercising the power, the person may identify the matter by referring to a class or classes of matters.  
Compare: Acts Interpretation Act 1901 s 33(3AB) (Aust); Legislation Act 2003 s 13(3) (Aust)

### **51 Exercise of powers and duties more than once** 5

- (1) A power conferred by legislation may be exercised from time to time.
- (2) A duty or function imposed by legislation may be performed from time to time.  
Compare: 1999 No 85 s 16

### *Forms*

### **52 Use of approved or prescribed forms** 10

A form is not invalid just because it contains minor differences from an approved or a prescribed form as long as the form still has the same effect and is not misleading.

Compare: 1999 No 85 s 26

### **53 Power to approve or prescribe information in place of forms** 15

- (1) This section applies to a power conferred by legislation to approve or prescribe a form used to supply information that must or may be supplied to any person, or made available, for any purpose.
- (2) The power to approve the form includes a power to—
  - (a) identify the information to be supplied or made available; and 20
  - (b) approve (instead of the form) another format and medium for supplying the information or making the information available.
- (3) The power to prescribe the form includes a power to—
  - (a) identify the information to be supplied or made available; and
  - (b) prescribe (instead of the form) 1 or both of the following: 25
    - (i) another format and medium for supplying the information or making the information available;
    - (ii) an authorisation for a prescribed person to approve or prescribe (instead of the form) another format and medium for supplying the information or making the information available. 30
- (4) Information supplied or made available under the power complies with legislation that refers to, requires, or otherwise operates with the form as if the information had been supplied or made available in an approved or a prescribed form (and the legislation applies, with all necessary modifications, accordingly). 35

Compare: 1995 No 16 s 87B(2); 2002 No 35 s 37; 2008 No 91 s 154; 2013 No 69 ss 543(1)(e), 544(1)(a), 546(1)(g), (i), and 548(1)(i)



*Time and distance*

**54 When periods start and end**

- (1) If legislation refers to a period described in the following table, the period must be calculated according to the corresponding rule stated in the table:

<b>Item</b>	<b>Column 1 If the period:</b>	<b>Column 2 then the period:</b>
1	is described as starting at, on, or with a specified day, act, or event	includes that day or the day of the act or event
2	is described as starting from or after a specified day, act, or event	does not include that day or the day of the act or event
3	is described as being within a specified number of days of or after a specified day, act, or event	does not include that day or the day of the act or event
4	is described as ending by, on, at, or with, or as continuing to or until, a specified day, act, or event	includes that day or the day of the act or event
5	is described as ending before a specified day, act, or event	does not include that day or the day of the act or event
6	is described as a number of days between 2 specified events	does not include the days on which the events happen

**Examples**

Item 1: If the legislation states that a permission begins on the first day of a financial year, the permission is on force on that day. 5

Item 2: If the legislation states that a variation of an agreement operates from 30 June, the variation starts to operate on 1 July.

Item 3: If the legislation states that public notice must be given within 10 days of adopting a constitution and the constitution is adopted on 1 August, the notice must be given by the close of 11 August. 10

Item 4: If the legislation states that a right to make a submission ends on 30 June, the submission may still be made on 30 June.

Item 5: If the legislation states that a statement must be filed before the start of the next financial year, the statement must be filed on 30 June, not 1 July. 15

Item 6: If the legislation states that the period between sending a draft decision document to submitters for comments and finalising the decision must be at least 10 working days, do not count the day on which the draft is sent or the day on which the decision is finalised. 20

- (2) If legislation refers to a period described in the following table within which a thing must or may be done, the period must be calculated according to the corresponding rule stated in the table:

<b>Item</b>	<b>Column 1 If the thing must or may be done within a period:</b>	<b>Column 2 then the period:</b>
1	described as started on or after a specified day, act, or event	in which the thing must or may be done includes that day or the day of that act or event
2	described as being of or after a specified day, act, or event	in which the thing must or may be done includes that day or the day of that act or event
3	described as at least a specified number of days before or after a specified day, act, or event	in which the thing must or may be done does not include the day on which the thing is done or the specified day or the day of the specified act or event

### Examples

Item 1: If the legislation states that a person may apply for a benefit within 14 days after an injury, the person may apply on the date of that injury as well as on any of the 14 days after that date.

Item 2: If the legislation states that a person must exercise a right of appeal within 10 days of getting notice of a decision, the right may be exercised on the day of getting notice or on any of the 10 days after that date. 5

Item 3: If the legislation states that a person must give notice 10 days before a meeting, do not count the day of giving the notice or the day of the meeting in calculating the 10 days. 10

Compare: 1999 No 85 s 35(1)-(5); Acts Interpretation Act 1901 s 36(1) (Aust)

### 55 Extension for doing thing if day or last day is not working day

A thing that, under legislation, must or may be done on a particular day or within a limited period of time may, if that day or the last day of that period is not a working day, be done on the next working day. 15

Compare: 1999 No 85 s 35(6)

### 56 Calculating periods of months (except for commencement of legislation)

(1) A reference in legislation to a period of a number of months after a day (**date A** in the **starting month**) is a reference to the period—

(a) starting at the start of date A in the starting month; and 20

(b) ending in the month (the **ending month**) that is that number of months after the starting month—

(i) immediately before the start of the day of the ending month that corresponds to date A; or

- (ii) if there is no such day, at the end of the last day of the ending month.

---

### Examples

A reference to a month starting on 15 February is a reference to a period starting on that day and ending at the close of 14 March (because March has a corresponding day). 5

A reference to 6 months starting on 31 October in a year is a reference to a period starting on that day and ending at the end of April (at the close of 30 April) in the next year (because April does not have 31 days).

- (2) Date A (the period's starting day) is determined under **section 54(1)** (if applicable). If the period's last day is not a working day, *see also* **section 55**. 10
- (3) This section does not apply to commencement of legislation (*see* **section 27**).  
Compare: Acts Interpretation Act 1901 s 2G (Aust); Interpretation Act 1984 s 62 (WA)

### 57 Determining measurements of distance

A reference to a distance means a distance measured in a straight line on a horizontal plane. 15

Compare: 1999 No 85 s 36

## *Revision Acts*

### 58 Meaning of revision Act and old law

In **sections 59 to 61**,— 20

**old law**, in relation to a revision Act, means the law as expressed in the Acts or parts of Acts repealed by and incorporated in the revision Act

**revision Act** means a revision Bill prepared and certified under **subpart 3 of Part 3**, once that Bill has been enacted.

Compare: 2012 No 119 s 35(1), (2) 25

### 59 Revision Act is generally to have same effect as old law

- (1) A revision Act's provisions— 30
- (a) are the provisions of the old law in rewritten form; and
- (b) are intended to have the same effect as the corresponding provisions of the old law.

- (2) This section is subject to **section 61**.

Compare: 2007 No 97 s ZA 3(3); 2012 No 119 s 35(2)

### 60 Using old law as interpretation guide for revision Act

If the meaning of a provision of a revision Act is unclear or gives rise to absurdity, the wording of the old law that corresponds to the provision must be used to ascertain the meaning of the provision. 35

Compare: 2007 No 97 s ZA 3(4)

**61 Exceptions: when revision Act changes effect of old law**

**Section 59** is overridden to the extent that a provision of a revision Act—

- (a) is expressly provided by the revision Act to be (under **section 95(3)**) intended to change the effect of the old law; or
- (b) has a meaning that is expressly or by necessary implication to a different effect than the corresponding old law provision referred to in **section 60**; or
- (c) is enacted, amended, or repealed by legislation that is not a revision Act (for example, an amendment Act intended to change the effect of the old law).

Compare: 2007 No 97 s ZA 3(5); 2012 No 119 s 35(3)

*Power to incorporate by reference***62 Interpretation**

In **sections 63 to 65** and **Schedule 2**, unless the context otherwise requires,—

**material**—

- (a) means material referred to in **section 63(1)**; but
  - (b) does not include anything incorporated by reference by that material
- written material** means material that represents or reproduces words, figures, or symbols—
- (a) in a visible and tangible form by any means and in any medium; or
  - (b) in a visible form in any medium by electronic means that enables them to be stored in permanent form and be retrieved and read.

Compare: 2012 No 119 s 48

**63 Power for secondary legislation to incorporate material by reference**

- (1) This section is sufficient authority for secondary legislation 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 that can reasonably be regarded as being impractical to include in, or publish as part of, the secondary legislation.
- (2) For the purposes of this section, secondary legislation incorporates material by reference if the secondary legislation 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 65** applies.
- (3) Material incorporated by reference in reliance on this section has legal effect as part of the legislation that incorporates the material. 5
- (4) This provision applies in addition to, and does not limit, any other power in legislation to incorporate material by reference (for example, sections 29 to 32 of the Standards and Accreditation Act 2015) or rule of law.
- Compare: 2012 No 119 ss 49, 57
- 64 Schedule 2 applies if material incorporated by reference** 10
- (1) **Schedule 2** applies if material is incorporated by reference in reliance on **section 63**.
- (2) However, **Schedule 2** does not apply if the material incorporated is itself legislation. 15
- Compare: 2012 No 119 s 50
- 65 Effect of amendments to material incorporated by reference**
- (1) This section applies if the material incorporated by reference in secondary legislation in reliance on **section 63** is amended by the originator of the material after the secondary legislation is made.
- (2) Those amendments have no legal effect as part of the secondary legislation unless— 20
- (a) they are specifically incorporated by later legislation made in accordance with **Schedule 2**; or
- (b) amendments to the material are expressly authorised to have that effect by another Act. 25
- (3) For the purposes of this section, material is **amended** if the material or any part of it— 30
- (a) is amended or replaced; or
- (b) expires or is revoked; or
- (c) otherwise ceases to have effect.
- Compare: 2012 No 119 s 53

## Part 3 Drafting and publishing of legislation

### Subpart 1—Drafting and publishing legislation

#### *Key drafting responsibilities*

- 66 What legislation is drafted by PCO** 5
- The main functions of the PCO, in relation to drafting legislation, are—
- (a) to draft Government Bills and amendments to them; and
  - (b) to advise on, or assist with, the drafting of local Bills and private Bills and amendments to them; and
  - (c) to draft Members' Bills, and amendments to them, if the Attorney-General directs; and 10
  - (d) to draft the following proposed secondary legislation:
    - (i) Orders in Council (unless they relate only to an individual):
    - (ii) any secondary legislation that amends an Act:
    - (iii) any secondary legislation if the chief executive of the administering agency and the Chief Parliamentary Counsel agree: 15
    - (iv) any secondary legislation if the Attorney-General directs; and
  - (e) to draft, or advise on or assist in the drafting of, any other proposed legislation that the Attorney-General directs.
- Compare: 2012 No 119 s 59(1)(a), (b), (i), (2) 20
- 67 Power to authorise IRD to draft Inland Revenue Bills**
- (1) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, authorise the Inland Revenue Department to draft Inland Revenue Bills that the responsible Minister directs.
  - (2) The Order in Council may state exceptions to the authorisation. 25
  - (3) The Order in Council is secondary legislation (and must be published under this Act).
  - (4) In this section,—
- Inland Revenue Bills** means Bills, or parts of Bills, intended to become Acts, or parts of Acts, administered by the Inland Revenue Department 30
- responsible Minister** means the Minister of the Crown who is responsible for the Inland Revenue Department.
- Compare: 2012 No 119 s 60

*Key publishing responsibilities*

- 68 PCO must publish all legislation**
- The PCO must publish—
- (a) all introduced Bills (and those amendments to Bills that the Attorney-General directs); and 5
  - (b) all Acts; and
  - (c) all secondary legislation (but *see also sections 73 to 77*, which relate to requirements for lodgement and limited publication exemptions).
- Compare: 2012 No 119 ss 6(1)(a), (b), 59(1)(c)
- 69 PCO must publish consolidations of legislation that is amended** 10
- (1) The PCO must publish a consolidation of any legislation that is amended (but *see also sections 73 and 74*).
  - (2) A consolidation must incorporate the amendments made to the legislation so that it shows the law as at its stated date.
  - (3) The consolidation may also show the law as it would be amended by amendments that have not yet commenced if it clearly indicates that those amendments have not yet commenced. 15
- Compare: 2012 No 119 s 6(5)
- 70 How and when PCO must publish legislation and consolidations of legislation** 20
- (1) The PCO must electronically publish the legislation or proposed legislation referred to in **section 68 or 69** at the following times:
    - (a) Bills, and amendments to them, as soon as practicable after they are introduced:
    - (b) Acts, as soon as practicable after they are enacted: 25
    - (c) secondary legislation, as soon as practicable after it is made or (if it is not drafted by the PCO) lodged in compliance with **sections 73 and 74**:
    - (d) consolidations of legislation, as soon as practicable after the legislation is amended or (for secondary legislation not drafted by the PCO) the amendment is lodged in compliance with **sections 73 and 74**. 30
  - (2) Secondary legislation that is published must include (or the PCO must separately publish) the minimum legislative information.
  - (3) The PCO may also publish that legislation or proposed legislation in printed form and make it available in the way notified to the public. 35
  - (4) Legislation or proposed legislation is sufficiently published for the purposes of this Act (for any period for which it is not practicable to publish it electronical-

ly) if it is only published and made available in the way set out in **subsection (3)**.

Compare: 2012 No 119 s 6(2), (3), (5), 21(1)

- 71 When electronic versions of legislation must be available on legislation website** 5
- (1) The PCO must ensure that, as far as practicable, official electronic versions of legislation published under **section 78** are at all times able to be accessed at, or downloaded from, the legislation website.
- (2) Official electronic versions of legislation must be made available under this section free of charge. 10
- (3) This section is subject to any regulations made under **section 145(1)(c) or (d)**.  
Compare: 2012 No 119 s 9
- 72 Secondary legislation does not commence until published**
- (1) Secondary legislation comes into force only if it is published under this Act. 15
- (2) Accordingly, if secondary legislation is published after its commencement date or time, the legislation comes into force only on and from the day after the date on which it is published.
- (3) However, secondary legislation may come into force before publication if—
- (a) the empowering legislation expressly authorises it to commence or apply before it is published; or 20
- (b) an exemption applies (*see section 77*).
- Other provisions applying to secondary legislation*
- 73 Maker must lodge secondary legislation for publication (if not drafted by PCO)** 25
- (1) This section applies to secondary legislation that is not drafted by the PCO.
- (2) The maker of the secondary legislation (or, if the legislation is made by the Governor-General, the relevant Minister) must, as soon as practicable after it is made, lodge the secondary legislation with the PCO for publication.
- 74 Lodgement must be done as required under regulations** 30
- (1) Anything required to be lodged with the PCO for publication under this Act must be lodged in accordance with regulations made under this Act.
- (2) If it is not, it is not properly lodged and the PCO is not required to publish it.



- 75 Exemption from lodgement and publication obligations for local authority legislation**
- (1) Secondary legislation that is made by a local authority need not be lodged, and the PCO is not required to publish it, under this Act.
- (2) *See **subpart 1A of Part 8*** of the Local Government Act 2002 for additional provisions on local authority legislation. 5
- 76 Exemption from lodgement and publication obligations to extent impractical to publish in full**
- (1) Secondary legislation or a part of secondary legislation need not be lodged or published under this Part if— 10
- (a) the Chief Parliamentary Counsel determines that it is not practical to publish the legislation or part electronically; and
- (b) the maker of the secondary legislation (or, if the legislation is made by the Governor-General, the relevant Minister) lodges the minimum legislative information with the PCO for publication; and 15
- (c) the secondary legislation, or part, is made publicly available by another means agreed with the Chief Parliamentary Counsel.
- (2) However, the PCO must, on or before the time that publication of the secondary legislation or part would otherwise be required, electronically publish—
- (a) the minimum legislative information; and 20
- (b) a statement that the secondary legislation or part has not been published in reliance on this section; and
- (c) a statement indicating where the secondary legislation or part is publicly available.
- 77 Other prescribed exemptions from lodgement and publication obligations** 25
- (1) The requirements to lodge or publish secondary legislation under this Part apply subject to other exemptions (if any) set out in regulations made under this Act.
- (2) Nothing in this section or **section 75 or 76** limits or prevents an exemption that is expressly conferred by empowering legislation in relation to the publication of any secondary legislation. 30

*Official versions*

- 78 Official versions of legislation**
- (1) The PCO may publish—
- (a) official electronic versions of legislation; and 35
- (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 a printed document that is identified as an official version of legislation in accordance with regulations made under this Act must be treated as an official version unless the contrary is shown. 5  
Compare: 2012 No 119 s 17
- 79 Legal status of official versions**
- (1) An official version of legislation—
- (a) (if it is as originally enacted or made) is taken to correctly set out the text of the legislation; and 10
- (b) (if it is a consolidation under **section 69**) is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments; and
- (c) is evidence that any changes made in the version under **subpart 2** are authorised by that subpart. 15
- (2) An official version of secondary legislation that shows the date of publication by the PCO is evidence that the legislation was published on the date shown.
- (3) The presumptions in this section apply unless the contrary is shown.  
Compare: 2012 No 119 s 18
- 80 Judicial notice of legislation** 20  
All courts and persons acting judicially must take judicial notice of all legislation.  
Compare: 2012 No 119 s 16
- 81 Power to revoke spent secondary legislation and other instruments**
- (1) The Governor-General may, by Order in Council, on the recommendation of the Attorney-General, revoke any secondary legislation or other instrument. 25
- (2) Before making a recommendation, the Attorney-General must be satisfied that the secondary legislation or other instrument has ceased to have effect or is no longer required.
- (3) This section is in addition to any other power to revoke the secondary legislation or other instrument. 30
- (4) The Order in Council is secondary legislation (and must be published under this Act).  
Compare: 2012 No 119 s 15

*Attorney-General directions***82 Attorney-General directions under this Part**

- (1) The PCO must carry out the functions in this Part subject to any directions by the Attorney-General—
- (a) about the matters set out in **section 66**: 5
  - (b) consistent with this Act and regulations made under this Act, about—
    - (i) the form in which legislation or consolidations of legislation (or any class of them) must be published (including the omission of signatures and formal or introductory parts); and
    - (ii) any other matters concerning the publication of legislation or proposed legislation. 10
- (2) A direction given by the Attorney-General under this Part must be given to the PCO in writing.
- Compare: 2012 No 119 ss 6(7), 20

**Subpart 2—Correcting errors and making other editorial changes** 15**83 Purpose of this subpart**

The purpose of this subpart is to enable errors to be corrected and other editorial changes to be made so as to—

- (a) keep New Zealand legislation up to date; and
- (b) improve the ability of users to find, use, and understand that legislation. 20

**84 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

**referential words** means words that identify the whole or a part of a provision (including a schedule) as a provision, or as part of a provision, of the legislation in which they appear (for example, “of this Act”, “of this section”, “of this paragraph”, “the said”, and “hereof”). 25

Compare: 2012 No 119 s 23

**85 Power to make editorial changes** 30

- (1) The Chief Parliamentary Counsel may authorise the PCO to make changes referred to in **section 86** to a version of the legislation.
- (2) **Sections 86 and 88** do not permit any change to the text of a provision of any legislation that, if enacted, would change the effect of the provision.

- (3) Nothing in this section limits the authority to make changes in reliance on the application of **section 37** or any other legislation.

Compare: 2012 No 119 s 24

## 86 Editorial changes

The following changes may be made under this subpart: 5

### *Updating language, references, and numbering*

- (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 changed: 10

#### **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”. 15

- (b) 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:
- (c) a reference to a body, an office, a person, a place, or a 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: 20
- (d) the numbering, renumbering, and consequential amendments authorised by an Order in Council made under **section 87**:

### *Improving legislation to reflect current drafting practice* 25

- (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”. 30

- (f) unnecessary referential words may be omitted:
- (g) changes may be made to words in the Māori language (te reo Māori) to reflect current orthographic conventions:
- (h) punctuation may be changed or omitted, or new punctuation inserted, so as to be consistent with current drafting practice: 35
- (i) conjunctives and disjunctives may be inserted, omitted, or changed so as to be consistent with current drafting practice:

- (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:

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**Example**

A reference in a form to “this [blank] day of [blank] 19...” may be changed to “[Date]”. 5

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*Correcting obvious errors*

- (k) obvious errors of the following kinds may be corrected:
- (i) typographical and clerical errors:
  - (ii) grammatical and spelling errors, and errors of punctuation: 10
  - (iii) errors in numbering, cross-referencing, and alphabetical ordering:
  - (iv) errors in or arising out of an amendment, by other legislation, to the legislation being changed:
  - (v) any other errors of a similar nature:

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**Examples** 15

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. 20

An Act contains amendments to section 6 of another Act. Before the first Act comes into force, the 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. 25

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*Changes to show effect of commencement, transition, amendments, and repeals*

- (l) a reference to a method of setting or determining a date or time (for example, a commencement that is calculated on a specified number of months after the date of Royal assent) may be replaced with an exact reference to that date or time (once it is set or determined): 30
- (m) a provision in the nature of a transitional, savings, validation, or other similar provision that is contained in amending legislation may be incorporated as a provision of the legislation it amends, and all necessary consequential amendments may be made: 35

- (n) 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 other legislation, to the legislation being changed:

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**Example**

The heading to a section may be changed to reflect the effect of an amendment to the section. 5

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*Other consequential changes*

- (o) changes may be made that are purely consequential on any other change authorised by this subpart.

Compare: 2012 No 119 s 25(1) 10

**87 Changes to numbering**

For the purpose of making legislation easier to find, use, or understand, the Governor-General may, by Order in Council, authorise the PCO to—

- (a) publish a version of any specified legislation with provisions numbered or renumbered, as the case may be, in the manner indicated by the order; and 15
- (b) publish a version of any other specified legislation, in the manner indicated by the order, so as to consequentially update any references in that legislation to those numbered or renumbered provisions.

Compare: 2012 No 119 s 25(2) 20

**88 Changes to format**

The Chief Parliamentary Counsel may authorise the PCO to make format changes to a version of legislation so that the format of the legislation is consistent with current drafting practice, or the format of the version of the legislation is easier to read or use according to the means used to read it, or both. 25

Compare: 2012 No 119 s 26

**89 When changes take effect**

For the purposes of amendments to, incorporation of, or reference to legislation that has had changes made to it under this subpart, those changes take effect as if enacted or made expressly by other legislation having effect immediately before the date on which the changes were made. 30

Compare: 2012 No 119 s 18(5)

**90 Changes to be noted in legislation**

If changes authorised by this subpart are made, the relevant version of the legislation must— 35

- (a) indicate that fact in a suitable place; and

(b) outline in general terms, and in a suitable place, the changes made.

Compare: 2012 No 119 s 27

### Subpart 3—Revision Bills

#### 91 Purpose of this subpart

- (1) The purpose of this subpart is to enable revision of New Zealand’s legislation to be done progressively and systematically. 5
- (2) To this end, this subpart enables revision Bills to re-enact legislation, in an up-to-date and accessible form, but (except as authorised by this subpart) without changing its effect.

Compare: 2012 No 119 s 29(2)

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#### 92 Overview of this subpart

- (1) This subpart sets out the procedure for the preparation and certification of revision Bills.
- (2) This subpart contains—
- (a) a requirement for the preparation and approval of a 3-yearly revision programme: 15
- (b) the powers that may be exercised in the preparation of revisions.
- (3) This section is only a general guide to this subpart.
- (4) *See also sections 58 to 61*, which provide for the interpretation of revision Acts. 20

Compare: 2012 No 119 s 29(1), (3)

#### 93 Interpretation

In this subpart, unless the context otherwise requires,—

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

**revision programme** means a revision programme approved under **section 94**. 25

Compare: 2012 No 119 s 28

### *Preparation of revisions*

#### 94 Three-yearly revision programme

- (1) The Attorney-General must prepare a draft 3-yearly revision programme for each new Parliament. 30
- (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. 35

- (3) The Attorney-General must—
- (a) 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; and
  - (b) present a revision programme to the House of Representatives as soon as practicable after it is approved by the Government. 5
- (4) The Attorney-General may amend, or replace, the 3-yearly revision programme if the Attorney-General complies with **subsection (3)** (applied as if the amendment or replacement were the draft or programme). 10
- Compare: 2012 No 119 s 30(1)–(4) 10

## 95 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: 15
  - (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: 20
  - (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: 25
  - (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 legislation that is not incorporated in the revision but is relevant to the subject matter of the revision: 30
  - (h) correct typographical, punctuation, and grammatical errors, and other similar errors:
  - (i) make consequential amendments to legislation that is not incorporated, or is incorporated only in part, in the revision: 35
  - (j) include any necessary repeals, transitional, savings, and related provisions.
- (3) A revision Bill may also—



- (a) make minor amendments to clarify Parliament’s intent, to resolve ambiguity, or to reconcile inconsistencies between provisions (or to do all of those things):
  - (b) 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 New Zealand Consumers Price Index over the relevant period, or provide for the amount to be prescribed by Order in Council: 5
  - (c) make minor amendments to update how provisions can be complied with, or operate, in a way that takes account of changes in technology if those amendments are consistent with the spirit and meaning of the law: 10
  - (d) for the purpose of enabling matters of general principle to be contained in Acts and matters of detail to be contained in secondary legislation,—
    - (i) omit forms, schedules, or other matters of detail from the Acts or parts of Acts revised, and instead authorise those matters to be prescribed by or under secondary legislation: 15
    - (ii) include matters currently prescribed in secondary legislation made under the Acts or parts of Acts revised.
- (4) A revision Bill must not change the effect of the law, except as authorised by **subsection (3)**.
- (5) The changes that may be made in a revision Bill include (without limitation) any of the changes that may be made under **subpart 2**. 20

Compare: 2012 No 119 s 31

## 96 Format of revision Bill

- (1) A revision Bill must be in the form of a Bill suitable for introduction in the House of Representatives. 25
- (2) A revision Bill’s explanatory note must include 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. 30

Compare: 2012 No 119 s 32

## 97 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. 35
- (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 95** 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 95(3)**.
- (4) Before certifying a revision Bill, the certifiers may require the Chief Parliamentary Counsel to make whatever changes they consider necessary. 5
- (5) When a revision Bill has been certified, the Chief Parliamentary Counsel must give the revision Bill and certificate to the Attorney-General.
- Compare: 2012 No 119 s 33
- 98 Amendments proposed by revision Bills** 10
- (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 95**.
- (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.
- Compare: 2012 No 119 s 34 15
- 99 PCO's annual report may address matters relating to revision and editorial changes**
- 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 legislation or provisions of legislation, if their repeal is not suitable for inclusion in a revision; and 20
- (b) recommendations for changes to 1 or more of the following:
- (i) the revision powers set out in **section 95**:
- (ii) the powers under **subpart 2**: 25
- (iii) the procedure for the certification of revision Bills.
- Compare: 2012 No 119 s 30(5)

## Part 4

### Disclosure requirements for Government-initiated legislation

- 100 Purpose of this Part** 30
- The purpose of this Part is to—
- (a) better inform parliamentary and public scrutiny of Government-initiated legislation; and
- (b) promote good administrative practices for the development of such legislation. 35

**101 Interpretation in this Part**

In this Part, unless the context otherwise requires,—

**available to the public under the OIA** has the meaning set out in **section 110**

**government-related organisation** has the meaning set out in section 4 of the Crown Organisations (Criminal Liability) Act 2002, but includes the Reserve Bank of New Zealand 5

**legislative guidelines or standards** means guidelines or standards relating to the process or content of legislation that are identified in a notice under **section 106(2)(a)(ii)** 10

**legislative quality procedures** means processes, practices, or procedures that have the purpose or effect of promoting, or facilitating the preparation of, quality legislation

**relevant policy agency**, in relation to any legislation,—

(a) means— 15

(i) the department (within the meaning of section 2(1) of the Public Finance Act 1989), Office of Parliament, or other government-related organisation that is primarily involved in developing the legislation; or

(ii) the maker (in the case of secondary legislation not made by the Governor-General or a Minister); but 20

(b) excludes the PCO (unless the PCO is also intended to administer the legislation)

**responsible Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Part. 25

**102 Chief executives must prepare and publish disclosure statements for Government-initiated legislation**

(1) The chief executive of the relevant policy agency must ensure that—

(a) a disclosure statement is prepared for each of the following: 30

(i) a Government Bill:

(ii) a Government amendment:

(iii) secondary legislation of a class that is specified under **section 106(3)(a)**; and

(b) each disclosure statement complies with **section 103**, each notice under **section 106**, and each direction given under **section 109**; and 35

(c) each disclosure statement is electronically published, in accordance with a notice under **section 106**,—

- (i) as soon as practicable after the introduction of the Government Bill or release of the Government amendment; or
    - (ii) in the case of secondary legislation, as soon as practicable after it is published under this Act.
  - (2) If there is more than 1 relevant policy agency, **subsection (1)** applies to each chief executive for the part of the legislation or proposed legislation for which the agency is the relevant policy agency (but, in this case, a direction under **section 109** may require the statements to be combined). 5
- 103 What must be contained, or linked to, in disclosure statements**
- (1) A disclosure statement for a Government Bill, Government amendment, or secondary legislation must contain (or link to) the following: 10
    - (a) information about—
      - (i) the policy background of the Bill, amendment, or secondary legislation; and
      - (ii) the main legislative quality procedures that have been carried out by or on behalf of the relevant policy agency in relation to the Bill, amendment, or secondary legislation; and 15
      - (iii) any provisions of the Bill, amendment, or secondary legislation that, in the chief executive’s opinion, are unusual or involve matters that call for particular attention; and 20
    - (b) the information about departures from the legislative guidelines or standards that is required by each notice under **section 106**.
  - (2) However, the disclosure statement does not need to include the chief executive’s (or the policy agency’s) reasons or justifications for the decisions taken by the Government on the Government Bill, Government amendment, or secondary legislation. 25
- 104 Disclosure statement requirements do not apply to certain Bills and amendments**
- (1) **Section 102** does not apply to any of the following Bills:
    - (a) Imprest Supply Bills or Appropriation Bills: 30
    - (b) Bills that are Statutes Amendment Bills under the rules and practice of the House of Representatives:
    - (c) Bills that primarily relate to the repeal or revocation of legislation identified as spent:
    - (d) revision Bills prepared under **subpart 3 of Part 3** or Bills prepared for the purposes of confirmation under **subpart 3 of Part 5**. 35
  - (2) **Section 102** does not apply to a Government amendment if—
    - (a) the Bill to which it relates is of a kind referred to in **subsection (1)**; or

- (b) it is not reasonably practicable to comply with that section before the parliamentary scrutiny of the Government amendment occurs; or
- (c) in the chief executive's opinion, the Government amendment would not materially change the Bill.
- (3) In relation to **subsection (2)(c)**,— 5
- (a) the amendment would **materially change the Bill** if the information required to be contained (or linked to) in a disclosure statement on the Bill would be materially different as a result of the amendment; and
- (b) the chief executive must ensure that a statement of the chief executive's opinion is, as soon as practicable after the release of the Government amendment,— 10
- (i) provided to the Minister; and
- (ii) electronically published (in accordance with each notice under **section 106**).
- 105 Chief executives must act independently and include statement of responsibility** 15
- (1) The chief executive of the relevant policy agency is responsible for acting independently (and is not responsible to a Minister) when performing the duties under **section 102** and when acting under **section 104(2)(c) and (3)**.
- (2) **Subsection (1)** applies despite section 32 of the State Sector Act 1988 or any other legislation to the contrary. 20
- (3) The chief executive must ensure that the disclosure statement includes a statement of responsibility in the form required by the notice under **section 106**.
- 106 Government notice must be issued to support consistent approach across agencies** 25
- (1) The responsible Minister and the Attorney-General must, in order to support a consistent approach to disclosure under this Part,—
- (a) jointly issue 1 or more notices under this section; and
- (b) take all reasonable steps to ensure that at least 1 notice is in force, and remains in force, on and after the date that is 12 months after the date on which this Part comes into force. 30
- (2) The notice or notices must—
- (a) provide for the information that must be contained (or linked to) in disclosure statements under **section 103**, including—
- (i) specifying the information about departures from the legislative guidelines or standards that must be contained (or linked) in disclosure statements; and 35

- (ii) identifying legislative guidelines or standards (in whole or in part) for that purpose; and
- (b) state how disclosure statements must be electronically published; and
- (c) provide for any other matters required, under this subpart, to be done in accordance with the notice. 5
- (3) A notice may also—
- (a) specify 1 or more classes of secondary legislation to which **section 102** applies:
- (b) in addition to the information referred to in **subsection (2)(a)**, require a disclosure statement to contain, or have a link to, other information about specified matters (for example, information about the drafting of the legislation or about plans for the implementation, monitoring, or review of the legislation). 10
- (4) A notice is secondary legislation (and must be published under this Act).
- 107 Government notice may be issued only with approval of House of Representatives** 15
- A notice may be issued under **section 106** only after it has been approved by a resolution of the House of Representatives.
- 108 Factors to be considered in determining classes of legislation requiring disclosure statements** 20
- The responsible Minister and the Attorney-General must, in considering whether a class of secondary legislation should be specified under **section 106(3)(a)**, have regard to the costs and benefits of requiring disclosure under this Part and, in particular, the extent to which disclosure would—
- (a) better inform parliamentary and public scrutiny of legislation in that class; and 25
- (b) promote good administrative practices for the development of legislation in that class.
- 109 Ministerial direction may be given to support consistent approach across agencies** 30
- (1) The responsible Minister may give 1 or more directions that set requirements for disclosure statements to—
- (a) contain, or link to, additional or more specific information in connection with the matters specified in **section 103(1)** (in addition to that required by a notice under **section 106**): 35
- (b) contain, or link to, other information about specified matters (in addition to any disclosures required under a notice under **section 106(3)(b)**):

- (c) be in a specified layout or format (which may include requiring a statement, or joint agency statements, to be in a single document or a series of related documents or to be included as part of 1 or more other documents).
- (2) The responsible Minister must ensure that, as soon as practicable after a direction is given, the direction is— 5
- (a) published on an Internet site maintained by, or on behalf of, the New Zealand Government; and
- (b) presented to the House of Representatives.
- (3) A direction— 10
- (a) may apply to the chief executives of 1 or more relevant policy agencies; and
- (b) may be given only if—
- (i) a notice under **section 106** is in force; and
- (ii) the direction is not inconsistent with any notice under **section 106** or with this Act. 15

#### **110 Disclosure relates only to information available to public under OIA**

- (1) Nothing in this Part requires the disclosure of information that is not available to the public under the OIA.
- (2) In this Part, information is **available to the public under the OIA** if it would be provided under the Official Information Act 1982 if a request were made for that information (and, for the purposes of this subsection, section 18(d) of that Act must be disregarded). 20

#### **111 Validity of legislation not affected by failure to comply with this Part**

- Failure to comply with this Part does not affect— 25
- (a) any power to make any legislation; or
- (b) the validity of any legislation.

### **Part 5**

#### **Parliament's oversight of secondary legislation**

#### **112 Purpose of this Part** 30

The purpose of this Part is to support Parliament in overseeing and controlling the use of delegated powers to make legislation.

### Subpart 1—Presentation to House of Representatives

#### **113 Secondary legislation must be presented to House of Representatives**

- (1) The relevant Minister must present secondary legislation to the House of Representatives in accordance with the House's rules and practice.
- (2) However, this requirement— 5
  - (a) applies to secondary legislation made by a local authority only if the empowering legislation (or other legislation) expressly requires presentation to the House of Representatives:
  - (b) does not apply to secondary legislation if it is exempted by its empowering legislation from publication (while the exemption applies): 10
  - (c) does not apply to material incorporated by reference in reliance on **section 63**.

Compare: 2012 No 119 s 41

### Subpart 2—Disallowance by House of Representatives

#### **114 All secondary legislation subject to disallowance with limited exceptions** 15

This subpart applies to secondary legislation other than—

- (a) secondary legislation made by resolution of the House of Representatives; or
- (b) secondary legislation made under the Royal prerogative; or
- (c) a bylaw as defined in section 2 of the Bylaws Act 1910; or 20
- (d) secondary legislation that is listed in **Schedule 3**.

Compare: 2012 No 119 s 38(2), (3)

#### **115 House of Representatives may disallow secondary legislation by resolution**

- (1) The House of Representatives may, by resolution, disallow any secondary legislation or provision of secondary legislation to which this subpart applies. 25
- (2) Legislation disallowed by a resolution ceases to have effect on the later of—
  - (a) the passing of the resolution; and
  - (b) any date stated in the resolution as the date on which the legislation ceases to have effect.

Compare: 2012 No 119 s 42

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#### **116 Secondary legislation disallowed if House of Representatives does not dispose of motion to disallow**

- (1) Secondary legislation, or a provision of secondary legislation, to which this subpart applies is disallowed if—



- 
- (a) a member of the Committee of the House of Representatives responsible for the review of secondary legislation gives notice of a motion to disallow it; and
- (b) none of the following happens before the deadline:
- (i) the notice is withdrawn: 5
  - (ii) the House disposes of the motion:
  - (iii) Parliament is dissolved or expires.
- (2) Legislation disallowed under this section ceases to have effect on the later of—
- (a) the deadline; and
  - (b) any date stated in the notice of motion as the date on which the legislation ceases to have effect. 10
- (3) In this section, the **deadline** is the close of the 21st sitting day after the giving of the notice of motion.
- Compare: 2012 No 119 s 43
- 117 Effect of disallowance on legislation** 15
- (1) If secondary legislation, or a provision of secondary legislation, is disallowed under **section 115 or 116**, the following applies:
- (a) the disallowance has the same effect as a revocation of the secondary legislation or provision (except as set out in this section):
  - (b) any other legislation that was previously amended, repealed, or revoked by the legislation or provision is restored or revived as it was immediately before it was amended, repealed, or revoked: 20
  - (c) the restoration or revival takes effect at the time the disallowed legislation ceases to have effect.
- (2) This section alters the effect of **section 31** (which relates to the effect of repeal generally). 25
- Compare: 2012 No 119 ss 44, 45
- 118 House of Representatives may amend, revoke, or replace secondary legislation**
- (1) The House of Representatives may amend, revoke, or replace any secondary legislation to which this subpart applies by resolution. 30
- (2) The amendment, revocation, or replacement takes effect on the later of—
- (a) the 28th day after a copy of the resolution is published; and
  - (b) any date stated in the resolution as the date on which it takes effect. 35
- Compare: 2012 No 119 s 46

**119 Resolution or motion is secondary legislation**

- (1) A copy of a resolution or a notice of motion under this subpart is secondary legislation (and must be published under this Act).
- (2) However, **sections 115(2) and 116(2)** apply even if the copy or notice is not yet published. 5

Compare: 2012 No 119 s 47

### Subpart 3—Confirmation

**120 Definitions used in this subpart**

In this subpart,—

**deadline** means,— 10

- (a) for legislation that is made on or after 1 January but before the close of 30 June in the same year, the close of 30 June in the next year:
- (b) for legislation that is made on or after 1 July but before the close of 31 December in the same year, the close of 31 December in the next year

**unconfirmed legislation** means legislation that is not confirmed on or before the deadline. 15

**121 What secondary legislation must be confirmed under this subpart**

- (1) This subpart applies to secondary legislation if it is made under an empowering provision listed in **Schedule 4**.
- (2) However, if that schedule limits which matters require confirmation under an empowering provision, this subpart applies to the secondary legislation only if it relates to those confirmable matters. 20

**122 Secondary legislation must be confirmed by deadline (or otherwise will be revoked)**

If secondary legislation to which this subpart applies is not confirmed on or before the deadline, the legislation is revoked on the deadline (if it is still in force). 25

Compare: 2012 No 119 s 47C

**123 How to confirm secondary legislation**

- (1) To confirm secondary legislation by a deadline for the purposes of this subpart,— 30
  - (a) an Act must contain a provision to the effect that it confirms the legislation; and
  - (b) the provision must commence on or before the deadline.

- (2) The later repeal of the Act or provision does not affect the confirmation (*see* **section 31**, which relates to the effect of repeal).

Compare: 2012 No 119 s 47E

#### **124 Usual effect of revocation if not confirmed by deadline**

- (1) If unconfirmed legislation is revoked by **section 122**, the following applies 5  
on and from the deadline:
- (a) any duties, levies, or road user charges imposed under the unconfirmed legislation are cancelled and, if paid, must be refunded (except as set out in **subsection (2)**); and
  - (b) any other legislation that was previously amended, repealed, or revoked 10  
by the unconfirmed legislation is restored or revived (as it was immediately before it was amended, repealed, or revoked); and
  - (c) the restoration or revival takes effect at the time the unconfirmed legislation is revoked; and
  - (d) revocation of the unconfirmed legislation does not otherwise affect its 15  
previous operation or anything done or suffered under it.
- (2) **Subsection (1)(a)** does not apply to any of the following:
- (a) levies to which section 42C(3) or (4) of the Civil Aviation Act 1990 apply; or
  - (b) orders made under section 5(1) of the Energy Resources Levy Act 1976; 20  
or
  - (c) fees or charges to which section 270(4) to (6) of the Land Transport Act 1998 apply; or
  - (d) levy rates set by regulations made under section 41(1)(e) of the Waste Minimisation Act 2008. 25
- (3) However, this section does not apply if the unconfirmed legislation is made under an empowering provision listed in **Part 2 of Schedule 4**.

Compare: 2012 No 119 ss 47G–47I

#### **125 Effect on some legislation of not being confirmed by deadline (whether or not earlier revoked)** 30

- (1) This section applies to unconfirmed legislation made under an empowering provision listed in **Part 2 of Schedule 4** (whether it is revoked before the deadline or on the deadline by **section 122**).
- (2) The legislation is taken, on and from the deadline, to have been invalid for any previous period for which it purported to be in force. 35

Compare: 2012 No 119 s 47D

## Part 6

### Parliamentary Counsel Office

#### 126 Parliamentary Counsel Office continues

- (1) The Parliamentary Counsel Office is continued.
  - (2) The Parliamentary Counsel Office is an instrument of the Crown and a separate statutory office under the Attorney-General's control. 5
  - (3) During any period when there is no Minister of the Crown who is Attorney-General, the Parliamentary Counsel Office is under the Prime Minister's control.
- Compare: 2012 No 119 s 58 10

#### *Objectives and functions of PCO*

#### 127 Objectives of PCO

The objective of the PCO is to promote high-quality legislation that is easy to find, use, and understand and, to that end, to exercise stewardship of New Zealand's legislation as a whole. 15

#### 128 Functions of PCO

The functions of the PCO are—

- (a) to draft, publish, and consolidate legislation (including, where appropriate, with aids for users and supporting documents) for the purposes of **Part 3**: 20
- (b) to revise Acts in accordance with the current revision programme (as provided in **subpart 3 of Part 3**):
- (c) to examine all local Bills and private Bills, and those Members' Bills that the Attorney-General directs be examined, and to report to the Attorney-General on their effect (in particular, on whether they affect the rights of the Crown or the public and on their relationship to other legislation): 25
- (d) to advise departments and agencies on the drafting and publication of secondary legislation that is not drafted by the PCO:
- (e) to provide guidance and other support for, and keep under review, practices relating to the design, drafting, and publication of legislation: 30
- (f) to perform any other functions set out in this Act or any other legislation:
- (g) to perform the other functions relating to the drafting and publication of legislation, that the Attorney-General directs be performed by the PCO. 35

Compare: 2012 No 119 s 59

**129 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.
- (2) However, nothing in this section limits or affects the rules and practice of the House of Representatives. 5
- (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 10

**confidential communications** includes—

- (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 15

**counsel** includes a person who holds a legal qualification referred to in **section 135(2)** and is working for the PCO as a contractor or secondee in relation to the drafting of legislation.

Compare: 2012 No 119 s 61

*Powers of Chief Parliamentary Counsel* 20

**130 Powers of Chief Parliamentary Counsel**

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

Compare: 2012 No 119 s 62 25

**131 Delegation of functions, duties, and powers**

- (1) The Chief Parliamentary Counsel—
  - (a) may, either generally or particularly, delegate to any employee of the PCO any of the functions, duties, and powers of the Chief Parliamentary Counsel, including functions, duties, and powers delegated to the Chief Parliamentary Counsel under any legislation: 30
  - (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. 35
- (2) The person to whom any functions, duties, or powers are delegated may perform those functions, or exercise those duties 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 a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation. 5
- (5) A delegation 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. 10
- (6) No delegation 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: 2012 No 119 s 63 15

### 132 Revocation of delegations

- (1) A delegation under **section 131** is revocable at any time in writing.
- (2) 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. 20
- Compare: 2012 No 119 s 65

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

### 133 Chief Parliamentary Counsel

- (1) The Chief Parliamentary Counsel is the chief executive of the PCO and is responsible to the Attorney-General for— 25
- (a) carrying out the functions, duties, and powers 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. 30
- (3) The Chief Parliamentary Counsel—
- (a) must hold a legal qualification:
  - (b) is appointed by the Governor-General on the recommendation of the Prime Minister: 35

- (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. 5
- (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. 10
- Compare: 2012 No 119 s 66
- 134 Parliamentary counsel**
- (1) The Chief Parliamentary Counsel may appoint such people to be parliamentary counsel as the Chief Parliamentary Counsel thinks necessary for the efficient performance or exercise of the functions, duties, and powers of the Chief Parliamentary Counsel and the PCO. 15
- (2) A parliamentary counsel must hold a legal qualification.
- (3) A parliamentary counsel is an employee for the purposes of the Employment Relations Act 2000.
- Compare: 2012 No 119 s 67
- 135 Chief Parliamentary Counsel and parliamentary counsel to hold legal qualification** 20
- (1) A person meets the qualification requirement in **section 133(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 25
- (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 134(2)** for a position as a parliamentary counsel if the person— 30
- (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 35
- (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)**.
- (4) The Order in Council is secondary legislation (and must be published under this Act). 5  
Compare: 2012 No 119 s 68
- 136 Other employees of PCO**
- (1) The Chief Parliamentary Counsel may appoint such other employees as the Chief Parliamentary Counsel thinks necessary for the efficient performance or exercise of the functions, duties, and powers of the Chief Parliamentary Counsel and the PCO. 10
- (2) A person appointed under this section is an employee for the purposes of the Employment Relations Act 2000.  
Compare: 2012 No 119 s 69
- 137 Remuneration and conditions of appointment of Chief Parliamentary Counsel** 15
- (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. 20  
Compare: 2012 No 119 s 70
- 138 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. 25  
Compare: 2012 No 119 s 71
- 139 Collective agreements**
- (1) The Chief Parliamentary Counsel must conduct any negotiations for a collective agreement under the Employment Relations Act 2000— 30
- (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. 35  
Compare: 2012 No 119 s 72



**140 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 the Chief Parliamentary Counsel were the chief executive of a department, the provisions of sections 56 and 58 of the State Sector Act 1988.

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Compare: 2012 No 119 s 73

**141 Appointments on merit**

In making an appointment under **section 134 or 136**, the Chief Parliamentary Counsel must give preference to the person who is best suited to the position.

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Compare: 2012 No 119 s 74

**142 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—

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- (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 the appointment 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.

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Compare: 2012 No 119 s 75

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**143 Secondments from elsewhere in State Services for developing senior leadership and management capability**

**Sections 141 and 142** of this Act do not apply to any secondment arranged under section 49 of the State Sector Act 1988.

Compare: 1988 No 20 s 49

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**144 Protection from liability**

- (1) This section applies to the Chief Parliamentary Counsel and every employee of the PCO.
- (2) No action may be brought 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 the person, in good faith in the performance or exercise (or intended performance or exercise) of

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the functions, duties, or powers of the PCO or the Chief Parliamentary Counsel.

Compare: 2012 No 119 s 76

## Part 7 Regulations and miscellaneous provisions 5

### *Regulation-making powers*

#### 145 Regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, make regulations for 1 or more of the following purposes: 10
- Requirements for lodgement for publication*
- (a) prescribing, for the purposes of any requirement for something to be lodged with the PCO for publication under this Act,—
- (i) by whom, when, where, and how the thing must be lodged (including, in the case of amendments, whether they must be lodged as amendments, as prospective consolidations, or in both forms): 15
- (ii) the form that must be used in connection with the lodgement:
- (iii) what information or other evidence or documents must be provided in connection with the lodgement (including any certification): 20
- (iv) requirements with which information, evidence, or documents that are provided in connection with lodgement must comply:
- (v) that the PCO may determine or prescribe any of the matters under **subparagraphs (i) to (iv)**:
- (b) determining what lodgement requirements imposed under the regulations are the standard requirements for lodgement for the purposes of **subsection (4)(a)**: 25
- Exemptions from publication*
- (c) exempting (on terms and conditions, if any) secondary legislation from any or all of— 30
- (i) the requirements for lodgement and publication under **Part 3**:
- (ii) the requirements relating to lodgement and publication under the regulations:
- (iii) the prohibition on coming into force before publication under **section 72**: 35
- (iv) any other requirements as to how or when to lodge or publish under this Act:

*Publication of official versions*

- (d) 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 86**:
- (e) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of **section 86**, including (without limitation) by— 5
  - (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: 10

*Fees*

- (f) requiring the payment of fees and charges to the PCO to perform or exercise any function, duty, or power under this Act in relation to a discretionary publication request (and authorising the PCO not to act until a required amount is paid to it): 15
- (g) prescribing the amounts of those fees and charges or the manner in which those fees and charges are to be calculated:
- (h) authorising the PCO to require payment of any costs incurred by the PCO in connection with a discretionary publication request to the PCO: 20
- (i) authorising the PCO to waive or refund, in whole or in part and with or without conditions set by the regulations, payment of fees, charges, or costs:

*Other matters*

- (j) providing for any other matters contemplated by this Act, necessary for its administration, or necessary for giving it full effect. 25
- (2) The regulations are secondary legislation (and must be published under this Act).
- (3) The Attorney-General must, before making a recommendation in relation to an exemption under **subsection (1)(c)**,— 30
  - (a) have regard to the purpose of this Act; and
  - (b) be satisfied that there is good reason for granting the exemption that outweighs the interests of the public in having the requirement met; and
  - (c) be satisfied that the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption. 35
- (4) If the Attorney-General makes a recommendation in relation to an exemption under **subsection (1)(c)**, the Attorney-General’s reasons for making the recommendation (including why the exemption is appropriate) must be published together with the regulations. 40

- (5) In this section, **discretionary publication request** means any of the following requests to the PCO:
- (a) to publish secondary legislation that does not meet the prescribed standard requirements for lodgement:
  - (b) to make an editorial change under **subpart 2 of Part 3**. 5
- (6) Any fee, charge, or cost payable to the PCO is recoverable by the PCO in any court of competent jurisdiction as a debt due to the PCO.

*Review of revision programme provisions*

**146 Review of revision programme provisions after 30 June 2020**

- (1) The Attorney-General must, as soon as practicable after 30 June 2020, require the Chief Parliamentary Counsel to prepare a report on— 10
- (a) the need for, and operation and effectiveness of, **sections 58 to 61** and **subpart 3 of Part 3** (and the corresponding provisions under the Legislation Act 2012); and
  - (b) whether any amendments to any of those provisions are necessary or desirable. 15
- (2) The Attorney-General must ensure that the persons and organisations that the Attorney-General thinks appropriate are consulted during the preparation of the report about the matters to be considered in the report.
- (3) The Attorney-General must present a copy of the report to the House of Representatives as soon as practicable after the Attorney-General receives the report. 20
- (4) This provision is repealed on 1 July 2021.

Compare: 2012 No 119 s 36

**Part 8**

**Interim amendments**

25

**147 Legislation Act 2012 amended**

The Legislation Act 2012 is amended as set out in **Part 1 of Schedule 5**.

**148 Other Acts amended**

The Acts set out in **Part 2 of Schedule 5** are amended as set out in that schedule. 30

**149 Publication statement taken not to have been required**

Copies or reprints of legislation published under the Legislation Act 2012 must be taken never to have been required to include a statement that they are published under the authority of the New Zealand Government (despite section 6(6) of that Act). 35

## Part 9 Repeals, revocations, and related amendments

### Subpart 1—Amendments relating to Part 2

#### *Repeal of Interpretation Act 1999*

- |            |   |    |
|------------|---|----|
| <b>150</b> | <b>Repeal of Interpretation Act 1999</b>  | 5  |
|            | The Interpretation Act 1999 (1999 No 85) is repealed.   |    |
|            | <i>Amendments to Imperial Laws Application Act 1988</i>   |    |
| <b>151</b> | <b>Amendments to Imperial Laws Application Act 1988</b>   |    |
|            | <b>Sections 152 and 153</b> amend the Imperial Laws Application Act 1988.   |    |
| <b>152</b> | <b>Section 4 amended (Other Imperial enactments and Imperial subordinate legislation not part of laws of New Zealand)</b>   | 10 |
|            | Repeal section 4(4).  |    |
| <b>153</b> | <b>New section 6A inserted (Application of Legislation Act 2017 to Imperial legislation)</b>  |    |
|            | After section 6, insert:  | 15 |
| <b>6A</b>  | <b>Application of Legislation Act 2017 to Imperial legislation</b>  |    |
| (1)        | In the Legislation Act <b>2017</b> and all other legislation, <b>Act</b> must be treated as including an Imperial enactment (as if it were an Act enacted by the Parliament of New Zealand).  |    |
| (2)        | In the Legislation Act <b>2017</b> and all other legislation, <b>secondary legislation</b> must be treated as including Imperial subordinate legislation (as if it were secondary legislation made under the authority of an Act enacted by the Parliament of New Zealand). | 20 |
| (3)        | For the purposes of applying the Legislation Act <b>2017</b> and other legislation to Imperial enactments and Imperial subordinate legislation,—  | 25 |
|            | (a) if the effect of the Imperial enactment or Imperial subordinate legislation, as part of the laws of New Zealand, is modified, the modification must be treated as an amendment:   |    |
|            | (b) if the Imperial enactment or Imperial subordinate legislation ceases to have effect, as part of the laws of New Zealand, the cessation must be treated as a repeal or revocation:   | 30 |
|            | (c) an order made under <b>section 81</b> of the Legislation Act <b>2017</b> in respect of any Imperial subordinate legislation—  |    |
|            | (i) does not revoke it; but   |    |

- (ii) declares that it ceases to have effect as part of the laws of New Zealand.
- (4) **Subsections (1) to (3)** apply unless—
- (a) the legislation provides otherwise; or
  - (b) the context of the legislation requires a different interpretation.

5

*Other consequential amendments relating to Part 2*

**154 Other consequential amendments relating to Part 2**

The legislation set out in **Schedule 6** is consequentially amended as set out in that schedule.

Subpart 2—Amendments relating to Part 3

10

*Repeal of Legislation Act 2012*

**155 Repeal of Legislation Act 2012**

The Legislation Act 2012 (2012 No 119) is repealed.

**156 Some instruments revoked and others continue in effect**

- (1) The Legislation (Publication) Order 2013 (SR 2013/244) is revoked. 15
- (2) However, the following instruments continue in effect (despite the repeal of the Legislation Act 2012) as if made under the following provisions of this Act:
  - (a) Inland Revenue Department (Drafting) Order 1995 as if made under **section 67**;
  - (b) Legislation (Recognition of Overseas Lawyers) Order 2014 as if made under **section 135**; 20
  - (c) Legislation (Official Versions) Regulations 2015 as if made under **section 145**.

*Amendment to Local Government Act 2002*

**157 Amendment to Local Government Act 2002**

25

**Section 158** amends the Local Government Act 2002 (the **principal Act**).

**158 New subpart 1A of Part 8 inserted**

After section 161 of the principal Act, insert:

Subpart 1A—Local authority legislation

**161B What is local authority legislation**

30

- (1) A bylaw that is made by a local authority is secondary legislation for the purposes of the **Legislation Act 2017**.

- (2) Any other instrument (whatever it is called) that is made by a local authority is secondary legislation for the purposes of the **Legislation Act 2017** if it has significant legislative effect.
- (3) **Subsection (1)** applies whether or not the empowering legislation expressly states that the instrument is secondary legislation. 5
- (4) However, the secondary legislation—
- (a) needs to be presented to the House of Representatives only if the empowering legislation (or other legislation) expressly requires it (*see section 113(2)* of the **Legislation Act 2017**); and
- (b) need not be published under the **Legislation Act 2017** (*see section 75* of the **Legislation Act 2017**); and 10
- (c) is disallowable by the House of Representatives unless it is made by by-laws as defined by section 2 of the Bylaws Act 1910 (*see section 114* of the **Legislation Act 2017**).
- 161C Instruments that have significant legislative effect** 15
- (1) An instrument has a significant legislative effect for the purposes of this sub-part 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. 20
- (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. 25
- (3) In applying **subsection (1)**, the following must be disregarded:
- (a) the description, form, and maker of the instrument:
- (b) whether all or a portion of the instrument needs to be confirmed by an Act: 30
- (c) whether the instrument 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)**. 35
- (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.

**161D Other supporting definitions**

- (1) For the purposes of this subpart, 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 legislation that directly or indirectly confer or impose those rights or obligations: 5
- (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: 10
  - (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: 15
  - (f) on a date, or at any other time, abolishes, repeals, or revokes them.
- (2) For the purposes of this subpart,—
- obligations** includes—
- (a) duties or liabilities:
  - (b) obligations to comply with prohibitions: 20
  - (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. 25

*Amendment to Parliamentary Privilege Act 2014***159 Amendment to Parliamentary Privilege Act 2014**

**Section 160** amends the Parliamentary Privilege Act 2014 (the **principal Act**). 30

**160 New subpart 6 of Part 4 inserted (Evidence of parliamentary journals)**

In Part 4, after subpart 5, insert:



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**Subpart 6—Evidence of parliamentary journals****31A 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 of New Zealand that purport to be printed by the Government Printer or published under the House's authority.
- (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.

5

Compare: 2012 No 119 s 19

## Schedule 1

### Transitional, savings, and related provisions

s 6

#### Part 1

##### Provisions relating to this Act as enacted

5

#### 1 General overview of this Part

This Part contains transitional and savings provisions as follows:

- (a) **clause 2** provides definitions:
- (b) **subpart 1** relates to the interpretation principles and rules in **Part 2** of this Act: 10
- (c) **subpart 2** relates to secondary legislation not previously published by the PCO that must be published under **Part 3** of this Act after the publication commencement date:
- (d) **subpart 3** relates to general drafting and publication matters in **Part 3** of this Act: 15
- (e) **subpart 4** relates to disclosure statement matters in **Part 4** of this Act:
- (f) **subpart 5** relates to confirmation under **subpart 3 of Part 5** of this Act:
- (g) **subpart 6** relates to the PCO under **Part 6** of this Act.

#### 2 Definitions for this Part

20

In this Part,—

**disclosure commencement date** means the date on which **section 102** (which contains the duty for chief executives to prepare disclosure statements) comes into force

**existing secondary legislation** means secondary legislation that— 25

- (a) is made before the general end-date; and
- (b) has been notified or published under an old publication requirement (whether before the publication commencement date or under **clause 13**); and
- (c) has not been published under the Legislation Act 2012 or **Part 3** of this Act (or any corresponding Act) 30

**general end-date** means the date set under **clause 18**

**interpretation commencement date** means the date on which **section 150** (which repeals the Interpretation Act 1999) comes into force

**new publication requirement** means a requirement to lodge or publish under **Part 3** of this Act 35

**old publication requirement** means a requirement to publish or notify (other than under this Act or the Legislation Act 2012)

**publication commencement date** means the date on which **section 68** (which contains the duty for the PCO to publish all secondary legislation) comes into force.

5

## Subpart 1—Interpretation and application of legislation

### *How provisions apply to existing and new legislation*

#### **3 Part 2 of this Act applies to both existing and new legislation**

- (1) **Part 2** of this Act applies to legislation whether it is enacted or made before or after the interpretation commencement date. 10
- (2) This clause is subject to the rest of this subpart.

#### **4 Exception for examples in existing legislation**

- (1) **Section 23** does not apply to an example provided in legislation that is enacted or made before the interpretation commencement date (or an amendment, after that date, to that legislation). 15
- (2) This clause applies unless—
- (a) the legislation provides otherwise; or
  - (b) the context of the legislation requires a different interpretation.

#### **5 Exception for date of commencement of existing secondary legislation**

**Section 25** does not apply to secondary legislation made before the interpretation commencement date (and section 9 of the Interpretation Act 1999 applies instead). 20

### *Savings of previous definitions for certain legislation*

#### **6 Saving of definitions for pre-1 November 1999 legislation**

- (1) In legislation enacted or made before 1 November 1999 (or an amendment, after that date, to that legislation),— 25

**Act** includes rules and regulations (within the meaning of those terms as used in the Acts Interpretation Act 1924) made under the Act

**Governor** means the Governor-General

**land** includes messuages, tenements, hereditaments, houses, and buildings unless there are words to exclude houses and buildings, or to restrict the meaning to tenements of some particular tenure 30

**person** includes a corporation sole, and also a body of persons, whether corporate or unincorporate.

- (2) This clause applies to legislation unless— 35

- (a) the legislation provides otherwise; or  
 (b) the context of the legislation requires a different interpretation.  
 Compare: 1999 No 85 s 30
- 7 Saving of definitions for pre-interpretation commencement date enactments** 5
- (1) In legislation enacted or made before the interpretation commencement date (or an amendment, after that date, to that legislation), **regulations** has the meaning set out in section 29 of the Interpretation Act 1999 (as in force immediately before that date).
- (2) This clause applies to legislation unless— 10
- (a) the legislation provides otherwise; or  
 (b) the context of the legislation requires a different interpretation.
- 8 Savings of previous Proclamations**
- A Proclamation published in the *Gazette* before the interpretation commencement date continues to be a proclamation for the purposes of **section 13**. 15
- 9 Savings of material incorporated by reference under Legislation Act 2012**
- (1) Material incorporated by reference under subpart 2 of Part 3 of the Legislation Act 2012 must be treated as if— 20
- (a) it were incorporated by reference under **section 63** of this Act; and  
 (b) the chief executive had given notice that the material is publicly available in the way set out in section 52(2) of the Legislation Act 2012.
- (2) The chief executive may make it publicly available in another way permitted by **Schedule 2** of this Act if the chief executive gives public notice as required by **clause 2** of that schedule.
- 10 How Abolition of Provinces Act 1875 affects provincial legislation** 25
- Section 26 of the Acts Interpretation Act 1908 as set out in Schedule 2 of the Acts Interpretation Act 1924 continues to apply despite its repeal.  
 Compare: 1999 No 85 s 38(2)
- Subpart 2—Transition for secondary legislation to new publication requirements 30
- 11 Overview of transition for secondary legislation to new publication requirements**
- (1) The transition from old publication requirements to new publication requirements applies as follows:
- (a) early adoption of the new publication requirement is facilitated (before the publication commencement date) as follows: 35

- (i) the Chief Parliamentary Counsel may publish instruments that are not legislative instruments on the legislation website under section 14 of the Legislation Act 2012 (whether on their making or by re-publishing existing instruments); and
- (ii) in this case, the old publication requirement is treated as satisfied (*see clause 12*); and 5
- (iii) official versions of the instruments may be issued on or after publication by the PCO (*see clause 17*):
- (b) on and after the publication commencement date, this subpart allows for flexibility in the transition as follows: 10
  - (i) old publication methods may continue to be used for new secondary legislation if makers of secondary legislation ensure that minimum information is lodged for publication on the legislation website and that the secondary legislation is electronically available: 15
  - (ii) the Attorney-General may set end-dates for reliance on this transitional flexibility:
  - (iii) existing secondary legislation may be published under **Part 3** of this Act (and official versions may be issued under **section 78**):
  - (iv) legislation that has not been published on the legislation website by the general end-date set under this schedule will be revoked on that date. 20
- (2) This clause is a guide only to the general scheme and effect of the transitional provisions in this subpart.

*Before publication commencement date* 25

## **12 Publication on legislation website satisfies old publication requirements**

- (1) This clause applies to an instrument if there is an old publication requirement for the instrument in any legislation.
- (2) *See* sections 12 to 14 of the Legislation Act 2012 if the old publication requirement is for the instrument to be published or notified in the *Gazette*. 30
- (3) An old publication requirement (other than publication or notification in the *Gazette*) is also treated as satisfied if—
  - (a) the instrument is published under section 14 of the Legislation Act 2012 as if it were a legislative instrument; and
  - (b) the maker (or, if the secondary legislation is made by the Governor-General, the relevant Minister) publishes a notice in accordance with the old publication requirement that gives the following information about the instrument: 35
    - (i) the Title of the instrument; and

- (ii) the date on which the instrument was made:
- (iii) the Act or other authority under which the instrument was made:
- (iv) a statement to the effect that the instrument is available on the legislation website.

*After publication commencement date* 5

**13 Transitional flexibility to meet new publication requirements if minimum conditions met**

- (1) This clause applies to secondary legislation if—
  - (a) there is a new publication requirement for the secondary legislation in any legislation; and 10
  - (b) the secondary legislation is made before any end-date that applies to it under **clause 14** or the general end-date.
- (2) The new publication requirement is treated as satisfied, and **Part 3** of this Act does not otherwise apply to the secondary legislation, if all of the following requirements are met: 15
  - (a) the maker (or, if the secondary legislation is made by the Governor-General, the relevant Minister) publishes the legislation in accordance with the old publication requirement (as in force immediately before the publication commencement date); and
  - (b) if not already required as a result of the old publication requirement, the legislation is also published on an Internet site maintained by or on behalf of the maker (or, if the secondary legislation is made by the Governor-General, the administering agency); and 20
  - (c) the maker (or, if the secondary legislation is made by the Governor-General, the relevant Minister) lodges the following information with the PCO for publication: 25
    - (i) the Title of the legislation:
    - (ii) the maker:
    - (iii) the date on which the legislation was made:
    - (iv) the date on which the legislation commences (if known): 30
    - (v) the empowering provision:
    - (vi) the administering agency:
    - (vii) the URL for the Internet site on which the legislation is published; and
  - (d) the PCO publishes that information, as minimum legislative information, under **Part 3** of this Act. 35
- (3) This clause ceases to apply to secondary legislation if it is published under **Part 3** of this Act.

- 14 Power for Attorney-General to set end-dates on transitional flexibility**
- (1) The Attorney-General may, by written notice given to the agency and copied to the PCO, set a date by which an agency or a class of agencies may no longer rely on **clause 13** for secondary legislation or a class of secondary legislation.
- (2) **Subclause (1)** ceases to apply if a date is set under **clause 18**. 5
- (3) The notice is secondary legislation (and must be published under this Act).
- Republishing existing secondary legislation (before or after publication commencement date)*
- 15 Maker may lodge existing secondary legislation for publication**
- The maker of existing secondary legislation may lodge it with the PCO for publication,— 10
- (a) before the publication commencement date, under section 14 of the Legislation Act 2012; or
- (b) on or after the publication commencement date, under this clause.
- 16 Lodgement must be done as required under regulations** 15
- (1) Anything lodged with the PCO for publication under section 14 of the Legislation Act 2012 or under **clause 15** must be lodged in accordance with regulations made under this Act (if any).
- (2) If it is not, it is not **properly lodged** for the purposes of **clause 17**.
- 17 PCO to republish existing secondary legislation properly lodged with it** 20
- (1) This clause applies to any existing secondary legislation only if it is properly lodged with the PCO for publication.
- (2) Before the publication commencement date, *see* section 14 of the Legislation Act 2012 (which enables the Chief Parliamentary Counsel to publish instruments as if they were legislative instruments). 25
- (3) If the existing secondary legislation is properly lodged on or after the publication commencement date,—
- (a) the PCO must publish it as soon as practicable after it is properly lodged; and
- (b) for the purposes of this Act, it is published under **Part 3** of this Act, and that Part otherwise applies to the existing secondary legislation. 30
- (4) In issuing official versions under the Legislation Act 2012 or under **section 78** of this Act in relation to existing secondary legislation, the PCO may rely on evidence provided by the maker in accordance with the regulations.

- 18 Existing secondary legislation is revoked if not published after general end-date**
- (1) Existing secondary legislation is revoked on the general end-date if it is not published under **Part 3** of this Act (including in reliance on **clause 15**) on or before that date. 5
- (2) The Governor-General may, by Order in Council, set a date as the **general end-date** for the purposes of this section.
- (3) The Order in Council is secondary legislation (and must be published under this Act).
- (4) This clause does not apply to existing secondary legislation if **section 72(3)** (which permits legislation to commence without prior publication) would apply to it if the legislation was first made on the general end-date. 10
- 19 Transitional regulation-making power to clarify or correct legislative status of instruments**
- (1) The purpose of this clause is to facilitate an orderly implementation of this Act by enabling amendments that— 15
- (a) ensure that instruments are secondary legislation under this Act if they have, or any part of them has, legislative effect (and exclude instruments from being secondary legislation if no part of them has legislative effect); and 20
- (b) are consistent with the purpose of this Act.
- (2) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General,— 25
- (a) declare that instruments made under a provision of an Act are secondary legislation or are excluded from being secondary legislation; and
- (b) make the following amendments to that Act to give effect to that declaration or exclusion:
- (i) insert or repeal any statement to the effect that those instruments are legislation (and must be published under this Act):
- (ii) in the case of an inclusion, repeal any requirement for those instruments to be published or notified by another means: 30
- (iii) in the case of an exclusion, insert a requirement for those instruments to be published or publicly notified by another means:
- (iv) make any other amendment that is necessary for that purpose or that is purely consequential on other amendments authorised by this clause (for example, removing any reference to disallowable instruments). 35
- (3) The Attorney-General may make a recommendation under this clause only after—



- (a) consulting the committee of the House of Representatives that is responsible for the review of secondary legislation; and
  - (b) having regard to the purpose of this clause.
- (4) An Order in Council is secondary legislation (and must be published under this Act). 5
- (5) This clause is repealed on the third anniversary of the publication commencement date.

### Subpart 3—General drafting and publication matters

#### *Drafting responsibilities*

- 20 Effect of publication commencement date on what legislation is drafted by PCO** 10
- (1) The main functions of the PCO in **section 66** continue to include, after the publication commencement date, completing the drafting of any proposed legislation that it commenced drafting before the publication commencement date. 15
- (2) If section 59(2)(c) or (d) of the Legislation Act 2012 applies to an instrument immediately before the publication commencement date (and that instrument will, after that date be secondary legislation),—
- (a) the chief executive of the administering agency and the Chief Parliamentary Counsel are assumed to have agreed, on the publication commencement date, that the PCO must draft the secondary legislation for the purposes of **section 66(d)** of this Act; but 20
  - (b) nothing in this subclause applies if either party notifies the other that they do not agree or the parties reach a different agreement under that section. 25

#### *Key publishing responsibilities*

- 21 How publication responsibilities apply to legislation made before publication commencement date**
- (1) In relation to legislation introduced or made, but not yet published, before the publication commencement date,— 30
- (a) the old publication requirement and the Legislation Act 2012 continue to apply generally; but
  - (b) **subpart 2** of this Part applies to secondary legislation not drafted by the PCO.
- (2) This clause applies subject to the rest of this Part. 35

*Official versions*

- 22 How power to issue official versions applies to previous legislation**
- (1) **Section 78** applies to legislation regardless of when it is or was made, printed, or published.
- (2) However, *see* **clause 17** in relation to existing secondary legislation. 5
- 23 How legal status of previous official versions applies**
- Section 18(3) of the Legislation Act 2012 continues to apply to regulations or a legislative instrument (as defined in that Act) to which it applied immediately before the publication commencement date.
- 24 Previous printed official versions continue until new official version issued** 10
- (1) This clause applies to every copy of legislation—
- (a) that purports to be printed and published (whether before or after the commencement of section 77(2) of the Legislation Act 2012) under the authority of the New Zealand Government; and
- (b) until an official electronic or printed version is issued under **section 78** of this Act. 15
- (2) Sections 16C and 16D of the Acts and Regulations Publication Act 1989 continue to apply to those copies despite the repeal of that Act.

*Correcting errors and making other editorial changes*

- 25 How power to make editorial changes applies to legislation published under old publication requirements** 20
- Subpart 2 of Part 3** of this Act applies to legislation whether published by the PCO under this Act or any corresponding previous Acts.

*Revision Bill provisions*

- 26 Provisions on revision Bills apply also to previous revision Bills** 25
- (1) References in this Act to a revision Bill or a revision Act (or a revision programme) include a Bill or Act that is prepared (or a revision programme) under subpart 3 of Part 2 of the Legislation Act 2012.
- (2) References in this Act to **sections 58 to 61** or **subpart 3 of Part 3** of this Act include subpart 3 of Part 2 of the Legislation Act 2012. 30

## Subpart 4—Disclosure requirements for Government-initiated legislation

- 27 Disclosure requirements apply only to Bills introduced after disclosure commencement date**

**Part 4** of this Act does not apply to—

- (a) a Government Bill introduced before the disclosure commencement date:
- (b) a Government amendment for a Bill referred to in **paragraph (a)** (regardless of whether the Government amendment is released before or after the disclosure commencement date).

5

**28 Ministers may perform duties before disclosure commencement date**

- (1) The responsible Minister or the Attorney-General may perform a duty under **section 106 or 109** before the disclosure commencement date.
- (2) This clause does not limit **section 43**.

Subpart 5—Confirmation

10

**29 Subpart 1A of Part 3 of Legislation Act 2012 continues to apply to existing confirmable instruments**

Subpart 1A of Part 3 of the Legislation Act 2012 continues to apply to a confirmable instrument (as defined in section 47B of that Act) that was made before the publication commencement date.

15

Subpart 6—Parliamentary Counsel Office

**30 Saving for existing appointment**

The Chief Parliamentary Counsel holding office under section 66 of the Legislation Act 2012 continues to hold that office under **section 133** of this Act.

## Schedule 2

### Incorporation by reference

**ss 64, 65**

- 1 Requirement to consult on proposal to incorporate material by reference**
- Before secondary legislation incorporating material by reference in reliance on **section 63** is made, the chief executive of the administering agency must— 5
- (a) give public notice of the proposal to incorporate the material, of the reasons for the proposal, and of how the material has been made publicly available; and
  - (b) ensure that copies of the proposed material are publicly available in that way; and 10
  - (c) allow a reasonable opportunity for persons to comment on the proposal; and
  - (d) after considering any comments made, be satisfied that—
    - (i) the secondary legislation clearly identifies the material incorporated; and 15
    - (ii) the means of making the material publicly available is sufficient to enable persons to whom the law applies to find and obtain copies of the material incorporated with reasonable ease.
- Compare: 2012 No 119 s 51 20
- 2 Access to material incorporated by reference**
- If an instrument incorporating material by reference in reliance on **section 63** is made, the chief executive of the administering agency must—
- (a) give public notice of how the material is publicly available (or set this out in the secondary legislation); and 25
  - (b) ensure that copies of the proposed material are publicly available in that way.
- Compare: 2012 No 119 s 52
- 3 What is required to make material publicly available**
- (1) A requirement to make material **publicly available** under this schedule is a requirement that— 30
- (a) the material is—
    - (i) made available on (or via a link on) an Internet site maintained by or on behalf of the administering agency, free of charge, unless doing so would infringe copyright; or 35

- (ii) in any other case, available for inspection, free of charge, at a place notified on an Internet site maintained by or on behalf of the administering agency; and
- (b) the material is available for purchase, at a reasonable cost, from a place notified on an Internet site maintained by or on behalf of the administering agency; and 5
- (c) if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material is also available as set out in **paragraphs (a) and (b)**.
- (2) A chief executive must not rely on section 66 of the Copyright Act 1994 as authority to make the proposed material available on an Internet site. 10
- 4 Proof of material incorporated by reference**
- (1) A copy of material incorporated by reference in secondary legislation in reliance on **section 63** must be—
- (a) certified as a correct copy of the material by the chief executive of the administering agency; and 15
- (b) retained by the chief executive.
- (2) The production in proceedings of a copy of the material incorporated by reference that is certified as a correct copy by the chief executive is, in the absence of evidence to the contrary, sufficient evidence of the material incorporated by reference in the secondary legislation. 20
- (3) *See also* Part 4 of the Contract and Commercial Law Act 2017, which enables this requirement to be met by certifying and retaining a copy in an electronic form.
- Compare: 2012 No 119 s 54 25
- 5 Material incorporated by reference need not be published under this Act**
- Subpart 1 of Part 3** of this Act does not apply to material that is incorporated by reference in secondary legislation in reliance on **section 63** merely by virtue of the fact that it is incorporated.
- Compare: 2012 No 119 s 55(1) 30
- 6 Material incorporated by reference need not be presented to House of Representatives**
- Section 113** does not apply to material that is incorporated by reference in secondary legislation in reliance on **section 63** merely because it is incorporated. 35
- Compare: 2012 No 119 s 55(2)

**7 Failure to comply does not invalidate**

A failure to comply with this schedule does not invalidate secondary legislation that incorporates material by reference.

Compare: 2012 No 119 ss 51(5), 52(6)

### Schedule 3

#### Secondary legislation excluded from disallowance under this Act

s 114

Act	Empowering section(s)
Charities Act 2005	43
Civil Aviation Act 1990	107(1)
Civil Defence Emergency Management Act 2002	39
Climate Change Response Act 2002	224
Cluster Munitions Prohibition Act 2009	15(1)
Cluster Munitions Prohibition Act 2009	15(3)
Commerce Act 1986	52P
Commerce Act 1986	52W
Commerce Act 1986	53ZG
District Court Act 2016	60(1)(b)
District Court Act 2016	60(2)
Dog Control Act 1996	78A(1)
Electricity Industry Act 2010	90
Financial Reporting Act 2013	36A
Financial Reporting Act 2013	36D
Governor-General Act 2010	5
Governor-General Act 2010	6
Governor-General Act 2010	8
Hazardous Substances and New Organisms Act 1996	49B
Health Act 1956	69ZL(1)(j)(ii)
Health and Safety at Work Act 2015	7(5)
Health and Safety at Work Act 2015	8(2)
Health and Safety at Work Act 2015	220
Immigration Act 2009	22(1)
Immigration Act 2009	378
Insurance (Prudential Supervision) Act 2010	38
Insurance (Prudential Supervision) Act 2010	59
Insurance (Prudential Supervision) Act 2010	60(2A)
Insurance (Prudential Supervision) Act 2010	119
Insurance (Prudential Supervision) Act 2010	204(4)
Insurance (Prudential Supervision) Act 2010	220(4)
Intelligence and Security Act 2017	42
Intelligence and Security Act 2017	206
Land Transport Management Act 2003	66(1)
Members of Parliament (Remuneration and Services) Act 2013	17
Members of Parliament (Remuneration and Services) Act 2013	43
Members of Parliament (Remuneration and Services) Act 2013	44
Mines Rescue Act 2013	10(5)(b)
Misuse of Drugs Act 1975	4(1)
Misuse of Drugs Act 1975	4(1B)

<b>Act</b>	<b>Empowering section(s)</b>
Ombudsmen Act 1975	15
Patents Act 2013	172(2)
Public Safety (Public Protection Orders) Act 2014	119(1)
Remuneration Authority Act 1977	12B(1)
Remuneration Authority Act 1977	12B(2)
Remuneration Authority Act 1977	16(1)
State Sector Act 1988	55B
Substance Addiction (Compulsory Assessment and Treatment) Act 2017	116(1)
Telecommunications Act 2001	30M
Telecommunications Act 2001	155ZH(4)
Telecommunications (Interception Capability and Security) Act 2013	29
Telecommunications (Interception Capability and Security) Act 2013	34
Telecommunications (Interception Capability and Security) Act 2013	49
Vulnerable Children Act 2014	7
Vulnerable Children Act 2014	8
Vulnerable Children Act 2014	18
Wellington Airport Act 1990	7(3)



## Schedule 4

### Secondary legislation subject to confirmation by Act

**ss 121, 125**

#### Part 1

#### Legislation that needs to be confirmed by Act before deadline 5

Act	Empowering section(s)	Limits on what requires confirmation (if any)
Agricultural Compounds and Veterinary Medicines Act 1997	81E	
Animal Products Act 1999	118	
Antarctica (Environmental Protection) Act 1994	55(2)	
Arms Act 1983	74A(b)	
Arms Act 1983	74A(c)	
Arms Act 1983	74A(d)	
Biosecurity Act 1993	100L	
Biosecurity Act 1993	100ZB	
Biosecurity Act 1993	137	
Biosecurity Act 1993	150	
Civil Aviation Act 1990	42A	
Climate Change Response Act 2002	162(1)	
Climate Change Response Act 2002	202(1)	
Commodity Levies Act 1990	4 (apart from, or with, section 305 of the Fisheries Act 1996, or section 111 of the Wine Act 2003)	
Contract and Commercial Law Act 2017	239(2)	only if the order makes an addition to Schedule 5
Criminal Procedure Act 2011	387(1)(i)	
Criminal Procedure Act 2011	387(1)(j)	
Customs and Excise Act 1996	54(2)	
Customs and Excise Act 1996	56(2)	
Customs and Excise Act 1996	77(1)	
Customs and Excise Act 1996	79(1)	
Customs and Excise Act 1996	79A(1)	only if the order has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2))
Customs and Excise Act 1996	286A	
Education Act 1989	2(4)	

<b>Act</b>	<b>Empowering section(s)</b>	<b>Limits on what requires confirmation (if any)</b>
Education Act 1989	159(4)	
Energy (Fuels, Levies, and References) Act 1989	33(1)	
Energy Resources Levy Act 1976	5(1)	
Fisheries Act 1996	74(7)	
Food Act 2014	207	
Forests Act 1949	67ZM	
Gambling Act 2003	319(1)	
Industry Training and Apprenticeships Act 1992	26(1)	
KiwiSaver Act 2006	65(1)	
Land Transport Act 1998	269, 269A, and 270	only if the regulations prescribe fees or charges that are identified, or are to be treated, as land transport revenue for the purposes of the Land Transport Management Act 2003
Maritime Security Act 2004	78(4)(b)	
National Animal Identification and Tracing Act 2012	62	
National Animal Identification and Tracing Act 2012	67(2)	
New Zealand Superannuation and Retirement Income Act 2001	15(2)	
New Zealand Superannuation and Retirement Income Act 2001	30(2)	
Parental Leave and Employment Protection Act 1987	71O and 73(1)(ad)	
Parental Leave and Employment Protection Act 1987	73(1)(ae)	
Petroleum Demand Restraint Act 1981	4(1)	
Policing Act 2008	27(1)	
Primary Products Marketing Act 1953	3(1)	
Reserve Bank of New Zealand Act 1989	152 and 173	only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5
Road User Charges Act 2012	85(1)	
Social Security Act 1964	61H(1) (apart from, or with, clause 3(6) of Schedule 32)	

<b>Act</b>	<b>Empowering section(s)</b>	<b>Limits on what requires confirmation (if any)</b>
Social Security Act 1964	61HA(2) (apart from, or with, clause 3(6) of Schedule 32)	
Social Security Act 1964	61I(1)	
Tariff Act 1988	9	
Tax Administration Act 1994	225B(1)(a)	
Tax Administration Act 1994	225B(1)(b)	
Veterans' Support Act 2014	190(2)	
Waste Minimisation Act 2008	41(1)(e)	
Wine Act 2003	89	

## Part 2

### Legislation that has no previous effect if not confirmed by deadline

<b>Act</b>	<b>Section</b>
New Zealand Superannuation and Retirement Income Act 2001	15(2)
New Zealand Superannuation and Retirement Income Act 2001	30(2)
Social Security Act 1964	61H(1) (apart from, or with, clause 3(6) of Schedule 32)
Social Security Act 1964	61HA(2) (apart from, or with, clause 3(6) of Schedule 32)
Social Security Act 1964	61I(1)
Veterans' Support Act 2014	190(2)

**Schedule 5**  
**Interim amendments affecting operation of Legislation Act 2012**

**ss 147, 148**

**Part 1**  
**Amendments to Legislation Act 2012** 5

**Section 6**

Repeal section 6(6).

**Section 7**

Repeal section 7.

**Section 8**

Repeal section 8. 10

**Section 12**

Replace section 12(2)(e) with:

- (e) information about ways that copies of the legislative instrument may be accessed or purchased: 15

**Section 13**

After section 13(2), insert:

- (3) *See also* **clauses 12 and 16 of Schedule 1** of the **Legislation Act 2017** if an Act requires that an instrument be published or notified in another way.

**Section 25**

After section 25(1)(k), insert: 20

- (ka) a reference to a method of setting or determining a date or time (for example, a commencement that is calculated on a specified number of months after the date of Royal assent) may be replaced with an exact reference to that date or time (once it is set or determined): 25

**Section 30**

After section 30(4), insert:

- (4A) The Attorney-General may amend, or replace, the 3-yearly revision programme if the Attorney-General complies with subsections (3) and (4) (applied as if the amendment or replacement were the draft or programme). 30

**Section 31**

Repeal section 31(2)(i) to (k).

After section 31(2), insert:

**Section 31**—*continued*

- (2A) A revision Bill may also—
- (a) make minor amendments to clarify Parliament’s intent, to resolve ambiguity, or to reconcile inconsistencies between provisions (or to do all of those things):
  - (b) 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 New Zealand Consumers Price Index over the relevant period, or provide for the amount to be prescribed by Order in Council: 5
  - (c) make minor amendments to update how provisions can be complied with, or operate, in a way that takes account of changes in technology if those amendments are consistent with the spirit and meaning of the law: 10
  - (d) for the purpose of enabling matters of general principle to be contained in Acts and matters of detail to be contained in secondary legislation,—
    - (i) omit forms, schedules, or other matters of detail from the Acts or parts of Acts revised, and instead authorise those matters to be prescribed by or under secondary legislation: 15
    - (ii) include matters currently prescribed in secondary legislation made under the Acts or parts of Acts revised.
- (3) A revision Bill must not change the effect of the law, except as authorised by **subsection (2A)**. 20

**Section 33**

In section 33(3)(b), replace “section 31(2)(i) or (j)” with “**section 31(2A)**”.

**Section 61**

Replace section 61(2) and (3) with:

- (2) In this section,— 25
- 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
- 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: 30
  - (b) drafts of legislation prepared by or on behalf of the PCO
- counsel** includes a person who holds a legal qualification referred to in section 68(2) and is working for the PCO as a contractor or secondee in relation to drafting of legislation. 35

**New section 75A**

After section 75, insert:

**75A Secondments from elsewhere in State services for developing senior leadership and management capability**

Sections 74 and 75 do not apply to any secondment arranged under section 49 of the State Sector Act 1988. 5

Compare: 1988 No 20 s 49

**Part 2****Amendments to other Acts****Biosecurity Act 1993 (1993 No 95) 10**

In section 57(8)(a), replace “publish a notice in the *Gazette* stating that the Governor-General has approved the direction and the date on which the Governor-General approved it” with “publish in the *Gazette* the Order in Council approving the direction”.

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

Replace section 28(7) with: 15

(7) An ordinary rule (except for an ordinary rule made by an Order in Council under section 34A(1))—

(a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 20

(b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see section 34(2)* and (3) of this Act).

Replace section 31(4) with:

(4) An emergency rule—

(a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 25

(b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see section 35(2)* to (4) and (5A) of this Act).

Replace section 34(2) with: 30

(2) If an ordinary rule (except for an ordinary rule made by an Order in Council under section 34A(1)) is made under this Act, then subject to subsection (3),—

(a) notice of the making of the rule must be given in the *Gazette*; and

(b) the rule must be made available by the Authority for purchase by members of the public at a reasonable price; and 35

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

- (c) the notice must specify a place where the rule is available for inspection free of charge and for purchase.

In section 34A(4), replace “must be published” with “must (despite **section 34(2)**) be notified and made available in accordance with **section 34(2)** and (3)”.

Replace section 34A(6) with:

5

- (6) An Order in Council—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* subsection (4) and **section 34(2)** and (3) of this Act); and
  - (c) is not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

10

**Crown Minerals Act 1991 (1991 No 70)**

Replace section 19(3) with:

15

- (3) A minerals programme—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* section 20 of this Act); and
  - (c) is not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

20

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

In section 76C(1)(b), replace “places designated under section 7 of the Legislation Act 2012” with “places specified in a notice given under **subsection (5)**”.

25

After section 76C(4), insert:

- (5) The chief executive must give notice in the *Gazette* stating that copies of the documents referred to in subsection (2) can (in accordance with subsection (1)(b)) be purchased at specified places.

30

Replace section 76D with:

**76D Application of Legislation Act 2012**

Orders in Council amending or modifying the Excise and Excise-equivalent Duties Table and made under section 77, 78, 79, or 79A—

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

- (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) are not legislative instruments for the purposes of the Legislation Act 2012 (*see* section 76C of this Act); and
- (c) are not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

5

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

After section 302A(5), insert:

- (5A) A new notice is a disallowable instrument for the purposes of the Legislation Act 2012 (and must be presented to the House of Representatives under section 41 of that Act) only if the revoked notice is a disallowable instrument for the purposes of the Legislation Act 2012 under **section 303** of this Act.

10

Replace section 303 with:

**303 Application of Legislation Act 2012 to instruments given by notice in Gazette**

15

An instrument that is required by or under this Act to be given by notice in the *Gazette*—

- (a) is not a legislative instrument for the purposes of the Legislation Act 2012, unless this Act expressly provides otherwise; and
- (b) is a disallowable instrument for the purposes of the Legislation Act 2012 (and must be presented to the House of Representatives under section 41 of that Act) only if it is made under 1 or more of the following sections of this Act:
  - (i) sections 11(4), 15(5), and 16(1) (which relate to sustainability measures under Part 3):
  - (ii) sections 17B(5), 18, 19(5), and 33(b) (which relates to the quota management system under Part 4):
  - (iii) section 113ZD(3) (which relates to high seas fishing under Part 6A):
  - (iv) sections 186A(1) and 186B(1) (which relate to Taiapure-local fisheries and customary fishing under Part 9):
  - (v) section 186M (which relates to aquaculture matters under Part 9A):
  - (vi) section 192A(2) (which relates to restrictions on acquisitions of fish under Part 10):

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

- (vii) sections 265A(5) and 271(1) (which relate to cost recovery under Part 14):
- (viii) sections 307, 312(3), and 313(1) (which relate to miscellaneous matters under Part 16):
- (ix) sections 341(5), 341(7), 368(6), 368A(5), 368A(8), 368A(11), and 369(6) (which relate to matters affecting quota under Part 17). 5

**Inquiries Act 2013 (2013 No 60)**

In section 6(2), after “Order in Council”, insert “published in the *Gazette*”.

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

In section 152A(4), replace “must be published” with “must (despite **section 161(3)**) be notified and made available in accordance with **section 161(3)**”. 10

Replace section 152A(6) with:

- (6) An Order in Council—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 15
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* subsection (4), and **section 161(3)** of this Act); and
  - (c) is not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012. 20

Replace section 160(6) with:

- (6) An ordinary rule (except for an ordinary rule made by an Order in Council under section 152A(1))—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 25
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* **section 161(3)** of this Act).

Replace section 161(3) with:

- (3) If an ordinary rule (except for an ordinary rule made by an Order in Council under section 152A(1)) is made under this Act,— 30
  - (a) notice of the making of the rule must be given in the *Gazette*; and
  - (b) the rule must be made available for purchase by members of the public at a reasonable price; and
  - (c) the notice must specify a place where the rule is available for inspection free of charge and for purchase. 35

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

Replace section 162(4) with:

- (4) An emergency rule—
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* section 163(2) to (4) of this Act).

5

Replace section 165(7) with:

- (7) Part 2 of the Legislation Act 2012 does not apply to material incorporated by reference in a rule, or to an amendment to, or a replacement of, that material.
- (8) Nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in a rule to be presented to the House of Representatives.

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

Replace section 36A(2) with:

15

- (2) Any maritime rule or any amendment to a maritime rule made by Order in Council must (despite **section 448(2)**) be notified and made available in accordance with **sections 448(2)** and 449 as if the Minister had made the rule or the amendment to the rule.

(2A) An Order in Council—

20

- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* **subsection (2)** and **sections 448(2)** and 449 of this Act); and
- (c) is not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

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Replace section 390A(2) with:

- (2) Any marine protection rule or any amendment to a marine protection rule made by Order in Council must (despite **section 448(2)**) be notified and made available in accordance with **sections 448(2)** and 449 as if the Minister had made the rule or the amendment to the rule.

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(2A) An Order in Council—

- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but

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

- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* **subsection (2)** and **sections 448(2)** and 449 of this Act); and
- (c) is not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

5

Replace section 448(2) with:

- (2) If a rule is made under this Act (except for a rule made by an Order in Council under section 36A(1) or 390A(1)),—
  - (a) notice of the making of the rule must be given by the Authority in the *Gazette*; and
  - (b) the rule must be made available by the Authority for purchase by members of the public at a reasonable price; and
  - (c) the notice must specify a place where the rule is available for inspection free of charge and for purchase.

10

In section 448(4), replace “Subject to section 449, every” with “Every”.

15

After section 448(4), insert:

- (5) **Subsections (2) and (4)** are subject to section 449.

Replace section 451(5A) and (6) with:

- (6) A rule made under this Act (except for a rule made by an Order in Council under section 36A(1) or 390A(1))—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 (*see* **sections 448(2)** and 449 of this Act).

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

In section 52(3)(a), replace “issue the statement by notice in the *Gazette*” with “publish in the *Gazette* the Order in Council approving the statement”.

After section 52(3), insert:

- (4) Orders in Council made under this section—
  - (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) are not legislative instruments for the purposes of the Legislation Act 2012; and
  - (c) are not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.

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**Tariff Act 1988 (1988 No 155)**

In the heading to section 7C, replace “regulations” with “**Tariff amendment orders**”.

Replace section 7G with:

- |           |  |    |
|-----------|--|----|
| <b>7G</b> | <b>Application of Legislation Act 2012 to provisions incorporated by reference: publication and disallowance</b>   | 5  |
| (1)       | Part 2 of the Legislation Act 2012 does not apply to—  |    |
|           | (a) provisions incorporated by reference under section 7C of this Act; or  |    |
|           | (b) an amendment to, or replacement of, those provisions.  |    |
| (2)       | Subpart 1 of Part 3 of the Legislation Act 2012 applies to an Order in Council that incorporates provisions under section 7C of this Act.  | 10 |
| (3)       | However, material incorporated by reference under section 7C of this Act does not have to be presented to the House of Representatives under section 41 of the Legislation Act 2012. |    |
| (4)       | This section must be treated as applying on and from 5 August 2013.  | 15 |

In section 9B(1)(b), replace “places designated under section 7 of the Legislation Act 2012” with “places specified in a notice given under **subsection (5)**”.

After section 9B(4), insert:

- |     |  |    |
|-----|--|----|
| (5) | The chief executive must give notice in the <i>Gazette</i> stating that copies of the documents referred to in subsection (2) can (in accordance with subsection (1)(b)) be purchased at specified places. | 20 |
|-----|--|----|

Replace section 9C with:

- |           |   |    |
|-----------|---|----|
| <b>9C</b> | <b>Application of Legislation Act 2012</b>  |    |
|           | Orders in Council amending or modifying the Tariff made under section 9 or 10—  | 25 |
|           | (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but |    |
|           | (b) are not legislative instruments for the purposes of the Legislation Act 2012 ( <i>see</i> section 9B of this Act); and  | 30 |
|           | (c) are not to be drafted by the PCO under section 59(2)(a) of the Legislation Act 2012.  |    |

## Schedule 6

### Consequential amendments

s 154

#### Part 1

#### Amendments to Acts (interpretation matters) 5

##### **Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))**

In section 20(5)(b), delete “; and”.

Repeal section 20(5)(c).

##### **Auditor Regulation Act 2011 (2011 No 21)**

In section 92(2), replace “section 15 of the Interpretation Act 1999” with “**section 48** of the **Legislation Act 2017**”. 10

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

Replace section 411 with:

**411 Application of Legislation Act 2017 to provisions incorporated by reference** 15

**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in an instrument made or issued under this Act merely because it is incorporated.

##### **Care of Children Act 2004 (2004 No 90)**

In section 17(3A)(b), replace “section 29A(2) of the Interpretation Act 1999” with “**section 14(2)** of the **Legislation Act 2017**”. 20

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

Replace section 175 with:

**175 Application of Legislation Act 2017 to provisions incorporated by reference** 25

**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations merely because it is incorporated.

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

In Schedule 5, replace clause 8 with: 30

**Commerce Act 1986 (1986 No 5)**—*continued***8 Application of Legislation Act 2017 to material incorporated by reference**

**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in a Part 4 determination merely because it is incorporated.

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

5

Replace section 27(1)(b) to (d) with:

(b) any Act:

(c) any secondary legislation:

In section 122A(4), replace “section 35(6) of the Interpretation Act 1999” with “**section 55** of the **Legislation Act 2017**”.

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

In section 413(a)(i) and (iii), replace “section 19 of the Interpretation Act 1999” with “**section 33** of the **Legislation Act 2017**”.

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

In section 76G(3), replace “The Interpretation Act 1999” with “**Part 2** of the **Legislation Act 2017**”.

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In section 76G(4)(a) and (b), replace “the Interpretation Act 1999” with “**Part 2** of the **Legislation Act 2017**”.

Replace section 287E with:

**287E Application of Legislation Act 2017 to provisions incorporated by reference**

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**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to provisions that are incorporated by reference under section 287A of this Act merely because they are incorporated.

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

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In section 156A(3), replace “section 15 of the Interpretation Act 1999” with “**section 48** of the **Legislation Act 2017**”.

In section 169(3), replace “Without limiting the Interpretation Act 1999, no” with “No”.

**Electronic Identity Verification Act 2012 (2012 No 123)**

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In section 7, definition of **organisation**, paragraph (a), replace “section 29 of the Interpretation Act 1999” with “**section 13** of the **Legislation Act 2017**”.

**Evidence Act 2006 (2006 No 69)**

In section 10(2), replace “the Interpretation Act 1999” with “**Part 2 of the Legislation Act 2017**”.

**Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)**

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Repeal sections 156 and 157.

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

In section 263(5), replace “Without limiting the Interpretation Act 1999, no” with “No”.

Repeal section 303(1)(a).

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**Food Act 2014 (2014 No 32)**

In Schedule 6, replace clause 9 with:

**9 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in a specified document merely because it is incorporated.

15

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

In section 54(4), replace “Without limiting the Interpretation Act 1999, no regulation made under this section shall be” with “No regulation made under this section is”.

**Greater Christchurch Regeneration Act 2016 (2016 No 14)**

20

In section 4, definition of **enactment**, replace “section 29 of the Interpretation Act 1999” with “**section 13 of the Legislation Act 2017**”.

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

Replace section 112ZM with:

**112ZM Application of Legislation Act 2017 to standards incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to standards that are incorporated by reference in regulations merely because they are incorporated.

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Replace section 137G with:

**137G Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in this Act or in an instrument merely because it is incorporated.

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**Human Tissue Act 2008 (2008 No 28)**

In Schedule 5, repeal clauses 7 and 8.

**Hurunui/Kaikōura Earthquakes Recovery Act 2016 (2016 No 102)**

In section 4(1), definition of **enactment**, replace “section 29 of the Interpretation Act 1999” with “**section 13** of the **Legislation Act 2017**”.

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**Income Tax Act 2007 (2007 No 97)**

In section AA 2(1), after “Diagrams”, insert “, examples,”.

In section AA 3, heading above subsection (2), replace “*Interpretation Act 1999*” with “*Part 2 of Legislation Act 2017*”.

In section AA 3(2), replace “The Interpretation Act 1999” with “**Part 2** of the **Legislation Act 2017**”.

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**Insurance (Prudential Supervision) Act 2010 (2010 No 111)**

In Schedule 1, replace clause 7 with:

**7 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in a specified instrument merely because it is incorporated.

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

Repeal section 165(7).

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

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Replace section 259I with:

**259I Application of Legislation Act 2017 to standards incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to financial reporting standards that are incorporated by reference in regulations made under section 259(1)(dc) of this Act merely because they are incorporated.

25

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

In Schedule 3, replace clause 6 with:

**6 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations in reliance on section 105F of this Act merely because it is incorporated.

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**National Animal Identification and Tracing Act 2012 (2012 No 2)**

In Schedule 3, replace clause 6 with:

- 6 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations merely because it is incorporated. 5

**Ngā Mana Whenua o Tāmaki Makaurau Collective Redress Act 2014 (2014 No 52)**

In Schedule 6, clause 16(2), replace “the Interpretation Act 1999” with “**Part 2 of the Legislation Act 2017**”. 10

**Non-bank Deposit Takers Act 2013 (2013 No 104)**

In Schedule 1, replace clause 7 with:

- 7 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations merely because it is incorporated. 15

**Parliamentary Privilege Act 2014 (2014 No 58)**

In section 4(2), replace “the Interpretation Act 1999” with “**Part 2 of the Legislation Act 2017**”.

**Patents Act 2013 (2013 No 68)** 20

In section 269(4), replace “section 22 of the Interpretation Act 1999” with “**section 37 of the Legislation Act 2017**”.

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

In section 5(3), replace “Section 24 of the Interpretation Act 1999” with “**Section 39 of the Legislation Act 2017**”. 25

In section 14(6), replace “section 14 of the Interpretation Act 1999” with “**section 47 of the Legislation Act 2017**”.

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

In section 139(3), replace “section 15 of the Interpretation Act 1999” with “**section 48 of the Legislation Act 2017**”. 30

**Property (Relationships) Act 1976 (1976 No 166)**

In section 2D(1), replace “(whether a man and a woman, or a man and a man, or a woman and a woman)” with “(regardless of their sex, sexual orientation, or gender identity)”.

**Radiocommunications Act 1989 (1989 No 148)**

In sections 116(2) and 134(2), replace “Without limiting the Interpretation Act 1999, no regulation made under this section shall be” with “No regulation made under this section is”.

In Schedule 8, replace clause 6 with:

**6 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations merely because it is incorporated.

**Tariff Act 1988 (1988 No 155)**

Replace section 9F(3) with:

(3) **Part 2** of the **Legislation Act 2017** applies to the Tariff as if it were legislation.

In section 9F(4)(a) and (b), replace “the Interpretation Act 1999” with “**Part 2** of the **Legislation Act 2017**”.

In section 16, replace “Without limiting the Acts Interpretation Act 1924, no Order in Council under this Act shall be” with “No Order in Council under this Act is”.

**Tax Administration Act 1994 (1994 No 166)**

After section 4A, insert:

**4AB Status of examples**  
 Examples are included in this Act only as an interpretational aid. If there is conflict between an example and a provision of this Act, the provision prevails.

**Telecommunications Act 2001 (2001 No 103)**

In section 69ZD(2), replace “section 16 of the Interpretation Act 1999” with “**section 51** of the **Legislation Act 2017**”.

**Trans-Pacific Partnership Agreement Amendment Act 2016 (2016 No 90)**

Repeal Part 5.

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**

In section 2(2), replace “the Interpretation Act 1999” with “**Part 2** of the **Legislation Act 2017**”.

Replace section 76(3) with:

(3) Despite anything in **Part 2 of the Legislation Act 2017**, a reference to an Act in any schedule includes, unless the reference to the Act indicates otherwise, any secondary legislation, or other instrument, made or given under the Act.

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)—*continued***

Repeal 76(4)(a) and (b).

**Trans-Tasman Proceedings Act 2010 (2010 No 108)**

In section 4(1), definition of **working day**, paragraph (b), replace “section 29 of the Interpretation Act 1999” with “**section 13 of the Legislation Act 2017**”.

In section 58(2), replace “section 29 of the Interpretation Act 1999” with “**section 13 of the Legislation Act 2017**”. 5

**Utilities Access Act 2010 (2010 No 98)**

In the Schedule, replace clause 6 with:

**6 Application of Legislation Act 2017 to material incorporated by reference**  
**Subpart 1 of Part 3 and section 113 of the Legislation Act 2017** do not apply to material that is incorporated by reference in regulations merely because it is incorporated. 10

**Wills Act 2007 (2007 No 36)**

In section 6, definition of **de facto relationship**, replace “section 29A of the Interpretation Act 1999” with “**section 14 of the Legislation Act 2017**”. 15

**Part 2****Amendments to Acts (other matters)****Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)**

Replace section 81L with:

**81L Levy regulations must be confirmed by Parliament** 20  
 The explanatory note of regulations made under section 81E must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—  
 (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and  
 (b) the stated time is the applicable deadline under that subpart. 25

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

Replace section 125 with:

**125 Levy regulations must be confirmed by Parliament**  
 The explanatory note of regulations made under section 118 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 30  
 (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and

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

- (b) the stated time is the applicable deadline under that subpart.

**Antarctica (Environmental Protection) Act 1994 (1994 No 119)**

Replace section 55A with:

**55A Regulations under section 55(2) must be confirmed by Parliament**

The explanatory note of regulations made under section 55(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 5

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

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Replace section 74B with:

**74B Certain orders relating to military style semi-automatic firearms must be confirmed by Parliament**

The explanatory note of an order made under section 74A(b), (c), or (d) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 15

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 100S with:

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**100S Orders must be confirmed by Parliament**

The explanatory note of a levy order made under section 100L must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 25
- (b) the stated time is the applicable deadline under that subpart.

Replace section 100ZH with:

**100ZH Orders must be confirmed by Parliament**

The explanatory note of a readiness or response levy order made under section 100ZB must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 30

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and

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

- (b) the stated time is the applicable deadline under that subpart.

Replace section 138 with:

**138 Orders must be confirmed by Parliament**

The explanatory note of a levy order made under section 137 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

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- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

Replace section 151 with:

**151 Emergency regulations must be confirmed by Parliament**

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The explanatory note of emergency regulations made under section 150 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace the heading to section 42C with “**Orders must be confirmed by Parliament**”.

Replace section 42C(1) and (2) with:

- (1) The explanatory note of the Order in Council must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

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- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

In section 42C(3), replace “Where an Order in Council made under section 42A is revoked by section 47C(1)(a) or (b) of the Legislation Act 2012” with “If an Order in Council made under section 42A is revoked under **subpart 3 of Part 5 of the Legislation Act 2017**”.

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

Replace section 162A with:

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**162A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 162(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and

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

- (b) the stated time is the applicable deadline under that subpart.

Replace section 202A with:

**202A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 202(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 5

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 12 with:

**12 Orders must be confirmed by Parliament**

- (1) The explanatory note of a levy order made under section 4 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 15
- (b) the stated time is the applicable deadline under that subpart.

- (2) The Minister must indicate the Minister's intentions with regard to the levy order continuing in force by publishing a notice in the *Gazette* at least 6 months before the deadline referred to in **subsection (1)** (the **6-month date**).

- (3) However, **subsection (2)** does not apply if the levy order has already been revoked, disallowed under **subpart 2 of Part 5 of the Legislation Act 2017**, or confirmed by an Act before the 6-month date. 20

**Contract and Commercial Law Act 2017 (2017 No 5)**

Replace section 239(3) with:

- (3) The explanatory note of an Order in Council made under subsection (2) that makes an addition to Schedule 5 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 25

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart. 30

**Criminal Procedure Act 2011 (2011 No 81)**

Replace section 387A with:

**Criminal Procedure Act 2011 (2011 No 81)—continued****387A Regulations under section 387(1)(i) or (j) must be confirmed by Parliament**

The explanatory note of regulations made under section 387(1)(i) or (j) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 5
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 54A with:

**54A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 54(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 10
- (b) the stated time is the applicable deadline under that subpart. 15

Replace section 56A with:

**56A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 56(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 20
- (b) the stated time is the applicable deadline under that subpart.

Replace section 80 with:

**80 Orders must be confirmed by Parliament**

- (1) This section applies to— 25
  - (a) an Order in Council made under section 77(1); and
  - (b) an Order in Council made under section 79(1); and
  - (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)). 30
- (2) The explanatory note of an Order in Council must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
  - (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart. 35

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

Replace section 286B with:

**286B Regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 286A must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and 5
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 2(5) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 10
  - (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart.

Replace section 159(5) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 15
  - (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart. 20

**Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)**

Replace section 33A with:

**33A Levy regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 33(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 25

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 5A with:

**5A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 5(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,— 30



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

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 74A with:

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**74A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 74(7) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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**Food Act 2014 (2014 No 32)**

Replace section 214 with:

**214 Levy regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 207 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

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Replace section 67ZT with:

**67ZT Levy orders must be confirmed by Parliament**

The explanatory note of a levy order made under section 67ZM must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 319A with:

**319A Problem gambling levy regulations must be confirmed by Parliament**

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The explanatory note of regulations made under section 319(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

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

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 51 with:

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**51 Orders must be confirmed by Parliament**

- (1) The explanatory note of a levy order made under section 26(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
  - (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart.
- (2) The Minister on whose recommendation a levy order was made must indicate the Minister's intentions with regard to the levy order continuing in force by publishing a notice in the *Gazette* at least 6 months before the deadline referred to in **subsection (1)** (the 6-month date).
- (3) However, **subsection (2)** does not apply if the levy order has already been revoked, disallowed under **subpart 2 of Part 5 of the Legislation Act 2017**, or confirmed by an Act before the 6-month date.

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

Replace section 65A with:

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**65A Orders must be confirmed by Parliament**

- The explanatory note of an Order in Council made under section 65 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart.

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

Replace section 270(2) with:

- (2) The explanatory note of relevant regulations must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
  - (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart.

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

In section 270(4), replace “If relevant regulations are revoked by section 47C(1)(a) or (b) of the Legislation Act 2012” with “If relevant regulations are revoked under **subpart 3 of Part 5 of the Legislation Act 2017**”.

In section 270(6), replace “If relevant regulations are revoked by section 47C(1)(a) or (b) of the Legislation Act 2012” with “If relevant regulations are revoked under **subpart 3 of Part 5 of the Legislation Act 2017**”.

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

Replace section 78A with:

**78A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 78(4)(b) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

**National Animal Identification and Tracing Act 2012 (2012 No 2)**

Replace section 64 with:

**64 Levy regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 62 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

Replace section 68 with:

**68 Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 67(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

**New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)**

Replace section 15A with:

**15A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 15(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

**New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—**  
*continued*

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be invalid for its past operation, even if earlier revoked); and
- (b) the stated time is the applicable deadline under that subpart.

Replace section 30A with:

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**30A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 30(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be invalid for its past operation, even if earlier revoked); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 73A with:

**73A Regulations must be confirmed by Parliament**

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- (1) This section applies to regulations if they are—
  - (a) regulations made under sections 71O and 73(1)(ad); or
  - (b) regulations made under section 73(1)(ae).
- (2) The explanatory note of the regulations must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
  - (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
  - (b) the stated time is the applicable deadline under that subpart.

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

Replace section 6A with:

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**6A Regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 4(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 27A with:

**Policing Act 2008 (2008 No 72)—continued****27A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 27(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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**Primary Products Marketing Act 1953 (1953 No 10)**

Replace section 4 with:

**4 Regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 3(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

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Replace section 152A with:

**152A Regulations must be confirmed by Parliament**

- (1) This section applies to regulations made under both of sections 152 and 173, but only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5.

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- (2) The explanatory note of the regulations must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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**Road User Charges Act 2012 (2012 No 1)**

Replace section 85A with:

**85A Regulations must be confirmed by Parliament**

The explanatory note of regulations made under section 85(1) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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

Replace section 61IA with:

**61IA Orders must be confirmed by Parliament**

- (1) This section applies to an Order in Council made under section 61H, 61HA(2), or 61I(1) (including section 61H or 61HA(2) apart from, or with, clause 3(6) of Schedule 32). 5
- (2) The explanatory note of an Order in Council must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—
- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be invalid for its past operation, even if earlier revoked); and 10
- (b) the stated time is the applicable deadline under that subpart.

**Tariff Act 1988 (1988 No 155)**

Replace section 11 with:

**11 Orders in Council relating to Tariff must be confirmed by Parliament** 15

The explanatory note of an Order in Council made under section 9 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart. 20

**Tax Administration Act 1994 (1994 No 166)**

Replace section 225BA with:

**225BA Order under section 225B must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 225B(1)(a) or (b) must indicate that, under **subpart 3 of Part of the Legislation Act 2017**,— 25

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

**Veterans' Support Act 2014 (2014 No 56)** 30

Replace section 190A with:

**190A Orders must be confirmed by Parliament**

The explanatory note of an Order in Council made under section 190(2) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

**Veterans' Support Act 2014 (2014 No 56)**—*continued*

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be invalid for its past operation, even if earlier revoked); and
- (b) the stated time is the applicable deadline under that subpart.

**Waste Minimisation Act 2008 (2008 No 89)**

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Replace section 41A with:

**41A Regulations under section 41(1)(e) must be confirmed by Parliament**

The explanatory note of regulations made under section 41(1)(e) must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) it needs to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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**Wine Act 2003 (2003 No 114)**

Replace section 96 with:

**96 Levy regulations must be confirmed by Parliament**

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The explanatory note of regulations made under section 89 must indicate that, under **subpart 3 of Part 5 of the Legislation Act 2017**,—

- (a) they need to be confirmed by Act of Parliament by the time stated in the note (or will be revoked at that time); and
- (b) the stated time is the applicable deadline under that subpart.

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**Part 3****Acts: general references to legislation****Accident Compensation Act 2001 (2001 No 49)**

In section 28(7)(a), replace “any Act or regulations” with “any legislation”.

**Age of Majority Act 1970 (1970 No 137)**

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In section 2, repeal the definition of Act.

In section 2, definition of enactment, replace “regulations or bylaws” with “secondary legislation”.

In section 2, repeal the definition of regulations.

**Children, Young Persons, and Their Families Act 1989 (1989 No 24)**

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In section 2(1), definition of **traffic offence**, paragraphs (a) and (b), replace “any regulation, rule, or bylaw” with “any secondary legislation”.

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

In section 24(2), replace “any other Act, regulation, or bylaw” with “any other legislation”.

**Companies Act 1993 (1993 No 105)**

In Schedule 7, clause 2(1)(a), replace “any Act or regulations” with “any legislation”. 5

**Contract and Commercial Law Act 2017 (2017 No 5)**

In section 70, definition of **enactment**, paragraph (a), replace “Act, regulations, rules, bylaws, Order in Council, or Proclamation” with “legislation”.

In section 70, definition of **enactment**, paragraph (b), replace “Act or regulations” with “legislation”. 10

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

In section 2(1), definition of **unlawful act**, replace “any Act, regulation, rule, or bylaw” with “any legislation”.

**Criminal Procedure Act 2011 (2011 No 81)**

In section 375(2), replace “any regulation or bylaw” with “any secondary legislation”. 15

**Criminal Records (Clean Slate) Act 2004 (2004 No 36)**

In section 4, definition of **traffic offence**, paragraphs (a) and (b), replace “any regulation, rule, or bylaw” with “any secondary legislation”.

**Crown Minerals Act 1991 (1991 No 70)**

In section 9, replace “Acts, regulations, bylaws, and” with “legislation and other”. 20

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

In section 76G(2), replace “a regulation” with “secondary legislation”.

**Declaratory Judgments Act 1908 (1908 No 220)**

In section 3, replace “any statute, or any regulation made by the Governor-General in Council under statutory authority, or any bylaw made by a local authority” with “any legislation”. 25

In section 3, replace “such statute, regulation, bylaw” with “such legislation”.

**Disputes Tribunals Act 1988 (1988 No 110)**

In section 11(8), replace “any other instrument that has legislative effect and that is authorised by or pursuant to any Act” with “any secondary legislation”. 30

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

In section 5(2), replace “any regulations or bylaws” with “any secondary legislation”.



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

In section 52(2)(b), replace “any regulation or bylaw” with “any secondary legislation”.

In section 53(2), replace “any regulation or bylaw” with “any secondary legislation”.

In section 75(3), delete “or bylaw”.

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

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In section 4(2)(a), replace “subordinate legislation” with “secondary legislation”.

**Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)**

In section 4(1), definition of **existing interest**, paragraph (a), replace “any Act or regulations” with “any legislation”.

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

In section 78(3), replace “any Act or by any legislative instrument (within the meaning of the Legislation Act 2012) or by any regulation (within the meaning of the Regulations Act 1936)” with “any legislation”.

In section 78(3)(a) and (b), replace “that Act or regulation” with “that legislation”.

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In section 78(3), first proviso, replace “any such Act or regulation” with “any such legislation”.

In section 78(3), second proviso, replace “that Act or regulation” with “that legislation”.

In section 78(4), replace “Act or regulation” with “legislation”.

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**Human Rights Act 1993 (1993 No 82)**

In section 128(2), replace “any Act or regulations” with “any legislation”.

Repeal section 133(4).

**Inferior Courts Procedure Act 1909 (1909 No 13)**

In section 5, replace “statutes, regulations, bylaws,” with “legislation”.

25

**Insolvency Act 2006 (2006 No 55)**

In section 275(1)(a), replace “any Act or regulations” with “any legislation”.

**Judicial Review Procedure Act 2016 (2016 No 50)**

In section 5(2)(a), replace “to make any regulation, rule, bylaw, or order, or to give any notice or direction that has effect as subordinate legislation” with “to make any secondary legislation”.

30

**Land Transfer (Computer Registers and Electronic Lodgement) Amendment Act 2002 (2002 No 11)**

In section 8(f)(i) and (iii), replace “any Act or regulations” with “any legislation”.

In section 10(1)(h)(i) and (ii), replace “any Act or regulations” with “any legislation”.

In section 12(g), replace “any Act or regulations” with “any legislation” in each place. 5

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

In section 2(1), definition of **stationary vehicle offence**, replace paragraph (a) with:

- (a) parking in any portion of a road in breach of any legislation (including, without limitation, any bylaw made under section 22AB(1)(m) to (o)): 10

In section 30A(1)(b), replace “any Act, regulation, or bylaw” with “any legislation”.

In section 91A, definition of **traffic offence**, paragraphs (a) and (b), replace “any regulation, rule, or bylaw” with “any secondary legislation”.

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

In section 27(1)(b)(i), replace “any Act or regulations” with “any legislation”. 15

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

In section 77, replace “any regulation, Proclamation, warrant, bylaw, or notification” with “any secondary legislation”.

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

In section 2(1), repeal the definition of **enactment**. 20

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

In section 13(7)(a), replace “the provisions of any Act or regulation” with “any legislation”.

In section 22(1)(b), replace “a provision of any Act, regulation, or bylaw” with “any legislation”. 25

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

In section 137(p), replace “any Act or regulation” with “any legislation”.

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

In section 2(1), repeal the definition of **enactment**.

In section 13(1)(o), replace “subordinate legislation” with “secondary legislation”. 30

**Public Works Act 1981 (1981 No 35)**

In section 190(4), replace “any Act, regulation, or bylaw” with “any legislation”.

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

In section 23(1), replace “Acts, regulations, bylaws, and rules of law” with “legislation and other rules of law”.

**Standards and Accreditation Act 2015 (2015 No 91)**

In section 10(1), replace “Act or regulations” with “legislation”. 5

In section 10(2), replace “an Act or regulations” with “legislation”.

In section 10(2), replace “enactment” with “legislation”.

In the cross-heading above section 29, replace “*Acts, regulations, and bylaws*” with “*legislation*”.

In section 29(1), replace “any Act, regulations, or bylaw” with “any legislation”. 10

In section 29(2), replace “an enactment” with “legislation”.

In section 29(2), replace “the enactment” with “the legislation”.

In the heading to section 30, replace “**Regulations or bylaws**” with “**Secondary legislation**”.

In section 30(1) and (2), replace “Regulations and bylaws made under any Act” with “Secondary legislation”. 15

In the heading to section 31, replace “**enactments**” with “**legislation**”.

In section 31, replace “any other Act, regulations, or bylaw” with “any legislation (other than this Act)”.

**Time Act 1974 (1974 No 39)** 20

In the heading to section 6, replace “**enactments, Orders in Council, etc**” with “**legislation and other documents**”.

In section 6, replace “in any enactment, Order in Council, order, regulation, rule, by-law, deed, notice, or other document whatsoever,” with “in any legislation, or in any other document whatsoever,”. 25