

House of Representatives

Supplementary Order Paper

Wednesday, 22 July 2020

Public Service Legislation Bill

Proposed amendments to SOP No 549

Hon Chris Hipkins, in Committee, to move the following amendments:

Clause 5

In *clause 5*, replace the definition of **tertiary education institution** (page 15) with:

tertiary education institution has the same meaning as **institution** in **section 10(1) of the Education and Training Act 2019**

New clauses 108M and 108N

After *clause 108L* (page 64), insert:

Amendments to Orders in Council

108M Amendment to State Sector (Ministry for Primary Industries) Order 2012

- (1) This section amends the State Sector (Ministry for Primary Industries) Order 2012 (SR 2012/54).
- (2) In clause 4, replace “30 June 2020” with “30 June 2025”.

108N Amendment to State Sector (New Zealand Food Safety Authority) Order 2010

- (1) This section amends the State Sector (New Zealand Food Safety Authority) Order 2010 (SR 2010/93).
- (2) In clause 5, replace “30 June 2020” with “30 June 2025”.

Schedule 1

In *Schedule 1*, after *clause 16(2)(a)* (page 81), insert:

(aa) State Sector (Ministry for Primary Industries) Order 2012:

In *Schedule 1*, after *clause 16(2)(b)* (page 81), insert:

(ba) State Sector (New Zealand Food Safety Authority) Order 2010:

In *Schedule 1*, after *clause 16* (page 81), insert:

17 Retrospective application of amended orders

The amendments to the State Sector (Ministry for Primary Industries) Order 2012 and the State Sector (New Zealand Food Safety Authority) Order 2010 made in **sections 108M and 108N** apply between 1 July 2020 and the commencement of that section as if they were in force during that time.

Schedule 8

In *Schedule 8*, *clause 11*, definition of **employer**, replace *paragraph (b)* (page 118) with:

- (b) means the chief executive of the Ministry (as defined in **section 10(1) of the Education and Training Act 2019**), for the duration of the application period in that section, in relation to—
 - (i) a State school (as defined in **section 10(1) and (5)(b)** of that Act); or
 - (ii) a special institution (as defined in **section 10(1)** of that Act); or
 - (iii) a free kindergarten (as defined in **section 10(1)** of that Act); and

Schedule 10

In *Schedule 10* (page 125), delete—

- (a) the item relating to the **State Sector (Ministry for Primary Industries) Order 2012 (SR 2012/54)**;
- (b) the item relating to **State Sector (Ministry for Primary Industries) Amendment Order 2013 (SR 2013/255)**;
- (c) the item relating to the **State Sector (Ministry for Primary Industries) Amendment Order 2016 (LI 2016/123)**;
- (d) the item relating to the **State Sector (New Zealand Food Safety Authority) Order 2010 (SR 2010/93)**;
- (e) the item relating to the **State Sector (New Zealand Food Safety Authority) Amendment Order 2011 (SR 2011/95)**;
- (f) the item relating to the **State Sector (New Zealand Food Safety Authority) Amendment Order 2013 (SR 2013/256)**;

- (g) the item relating to the **State Sector (New Zealand Food Safety Authority) Amendment Order 2016 (LI 2016/124)**.

Schedule 11

In *Schedule 11, Part 1*, item relating to the Agricultural Compounds and Veterinary Medicines Act 1997, replace the item relating to section 13(1)(c) (page 127) with:

In section 13(1)(c), replace “listed in Schedule 1 of the State Sector Act 1988” with “defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Agricultural Compounds and Veterinary Medicines Act 1997, replace the item relating to section 44D(1)(b) (page 127) with:

In section 44D(1)(b), replace “of the public service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Agricultural Compounds and Veterinary Medicines Act 1997, replace the item relating to section 44F(1)(b) (page 127) with:

In section 44F(1)(b), replace “of the public service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Agricultural Compounds and Veterinary Medicines Act 1997, replace the item relating to section 44ZC(1)(g) (page 127) with:

In section 44ZC(1)(g), replace “of the public service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Animal Products Act 1999, replace the item relating to section 104(1)(b) (page 128) with:

In section 104(1)(b), replace “of the public service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Animal Products Act 1999, replace the item relating to section 112N(1)(g) (page 128) with:

In section 112N(1)(g), replace “of the public service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, replace the item relating to section 5(1), definition of **designated business group** (page 128) with:

In section 5(1), definition of **designated business group**, paragraph (d)(iii), replace “a government department named in Schedule 1 of the State Sector Act 1988” with “a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule II, Part I*, item relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, replace the item relating to section 5(1), definition of **government agency** (page 128) with:

In section 5(1), definition of **government agency**, replace paragraph (a) with:

- (a) a public service agency as defined in section 5 of the Public Service Legislation Act 2019; or

In *Schedule II, Part I*, item relating to the Anti-Money Laundering and Countering Financing of Terrorism Act 2009, replace the item relating to section 18(2)(b) and (m)(i) (page 128) with:

Replace section 18(2)(b) with:

- (b) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**:

In section 18(2)(m)(i), replace “a government department named in Schedule 1 of the State Sector Act 1988” with “a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule II, Part I*, item relating to the Biosecurity Act 1993, replace the item relating to section 2(1), definition of **department** (page 129) with:

In section 2(1), definition of **department**, replace “the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In *Schedule II, Part I*, item relating to the Climate Change Response Act 2002, replace the item relating to section 50(1)(b)(i) (page 132) with:

Replace section 50(1)(b)(i) with:

- (i) a department as defined in **section 5 of the Public Service Legislation Act 2019**; or

In *Schedule II, Part I*, item relating to the Commerce Act 1986, replace the item relating to section 48, definition of **department** (page 132) with:

In section 48, definition of **department**, replace “of the public service specified in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule II, Part I*, item relating to the Corrections Act 2004, replace the item relating to section 120 (page 134) with:

After section 120(7), insert:

- (8) For the purpose of subsection (3),—
 - (a) **public service agency** has the meaning given to it in **section 5 of the Public Service Legislation Act 2019**;
 - (b) if the recording referred to in subsection (3) is held by a departmental agency or an interdepartmental executive board (within the meaning of those terms in **section 5 of the**

Public Service Legislation Act 2019), compliance with that subsection is the responsibility of its host department or, as the case may be, servicing department.

In *Schedule 11, Part 1*, item relating to the Corrections Act 2004, replace the item relating to section 167(3)(c) (page 134) with:

In section 167(3)(c), replace “sections 56(1) and (2) and 58(1) and (3) of the State Sector Act 1988 (which relate to personnel and equal employment policies)” with “**sections 71 and 72 of the Public Service Legislation Act 2019** (which relate to good employer and equal employment policies)”.

In *Schedule 11, Part 1*, item relating to the Corrections Act 2004, replace the item relating to section 199(2)(e) (page 135) with:

In section 199(2)(e), replace “sections 56(1) and (2) and 58(3) of the State Sector Act 1988 (which relate to personnel and equal employment policies)” with “**sections 71 and 72(2) of the Public Service Legislation Act 2019** (which relate to good employer and equal employment policies)”.

In *Schedule 11, Part 1*, item relating to the Criminal Records (Expungement of Convictions for Historical Homosexual Offences) Act 2018, replace the item relating to section 4, definition of **government department** (page 136) with:

In section 4, definition of **government department**, replace “a department named in Schedule 1 of the State Sector Act 1988” with “a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Crown Entities Act 2004, replace the item relating to section 119(2) (page 136) with:

In section 119(2), replace “Sections 84 to 84B of the State Sector Act 1988” with “**Clauses 11 to 13 of Schedule 8 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Customs and Excise Act 2018, replace the item relating to section 304 (page 138) with:

In section 304, definition of **government agency**, replace paragraph (a) with:

- (a) a public service agency (as defined in **section 5 of the Public Service Legislation Act 2019**), other than—
 - (i) the New Zealand Customs Service; and
 - (ii) the Government Communications Security Bureau; and
 - (iii) the New Zealand Security Intelligence Service; and
 - (iv) Statistics New Zealand:

In *Schedule 11, Part 1*, item relating to the **Education and Training Act 2019**, delete the item relating to **section 197(1)(c)** (page 140).

In *Schedule 11, Part 1*, item relating to the **Education and Training Act 2019**, replace the item relating to **section 560** (page 141) with:

In section 560(2), replace “State Services” with “Public Service”.

In *Schedule 11, Part 1*, item relating to the **Education and Training Act 2019**, replace the item relating to **section 562(1), (2), (3), (4), (5)** (page 141) with:

In section 562(1), (2), (3), (4), and (5), replace “State Services” with “Public Service”.

In *Schedule 11, Part 1*, item relating to the **Education and Training Act 2019**, replace the item relating to **Schedule 6, clause 58(1) and (2)** (page 141) with:

In Schedule 6, clause 58(1) and (2), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**” in each place.

In *Schedule 11*, item relating to Employment Relations Act 2000, replace the item relating to section 194(1) (page 143) with:

In section 194(1) (as amended by the **Education and Training Act 2019**), replace “Parts 5 and 6 of the State Sector Act 1988” with “**sections 15 to 19, subpart 4 of Part 3, Part 4, and clauses 1 to 5 and 7 to 10A of Schedule 8 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Family Violence Act 2018, replace the item relating to section 8, definition of **government organisation** (page 144) with:

In section 8, definition of **government organisation**, replace paragraph (a) with:

- (a) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**; or

In *Schedule 11, Part 1*, item relating to the Financial Markets Conduct Act 2013, replace the item relating to Schedule 1, clause 40(a) (page 145) with:

In Schedule 1, replace clause 40(a) with:

- (a) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**:

In *Schedule 11, Part 1*, item relating to the Financial Service Providers (Registration and Dispute Resolution) Act 2008, replace the item relating to section 7(2)(b) (page 145) with:

Replace section 7(2)(b) with:

- (b) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**:

In *Schedule 11, Part 1*, item relating to the Fire and Emergency New Zealand Act 2017, replace the item relating to section 166(1)(c) (page 145) with:

Replace section 166(1)(c) with:

- (b) a public service employee as defined in **section 63 of the Public Service Legislation Act 2019**:

In *Schedule 11, Part 1*, replace the item relating to the Food Act 2014 (page 146) with:

Food Act 2014 (2014 No 32)

In section 136(1)(b), replace “of the Public Service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 140(1)(b), replace “of the Public Service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 162(1)(g), replace “of the Public Service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 172(2)(c), replace “of the Public Service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 276(6), replace “State Sector Act 1988” with “**Parts 1 to 6 of the Public Service Legislation Act 2019**”.

In section 353(1), replace “section 41 of the State Sector Act 1988” with “**clauses 2 and 3 of Schedule 6 of the Public Service Legislation Act 2019**”.

In section 401, replace “section 28 of the State Sector Act 1988” with “**clause 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Gambling Act 2003, replace the item relating to section 347(3)(b) (page 147) with:

In section 347(3)(b), replace “code of conduct (if any) issued under section 57 of the State Sector Act 1988” with “relevant minimum standards (if any) under **section 15 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Game Animal Council Act 2013, replace the item relating to section 4(1), definition of **government department** (page 147) with:

In section 4(1), replace the definition of **government department** with:

government department means a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**

In *Schedule 11, Part 1*, item relating to the Greater Christchurch Regeneration Act 2016, delete the item relating to section 138(4)(d) (page 148).

In *Schedule 11, Part 1*, replace the item relating to the Hazardous Substances and New Organisms Act 1996 (page 148) with:

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

In section 2(1), definition of **department**, replace “section 2 of the State Sector Act 1988” with “**section 5 of the Public Service Legislation Act 2019**”.

In section 26(5)(b), replace “listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 49A, definition of **government agency**, paragraph (a), replace “specified in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 53(4)(b), replace “listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 99(3)(b)(i), replace “specified in Schedule 1 of the State Sector Act 1988” with “defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Health and Safety at Work Act 2015, replace the item relating to section 163(1)(a) (page 149) with:

Replace section 163(1)(a) with:

- (a) a public service employee as defined in **section 63 of the Public Service Legislation Act 2019**:

In *Schedule 11, Part 1*, item relating to the Health and Safety at Work Act 2015, replace the item relating to Schedule 4, clause 2, definition of **specified agency**, paragraph (d), (page 149) with:

In Schedule 4, clause 2, definition of **specified agency**, replace paragraph (d) with:

- (d) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**.

In *Schedule 11, Part 1*, replace the item relating to the Heritage New Zealand Pouhere Taonga Act 2014 (page 149) with:

Heritage New Zealand Pouhere Taonga Act 2014 (2014 No 26)

Replace section 97(2)(b) with:

- (b) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**:

In *Schedule 11, Part 1*, item relating to the Intelligence and Security Act 2017, replace the item relating to section 22 (page 152) with:

In section 22(1), definition of **government agency**, replace paragraphs (a) and (b) with:

- (a) a Crown entity within the meaning of section 7 of the Crown Entities Act 2004:
- (b) a department:
- (c) an interdepartmental venture

In *Schedule 11, Part 1*, item relating to the Intelligence and Security Act 2017, replace the item relating to section 228(3) (page 152) with:

After section 228(3)(h), insert:

- (ha) the board of an interdepartmental venture:

In *Schedule 11, Part 1*, item relating to the Intelligence and Security Act 2017, replace the item relating to section 223(1)(a) (page 152) with:

After section 233(1)(a)(ii), insert:

- (iia) interdepartmental ventures; and

In *Schedule 11, Part 1*, item relating to the Land Transport Act 1998, delete the item relating to section 223(1)(b)(i) (page 154).

In *Schedule 11, Part 1*, item relating to the Land Transport Act 1998, replace the item relating to section 269(4)(c), (page 154) with:

Replace section 269(4)(c) with:

- (c) a public service agency as defined in **section 5 of the Public Service Legislation Act 2019**.

In *Schedule 11, Part 1*, item relating to the Legal Services Act 2011, replace the item relating to section 41C (page 154) with:

In section 41C, replace “within the meaning of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Legislation Act 2019, replace the item relating to section 13 (page 155) with:

In section 13, replace the definition of **department** with:

department, in relation to any legislation, means the department, departmental agency, or interdepartmental venture (as named in **Part 1, 2, or 4 of Schedule 2 of the Public Service Legislation Act 2019**) that, with the authority of the Prime Minister, is responsible for the administration of the legislation

In *Schedule 11, Part 1*, item relating to the Legislation Act 2019, replace the item relating to section 77 (page 155) with:

In section 77, definition of **relevant central government entity**, replace paragraph (a) with:

- (a) a department named in **Part 1 of Schedule 2 of the Public Service Legislation Act 2019**, including any departmental agency named in **Part 2** of that schedule that is part of that department:
- (aa) an interdepartmental venture named in **Part 4** of that schedule:

In *Schedule 11, Part 1*, replace the item relating to the New Zealand Infrastructure Commission/Te Waihanga Act 2019 (page 159) with:

**New Zealand Infrastructure Commission/Te Waihanga Act 2019
(2019 No 51)**

In section 23(6)(a), replace “named in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In section 23(6)(b), replace “named in Schedule 1A of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In Schedule 1, clause 1(3), replace “section 61A(1)(b)(i) to (v) of the State Sector Act 1988” with “**section 87(1)(b) of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 10 (page 160) with:

In section 10, after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 12(1) (page 160) with:

In section 12(1), after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 13 (page 160) with:

In section 13, after “every department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 14(a) (page 160) with:

In section 14(a), after “a department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to sections 14 and 14(b)(i) (page 160) with:

In sections 14 and 14(b)(i), after “the department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 14(b)(i) and (ii) (page 160) with:

In section 14(b)(i) and (ii), after “another department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 15(1) (page 160) with:

In section 15(1), after “the department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 15(1), (1AA), (1AB)(a) and (b), (1A), and (3) (page 160) with:

In section 15(1), (1AA), (1AB)(a) and (b), (1A), and (3), after “department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 15A(1) (page 161) with:

Replace section 15A(1) with:

- (1) Where a request in accordance with section 12 is made or transferred to a department or an interdepartmental venture or a Minister of the Crown or an organisation, the chief executive of that department or board of that venture or an officer or employee of that department or venture authorised by that chief executive or board or that Minister of the Crown or that organisation may extend the time limit set out in section 14 or 15(1) in respect of the request if—
 - (a) the request is for a large quantity of official information or necessitates a search through a large quantity of information and meeting the original time limit would unreasonably interfere with the operations of the department or the venture or the Minister of the Crown or the organisation; or
 - (b) consultations necessary to make a decision on the request are such that a proper response to the request cannot reasonably be made within the original time limit.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 16(2) (page 161) with:

In section 16(2), after “the department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 16(2)(b) and (3) (page 161) with:

In section 16(2)(b) and (3), after “department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 17(2) (page 161) with:

In section 17(2), after “department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 18(b) (page 161) with:

In section 18(b), after “department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 18(g) (page 161) with:

In section 18(g), after “the department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 18(g)(i) and (ii) (page 161) with:

In section 18(g)(i) and (ii), after “another department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 18A(1) (page 161) with:

In section 18A(1), after “department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 18A(2) (page 161) with:

In section 18A(2), after “department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to Official Information Act 1982, replace the item relating to section 18B (page 161) with:

In section 18B, after “department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 19 (page 161) with:

In section 19, after “department”, insert “or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 22(4) (page 162) with:

In section 22(4), after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or the interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 23(2A)(b) (page 162) with:

In section 23(2A)(b), replace “on behalf of the department or Minister of the Crown or organisation with a natural person’s medical practitioner, the department” with “on behalf of the public service agency or Minister of the Crown or organisation with a natural person’s medical practitioner, the department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 25 (page 162) with:

In section 25, after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 26(1) (page 162) with:

In section 26(1), after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 27(1) (page 162) with:

In section 27(1), after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 28(1) and (2) (page 162) with:

Replace section 28(1) and (2) with:

- (1) It is a function of the Ombudsmen to investigate and review any decision by which a department (for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture or Minister of the Crown or organisation—
 - (a) refuses to make official information available to any person in response to a request made by that person in accordance with section 12; or
 - (b) decides, in accordance with section 16 or 17, in what manner or, in accordance with section 15, for what charge a request made in accordance with section 12 is to be granted; or
 - (c) imposes conditions on the use, communication, or publication of information made available pursuant to a request made in accordance with section 12; or
 - (d) gives a notice under section 10.
- (2) It is a function of the Ombudsmen to investigate and review any decision by which the chief executive of a department (for the department and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or the board of an interdepartmental venture or an officer or an employee of a department or venture authorised by its chief executive or board or a Minister of the Crown or an organisation extends any time limit under section 15A.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 29A(1) and (2) (page 163) with:

Replace section 29A(1) and (2) with:

- (1) Subject to this section, where, during the course of an investigation, under section 28, of any decision of any department or interdepartmental venture or Minister of the Crown or organisation, an Ombudsman, pursuant to any power conferred on that Ombudsman by section 19 of the Ombudsmen Act 1975, requires that department or venture or Minister of the Crown or organisation to furnish or produce to that Ombudsman any information or document or paper or thing that relates to that investigation, that department, venture, Minister of the Crown, or organisation must, as soon as is reasonably practicable, and in no case later than 20 working days after the day on which that requirement is received by that department or venture or Minister of the Crown or organisation, comply with that requirement.
- (2) Where any requirement to which **subsection (1)** applies is made to any department or interdepartmental venture or Minister of the Crown or organisation, the chief executive of that department or the board of that venture or an officer or employee of that department or venture authorised by that chief executive or that board or that Minister of the Crown or that organisation may extend the time limit set out in **subsection (1)** in respect of that requirement if—
 - (a) the requirement relates to, or necessitates a search through, a large quantity of information or a large number of documents or papers or things, and meeting the original time limit would unreasonably interfere with the operations of the department or the venture or the Minister of the Crown or the organisation; or
 - (b) consultations necessary before the requirement can be complied with are such that the requirement cannot reasonably be complied with within the original time limit; or
 - (c) the complexity of the issues raised by the requirement are such that the requirement cannot reasonably be complied with within the original time limit.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 30(2)(a) (page 164) with:

In section 30(2)(a), replace “department or organisation named in Part 1 or Part 2 of Schedule 1” with “public service agency or an organisation named in **Schedule 1**”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 32(1) (page 164) with:

In section 32(1), replace “to a department or to an organisation named in Part 1 or Part 2 of Schedule 1” with “relating to a public service agency or an organisation named in **Schedule 1**”.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to section 32(1)(a), (b), (b)(ii) and (b)(iii) (page 164) with:

In section 32(1)(a), (b), and (b)(ii) and (iii), replace “department” with “public service agency” in each place.

In *Schedule 11, Part 1*, item relating to the Official Information Act 1982, replace the item relating to the heading to Schedule 1 (page 164) with:

In the Schedule 1 heading, delete “**Part 1 or Part 2 of**”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, replace the item relating to section 18(1) (page 164) with:

In section 18(1), after “chief executive of the department”, insert “(for the department and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or the board of the interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, replace the item relating to section 22(3) (page 165) with:

In section 22(3), after “appropriate department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, replace the item relating to section 23(3) (page 165) with:

In section 23(3), after “the department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, after the item relating to section 23 (page 165), insert:

In section 22(3), after “a department”, insert “or venture”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, replace the item relating to section 27(2) (page 165) with:

In section 27(2), after “department”, insert “(for itself and for a departmental agency hosted by it or an interdepartmental executive board serviced by it) or the board of an interdepartmental venture”.

In *Schedule 11, Part 1*, item relating to the Ombudsmen Act 1975, replace the item relating to section 28A(2) (page 165) with:

Replace section 28A(2)(a) with:

- (a) a department named in **Part 1 of Schedule 1** or an interdepartmental venture named in **Part 1C of Schedule 1**:

In *Schedule 11, Part 1*, item relating to the Oranga Tamariki Act 1989, replace the item relating to section 296K(6) (page 167) with:

In section 296K(6), replace “Section 41(3), (5), and (7) of the State Sector Act 1988 apply” with “**Clause 2(11), (14), and (16) of Schedule 6 of the Public Service Legislation Act 2019** applies”.

In *Schedule 11, Part 1*, item relating to the Prohibition of Gang Insignia in Government Premises Act 2013, replace the item relating to section 4, definition of **department** (page 170) with:

In section 4, definition of **department**, replace “department specified in Schedule 1 of the State Sector Act 1988” with “public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Public and Community Housing Management Act 1992, replace the item relating to section 148 (page 171) with:

In section 148, replace “within the meaning of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Public Finance Act 1989, replace the item relating to section 65C(1)(b) (page 171) with:

In section 65C(1)(b), replace “section 28 or section 41 of the State Sector Act 1988” with “**clause 2 or 5 of Schedule 6 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Public Records Act 2005, replace the item relating to section 4 (page 171) with:

In section 4, definition of **public office**, replace paragraph (c)(i) with:

- (i) departments as defined in **section 5 of the Public Service Legislation Act 2019** including a departmental agency (as defined in that section) hosted by a department and an interdepartmental executive board (as defined in that section) serviced by a department; and
- (ia) interdepartmental ventures as defined in **section 5 of the Public Service Legislation Act 2019**; and

In *Schedule 11, Part 1*, item relating to the Public Safety (Public Protection Orders) Act 2014, replace the item relating to section 59 (page 172) with:

After section 59(7), insert:

- (8) For the purpose of subsection (3),—
 - (a) **public service agency** has the meaning given to it in **section 5 of the Public Service Legislation Act 2019**;
 - (b) if the recording referred to in subsection (3) is held by a departmental agency or an interdepartmental executive board (within the meaning of those terms in **section 5 of the Public Service Legislation Act 2019**), compliance with

that subsection is the responsibility of its host department or, as the case may be, servicing department.

In *Schedule 11, Part 1*, item relating to the Remuneration Authority Act 1977, replace the item relating to Schedule 4A (page 173) with:

In Schedule 4A, insert in its appropriate alphabetical order:

The Public Service Commissioner and the Deputy Public Service Commissioners

In *Schedule 11, Part 1*, item relating to the Social Security Act 2018, replace the item relating to section 438(2)(f) (page 176) with:

In section 438(2)(f), replace “State Services (as defined in section 2 of the State Sector Act 1988)” with “State services (as defined in **section 5 of the Public Service Legislation Act 2019**)”.

In *Schedule 11, Part 1*, item relating to the Social Security Act 2018, replace the item relating to Schedule 2, definition of **debtor’s prayer** (page 176) with:

In Schedule 2, definition of **debtor’s prayer**, replace paragraph (c) with:

- (c) a department (as defined in **section 5 of the Public Service Legislation Act 2019**) or an interdepartmental venture (as defined in **section 5** of that Act) in respect of salary or wages payable to a debtor as an employee of the department or interdepartmental venture

In *Schedule 11, Part 1*, replace the item relating to the Student Loan Scheme Act 2011 (page 177) with:

Student Loan Scheme Act 2011 (2011 No 62)

In Schedule 1, clause 1, definition of **government department**, replace “department named in Schedule 1 of the State Sector Act 1988” with “public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to Te Ture Whenua Māori Act 1993 (page 179), replace the heading of that item with:

Te Ture Whenua Maori Act 1993 (1993 No 4)

In *Schedule 11, Part 1*, item relating to the Veterans’ Support Act 2014, replace the item relating to section 203 (page 180) with:

Replace section 203(2) with:

- (2) **Clauses 2 to 4 of Schedule 6 of the Public Service Legislation Act 2019** apply, with any necessary modifications, to a delegation under subsection (1) as if the general manager were a public service chief executive.

In *Schedule 11, Part 1*, item relating to the Walking Access Act 2008, replace the item relating to section 4, definition of **department** (page 180) with:

In section 4, definition of **department**, replace “department of State specified in Schedule 1 of the State Sector Act 1988” with “public service agency defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Wine Act 2003, replace the item relating to section 74(1)(b) (page 181) with:

In section 74(1)(b), replace “of the Public Service listed in Schedule 1 of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 1*, item relating to the Wine Act 2003, replace the item relating to section 82N(1)(g) (page 181) with:

In section 82N(1)(g), replace “department of the public service listed in Schedule 1 of the State Sector Act 1988” with “public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, replace the item relating to the Anti-Money Laundering and Countering Financing of Terrorism (Definitions) Regulations 2011 (page 182) with:

**Anti-Money Laundering and Countering Financing of Terrorism
(Definitions) Regulations 2011 (SR 2011/222)**

Replace regulation 23 with:

23 Exclusion: public service agencies

Every public service agency as defined in **section 5 of the Public Service Legislation Act 2019** is declared not to be a reporting entity for the purposes of the Act.

In *Schedule 11, Part 2*, item relating to the Canterbury Earthquake (Resource Management Act—Burwood Resource Recovery Park) Order 2011, replace the item relating to clause 4(1) (page 182) with:

In clause 4(1), definition of **applicant**, paragraph (e), replace “within the meaning of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, replace the item relating to the Health and Safety at Work (Mining Operations and Quarrying Operations) Regulations 2016 (page 183) with:

**Health and Safety at Work (Mining Operations and Quarrying
Operations) Regulations 2016 (LI 2016/17)**

In regulation 128(1)(b), replace “within the meaning of the State Sector Act 1988” with “as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, after the item relating to the Oranga Tamariki Rules 1989 (page 185), insert:

Public and Community Housing Management (Prescribed Elements of Calculation Mechanism) Regulations 2018 (LI 2018/173)

In regulation 3(1), definition of **Crown**, paragraph (b) replace “departments of the Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service agencies as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, replace the item relating to the Public Lending Right for New Zealand Authors Regulations 2008 (page 185) with:

Public Lending Right for New Zealand Authors Regulations 2008 (SR 2008/243)

In regulation 5(b), replace “government department named in Schedule 1 of the State Sector Act 1988” with “public service agency as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, replace the item relating to the Residential Care and Disability Support Services Regulations 2018 (page 185) with:

Residential Care and Disability Support Services Regulations 2018 (LI 2018/203)

In Schedule 3, clause 2, definition of **Crown**, paragraph (b), replace “departments of the Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service agencies as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, item relating to the Social Security Regulations 2018, replace the item relating to Schedule 8, clause 5, definition of **Crown**, paragraph (b) (page 185) with:

In Schedule 8, clause 5, definition of **Crown**, paragraph (b), replace “departments of the Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service agencies as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, replace the item relating to the Student Allowances Regulations 1998 (page 185) with:

Student Allowances Regulations 1998 (SR 1998/277)

In regulation 2(1), definition of **Crown**, paragraph (b), replace “departments of the Public Service specified in Schedule 1 of the State Sector Act 1988” with “public service agencies as defined in **section 5 of the Public Service Legislation Act 2019**”.

In *Schedule 11, Part 2*, after the item relating to Travelling Allowance Regulations 1949 (page 186), insert:

Travelling-allowance Regulations 1941 (SR 1941/149)

In regulation 16, replace “Public Service” with “public service”.

Explanatory note

This Supplementary Order Paper makes amendments to SOP No 549 to—

- save 2 Orders in Council made under the State Sector Act 1988 that were proposed to be revoked, but that have been identified as needing to be preserved:
- adjust references to the term “department” and related terms in a number of enactments for consistency and to clarify the policy intent:
- correct grammatical and typographical errors.