

House of Representatives

Supplementary Order Paper

Tuesday, 9 March 2021

Secondary Legislation Bill

Proposed amendments to SOP No 12

Hon David Parker, in Committee, to move the following amendments:

Schedule 33

In *Schedule 33*, after the item relating to section 5, insert:

Section 13

Replace the definition of **Ministry** with:

Ministry, 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 Act 2020) that, with the authority of the Prime Minister, is responsible for the administration of the legislation

In *Schedule 33*, replace the item relating to *new section 79A* with:

New section 79A

After section 79, insert:

79A Legislative status of publication notes and information

The following, inserted by the PCO in carrying out its functions of publishing and consolidating legislation, do not form part of the text of the official version of legislation (even if published in that version):

- (a) machine-readable text, links, or other metadata inserted as an aid to assist users of electronic versions of legislation:

New section 79A—*continued*

- (b) a record of the legislative history of the legislation (including a record of the fact that changes have been made by the PCO under subpart 2):
- (c) information recorded and published by the PCO under clause 14 of Schedule 1 or as an aid to assist users to understand how this Act applies to secondary legislation:
- (d) any other note or information that is clearly identified, in a suitable place on the legislation website, as not forming part of the legislation.

In *Schedule 33*, after the item relating to *new section 83A*, insert:

Section 91

Replace the heading to section 91 with “**Changes to legislation to be noted on legislation website**”.

Replace “the relevant version of the legislation” with “the PCO”.

In paragraphs (a) and (b), after “suitable place”, insert “in the legislation or otherwise on the legislation website”.

Explanatory note

This Supplementary Order Paper amends Supplementary Order Paper No 12, which amends the Secondary Legislation Bill, Schedule 33 of which will amend the Legislation Act 2019 (the **LA19**). This Supplementary Order Paper proposes to change 1 of those amendments to the LA19 and add 2 others. All 3 are minor technical amendments.

In section 13 of the LA19, the definition of Ministry is updated to refer to the Public Service Act 2020, which has replaced the State Sector Act 1988. This amendment was overlooked when the Public Service Act 2020 was enacted.

As part of the transitional arrangements in the LA19, the Parliamentary Counsel Office (the **PCO**) will record publication information for the purposes of section 74 of the LA19. Supplementary Order Paper No 12 inserts *new section 79A* into the LA19 to make it clear that the publication information is not part of the law.

However, in performing its publishing function, the PCO also inserts various editorial notes, metadata, and other information into official versions of legislation to assist users of the legislation. This Supplementary Order Paper will replace that *new section 79A* with an expanded provision that covers this other information.

Section 91 of the LA19 is amended to clarify that notes relating to editorial changes made under subpart 2 of Part 3 of the LA19 must be published in a suitable place on the legislation website.