

House of Representatives

Supplementary Order Paper

Tuesday, 18 September 2012

Legislation Bill

Proposed amendments

Hon Christopher Finlayson, in Committee, to move the following amendments:

Clause 2

Replace *clause 2* (lines 3 to 10 on page 5) with:

2 Commencement

- (1) **Part 1, subpart 3 of Part 2, and Part 4** (except **section 72(1A), (2), (3), (5), and (6)**) come into force on the day after the date on which this Act receives the Royal assent.
- (2) **Subparts 1 and 2 of Part 2, Part 3, section 72(1A), (2), (3), (5), and (6), and the Schedule** come into force on the earlier of—
 - (a) a date appointed by the Governor-General by Order in Council:
 - (b) **1 July 2014.**
- (3) One or more Orders in Council may be made under **subsection (2)** appointing different dates for different provisions.

Clause 18

In *clause 18*, after subclause (4) (after line 8 on page 14), insert:

- (5) For the purposes of the amendment of, incorporation of, or reference to legislation that has been reprinted under **subpart 2** with changes authorised by that subpart, those changes have effect as if enacted or made, as the case may be, expressly by other legislation having effect immediately before the reprint date.

Compare: Reprints Act 1992 s 9 (Qld)

Clause 25

After *clause 25(1)(f)* (after line 13 on page 17), insert:

- (fa) changes may be made to words in the Māori language (te reo Māori) to reflect current orthographic conventions:

Replace *clause 25(2)* (lines 26 to 35 on page 18) with:

- (2) For the purpose of making legislation consistent with current drafting practice, the Governor-General may, by Order in Council, authorise the Chief Parliamentary Counsel to—
 - (a) reprint any specified legislation by numbering provisions or renumbering provisions, as the case may be, in the manner indicated by the order; and
 - (b) reprint any other specified legislation, in the manner indicated by the order, so as to update any references in that legislation to provisions that are numbered or renumbered under **paragraph (a)**.

Clause 28

In *clause 28*, delete the definition of **revision Act** (lines 5 and 6 on page 20).

Clause 29(1)

In *clause 29(1)*, replace “process for the preparation” (line 11 on page 20) with “procedure for the preparation and certification”.

New clause 32A

After *clause 32* (after line 36 on page 22), insert:

32A Revision Bill may be introduced only if certified

A revision Bill may be introduced into the House of Representatives only if it has been certified under this subpart.

Clause 35

In *clause 35(2)*, replace “2011” (line 17 on page 24) with “2014”.

In *clause 35(2)*, replace “2017” (line 18 on page 24) with “2020”.

Clause 48

In *clause 48(4)*, replace “under” (line 14 on page 32) with “in reliance on”.

Clause 58

In *clause 58(1)(g)*, replace “legislative” (line 34 on page 39) with “disallowable”.

Clause 58A

In *clause 58A*, after subclause (2) (after line 3 on page 41), insert:

- (3) The Inland Revenue Department (Drafting) Order 1995 continues in force as if made under **subsection (1)**.

Clause 72

Replace *clause 72(1)* (lines 20 to 25 on page 47) with:

- (1) The Statutes Drafting and Compilation Act 1920 (1920 No 46) is repealed.
- (1A) The Acts and Regulations Publication Act 1989 (1989 No 142) and the Regulations (Disallowance) Act 1989 (1989 No 143) are repealed.

In *clause 72(4)*, replace “**(1)(a)**” (line 35 on page 47) with “**(1)**”.

Replace *clause 72(5) to (8)* (lines 1 to 19 on page 48) with:

- (5) Despite the repeal of the Acts and Regulations Publication Act 1989 by **subsection (1A)**,—
 - (a) a notice given under section 9 of that Act and in force immediately before that repeal continues in force and must be treated as if it had been given under **section 7(1)** of this Act:
 - (b) sections 16C and 16D of that Act continue to apply to every copy of legislation that purports to be printed and published (whether before or after the commencement of **subsection (1A)**) under the authority of the New Zealand Government until an official electronic or printed version is issued under **section 17** of this Act:
 - (c) for the purpose of **paragraph (b)**, a legislative instrument must be treated as a regulation within the meaning of section 16C or 16D of that Act.
- (6) In any regulations in force immediately before the commencement of this subsection, material incorporated by reference in reliance on an enactment repealed by **subsection (2)** must be treated as having effect under **subpart 2 of Part 3** in the absence of any other authority for the incorporation of that material in those regulations.
- (7) Until the repeal of the Acts and Regulations Publication Act 1989 by **subsection (1A)**, references in **section 58(1)** to the printing, publication, or reprinting of legislation must be read as references to the printing, publication, or reprinting of legislation under that Act.

New clause 74

After *clause 73* (after line 20 on page 49), insert:

74 Continuation of annual regulations series

- (1) This section applies despite **sections 11 and 12(2)(d)**.
- (2) The Chief Parliamentary Counsel—
 - (a) may continue publishing the statutory regulations series until the end of the year in which those provisions come into force:
 - (b) must start a legislative instruments series no later than the start of the next year.

- (3) It is sufficient compliance with **section 11** if a legislative instrument is given a number for the annual regulations series continued under **subsection (2)** and is published in that series.
- (4) It is sufficient compliance with **section 12(2)(d)** if a notice published under that section gives an instrument's number in the annual regulations series continued under **subsection (2)**.

Schedule: new item relating to Auditor Regulation Act 2011

In the Schedule, after the item relating to the Auckland Regional Amenities Funding Act 2008 (after line 17 on page 54), insert:

Auditor Regulation Act 2011 (2011 No 21)

Section 37(2): repeal and substitute:

- “(2) Each notice under section 32—
- “(a) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and
 - “(b) must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Building Act 2004

In the Schedule, delete the item relating to section 25(4) (line 32 on page 55).

In the Schedule, delete the item relating to section 134(5) (line 33 on page 55).

In the Schedule, delete the item relating to section 405 (lines 7 to 14 on page 56).

In the Schedule, replace the item relating to sections 406 to 413 (line 15 on page 56) with:

Sections 411 and 412: repeal and substitute:

“411 Application of Legislation Act 2012 to provisions incorporated by reference

- “(1) Nothing in **section 40** of the Legislation Act **2012** requires material that is incorporated by reference in an instrument made or issued under this Act to be presented to the House of Representatives.
- “(2) **Subpart 1 of Part 3** of the Legislation Act **2012** apart from the modification to the application of **section 40** of that Act made by **subsection (1)**, applies to an instrument made or issued under this Act (other than a compliance document) that incorporates material by reference.
- “(3) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in an instrument or to an amendment to, or replacement of, that material.”

Schedule: new item relating to Canterbury Earthquake Recovery Act 2011

In the Schedule, after the item relating to the Cadastral Survey Act 2002 (after line 26 on page 56), insert:

Canterbury Earthquake Recovery Act 2011 (2011 No 12)

Section 76: repeal and substitute:

“76 Application of Legislation Act 2012

- “(1) Despite section 75(5), an Order in Council made under section 71 is a disallowable instrument for the purposes of the Legislation Act **2012**.
- “(2) An Order in Council made under section 71 is also a legislative instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: items relating to Civil Aviation Act 1990

In the Schedule, after the item relating to section 31(4) of the Civil Aviation Act 1990 (after line 25 on page 57), insert:

Section 34A(6): repeal and substitute:

- “(6) An Order in Council made under subsection (1) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 36(7): replace “The Acts and Regulations Publication Act 1989” with “**Part 2** of the Legislation Act **2012**”.

Section 36(8): replace “section 4 of the Regulations (Disallowance) Act 1989” with “**section 40** of the Legislation Act **2012**”.

In the Schedule, after the item relating to section 91T(2) of the Civil Aviation Act 1990 (after line 13 on page 58), insert:

Section 107(3): repeal and substitute:

- “(3) An Order in Council made, or a declaration issued, under subsection (1) is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Civil List Act 1979

In the Schedule, delete the item relating to section 3(6) of the Civil List Act 1979 (lines 27 to 32 on page 60).

In the Schedule, delete the item relating to section 4(7) of the Civil List Act 1979 (lines 1 to 5 on page 61).

Schedule: new items relating to Commerce Act 1986

In the Schedule, after the item relating to section 52N(6) of the Commerce Act 1986 (after line 33 on page 62), insert:

Section 52P: add:

“(9) A determination under this section is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act **2012** (and does not have to be presented to the House of Representatives under **section 40** of that Act).”

Section 52W: add:

“(4) A published input methodology is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act **2012** (and does not have to be presented to the House of Representatives under **section 40** of that Act).”

Schedule: new items relating to Crown Minerals Act 1991 and the Crown Pastoral Land Act 1998

In the Schedule, after the item relating to the Crown Entities Act 2004 (after line 30 on page 64), insert:

Crown Minerals Act 1991 (1991 No 70)

Section 18: after section 18(2), insert:

“(3) An Order in Council made under subsection (1)—
 “(a) is a disallowable instrument for the purposes of the Legislation Act **2012**; but
 “(b) is not a legislative instrument for the purposes of that Act and **section 58(2)** of that Act does not apply to it.”

Crown Pastoral Land Act 1998 (1998 No 65)

Section 23O(4): repeal and substitute:

“(4) A rule made under subsection (1) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**.”

Schedule: items relating to Customs and Excise Act 1996

In the Schedule, after the item relating to section 76D of the Customs and Excise Act 1996 (after line 16 on page 65), insert:

Section 76G(4)(a): replace “the Acts and Regulations Publication Act 1989” with “**Part 2** of the Legislation Act **2012**”.

Section 286B(1): replace “Regulations (Disallowance) Act 1989” with “Legislation Act **2012**”.

Section 287E: repeal and substitute:

“287E Application of Legislation Act 2012 to provisions incorporated by reference

- “(1) **Part 2** of the Legislation Act **2012** does not apply to provisions incorporated under section 287A or to an amendment to, or replacement of, those provisions.
- “(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to regulations that incorporate provisions under section 287A.
- “(3) However, nothing in **section 40** of the Legislation Act **2012** requires provisions incorporated under section 287A to be presented to the House of Representatives.”

Section 287F: repeal.

Schedule: new item relating to Dairy Industry Restructuring Act 2001

In the Schedule, after the item relating to the Customs and Excise Act 1996 (after line 21 on page 65), insert:

Dairy Industry Restructuring Act 2001 (2001 No 51)

Section 148(6)(c): replace “section 16 of the Acts and Regulations Publication Act 1989” with “**section 15** of the Legislation Act **2012**”.

Clause 8 of Schedule 5E: repeal and substitute:

“8 Application of Legislation Act 2012

- “(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated in regulations.
- “(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to regulations that incorporate material.
- “(3) However, nothing in **section 40** of the Legislation Act **2012** requires material incorporated in regulations to be presented to the House of Representatives.”

Schedule 5E: repeal clause 9.

Schedule: item relating to Education Act 1989

In the Schedule, delete the item relating to section 232(3)(e) of the Education Act 1989 (lines 21 to 25 on page 66).

In the Schedule, after the item relating to section 144C(1)(b) (after line 20 on page 66), insert:

Section 235B(3): repeal and substitute:

- “(3) A notice under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Electoral (Administration) Amendment Act 2011

In the Schedule, after the item relating to the Electoral Act 1993 (after line 23 on page 67), insert:

Electoral (Administration) Amendment Act 2011 (2011 No 57)

Section 48(3): repeal and substitute:

“(3) Regulations under this section are a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Electricity Act 1992

In the Schedule, replace the item relating to section 172H(5) of the Electricity Act 1992 (lines 25 to 29 on page 67) with:

Section 75(4): repeal and substitute:

“(4) A notice published under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 90(2): repeal and substitute:

“(2) Each notice published under section 84 or 85 is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 107(3): repeal and substitute:

“(3) Each notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Electricity Industry Act 2010

In the Schedule, after the item relating to the Electricity Act 1992 (after line 29 on page 67), insert:

Electricity Industry Act 2010 (2010 No 116)

Section 33(1): repeal and substitute:

“(1) The Code is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 90(7): repeal and substitute:

“(7) An exemption under this section is neither a disallowable instrument nor a legislative instrument for the purposes of the Legislation Act **2012** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Electricity Industry Act 2010 (2010 No 116)—*continued*

Section 122(3)(d): repeal and substitute:

“(d) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule 1: clause 7: repeal and substitute:

“**7 Application of Legislation Act 2012**

“(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference into the main document, or to any amendment to, or replacement of, the material.

“(2) **Subpart 1 of Part 3** of the Legislation Act **2012**, except **section 40**, applies to material incorporated by reference in the main document, or to any amendment to, or replacement of, the material.”

Clause 8 of Schedule 1: repeal.

Schedule: item relating to Electricity Industry Reform Act 1998

In the Schedule, delete the item relating to the Electricity Industry Reform Act 1998 (lines 1 to 11 on page 68).

Schedule: item relating to Financial Advisers Act 2008

In the Schedule, replace the item relating to section 94(3) of the Financial Advisers Act 2008 (lines 20 to 24 on page 69) with:

Section 94(4): repeal and substitute:

“(4) The code and the notice are each disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

In the Schedule, replace the items relating to section 148(1), 149(1), 150(2), and 150A of the Financial Advisers Act 2008 (lines 25 to 35 on page 69 and lines 1 to 17 on page 70) with:

Section 148B(1): repeal and substitute:

“(1) For the purposes of the Legislation Act **2012**, an exemption under section 148, or a variation or revocation of an exemption under section 148A,—

“(a) is a disallowable instrument and must be presented to the House of Representatives under **section 40** of that Act; and

“(b) is a legislative instrument only if it is a class exemption.”

Schedule: item relating to Financial Reporting Act 1993

In the Schedule, in the item relating to section 4B(4) of the Financial Reporting Act 1993, in *new section 4B(6)(a)*, replace “Securities Commission” (line 31 on page 70) with “FMA”.

In the Schedule, in the item relating to section 4D(1) of the Financial Reporting Act 1993 (line 3 on page 71), replace “4D(1)” with “4D”.

In the Schedule, after the item relating to section 4D(1) of the Financial Reporting Act 1993 (after line 3 on page 71), insert:

Section 32(1): omit “The Regulations (Disallowance) Act 1989 applies to the following instruments and determinations of the Board as if the instrument or determination were a regulation within the meaning of that Act” and substitute “The following instruments and determinations of the Board are disallowable instruments for the purposes of the Legislation Act **2012**”.

Section 32(2): omit “section 4 of the Regulations (Disallowance) Act 1989” and substitute “**section 40** of the Legislation Act **2012**”.

Section 32(3): omit “regulations for the purposes of the Acts and Regulations Publication Act 1989” and substitute “legislative instruments for the purposes of the Legislation Act **2012**”.

In the Schedule, delete the items relating to section 33 of the Financial Reporting Act 1993 (lines 4 to 7 on page 71).

In the Schedule, replace the items relating to section 35A(1) and (5) of the Financial Reporting Act 1993 (lines 8 to 25 on page 71) with:

Section 35AC(1) and (2): repeal and substitute:

- “(1) An exemption granted under section 35A—
- “(a) is a disallowable instrument for the purposes of the Legislation Act **2012**; and
 - “(b) must be presented to the House of Representatives under **section 40** of that Act.
- “(2) A class exemption (but not any other exemption granted under section 35A) is a legislative instrument for the purposes of the Legislation Act **2012**.”

Schedule: item relating to Foreshore and Seabed Act 2004

In the Schedule, delete the item relating to the Foreshore and Seabed Act 2004 (lines 1 to 7 on page 73).

Schedule: item relating to Gas Act 1992

In the Schedule, in the item relating to the Gas Act 1992, after the heading (after line 25 on page 74), insert:

Section 43Q(2)(c)(ii): replace “Acts and Regulations Publication Act 1989” with “Legislation Act **2012**”.

Schedule: new item relating to Governor-General Act 2010

In the Schedule, after the item relating to the Goods and Services Tax Act 1985 (after line 34 on page 74), insert:

Governor-General Act 2010 (2010 No 122)

Section 5(5): repeal and substitute:

“(5) A determination made under this section is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 6(4): repeal and substitute:

“(4) An Order in Council made under this section is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 8(6): repeal and substitute:

“(6) A determination made under this section is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Health Act 1956

In the Schedule, after the item relating to section 69ZL(3) of the Health Act 1956 (after line 9 on page 76), insert:

Section 112ZM: repeal and substitute:

“112ZM Application of Legislation Act 2012 to standards incorporated by reference

“(1) **Part 2** of the Legislation Act **2012** does not apply to standards incorporated by reference in regulations or to an amendment to, or replacement of, those standards.

“(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to regulations that incorporate standards by reference.

“(3) However, nothing in **section 40** of the Legislation Act **2012** requires standards incorporated by reference in regulations to be presented to the House of Representatives.”

Section 112ZN: repeal.

Section 137G: repeal and substitute:

“137G Application of Legislation Act 2012 to material incorporated by reference

“(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in this Act or in an instrument or to an amendment to, or replacement of, that material.

“(2) Nothing in **section 40** of the Legislation Act **2012** requires material that is incorporated by reference in this Act or in an instrument made or issued under this Act to be presented to the House of Representatives.”

Section 137H: repeal.

Schedule: item relating to Immigration Act 1987

In the Schedule, delete the item relating to the Immigration Act 1987 (lines 28 to 31 on page 77 and lines 1 to 19 on page 78).

Schedule: item relating to Institute of Chartered Accountants of New Zealand Act 1996

In the Schedule, delete the item relating to the Institute of Chartered Accountants of New Zealand Act 1996 (lines 17 to 30 on page 80).

Schedule: item relating to Insurance Companies' Deposits Act 1953

In the Schedule, delete the item relating to the Insurance Companies' Deposits Act 1953 (lines 1 to 7 on page 81).

Schedule: new item relating to Insurance (Prudential Supervision) Act 2010

In the Schedule, after the item relating to the Insurance Companies' Deposits Act 1953 (after line 7 on page 81), insert:

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

Section 232(8) and (9): repeal and substitute:

“(8) A declaration—

“(a) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and

“(b) must be presented to the House of Representatives under **section 40** of that Act.

“(9) An exemption is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act **2012** and does not have to be presented to the House of Representatives under **section 40** of that Act.”

Section 233(1): omit “regulations for the purposes of the Regulations (Disallowance) Act 1989 but are not regulations for the purposes of the Acts and Regulations Publication Act 1989” and substitute “disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act **2012**”.

Section 233(2): omit “section 4 of the Regulations (Disallowance) Act 1989” and substitute “**section 40** of the Legislation Act **2012**”.

Schedule 1: clause 7: repeal and substitute:

7 Application of Legislation Act 2012

“(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in a solvency standard, or to any amendment to, or replacement of, the material.

“(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to a solvency standard that incorporates material by reference.

“(3) However, nothing in **section 40** of the Legislation Act **2012** requires material incorporated by reference in a solvency standard to be presented to the House of Representatives.”

Schedule 1: clause 8: repeal.

Schedule: item relating to Land Transport Act 1998

In the Schedule, after the item relating to section 2(2) of the Land Transport Act 1998 (after line 14 on page 82), insert:

Section 152A(6): repeal and substitute:

“(6) An Order in Council made under subsection (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 40** of that Act; but

“(b) is not a legislative instrument for the purposes of that Act.”

In the Schedule, after the item relating to section 162(4) of the Land Transport Act 1998 (after line 24 on page 82), insert:

Section 165(7) and (8): repeal and substitute:

“(7) 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.”

Schedule: item relating to Local Government Act 2002

In the Schedule, after the item relating to *new section 27A* (after line 13 on page 84), insert:

Section 261C: repeal and substitute:

“**261C Status of rules**

A rule made under section 261B is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Local Government (Auckland Transitional Provisions) Act 2010

In the Schedule, after the item relating to the Local Government (Auckland Council) Act 2009 (after line 25 on page 84), insert:

Local Government (Auckland Transitional Provisions) Act 2010 (2010 No 37)

Section 4: repeal and substitute:

“**4 Application of Legislation Act 2012**

An Order in Council made under any provision of section 5 or Part 1 is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Marine and Coastal Area (Takutai Moana) Act 2011

In the Schedule, after the item relating to the Maori Land Amendment and Maori Land Claims Adjustment Act 1926 (after line 25 on page 85), insert:

Marine and Coastal Area (Takutai Moana) Act 2011 (2011 No 3)

Section 12(4): repeal and substitute:

“(4) Every Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the **Legislation Act 2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Misuse of Drugs Act 1975

In the Schedule, after the item relating to section 4(3) of the Misuse of Drugs Act 1975 (after line 20 on page 87), insert:

Section 4D(8): repeal and substitute:

“(8) A temporary class drug notice is not to be treated as a legislative instrument for the purposes of the **Legislation Act 2012**.”

Schedule: new item relating to National Animal Identification and Tracing Act 2012

In the Schedule, after the item relating to the Modern Apprenticeship Training Act 2000 (after line 24 on page 88), insert:

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

Section 64(1)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 64(1)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 64(3)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 64(3)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 68(2)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 68(2)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 68(4)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

Section 68(4)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “**section 41** of the **Legislation Act 2012**”.

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

Clauses 6 and 7 of Schedule 3: repeal and substitute:

“6 Application of Legislation Act 2012 to material incorporated by reference

- “(1) **Subpart 1 of Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in regulations.
- “(2) Nothing in **section 40** of the Legislation Act **2012** requires material that is incorporated by reference in regulations or standards made under this Act to be presented to the House of Representatives.”

Schedule: new item relating to New Zealand Institute of Chartered Accountants Act 1996

In the Schedule, after the item relating to the New Zealand Horticulture Export Authority Act 1987 (after line 8 on page 90), insert:

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

Section 8: repeal and substitute:

“8 Application of Part 3 of Legislation Act 2012 to certain rules and code of ethics

The following are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act **2012**:

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

Schedule: new item relating to Ngāti Manawa Claims Settlement Act 2012

In the Schedule, after the item relating to the New Zealand Stock Exchange Restructuring Act 2002 (after line 22 on page 90), insert:

Ngāti Manawa Claims Settlement Act 2012 (2012 No 27)

Section 28(2): repeal and substitute:

- “(2) Bylaws made under this section—
- “(a) are a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012**; and
- “(b) must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Radiocommunications Act 1989

In the Schedule, after the item relating to the Racing Act 2003 (after line 28 on page 94), insert:

Radiocommunications Act 1989 (1989 No 148)

Clause 6 of Schedule 8: repeal and substitute:

“6 Application of Legislation Act 2012 to material incorporated by reference

“(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in regulations or to an amendment to, or replacement of, that material.

“(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to regulations that incorporate material by reference.

“(3) However, nothing in **section 40** of the Legislation Act **2012** requires material that is incorporated by reference in regulations to be presented to the House of Representatives.”

Clause 7 of Schedule 8: repeal.

Schedule: item relating to Reserve Bank of New Zealand Act 1989

In the Schedule, delete the item relating to section 81AA(2)(g) of the Reserve Bank of New Zealand Act 1989 (line 3 on page 97).

In the Schedule, delete the item relating to section 81AA(3) of the Reserve Bank of New Zealand Act 1989 (line 4 on page 97).

In the Schedule, delete the item relating to section 157S(2)(e) of the Reserve Bank of New Zealand Act 1989 (line 35 on page 97).

In the Schedule, delete the item relating to section 157S(3) of the Reserve Bank of New Zealand Act 1989 (line 1 on page 98).

In the Schedule, delete the item relating to section 157W of the Reserve Bank of New Zealand Act 1989 (line 2 on page 98).

In the Schedule, delete the item relating to new section 173A of the Reserve Bank of New Zealand Act 1989 (lines 3 to 13 on page 98).

In the Schedule, delete the item relating to Schedule 3 of the Reserve Bank of New Zealand Act 1989 (line 14 on page 98).

Schedule: item relating to Road User Charges Act 1977

In the Schedule, delete the item relating to the Road User Charges Act 1977 (lines 28 to 32 on page 98 and lines 1 to 3 on page 99).

Schedule: item relating to Securities Act 1978

In the Schedule, delete the item relating to section 5(5) of the Securities Act 1978 (line 5 on page 99).

In the Schedule, replace the item relating to section 5(5A) to (6) of the Securities Act 1978 (lines 1 to 35 on page 99 and line 1 on page 100) with:

Section 43EA(3): repeal and substitute:

“(3) A notice issued by the FMA—

- “(a) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012**; and
- “(b) must be presented to the House of Representatives under **section 40** of that Act.”

Section 54D(3): repeal and substitute:

- “(3) A notice issued by the FMA—
 - “(a) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and
 - “(b) must be presented to the House of Representatives under **section 40** of that Act.”

Section 70AAD: repeal and substitute:

“**70AAD Application of Legislation Act 2012 to material incorporated by reference**

- “(1) **Part 2** of the Legislation Act **2012** does not apply to material incorporated by reference in regulations or to an amendment to, or replacement of, that material.
- “(2) **Subpart 1 of Part 3** of the Legislation Act **2012** applies to regulations that incorporate material by reference.
- “(3) However, nothing in **section 40** of the Legislation Act **2012** requires material that is incorporated by reference in regulations to be presented to the House of Representatives.”

Section 70AAE: repeal.

Section 70AAF: omit “70AAE” and substitute “70AAD”.

Section 70C(1) and (2): repeal and substitute:

- “(1) An exemption granted under section 70B—
 - “(a) is a disallowable instrument for the purposes of the Legislation Act **2012**; and
 - “(b) must be presented to the House of Representatives under **section 40** of that Act.
- “(2) A class exemption (but not any other exemption granted under section 70B) is a legislative instrument for the purposes of the Legislation Act **2012**.”

Schedule: item relating to Securities Markets Act 1988

In the Schedule, in the item relating to section 36E of the Securities Markets Act 1988, in *new section 36E(9)(a)*, replace “Commission” (line 20 on page 100) with “FMA”.

In the Schedule, after the item relating to section 36E of the Securities Markets Act 1988 (after line 25 on page 100), insert:

Section 36FA(1)(c): repeal and substitute:

- “(c) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and
- “(ca) must be presented to the House of Representatives under **section 40** of that Act; and”.

Section 36K(4)(b): repeal and substitute:

- “(b) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and
- “(ba) must be presented to the House of Representatives under **section 40** of that Act; and”.

Section 36O: repeal and substitute:

“36O Application of Acts relating to regulations to contractual market rules

To avoid doubt, market rules are not—

- “(a) regulations for any purpose; or
- “(b) legislative instruments or disallowable instruments for the purposes of the Legislation Act **2012**.

“Compare: 1988 No 234 s 36R”

In the Schedule, delete the item relating to section 36R of the Securities Markets Act 1988 (lines 26 to 32 on page 100).

In the Schedule, replace the items relating to sections 48(1) and 48A(1) of the Securities Markets Act 1988 (lines 5 and 6 on page 101) with:

Section 48A(1) and (2): repeal and substitute:

- “(1) An exemption granted under section 48—
 - “(a) is a disallowable instrument for the purposes of the Legislation Act **2012**; and
 - “(b) must be presented to the House of Representatives under **section 40** of that Act.
- “(2) A class exemption (but not any other exemption granted under section 48) is a legislative instrument for the purposes of the Legislation Act **2012**.”

In the Schedule, delete the item relating to section 48B(2) (line 7 on page 101).

In the Schedule, delete the item relating to *new section 48BB* (lines 8 to 36 on page 101 and lines 1 to 4 on page 102).

Schedule: new items relating to Securities Trustees and Statutory Supervisors Act 2011 and Sleepover Wages (Settlement) Act 2011

In the Schedule, after the item relating to the Securities Transfer Act 1991 (after line 10 on page 102), insert:

Securities Trustees and Statutory Supervisors Act 2011 (2011 No 10)

Section 56(3)(a) and (b): repeal and substitute:

- “(a) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**; and
- “(b) must be presented to the House of Representatives under **section 40** of that Act; and”.

Sleepover Wages (Settlement) Act 2011 (2011 No 98)

Section 29: repeal and substitute:

“29 Application of Legislation Act 2012

An Order in Council made under section 24 is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Student Loan Scheme Act 2011

In the Schedule, after the item relating to the State-Owned Enterprises Act 1986 (after line 22 on page 103), insert:

Student Loan Scheme Act 2011 (2011 No 62)

Section 217: repeal and substitute:

“217 Application of Legislation Act 2012

Regulations made under section 215 or 216 are a legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Takeovers Act 1993

In the Schedule, replace the item relating to section 45(4) to (8) of the Takeovers Act 1993 (lines 24 to 31 on page 103 and lines 1 to 24 on page 104) with:

Section 7A(2)(b): omit “section 45(1)(b)” and substitute “section 45(1)(c)”.

Section 45: repeal and substitute:

“45 Panel may grant exemptions

“(1) The Panel may, in its discretion and subject to such terms and conditions (if any) as it thinks fit, exempt from compliance with any provision of the takeovers code,—

“(a) any person, transaction, or offer:

“(b) any class of persons, transactions, or offers associated with or involving a particular code company or entity:

“(c) any class of persons, transactions, or offers that is not associated with or does not involve a particular code company or entity.

“(2) An exemption may be granted in respect of past acts or omissions only under **subsection (1)(a)**.

“(3) An exemption under this section is a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.

“(4) An exemption under **subsection (1)(a) or (b)** must, as soon as practicable after being granted, be—

- “(a) published on an Internet site maintained by or on behalf of the Panel; and
 - “(b) notified (without incorporating the exemption) in the *Gazette*; and
 - “(c) made available in printed form for purchase on request by members of the public.
- “(5) An exemption under **subsection (1)(c)** is of general application and must be published under **section 6** of the Legislation Act **2012**.
- “(6) The Panel’s reasons for granting an exemption under this section must be published together with the exemption, and the reasons must include—
- “(a) why it is appropriate that the exemption is granted; and
 - “(b) how the exemption is consistent with the objectives of the takeovers code.
- “(7) **Subsections (4) and (6)** are subject to **section 45A**.”

In the Schedule, in the item relating to *new section 45A(1)* of the Takeovers Act 1993, replace “**45(6)**” (line 28 on page 104) with “**45(4)**”.

In the Schedule, in the item relating to *new section 45A(4)*, replace “Section 45” with “Section 45(1) to (5)”.

Schedule: item relating to Tariff Act 1988

In the Schedule, after the item relating to section 9B(1)(b) (after line 26 on page 105), insert:

Section 9C: repeal and substitute:

“**9C Application of Legislation Act 2012**

Orders in Council amending or modifying the Tariff made under section 9 or 10 on or after 1 July 2011 are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Section 9F(4)(a): omit “the Acts and Regulations Publication Act 1989” and substitute “**Part 2** of the Legislation Act **2012**”.

Item relating to Telecommunications Act 2001

In the Schedule, in the item relating to the Telecommunications Act 2001, after the heading (after line 15 on page 106), insert:

Section 30M: add as subsection (2):

- “(2) A standard terms determination is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act **2012** (and does not have to be presented to the House of Representatives under **section 40** of that Act).”

In the Schedule, replace the items relating to section 69G(5) and (6) of the Telecommunications Act 2001 (lines 16 to 21 on page 106) with:

Section 69N: repeal and substitute:

“(6) An exemption under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

In the Schedule, after the item relating to section 105(2) of the Telecommunications Act 2001 (after line 26 on page 106), insert:

Section 155K(3) and (4): repeal and substitute:

“(3) The order and the Code are disallowable instruments for the purposes of the Legislation Act **2012**.

“(4) The order, but not the Code, is a legislative instrument for the purposes of the Legislation Act **2012**.”

Section 156AG(4) and (5): repeal and substitute:

“(4) A determination is a disallowable instrument, but not a legislative instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: item relating to Trans-Tasman Mutual Recognition Act 1997

In the Schedule, delete the item relating to section 76(3) of the Trans-Tasman Mutual Recognition Act 1997 (lines 5 and 6 on page 107).

Schedule: new item relating to Trans-Tasman Proceedings Act 2010

In the Schedule, after the item relating to the Trans-Tasman Mutual Recognition Act 1997 (after line 15 on page 107), insert:

Trans-Tasman Proceedings Act 2010 (2010 No 108)

Section 8(2): omit “regulation for the purposes of the Regulations (Disallowance) Act 1989” and substitute “legislative instrument and a disallowable instrument for the purposes of the Legislation Act **2012** and must be presented to the House of Representatives under **section 40** of that Act.”

Schedule: new item relating to Utilities Access Act 2010

In the Schedule, after the item relating to the United Nations Act 1946 (after line 25 on page 107), insert:

Utilities Access Act 2010 (2010 No 98)

Section 15(1): repeal and substitute:

“(1) A Code approved under section 12 is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act **2012**.”

Utilities Access Act 2010 (2010 No 98)—continued

Clause 6 of the Schedule: repeal and substitute:

“6 Application of Legislation Act 2012 to material incorporated by reference

“(1) Part 2 of the Legislation Act **2012** does not apply to material incorporated by reference in the regulations.

“(2) Subpart 1 of Part 3 of the Legislation Act **2012** applies to regulations that incorporate material by reference.

“(3) However, nothing in section 40 of the Legislation Act **2012** requires material that is incorporated by reference in regulations to be presented to the House of Representatives.”

Clause 7 of the Schedule: repeal.

Explanatory note

This Supplementary Order Paper makes technical changes to improve the clarity of the Bill and updates the Schedule of the Bill.

Clause 2, which relates to commencement, is replaced with a commencement provision that—

- brings into force on the day after the date on which the Royal assent is received *Part 1* (general provisions), *subpart 3 of Part 2* (revision), and most of *Part 4* (provisions relating to the Parliamentary Counsel Office (PCO) and the repeal of the Statutes Drafting and Compilation Act 1920):
- enables the rest of the Bill to be brought into force by 1 or more Orders in Council, but not later than 1 July 2014. This will allow time to make the necessary changes to the PCO’s website, introduce the Legislative Instruments series, and to complete the checking of the PCO’s legislation database to enable electronic versions of legislation to be officialised.

Clause 18 is amended by inserting *new subclause (5)* relating to the legal effect of official reprints of legislation. The new provision is based on similar Australian legislation, for example, section 9 of the Reprints Act 1992 (Qld) and will enable legislation as reprinted to be amended, incorporated, or referred to by other legislation as if authorised changes made by the reprint had been enacted by legislation. For example, if an Act is reprinted with authorised renumbering, the new numbering can be cited and relied on in any subsequent amending legislation.

Clause 25 is amended by replacing subclause (2) with a provision that clarifies the process for changing the numbering of legislation being reprinted. An Order in Council under this provision may—

- authorise a reprint of specified legislation to be numbered or renumbered in the manner set out in the order:
- authorise a reprint of other specified legislation to update references in that legislation to provisions that are so numbered or renumbered.

This clause is also amended to allow a reprint to change words in the Māori language (te reo Māori) to reflect current orthographic conventions.

Clause 28 is amended by omitting the definition of the term **revision Act**. The term is used only in *clause 34* and is defined there.

Clause 29(1) (an overview provision) is amended to refer to the procedure for certifying revision Bills.

New clause 32A provides that a revision Bill can be introduced only if certified under *subpart 3 of Part 2*.

Clause 35(2) is amended by updating the 6-year period for the purposes of the review of the revision provisions.

Clauses 48(4) and 58(1)(g) are amended to clarify their application.

New clause 58A is amended by inserting a subclause that continues the Inland Revenue Department (Drafting) Order 1995. This provision was inadvertently omitted from this clause.

Clause 72 is amended to facilitate the proposed new commencement provisions.

New clause 74 is inserted to enable the statutory regulations series to be published for the remainder of the year in which the publication provisions in Part 2 of the Bill come into force. The intention is that the new legislative instrument series will start at the beginning of the next calendar year.

The *Schedule*, which changes references in various Acts to the Acts and Regulations Publication Act 1989 and the Regulations (Disallowance) Act 1989, is updated.
