

Version  
as at 28 October 2021



## Legislation Act 2012

Public Act 2012 No 119  
Date of assent 11 December 2012  
Commencement see section 2

Legislation Act 2012: repealed, on 28 October 2021, by section 10 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

### Contents

	Page
1 Title	6
2 Commencement	6
<b>Part 1</b>	
<b>General provisions</b>	
3 Purposes	6
4 Interpretation	7
4A Transitional, savings, and related provisions	8
5 Act binds the Crown	8
<b>Part 2</b>	
<b>Law relating to publishing, reprinting, and revising legislation</b>	
Subpart 1—Publishing legislation	
<i>Responsibilities and requirements</i>	
6 Chief Parliamentary Counsel to arrange publication	8

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#### Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

**This Act is administered by the Ministry of Justice and the Parliamentary Counsel Office.**

	<i>Availability</i>	
7	Designation of places where printed copies of legislation may be purchased [ <i>Repealed</i> ]	9
8	Sale of copies of legislation [ <i>Repealed</i> ]	10
9	Availability of electronic versions of legislation	10
	<i>Forwarding to Chief Parliamentary Counsel</i>	
10	Copies of legislative instruments to be forwarded to Chief Parliamentary Counsel	10
	<i>Numbering and notification</i>	
11	Numbering of legislative instruments	10
12	Notice of making of legislative instruments	10
13	Complying with requirement to publish or notify in <i>Gazette</i> by publishing and notifying under this Part	11
	<i>Other instruments</i>	
14	Publication of instruments other than legislative instruments	11
	<i>Revocation of spent instruments</i>	
15	Power to revoke spent instruments	12
	<i>Judicial notice of legislation</i>	
16	Judicial notice of Acts, regulations, and legislative instruments	12
	<i>Official versions of legislation</i>	
17	Electronic and printed official versions of legislation	12
18	Legal status of official version	13
	<i>Evidence of parliamentary journals</i>	
19	Copies of parliamentary journals to be evidence	13
	<i>Form of copies and reprints of legislation</i>	
20	Directions as to form of copies and reprints of legislation	14
21	Special requirements for copies of legislative instruments	14
	<i>Regulations</i>	
22	Regulations	14
	Subpart 2—Reprints	
23	Interpretation	15
24	Power to make changes in reprints	15
25	Editorial changes	15
26	Changes to format	18
27	Changes to be noted in reprint	18
	Subpart 3—Revision Bills	
	<i>Preliminary provisions</i>	
28	Interpretation	18

---

29	Overview	18
	<i>Preparation of revisions</i>	
30	Three-yearly revision programme	19
31	Revision powers	19
32	Format of revision Bill	21
33	Certification of revision Bill	21
34	Amendments proposed by revision Bills	22
	<i>Interpretation of revision Acts</i>	
35	Revision Acts not intended to change effect of law	22
	<i>Review of this subpart</i>	
36	Review after 6 years	22
	<b>Part 2A</b>	
	<b>Publishing, for international transparency, of copies of and links to certain subordinate legislation</b>	
	<i>Purpose, overview, and definitions</i>	
36A	Purpose of this Part	23
36B	Overview of this Part	23
36C	Instrument, and other terms, defined	23
	<i>Duty to publish and make available copies on maker's website</i>	
36D	Maker must ensure instrument is published and made available	25
	<i>Duty to ensure details are in or with copies as on maker's website</i>	
36E	Maker must ensure details are in or with instrument	25
	<i>Links to be forwarded and made available on central website</i>	
36F	Links to be forwarded as directed	26
36G	Links forwarded and other instruments must be published and made available	27
	<b>Part 3</b>	
	<b>Subordinate legislation: Disallowable instruments, confirmable instruments, and incorporation of material by reference</b>	
	Subpart 1—Disallowable instruments	
	<i>Interpretation</i>	
37	Interpretation	27
38	Disallowable instruments	28
39	Instruments that have significant legislative effect	28
40	Instruments that determine or alter temporal application	29
	<i>Presentation to House of Representatives</i>	
41	Legislative instruments and disallowable instruments to be presented to House of Representatives	29

	<i>How instruments are disallowed</i>	
42	Disallowance of instruments by resolution of House of Representatives	30
43	Disallowance of instrument if motion to disallow not disposed of	30
	<i>Effect of disallowance</i>	
44	Effect of disallowance generally	30
45	Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument	31
	<i>Amendment or substitution of instrument by House of Representatives</i>	
46	Amendment or substitution of disallowable instrument by House of Representatives	31
	<i>Notification of disallowance, amendment, or substitution</i>	
47	Notice of resolution or motion	31
	Subpart 1A—Confirmable instruments	
47A	Overview	32
47B	Confirmable instruments, etc, defined	33
47C	Instruments revoked unless confirmed	34
47D	Operation of annual instruments invalid if revoked before, and not confirmed by, deadline	34
47E	How instrument is confirmed by Act	35
47F	Effect of revocation: general	35
47G	Effect of revocation: amendments, etc	35
47H	Effect of revocation: duties, levies, or charges	35
47I	Effect of revocation: exceptions to section 47H	36
	Subpart 2—Incorporation by reference in instruments	
48	Interpretation	36
49	Instruments that may incorporate material by reference	37
50	Application of this subpart	38
51	Requirement to consult on proposal to incorporate material by reference	38
52	Access to material incorporated by reference	39
53	Effect of amendments to material incorporated by reference	40
54	Proof of material incorporated by reference	40
55	Application of subpart 1 of Part 2 to instrument and material incorporated by reference	41
56	Application of subpart 1 of this Part to instrument incorporating material by reference	41
57	Application of Standards and Accreditation Act 2015, other enactments, and rules of law not affected	41

**Part 4**  
**Parliamentary Counsel Office**

*Constitution and functions*

58	Parliamentary Counsel Office continues as separate statutory office	41
59	Functions of PCO	42
60	Power to authorise drafting and printing of Government Bills by Inland Revenue Department	43
61	Confidentiality	43

*Powers of Chief Parliamentary Counsel*

62	Powers of Chief Parliamentary Counsel	44
63	Delegation of functions, responsibilities, duties, or powers	44
64	Absence or incapacity of Chief Parliamentary Counsel or vacancy	45
65	Revocation of delegations	45

*Chief Parliamentary Counsel and employees of PCO*

66	Chief Parliamentary Counsel	45
67	Parliamentary counsel	46
68	Chief Parliamentary Counsel and parliamentary counsel to hold legal qualification	46
69	Other employees of PCO	47
70	Remuneration and conditions of appointment of Chief Parliamentary Counsel	47
71	Chief Parliamentary Counsel acts as employer	47
72	Collective agreements	47
73	Employment principles	47
74	Appointments on merit	48
75	Chief Parliamentary Counsel to establish procedure for notifying vacancies and appointments, and reviewing appointments	48
75A	Secondments from elsewhere in State services for developing senior leadership and management capability	48
76	Protection from liability	48

*Repeals, consequential amendments, and savings*

77	Repeals, consequential amendments, and savings about legislative matters	49
78	Savings about former principal officers and other PCO staff	49
79	Continuation of annual regulations series	50

**Schedule 1AA** 52

**Transitional, savings, and related provisions**

**Schedule 1** 53

**Consequential amendments to Acts**

**Schedule 2** 106

**Confirmable instruments**

**The Parliament of New Zealand enacts as follows:****1 Title**

This Act is the Legislation Act 2012.

**2 Commencement**

- (1) Part 1, subpart 3 of Part 2, and Part 4 (except section 77(2), (3), (4), (6), and (7)) 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 77(2), (3), (4), (6), and (7), 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.

Section 2(2)(a): subparts 1 and 2 of Part 2, Part 3, section 77(2), (3), (4), (6), and (7), and Schedule 1 (except the item relating to the Biosecurity Act 1993) brought into force, on 5 August 2013, by clause 2 of the Legislation Act Commencement Order 2013 (SR 2013/242).

Section 2(2)(a): the item relating to the Biosecurity Act 1993 in Schedule 1 brought into force, on 1 February 2014, by clause 2 of the Legislation Act Commencement Order (No 2) 2013 (SR 2013/479).

## **Part 1**

### **General provisions**

**3 Purposes**

The purposes of this Act are—

- (a) to bring together in this Act the main provisions of New Zealand legislation that relate to the drafting, publication, and reprinting of legislation, and the disallowing and confirming of instruments:
- (b) to provide for electronic and printed copies of Acts and legislative instruments to be published:
- (c) to provide for official versions of Acts and legislative instruments to be published in electronic form:
- (d) to facilitate the production of up-to-date reprints that are modernised and made consistent with current drafting practice concerning their mode of expression, style, and format:
- (e) to make New Zealand statute law more accessible, readable, and easier to understand by facilitating the progressive and systematic revision of the New Zealand statute book so that—
  - (i) statute law is rationalised and arranged more logically:

- (ii) inconsistencies and overlaps are removed:
- (iii) obsolete and redundant provisions are repealed:
- (iv) expression, style, and format are modernised and made consistent:
- (ea) to provide for the publishing, to help meet international transparency obligations, of copies of and links to certain subordinate legislation:
- (f) to enable certain kinds of subordinate legislation to incorporate material by reference in reliance on this Act, subject to compliance with consultation and other requirements:
- (g) to replace the Statutes Drafting and Compilation Act 1920 with modern legislation that continues the Parliamentary Counsel Office as a separate statutory office and facilitates the drafting and publishing of high-quality legislation.

Section 3(a): amended, on 1 January 2016, by section 4 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 3(ea): inserted, on 30 December 2018, by section 60 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### 4 Interpretation

In this Act, unless the context otherwise requires,—

**Chief Parliamentary Counsel** means the person who for the time being holds that office under section 66

**confirmable instrument** has the meaning given to it by section 47B

**deadline**, for a confirmable instrument, means the time when (if no exception in section 47C(2) applies) the instrument is revoked by section 47C(1)(a) or (b)

**disallowable instrument** has the meaning given to it by section 38

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

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

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

**legislative instrument** means—

- (a) an Order in Council other than—
  - (i) an Order in Council that the empowering Act requires to be published in the *Gazette*:
  - (ii) an Order in Council that relates exclusively to an individual:
- (b) an instrument made by a Minister of the Crown that amends an Act or defines the meaning of a term used in an Act:
- (c) an instrument that an Act requires to be published under Part 2:

- (d) resolutions of the House of Representatives that—
  - (i) revoke a disallowable instrument in whole or in part; or
  - (ii) amend a disallowable instrument; or
  - (iii) revoke and substitute a disallowable instrument

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

**PCO** means the Parliamentary Counsel Office continued by section 58

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

- (a) states, as at the date at which it is stated to be reprinted, the law enacted or made by the legislation reprinted and by the amendments (if any) to that legislation; and
- (b) is published under Part 2.

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

Section 4 **confirmable instrument**: inserted, on 1 January 2016, by section 5 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 4 **deadline**: inserted, on 1 January 2016, by section 5 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 4 **legislative instrument** paragraph (c): amended, on 30 December 2018, by section 61(1) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Section 4 **reprint** paragraph (b): amended, on 30 December 2018, by section 61(2) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### 4A Transitional, savings, and related provisions

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

Section 4A: inserted, on 1 January 2016, by section 6 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### 5 Act binds the Crown

This Act binds the Crown.

## Part 2

### Law relating to publishing, reprinting, and revising legislation

#### Subpart 1—Publishing legislation

##### *Responsibilities and requirements*

#### 6 Chief Parliamentary Counsel to arrange publication

- (1) The Chief Parliamentary Counsel must arrange for the publication of—



- (a) copies of every Act enacted by Parliament after the commencement of this section; and
  - (b) copies of all legislative instruments made after the commencement of this section; and
  - (c) any reprints of Acts and legislative instruments, and any reprints of regulations made before the commencement of this section, issued by him or her in addition to reprints to which subsection (5) applies; and
  - (d) reprints of Imperial enactments and Imperial subordinate legislation.
- (2) A copy of every Act must be published in electronic form as soon as practicable after the Act is enacted.
  - (3) A copy of every legislative instrument must be published in electronic form as soon as practicable after the instrument is made.
  - (4) The Governor-General may, by Order in Council,—
    - (a) authorise or direct the Chief Parliamentary Counsel to arrange for the publication in printed form of any legislation or class of legislation specified in the order; and
    - (b) specify conditions to which the authorisation or direction is subject.
  - (5) When an Act or a legislative instrument is amended after the commencement of this section, the Chief Parliamentary Counsel—
    - (a) must arrange for a reprint of the Act or legislative instrument to be published in electronic form so that an up-to-date version of the legislation is available in accordance with section 9 as soon as practicable; and
    - (b) may also arrange for the reprint to be published in printed form.
  - (6) *[Repealed]*
  - (7) The Chief Parliamentary Counsel performs functions under this section subject to any directions given by the Attorney-General.
  - (8) An Order in Council made under subsection (4) is a legislative instrument and a disallowable instrument for the purposes of this Act and must be presented to the House of Representatives under section 41.

Compare: 1989 No 142 s 4

Section 6(6): repealed, on 29 October 2019, by section 3 (see also section 5) of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

### *Availability*

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

*[Repealed]*

Section 7: repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

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

*[Repealed]*

Section 8: repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

## **9 Availability of electronic versions of legislation**

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

*Forwarding to Chief Parliamentary Counsel*

## **10 Copies of legislative instruments to be forwarded to Chief Parliamentary Counsel**

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

Compare: 1989 No 142 s 5

*Numbering and notification*

## **11 Numbering of legislative instruments**

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

Compare: 1989 No 142 s 11

## **12 Notice of making of legislative instruments**

- (1) The Chief Parliamentary Counsel must notify the making of legislative instruments.
- (2) A notice under subsection (1) must be published in the *Gazette* and give the following information about each legislative instrument listed in the notice:
  - (a) the title of the legislative instrument:
  - (b) the date on which the legislative instrument was made:

- (c) the Act or other authority under which the legislative instrument was made:
- (d) the number allocated to the legislative instrument under section 11:
- (e) information about ways that copies of the legislative instrument may be accessed or purchased:
- (f) any other information the Chief Parliamentary Counsel considers appropriate.

Compare: 1989 No 142 s 12

Section 12(2)(e): replaced, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

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

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

Compare: 1989 No 142 s 13

Section 13 heading: amended, on 30 December 2018, by section 62(1) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Section 13(2): amended, on 30 December 2018, by section 62(2) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

### *Other instruments*

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

- (1) The Attorney-General or the Chief Parliamentary Counsel may arrange for an instrument that is not a legislative instrument to be published in accordance with section 6 as if it were a legislative instrument.
- (2) An instrument is not a legislative instrument for the purposes of this subpart just because it is published under this section.
- (3) The following provisions apply to every instrument that is published under this section:
  - (a) section 11 (numbering of legislative instruments):
  - (b) section 12 (notice of making of legislative instruments):
  - (c) section 13 (complying with requirement to publish or notify in *Gazette* by publishing and notifying under this Act):
  - (d) section 16 (judicial notice of Acts, regulations, and legislative instruments):
  - (e) section 17 (electronic and printed official versions of legislation):

- (f) section 18 (legal status of official version):
- (g) section 20 (directions as to form of copies and reprints of legislation):
- (h) section 21 (special requirements for copies of legislative instruments).

Compare: 1989 No 142 s 14

### *Revocation of spent instruments*

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

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

Compare: 1989 No 142 s 16

### *Judicial notice of legislation*

#### **16 Judicial notice of Acts, regulations, and legislative instruments**

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

Compare: 1989 No 142 ss 16A, 16B

### *Official versions of legislation*

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

- (1) The Chief Parliamentary Counsel may issue—
  - (a) official electronic versions of legislation; and
  - (b) official printed versions of legislation.

- (2) A printed version of legislation that is produced directly from an official electronic version is also an official version.
- (3) An electronic or printed document that is identifiable as an official version of legislation in accordance with regulations made under section 22 must be treated as an official version unless the contrary is shown.
- (4) This section applies whether the legislation is enacted, made, printed, or published before or after the commencement of this section.

### **18 Legal status of official version**

- (1) An official version of legislation as originally enacted or made is taken to correctly set out the text of the legislation.
- (2) An official version that is a reprint—
  - (a) is taken to correctly state, as at the date at which it is stated to be reprinted, the law enacted or made by the legislation reprinted and by the amendments (if any) to that legislation; and
  - (b) is evidence that any changes made in the reprint are authorised by subpart 2.
- (3) An official version of regulations or a legislative instrument, or of a reprint of regulations or a legislative instrument, that shows the date of the notification of the regulations or legislative instrument in the *Gazette* is evidence that the making of the regulations or legislative instrument was notified in the *Gazette* on the date shown.
- (4) The presumptions in subsections (1) to (3) apply unless the contrary is shown.
- (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)

### *Evidence of parliamentary journals*

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

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

Compare: 1989 No 142 s 16E

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

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

Compare: 1989 No 142 s 7

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

- (1) A published copy of a legislative instrument must contain references to the following:
  - (a) the Act or other authority under which the legislative instrument was made:
  - (b) the date on which the legislative instrument was made:
  - (c) the date (if any) on which the legislative instrument is stated to come into force.
- (2) This section overrides section 20(2).

Compare: 1989 No 142 s 8

*Regulations***22 Regulations**

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

- (a) imposing requirements or conditions concerning the manner in which official versions of legislation in electronic form are to be made available to the public under section 9:
- (b) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of section 17, including (without limitation) by—
  - (i) imposing requirements or conditions as to the form of official versions of legislation:
  - (ii) providing how official versions of legislation in an electronic form can be authenticated:

- (c) providing for any other matters contemplated by this subpart, necessary for its administration, or necessary for giving it full effect.

## Subpart 2—Reprints

### 23 Interpretation

In this subpart, unless the context otherwise requires,—

**current drafting practice** means the legislative drafting practice for the time being used by the PCO

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

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

Compare: 1989 No 142 s 17A

### 24 Power to make changes in reprints

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

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

### 25 Editorial changes

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

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#### Examples

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

The word “chairman” may be changed to “chairperson”.

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

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

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

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**Example**

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

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

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**Examples**

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

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

An Act contains amendments to section 6 of another Act. Before the first Act comes into force, the other Act is amended so that section 6 is replaced by section 6A in substantially similar terms. Section 6A can be amended to reflect the intent of the amendments to section 6.

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

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**Example**

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

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

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**Example**

A commencement clause states that the Act commences 6 months after Royal assent. If Royal assent is on 1 March 2020, this statement can be replaced with a statement that the Act commences on 1 September 2020.

- (l) a provision in the nature of a savings, transitional, validation, or other similar provision that is contained in an amending enactment may be incorporated as a provision of the enactment it amends, and all necessary consequential amendments may be made:

- (m) changes may be made to show the effect of any amendment or repeal, and changes may be made that are purely consequential on any amendment made, by another enactment, to the legislation reprinted:

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**Example**

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

- (n) changes may be made that are purely consequential on any other change authorised by this subpart.
- (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).
- (3) Alternative text that is inserted in a reprint to indicate the effect of an element (for example, a graphical image such as a crest, map, or medal) does not form part of an official version of the reprinted enactment.

Compare: 1989 No 142 s 17E

Section 25(1)(ka): inserted, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

## 26 Changes to format

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

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### Example

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

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

Compare: 1989 No 142 s 17D

## 27 Changes to be noted in reprint

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

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

Compare: 1989 No 142 s 17F

## Subpart 3—Revision Bills

### *Preliminary provisions*

## 28 Interpretation

In this subpart, unless the context otherwise requires,—

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

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

## 29 Overview

- (1) This subpart sets out the procedure for the preparation and certification of revision Bills.
- (2) The purpose of revision is to re-enact, in an up-to-date and accessible form, the law previously contained in all or part of 1 or more Acts, but (except as authorised by this subpart) revision is not intended to change the effect of a law.
- (3) This subpart contains—

- (a) a requirement for the preparation and approval of a 3-yearly revision programme;
- (b) the powers that may be exercised in the preparation of revisions.

*Preparation of revisions*

**30 Three-yearly revision programme**

- (1) The Attorney-General must prepare a draft 3-yearly revision programme for each new Parliament.
- (2) A draft revision programme must set out—
  - (a) the revisions that are proposed to be started during the 3-year period; and
  - (b) the revisions that are expected to be enacted during that period; and
  - (c) the revisions on which work is expected to continue during that period.
- (3) The Attorney-General must make the draft publicly available and invite submissions on the draft from interested persons and members of the public, allowing a reasonable time for those submissions to be made.
- (4) The Attorney-General must present a revision programme to the House of Representatives as soon as practicable after it is approved by the Government.
- (4A) The Attorney-General may amend, or replace, the 3-yearly revision programme if the Attorney-General complies with subsections (3) and (4) (applied as if the amendment or replacement were the draft or programme).
- (5) The PCO's annual report under section 43 of the Public Finance Act 1989 may (without limitation) make—
  - (a) recommendations for the repeal of obsolete or redundant enactments or provisions of enactments, if their repeal is not suitable for inclusion in a revision; and
  - (b) recommendations for changes to 1 or more of the following:
    - (i) the revision powers set out in section 31;
    - (ii) the reprint powers under subpart 2;
    - (iii) the procedure for the certification of revision Bills.

Section 30(4A): inserted, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

**31 Revision powers**

- (1) The Chief Parliamentary Counsel must prepare revision Bills in accordance with the current revision programme and this section.
- (2) A revision Bill may—
  - (a) revise the whole or part of 1 or more Acts, and for that purpose combine or divide Acts or parts of Acts:

- (b) adopt a Title that is different from the Title or Titles of the Acts or parts of Acts revised:
  - (c) omit redundant and spent provisions:
  - (d) renumber and rearrange provisions from the Acts or parts of Acts revised:
  - (e) make changes in language, format, and punctuation to achieve a clear, consistent, gender-neutral, and modern style of expression, to achieve consistency with current drafting style and format, and generally to express better the spirit and meaning of the law:
  - (f) include new or additional purpose provisions, outline or overview provisions, examples, diagrams, graphics, flowcharts, readers' notes, lists of defined terms, and other similar devices to aid accessibility and readability:
  - (g) include new or additional provisions alerting users of the revision to enactments that are not incorporated in the revision but are relevant to the subject matter of the revision:
  - (h) correct typographical, punctuation, and grammatical errors, and other similar errors:
  - (i) *[Repealed]*
  - (j) *[Repealed]*
  - (k) *[Repealed]*
  - (l) make consequential amendments to enactments that are not incorporated, or are incorporated only in part, in the revision:
  - (m) include any necessary repeals, savings, and transitional provisions.
- (2A) A revision Bill may also—
- (a) make minor amendments to clarify Parliament's intent, to resolve ambiguity, or to reconcile inconsistencies between provisions (or to do all of those things):
  - (b) update any monetary amount (other than an amount specified for the purpose of jurisdiction or an offence or penalty), having regard to movements in the New Zealand Consumers Price Index over the relevant period, or provide for the amount to be prescribed by Order in Council:
  - (c) make minor amendments to update how provisions can be complied with, or operate, in a way that takes account of changes in technology if those amendments are consistent with the spirit and meaning of the law:
  - (d) for the purpose of enabling matters of general principle to be contained in Acts and matters of detail to be contained in secondary legislation,—
    - (i) omit forms, schedules, or other matters of detail from the Acts or parts of Acts revised, and instead authorise those matters to be prescribed by or under Orders in Council:

- (ii) include matters currently prescribed by Order in Council made under the Acts or parts of Acts revised:
  - (iii) make any other change that is necessary for the purpose of implementing subparagraph (i) or (ii) or that is consequential on doing so.
- (2B) A revision Bill must not change the effect of the law, except as authorised by subsection (2A).
- (3) A revision Bill must not change the effect of the law, except as authorised by subsection (2)(i) or (j).
- (4) To avoid doubt, the changes that may be made in a revision Bill include (without limitation) any of the changes that may be made in a reprint under subpart 2.

Section 31(2)(i): repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 31(2)(j): repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 31(2)(k): repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 31(2A): inserted, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 31(2B): inserted, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

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

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

### **33 Certification of revision Bill**

- (1) For the purposes of this subpart, the certifiers are the President of the Law Commission, the Solicitor-General, a retired Judge of the High Court nominated by the Attorney-General, and the Chief Parliamentary Counsel.
- (2) The Chief Parliamentary Counsel must submit a revision Bill to the certifiers for certification under this section.
- (3) The certifiers may certify a revision Bill if they are satisfied that—
  - (a) the revision powers set out in section 31 have been exercised appropriately in the preparation of the revision; and

- (b) the revision Bill does not change the effect of the law, except as authorised by section 31(2A).
- (4) Before certifying a revision Bill, the certifiers may require the Chief Parliamentary Counsel to make whatever changes they consider necessary.
- (5) When a revision Bill has been certified, the Chief Parliamentary Counsel must give the revision Bill and certificate to the Attorney-General.

Section 33(3)(b): amended, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

### **34 Amendments proposed by revision Bills**

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

#### *Interpretation of revision Acts*

### **35 Revision Acts not intended to change effect of law**

- (1) A revision Bill prepared and certified under this subpart becomes a **revision Act** for the purpose of this section once it is enacted.
- (2) A provision of a revision Act is not intended to change the effect of the law as expressed in the Acts or parts of Acts repealed by and incorporated in the revision Act.
- (3) However, if a revision Act expressly provides that a particular provision is intended to change the effect of the law, subsection (2) is overridden to the extent necessary to give effect to the change.

Compare: 2007 No 97 s ZA 3(3)

#### *Review of this subpart*

### **36 Review after 6 years**

- (1) The Attorney-General must, as soon as practicable after the end of the 6-year period specified in subsection (2), require the Chief Parliamentary Counsel to prepare a report on—
  - (a) the need for this subpart; and
  - (b) this subpart's operation and effectiveness; and
  - (c) whether any amendments to this subpart are necessary or desirable.
- (2) The **6-year period** is the period of 6 years that starts on 1 July 2014 and ends with the close of 30 June 2020.
- (3) The Attorney-General must ensure that the persons and organisations that he or she thinks appropriate are consulted during the preparation of the report about the matters to be considered in the report.

- (4) The Attorney-General must present a copy of the report to the House of Representatives as soon as practicable after he or she receives the report.

## Part 2A

### **Publishing, for international transparency, of copies of and links to certain subordinate legislation**

Part 2A: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### *Purpose, overview, and definitions*

Heading: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### **36A Purpose of this Part**

The purpose of this Part is to help New Zealand meet its international transparency obligations.

Section 36A: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### **36B Overview of this Part**

- (1) This Part applies to instruments if—
- (a) they are made under an enactment by a Minister of the Crown or a central government entity, and have a significant legislative effect; and
  - (b) they are not published (under Part 2) as, or as if they were, legislative instruments; and
  - (c) publication under this Part of copies of them, and links to them, would help New Zealand meet its international transparency obligations.
- (2) This Part—
- (a) requires copies of the instruments to be published on the maker's website, if no other enactment requires that; and
  - (b) requires to be in or with the copies, as so published, all the details necessary or desirable for meeting all applicable international transparency obligations; and
  - (c) requires links to them, as so published, to be forwarded to the Chief Parliamentary Counsel, and published on the central website.
- (3) This section is only a general guide to this Part.

Section 36B: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

#### **36C Instrument, and other terms, defined**

- (1) **Instrument**, in this Part, means an instrument—

- (a) that is made under an enactment by a Minister of the Crown or a central government entity (even if the Minister or entity is performing a statutorily independent function); and
  - (b) that has, or a portion of which has, under section 39 (read with the related sections 37 and 40), a significant legislative effect; and
  - (c) that is related to international transparency obligations (because the publishing under this Part of copies of and links to the instrument would help meet those obligations); and
  - (d) that is not, and is not an instrument published (under section 14, or another enactment) as if it were, a legislative instrument.
- (2) In this Part, unless the context otherwise requires,—

**central government entity** means any of the following (or a decision-making person or body in or related to, or acting through or for, any of the following):

- (a) a government department named in Part 1 of Schedule 2 of the Public Service Act 2020, including any departmental agency that is part of that department (*see* Part 2 of Schedule 2 of that Act);
- (b) a Crown entity (as defined in section 7(1) of the Crown Entities Act 2004, but excluding a school board and a tertiary education institution);
- (c) the Reserve Bank of New Zealand;
- (d) any other instrument of the Crown prescribed, for the purposes of this paragraph, by an order made under subsection (3)

**central website** means an Internet site maintained by or on behalf of the New Zealand Government

**details**, for an instrument at any time, means all information necessary or desirable for meeting, for that instrument at that time, all applicable international transparency obligations

**international transparency obligations** means obligations—

- (a) under paragraph 5 of Article 26.2 (publication) of Chapter 26 (transparency and anti-corruption) of the Trans-Pacific Partnership Agreement done at Auckland on 4 February 2016; or
- (b) under that provision as incorporated into the Comprehensive and Progressive Agreement for Trans-Pacific Partnership, done at Santiago, Chile, on 8 March 2018, by Article 1.1 of that agreement

**links**, in relation to an instrument at any time, means all information necessary or desirable to enable a user at that time to access, using the central website, the instrument as published and made available on the maker's website

**maker**, in relation to an instrument, means the person empowered to make the instrument

**maker's website**, in relation to an instrument, means an Internet site (other than the central website) maintained by or on behalf of the maker



**published and made available**, for copies of or links to an instrument and an Internet site, means that the copies or links are published electronically on, and so far as practicable able to accessed at, or downloaded from, the site.

- (3) The Governor-General may, by Order in Council, prescribe any other instrument of the Crown for the purposes of paragraph (d) of the definition of central government entity in subsection (2).

Section 36C: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Section 36C(2) **central government entity** paragraph (a): replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 36C(2) **central government entity** paragraph (b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

*Duty to publish and make available copies on maker's website*

Heading: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

**36D Maker must ensure instrument is published and made available**

- (1) This section applies to an instrument—
- (a) made after the commencement of Part 5 (amendments to Legislation Act 2012) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018; and
  - (b) unless an enactment other than this section requires a copy of the instrument to be published and made available on the maker's website.
- (2) The maker must ensure that a copy of the instrument is as soon as practicable published and made available on the maker's website.

Section 36D: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

*Duty to ensure details are in or with copies as on maker's website*

Heading: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

**36E Maker must ensure details are in or with instrument**

- (1) This section applies to an instrument—
- (a) made after the commencement of Part 5 (amendments to Legislation Act 2012) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018; and
  - (b) a copy of which is published and made available on the maker's website.
- (2) The maker must ensure that the instrument's details are in or with a copy of the instrument as published and made available on the maker's website.
- (3) However, details of an instrument are taken to be in or with a copy of the instrument as published and made available on the maker's website if—

- (a) the instrument amends (without also replacing wholly) a principal instrument; and
  - (b) the details relate to the amendments the instrument makes to the principal instrument; and
  - (c) the details are in or with a compilation of the principal instrument published and made available on the maker's website.
- (4) The Chief Parliamentary Counsel must give all or any makers, and ensure there is or are in force for all instruments, a direction or directions setting out, in general terms, the nature of their details.
- (5) A direction given under this section—
- (a) must as soon as practicable be published and made available on the central website:
  - (b) is not a legislative instrument, or a disallowable instrument, for the purposes of this Act, and does not have to be presented to the House of Representatives under section 41.
- (6) The maker must, if required to do so by a document given by the Chief Parliamentary Counsel, republish a copy of the instrument promptly on the maker's website in a form that complies with this section.

Section 36E: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

*Links to be forwarded and made available on central website*

Heading: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

**36F Links to be forwarded as directed**

- (1) This section applies to an instrument—
- (a) made after the commencement of Part 5 (amendments to Legislation Act 2012) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018; and
  - (b) a copy of which is published and made available on the maker's website.
- (2) The maker must forward the instrument's links to the Chief Parliamentary Counsel, without delay and in line with all applicable directions given under this section.
- (3) The Chief Parliamentary Counsel must give all or any makers, and ensure there is or are in force for all instruments, a direction or directions setting out, in general terms, the nature of their links and the form and manner in which they are to be forwarded.
- (4) A direction given under this section—
- (a) must as soon as practicable be published and made available on the central website:

- (b) is not a legislative instrument, or a disallowable instrument, for the purposes of this Act, and does not have to be presented to the House of Representatives under section 41.

Section 36F: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

### **36G Links forwarded and other instruments must be published and made available**

The Chief Parliamentary Counsel must ensure that the following are as soon as practicable published and made available on the central website:

- (a) links forwarded under section 36F:  
(b) legislative instruments published under section 6 (including instruments published under section 14).

Section 36G: inserted, on 30 December 2018, by section 63 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

## **Part 3**

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

Part 3 heading: amended, on 1 January 2016, by section 7 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### **Subpart 1—Disallowable instruments**

##### *Interpretation*

### **37 Interpretation**

In this subpart, unless the context otherwise requires,—

**obligations** includes—

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

**rights** includes—

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

Section 37 **confirmation provision**: repealed, on 1 January 2016, by section 8 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**38 Disallowable instruments**

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

**39 Instruments that have significant legislative effect**

- (1) An instrument has a **significant legislative effect** if the effect of the instrument is to do both of the following:
  - (a) create, alter, or remove rights or obligations; and
  - (b) determine or alter the content of the law applying to the public or a class of the public.
- (2) For the purposes of subsection (1),—
  - (a) an instrument that determines or alters the temporal application of rights or obligations must be treated as having the effect described in paragraph (a) of that subsection; and
  - (b) an instrument that determines or alters the temporal application of the law applying to the public or a class of the public must be treated as having the effect described in paragraph (b) of that subsection.
- (3) In applying subsection (1), the following must be disregarded:
  - (a) the description, form, and maker of the instrument;
  - (b) whether all or a portion of the instrument makes it a confirmable instrument;
  - (c) whether it also contains provisions that are administrative.

- (4) An instrument does not have a significant legislative effect if it explains or interprets rights or obligations in a non-binding way, as long as the instrument does not do anything else that would bring it within subsection (1).
- (5) An instrument that is made in the exercise of a statutory power and imposes obligations in an individual case does not determine or alter the content of the law just because the statutory power applies generally or to a class of persons.

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

Section 39(3)(b): replaced, on 1 January 2016, by section 9 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### **40 Instruments that determine or alter temporal application**

An instrument that determines or alters the temporal application of rights or obligations includes (without limitation) one that does 1 or more of the following to the enactments or other laws that directly or indirectly confer or impose those rights or obligations:

- (a) appoints or prescribes a date on which, or other time at which, they come into force:
- (b) defers the date on which, or other time at which, they apply or come into force:
- (c) suspends, or in any way cancels, for a period or until a time, their application or operation:
- (d) continues or extends (with or without a break), for a period or until a time, their application or operation:
- (e) defers the date on which, or other time at which, they are abolished, repealed, or revoked:
- (f) on a date, or at any other time, abolishes, repeals, or revokes them.

#### *Presentation to House of Representatives*

#### **41 Legislative instruments and disallowable instruments to be presented to House of Representatives**

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

Compare: 1989 No 143 s 4

*How instruments are disallowed***42 Disallowance of instruments by resolution of House of Representatives**

- (1) The House of Representatives may, by resolution, disallow any disallowable instrument or provisions of a disallowable instrument.
- (2) An instrument or provisions disallowed by resolution of the House of Representatives cease to have effect on the later of—
  - (a) the passing of the resolution; or
  - (b) any date specified in the resolution as the date on which the instrument or provisions cease to have effect.
- (3) This section does not apply to any resolution to which section 46 applies.

Compare: 1989 No 143 s 5

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

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

Compare: 1989 No 143 s 6

*Effect of disallowance***44 Effect of disallowance generally**

- (1) A disallowance under section 42 or 43 has the same effect as a revocation of the disallowed instrument or provisions.

- (2) This section is subject to section 45.

Compare: 1989 No 143 s 7

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

- (1) This section applies if some or all provisions of a disallowable instrument—
- (a) amend an Act or instrument, repeal an Act, or revoke an instrument; and
  - (b) are provisions that are later disallowed under section 42 or 43.
- (2) The Act or instrument is restored or revived—
- (a) as it was immediately before it was amended, repealed, or revoked by the disallowed provisions; and
  - (b) with effect from when the disallowed provisions cease to have effect.
- (3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act).

Compare: 1989 No 143 s 8

Section 45: replaced, on 1 January 2016, by section 10 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

*Amendment or substitution of instrument by House of Representatives*

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

- (1) The House of Representatives may, by resolution,—
- (a) amend any disallowable instrument; or
  - (b) revoke any disallowable instrument and substitute another instrument.
- (2) The amendment or the revocation and substitution, as the case may be, takes effect on the later of—
- (a) the 28th day after the date of the publication of the notice required by section 47; or
  - (b) any date specified in the notice required by section 47 as the date on which the amendment or the revocation and substitution, as the case may be, takes effect.

Compare: 1989 No 143 s 9

*Notification of disallowance, amendment, or substitution*

**47 Notice of resolution or motion**

- (1) This section applies in any of the following circumstances:
- (a) the House of Representatives resolves to disallow or revoke a disallowable instrument:

- (b) the House of Representatives resolves to amend a disallowable instrument or to revoke a disallowable instrument and substitute another instrument:
  - (c) notice of a motion to disallow a disallowable instrument or any provisions of a disallowable instrument has been given and the instrument or provisions specified for disallowance in the motion are treated as having been disallowed under section 43.
- (2) When this section applies, the Clerk of the House of Representatives must immediately forward to the Chief Parliamentary Counsel a notice of that resolution or notice of motion.
  - (3) The notice forwarded under subsection (2)—
    - (a) must be accompanied by the text of the resolution or the text of the notice of motion, as the case requires; and
    - (b) in the case of a resolution, must show the date on which the resolution was passed; and
    - (c) in the case of a notice of motion, must show—
      - (i) the date of the sitting day on which the notice of motion was given; and
      - (ii) the date of the 21st sitting day after the giving of the notice of motion.
  - (4) The notice is conclusive evidence of the matters stated in subsection (3)(b) and (c).
  - (5) The Chief Parliamentary Counsel must arrange for every notice forwarded under subsection (2) to be published under section 6 as if it were a legislative instrument.

Compare: 1989 No 143 s 10

### Subpart 1A—Confirmable instruments

Subpart 1A: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### 47A Overview

- (1) This subpart ensures some instruments are revoked by this Act at a deadline unless earlier confirmed by an Act of Parliament.
- (2) The instruments are made under the section or sections listed in Schedule 2 (*see* section 47B).
- (3) The deadline differs depending on whether the instrument is made in the first or second half of a year (*see* section 47C).
- (4) If the instrument is one of a subset of confirmable instruments called annual confirmable instruments, and has been revoked before the deadline, then it is



invalid for its past operation unless confirmed by an Act (*see* sections 47B and 47D).

- (5) Revocation by this Act of the instrument generally does not affect the validity of acts done under it before it is revoked (*see* section 47F).
- (6) Amendments, revocations, or repeals effected by the instrument are undone with effect from when the instrument is revoked by this Act (*see* section 47G).
- (7) Any duties, levies, or road user charges collected under the instrument must, with some exceptions, be refunded if the instrument is later revoked by this Act (*see* sections 47H and 47I).
- (8) This section is only a general guide to this subpart, which replaces and standardises former inconsistent confirmation provisions in the Acts listed in Schedule 2.

Section 47A: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### **47B Confirmable instruments, etc, defined**

- (1) An instrument made under an enactment is a **confirmable instrument** for the purposes of this Act if all or a portion of the instrument—
  - (a) is made under the empowering section or sections in a row of the table in Schedule 2; and
  - (b) complies with any restriction in that row.
- (2) A confirmable instrument is an **annual confirmable instrument** for the purposes of this Act if all or a portion of the instrument is made under all or any of the following sections:
  - (a) section 15(2) of the New Zealand Superannuation and Retirement Income Act 2001:
  - (b) section 30(2) of the New Zealand Superannuation and Retirement Income Act 2001:
  - (c) section 423(1)(c) of the Social Security Act 2018:
  - (d) section 452(1) (apart from, or with, clause 55(6) of Schedule 1) of the Social Security Act 2018:
  - (e) *[Repealed]*
  - (f) section 190(2) of the Veterans' Support Act 2014.

Section 47B: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

Section 47B(2)(c): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 47B(2)(d): replaced, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Section 47B(2)(e): repealed, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

**47C Instruments revoked unless confirmed**

- (1) A confirmable instrument is revoked at the following applicable deadline:
  - (a) if it is made during the first half of a year, it is revoked at the middle of the next year:
  - (b) if it is made during the second half of a year, it is revoked at the end of the next year.
- (2) However, a confirmable instrument is not revoked by subsection (1)(a) or (b) so far as it—
  - (a) has been revoked, or expires, with effect before or on the deadline; or
  - (b) has ceased, or will cease, to have effect before or on the deadline by virtue of subpart 1 of Part 3 (disallowable instruments); or
  - (c) has before or on the deadline been confirmed by an Act of Parliament.
- (3) In this section,—
  - (a) the **first half of a year** means the period that starts on 1 January and ends with the close of 30 June in the year; and
  - (b) the **second half of a year** means the period that starts on 1 July and ends with the close of 31 December in the year; and
  - (c) the **middle of the next year** means the close of 30 June in the next year; and
  - (d) the **end of the next year** means the close of 31 December in the next year.

Compare: 1990 No 127 s 12; 1993 No 95 ss 100S, 100ZH, 138, 151; 2011 No 81 s 387(3); 2012 No 1 s 85(4); 2014 No 32 s 214

Section 47C: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**47D Operation of annual instruments invalid if revoked before, and not confirmed by, deadline**

- (1) This section applies to an annual confirmable instrument so far as it—
  - (a) has been revoked with effect before or on the deadline; and
  - (b) is therefore under section 47C(2)(a) not revoked by section 47C(1)(a) or (b).
- (2) The instrument is, after the deadline, taken to have been invalid in respect of the period for which it purported to have effect.
- (3) Subsection (2) does not apply so far as the instrument has before or on the deadline been confirmed by an Act of Parliament.

Compare: 1964 No 136 ss 61H(4), 61HA(6), 61I(2); 2001 No 84 ss 15(5), 30(5); 2014 No 56 s 190(5)

Section 47D: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**47E How instrument is confirmed by Act**

- (1) A confirmable instrument is for the purposes of this subpart confirmed by an Act of Parliament—
  - (a) only if the Act contains a provision to the effect that the instrument is confirmed; and
  - (b) only on and after that provision's commencement.
- (2) The later repeal of the Act or provision does not affect the confirmation of the instrument (in line with section 17(1)(c) of the Interpretation Act 1999).

Compare: 1964 No 136 s 61H(6); 1996 No 27 s 286B(2); 2012 No 1 s 85(6)

Section 47E: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**47F Effect of revocation: general**

- (1) This section applies to the revocation by section 47C(1)(a) or (b) of an instrument.
- (2) That revocation does not affect the previous operation of the instrument or anything done or suffered under it (in line with section 17(1)(e) of the Interpretation Act 1999).
- (3) This section is subject to section 47H.

Section 47F: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**47G Effect of revocation: amendments, etc**

- (1) This section applies if a confirmable instrument—
  - (a) amends an Act or instrument, repeals an Act, or revokes an instrument; and
  - (b) is later revoked by section 47C(1)(a) or (b).
- (2) The Act or instrument is restored or revived—
  - (a) as it was immediately before it was amended, repealed, or revoked by the confirmable instrument; and
  - (b) with effect from when the confirmable instrument is later revoked by section 47C(1)(a) or (b).
- (3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act).

Section 47G: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

**47H Effect of revocation: duties, levies, or charges**

- (1) This section applies if the effect of the instrument revoked by section 47C(1)(a) or (b) is to impose, or vary, any duties, levies, or road user charges.

- (2) Any duties, levies, or road user charges collected under the instrument (or, if the effect of the instrument is to vary any duties, levies, or road user charges, any duties, levies, or road user charges collected after the variation takes effect) must, unless an Act of Parliament provides otherwise, be refunded.

- (3) This section is subject to section 47I.

Compare: 1988 No 155 s 11(2); 1996 No 27 s 80(2); 2012 No 1 s 85(5)

Section 47H: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### **47I Effect of revocation: exceptions to section 47H**

- (1) Section 47H(2) does not limit or affect section 42C(3) and (4) of the Civil Aviation Act 1990 (which indicates how levies imposed or increased or decreased by civil aviation safety levy orders are affected by those orders being revoked by section 47C(1)(a) or (b) of this Act).
- (2) Section 47H(2) does not apply to energy resources levy rate orders revoked, and the levy rate specified in those orders remains valid in respect of the period before their revocation, by section 47C(1)(a) or (b).
- (3) Section 47H(2) does not limit or affect section 270(4) to (6) of the Land Transport Act 1998 (which indicates how fees or charges prescribed by land transport fees or charges regulations are affected by those regulations being revoked by section 47C(1)(a) or (b) of this Act).
- (4) Section 47H(2) does not apply to waste minimisation levy rate regulations revoked, and the levy rate specified in those regulations remains valid in respect of the period before their revocation, by section 47C(1)(a) or (b).
- (5) In this section,—

**civil aviation safety levy orders** means orders under section 42A of the Civil Aviation Act 1990

**energy resources levy rate orders** means orders under section 5(1) of the Energy Resources Levy Act 1976

**land transport fees or charges regulations** means regulations—

- (a) made under section 269 or 269A of the Land Transport Act 1998; and  
(b) prescribing fees or charges

**waste minimisation levy rate regulations** means regulations made under section 41(1)(e) of the Waste Minimisation Act 2008.

Section 47I: inserted, on 1 January 2016, by section 11 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

### Subpart 2—Incorporation by reference in instruments

#### **48 Interpretation**

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

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

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

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

**instrument**—

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

**material** means—

- (a) material referred to in section 49(3); but
- (b) does not include anything incorporated by reference by that material

**parent Act** means an Act that is a parent Act for the purpose of section 49.

- (2) For the purposes of this subpart, unless the context otherwise requires, an instrument incorporates material by reference if the instrument does 1 or more of the following:
  - (a) incorporates the material in whole or in part, and with or without modification:
  - (b) incorporates amendments to which section 53 applies.

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

- (1) An instrument that may be made under any Act (the **parent Act**) for a purpose specified in subsection (2) may incorporate material by reference under this subpart.
- (2) A purpose of the instrument must be to define terms, prescribe matters, or make other provision in relation to an activity or thing, including (without limitation) any asset, equipment, facility, goods, information, material, practice, premises, process, product, programme, service, or system.
- (3) This section, in so far as it applies, is sufficient authority for the instrument to incorporate 1 or more of the following by reference:
  - (a) a standard, framework, code of practice, recommended practice, or requirement of an international organisation or a national organisation:
  - (b) a standard, framework, code of practice, recommended practice, or requirement prescribed in any country or jurisdiction, or by any group of countries:
  - (c) any other written material that deals with technical matters and that can reasonably be regarded as being too large or impractical to include in, or publish as part of, the instrument.

- (4) Material incorporated by reference in reliance on this section has legal effect as part of the instrument that incorporates the material.

Compare: 1988 No 5 s 22(1)

#### **50 Application of this subpart**

- (1) This subpart applies in relation to the making of an instrument that incorporates material by reference in reliance on section 49, except where the parent Act expressly provides to the contrary.
- (2) This subpart applies, subject to the exception stated in subsection (1), regardless of whether the parent Act—
- (a) is an Act passed before or after the commencement of this section; or
  - (b) provides for the incorporation of material by reference in an instrument; or
  - (c) expressly mentions the incorporation of material by reference in reliance on section 49.

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

- (1) Before an instrument incorporating material by reference in reliance on section 49 is made, the chief executive must—
- (a) make copies of the material proposed to be incorporated by reference (the **proposed material**) available for inspection during working hours for a reasonable period, free of charge, at the inspection sites; and
  - (b) state where copies of the proposed material are available for purchase; and
  - (c) make copies of the proposed material available, free of charge, on an Internet site maintained by or on behalf of the administering department, unless doing so would infringe copyright; and
  - (d) give notice in the *Gazette* stating—
    - (i) that the proposed material is available for inspection during working hours, free of charge, and stating the places at which it can be inspected and the period during which it can be inspected; and
    - (ii) that copies of the proposed material can be purchased and stating the places at which they can be purchased; and
    - (iii) if applicable, that the proposed material is available on the Internet, free of charge, and stating the Internet site address; and
  - (e) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and
  - (f) consider any comments made.
- (2) The chief executive—

- (a) may make copies of the proposed material available in any other way that he or she considers appropriate in the circumstances; and
  - (b) must, if paragraph (a) applies, give notice in the *Gazette* stating that the proposed material is available in other ways and giving details of where or how it can be accessed or obtained.
- (3) The chief executive may comply with subsection (1)(c) (if applicable) by providing a hypertext link from an Internet site maintained by or on behalf of the department to a copy of the proposed material that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.
- (4) The references in this section to material include, if the material is not in an official New Zealand language, as well as the material itself, an accurate translation in an official New Zealand language of the material.
- (5) A failure to comply with this section does not invalidate an instrument that incorporates material by reference in reliance on section 49.
- (6) For the purposes of subsection (1)(c), a chief executive may not rely on section 66 of the Copyright Act 1994 as authority to make the proposed material available on an Internet site.

## 52 Access to material incorporated by reference

- (1) This section applies if an instrument incorporating material by reference in reliance on section 49 is made.
- (2) The chief executive must—
- (a) make the material (the **incorporated material**) available for inspection during working hours free of charge at the inspection sites; and
  - (b) state where copies of the incorporated material are available for purchase; and
  - (c) make copies of the incorporated material available, free of charge, on an Internet site maintained by or on behalf of the administering department, unless doing so would infringe copyright; and
  - (d) give notice in the *Gazette* stating—
    - (i) that the incorporated material is incorporated in the instrument and stating the date on which the instrument was made; and
    - (ii) that the incorporated material is available for inspection during working hours, free of charge, and stating the places at which it can be inspected; and
    - (iii) that copies of the incorporated material can be purchased and stating the places at which they can be purchased; and
    - (iv) if applicable, that the incorporated material is available on the Internet, free of charge, and stating the Internet site address.
- (3) The chief executive—

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

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

- (1) This section applies if the material incorporated by reference in reliance on section 49 is amended by the originator of the material after the instrument is made.
- (2) For the purposes of this section, material is **amended** if the material or any part of it—
- (a) is amended or replaced; or
  - (b) expires or is revoked; or
  - (c) otherwise ceases to have effect.
- (3) Amendments made by the originator of the material have no legal effect as part of the instrument unless they are specifically incorporated by a later instrument made in accordance with this subpart.

### **54 Proof of material incorporated by reference**

- (1) A copy of material incorporated by reference in an instrument in reliance on section 49 must be—
- (a) certified as a correct copy of the material by the chief executive; and
  - (b) retained by the chief executive.



- (2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the material incorporated by reference in the instrument.

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

- (1) Subpart 1 of Part 2 does not apply to material that is for the time being incorporated by reference in an instrument in reliance on section 49, even if the instrument is a legislative instrument.
- (2) To avoid doubt, the material does not have to be presented to the House of Representatives under section 41 even though the instrument is a disallowable instrument by virtue of section 56.

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

An instrument that incorporates material by reference in reliance on section 49 is a disallowable instrument for the purposes of subpart 1 of this Part.

**57 Application of Standards and Accreditation Act 2015, other enactments, and rules of law not affected**

Nothing in this subpart affects the application of sections 29 to 32 of the Standards and Accreditation Act 2015, any other enactment, or any rule of law.

Section 57 heading: amended, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

Section 57: amended, on 1 March 2016, by section 45(1) of the Standards and Accreditation Act 2015 (2015 No 91).

**Part 4**  
**Parliamentary Counsel Office**

*Constitution and functions*

**58 Parliamentary Counsel Office continues as separate statutory office**

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

mencement, be read as a reference to the Parliamentary Counsel Office as continued by this section, unless the context otherwise requires.

Compare: 1920 No 46 s 2

## 59 Functions of PCO

- (1) The functions of the PCO are—
  - (a) to draft Government Bills and amendments to them:
  - (b) to draft instruments specified in subsection (2) and amendments to them:
  - (c) to arrange for the printing and publication of Bills and amendments to them (as provided in Part 2):
  - (d) to arrange for the printing and publication of Acts, legislative instruments, and reprints of legislation in electronic form and printed form (as provided in Part 2):
  - (e) to undertake reprints of Acts, regulations, and legislative instruments (as provided in Part 2):
  - (f) to revise Acts in accordance with the current revision programme (as provided in Part 2):
  - (fa) to arrange for the publication, to help meet international transparency obligations, of copies of and links to certain subordinate legislation (as provided in Part 2A):
  - (g) to advise departments and agencies on the drafting of disallowable instruments that are not drafted by the PCO:
  - (h) to examine all local Bills and private Bills, and to examine the Members' Bills that the Attorney-General directs be examined, and to report to the Attorney-General on the effect of Bills examined, in particular on whether they affect the rights of the Crown or the public, and on their relationship to other legislation:
  - (i) to advise on and assist with the drafting of all local Bills and private Bills, and to draft Members' Bills that the Attorney-General directs be drafted by the PCO:
  - (j) to perform the other functions relating to the drafting and publication of legislation that the Attorney-General directs be performed by the PCO.
- (2) The instruments to be drafted by the PCO are—
  - (a) Orders in Council other than—
    - (i) Orders in Council that are required by their empowering Act to be published in the *Gazette*:
    - (ii) Orders in Council that relate exclusively to an individual:
  - (b) instruments made by a Minister that amend an Act or define the meaning of a term used in an Act:

- (c) instruments that are required by an Act to be published under Part 2 (other than resolutions of the House of Representatives referred to in paragraph (d) of the definition of legislative instrument in section 4):
- (d) other instruments that the Attorney-General or the Chief Parliamentary Counsel directs in writing be drafted by the PCO.

Compare: 1920 No 46 ss 4, 5

Section 59(1)(fa): inserted, on 30 December 2018, by section 64(1) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Section 59(2)(c): amended, on 30 December 2018, by section 64(2) of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

## **60 Power to authorise drafting and printing of Government Bills by Inland Revenue Department**

- (1) Despite section 59(1)(a), the Governor-General may, by Order in Council made on the recommendation of the Attorney-General, authorise the Inland Revenue Department—
  - (a) to draft (subject to the exceptions specified in the order) the Government Bills (being Bills intended to become Acts administered by that department) that the Minister of the Crown who is responsible for that department may direct be prepared for the consideration of Parliament, and amendments to them; and
  - (b) to supervise the printing of the Bills and amendments referred to in paragraph (a).
- (2) An Order in Council made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of this Act.
- (3) The Inland Revenue Department (Drafting) Order 1995 continues in force as if made under subsection (1).

Compare: 1920 No 46 s 8A

## **61 Confidentiality**

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

**client** includes a Minister of the Crown, a member of Parliament, a government department, an instrument of the Crown, a judicial officer, and a promoter of a local or private Bill

**confidential communications** includes (without limitation)—

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

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

**counsel** includes a person who holds a legal qualification referred to in section 68(2) and is working for the PCO as a contractor or secondee in relation to drafting of legislation.

(3) *[Repealed]*

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

Section 61(2): replaced, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 61(3): repealed, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

### *Powers of Chief Parliamentary Counsel*

#### **62 Powers of Chief Parliamentary Counsel**

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

Compare: 1988 No 20 s 34(2)

#### **63 Delegation of functions, responsibilities, duties, or powers**

- (1) The Chief Parliamentary Counsel—
  - (a) may from time to time, either generally or particularly, delegate to any employee of the PCO any of the functions, responsibilities, duties, or powers of the Chief Parliamentary Counsel, including functions or powers delegated to the Chief Parliamentary Counsel under any Act;
  - (b) must ensure that an appropriate delegation is at all times in place under this section to enable a person to act in place of the Chief Parliamentary Counsel during any absence or incapacity of the Chief Parliamentary Counsel or during any vacancy in the office of Chief Parliamentary Counsel.
- (2) The person to whom any functions, responsibilities, duties, or powers are delegated under this section may exercise those functions or powers in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.
- (3) Subsection (2) is subject to any general or special directions given or conditions imposed by the Chief Parliamentary Counsel.
- (4) A person purporting to act under any delegation under this section is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.
- (5) A delegation under this section may be made to—
  - (a) a specified person or persons of a specified class; or

- (b) the holder or holders for the time being of a specified position, or of a specified class of positions.
- (6) No delegation under this section affects or prevents the exercise of any function, responsibility, duty, or power by the Chief Parliamentary Counsel, or affects the responsibility of the Chief Parliamentary Counsel for the actions of any person acting under the delegation.

Compare: 1988 No 126 s 12

#### **64 Absence or incapacity of Chief Parliamentary Counsel or vacancy**

- (1) A person who holds a delegation referred to in section 63(1)(b) may act in place of the Chief Parliamentary Counsel while the Chief Parliamentary Counsel is absent or incapacitated or during any vacancy in the office of Chief Parliamentary Counsel.
- (2) No acts done by the person acting in place of the Chief Parliamentary Counsel under subsection (1) may, in any proceedings, be questioned on the ground that the occasion for the authorisation had not arisen or had ceased.

#### **65 Revocation of delegations**

- (1) A delegation under section 63 is revocable at any time in writing.
- (2) A delegation, until it is revoked, continues to have effect according to its terms even if the Chief Parliamentary Counsel by whom it was made has ceased to hold office.
- (3) A delegation made by a Chief Parliamentary Counsel who has ceased to hold office continues to have effect as if made by the successor in office of that Chief Parliamentary Counsel.

Compare: 1988 No 126 s 13

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

#### **66 Chief Parliamentary Counsel**

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

- (b) is appointed by the Governor-General on the recommendation of the Prime Minister:
  - (c) holds office for the period, which may not exceed 7 years, that is specified in the instrument by which the Chief Parliamentary Counsel is appointed:
  - (d) is eligible for reappointment from time to time:
  - (e) may resign from office by written notice to the Attorney-General.
- (4) The Chief Parliamentary Counsel may at any time be removed or suspended from office by the Governor-General for inability to perform the functions of the office, bankruptcy, neglect of duty, or misconduct proved to the satisfaction of the Governor-General.

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

#### **67 Parliamentary counsel**

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

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

- (1) A person meets the qualification requirement in section 66(3)(a) for the office of Chief Parliamentary Counsel if the person—
  - (a) is a lawyer as defined in section 6 of the Lawyers and Conveyancers Act 2006; or
  - (b) is eligible to practise law in a country or jurisdiction specified by an Order in Council made under subsection (3); or
  - (c) holds a qualification that the Attorney-General considers is sufficient for the position.
- (2) A person meets the qualification requirement in section 67(2) for a position as a parliamentary counsel if the person—
  - (a) is a lawyer as defined in section 6 of the Lawyers and Conveyancers Act 2006; or
  - (b) is eligible to practise law in a country or jurisdiction specified by an Order in Council made under subsection (3); or
  - (c) holds a qualification that the Chief Parliamentary Counsel considers is sufficient for the position.

- (3) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, specify countries and jurisdictions for the purposes of subsections (1)(b) and (2)(b).

#### **69 Other employees of PCO**

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

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

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

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

Compare: 1920 No 46 s 6A(1)

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

The Chief Parliamentary Counsel has all the rights, duties, and powers of an employer in respect of the parliamentary counsel and other employees for whom the Chief Parliamentary Counsel is responsible.

#### **72 Collective agreements**

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

Compare: 1988 No 126 ss 25, 26

Section 72(1)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

#### **73 Employment principles**

The Chief Parliamentary Counsel must operate a personnel policy that complies with the principle of being a good employer by following, as if he or she were the chief executive of a department, the provisions of sections 73 and 74 of the Public Service Act 2020.

Compare: 2008 No 72 s 58

Section 73: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

#### **74 Appointments on merit**

In making an appointment under section 67 or 69, the Chief Parliamentary Counsel must give preference to the person who is best suited to the position.

Compare: 2008 No 72 s 59(1)

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

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

- (a) notifying any vacancy or prospective vacancy in a manner sufficient to enable suitably qualified people to apply for the position, except where it is impracticable to do so; and
- (b) notifying PCO employees of every appointment (other than that of an acting, temporary, or casual employee) to a vacant position in the PCO; and
- (c) reviewing those appointments made to an advertised vacant position within the PCO that are the subject of any complaint by an employee of the PCO.

Compare: 1988 No 20 ss 61, 64, 65

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

Sections 74 and 75 do not apply to any secondment arranged under section 64 of the Public Service Act 2020.

Compare: 1988 No 20 s 49

Section 75A: inserted, on 29 October 2019, by section 3 of the Legislation (Repeals and Amendments) Act 2019 (2019 No 59).

Section 75A: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

#### **76 Protection from liability**

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

Compare: 1988 No 20 s 86



*Repeals, consequential amendments, and savings*

**77 Repeals, consequential amendments, and savings about legislative matters**

- (1) The Statutes Drafting and Compilation Act 1920 (1920 No 46) is repealed.
- (2) The Acts and Regulations Publication Act 1989 (1989 No 142) and the Regulations (Disallowance) Act 1989 (1989 No 143) are repealed.
- (3) The Acts specified in the Schedule are amended in the manner indicated in that schedule.
- (4) The definition of **regulations** in section 29 of the Interpretation Act 1999 is amended by repealing paragraph (e) and substituting the following paragraph:
  - (e) an instrument that is a legislative instrument or a disallowable instrument for the purposes of the Legislation Act 2012:
- (5) The repeal of the Statutes Drafting and Compilation Act 1920 by subsection (1) does not affect the application of section 59 of the Copyright Act 1994 to the PCO.
- (6) Despite the repeal of the Acts and Regulations Publication Act 1989 by subsection (2),—
  - (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 (2)) 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.
- (7) In any regulations in force immediately before the commencement of this subsection, material incorporated by reference in reliance on an enactment repealed by subsection (3) 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.
- (8) Until the repeal of the Acts and Regulations Publication Act 1989 by subsection (2), references in section 59(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.

**78 Savings about former principal officers and other PCO staff**

- (1) On the commencement of this section,—

- (a) the person holding the offices of Chief Parliamentary Counsel and Compiler of Statutes under the Statutes Drafting and Compilation Act 1920 becomes the Chief Parliamentary Counsel under section 66 of this Act;
  - (b) the office of Compiler of Statutes is abolished;
  - (c) the Parliamentary Counsel (other than the Chief Parliamentary Counsel) in the PCO become parliamentary counsel under section 67;
  - (d) the other members of the staff of the PCO become employees under section 69.
- (2) The person to whom subsection (1)(a) applies continues to be engaged on the same terms and conditions applying to that person immediately before the commencement of this section.
  - (3) Each person to whom subsection (1)(c) applies—
    - (a) is entitled to terms and conditions of employment no less favourable than the terms and conditions applying to the person immediately before the commencement of this section, except that the person is no longer to be regarded as serving at the Governor-General's pleasure; and
    - (b) continues to be entitled to those terms and conditions of employment until those terms and conditions are varied by agreement between the person and the Chief Parliamentary Counsel.
  - (4) The employment agreements of all other members of staff of the PCO that were in effect immediately before the commencement of this section continue in effect as if those persons were employed under section 69.
  - (5) For the purposes of any enactment, no person's service as an officer or employee in the PCO is broken by the repeal of the Statutes Drafting and Compilation Act 1920 by section 77.
  - (6) This Act does not affect any entitlement of an office holder or employee of the PCO under the Government Superannuation Fund Act 1956.

#### **79 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 1AA

### Transitional, savings, and related provisions

s 4A

Schedule 1AA: inserted, on 1 January 2016, by section 12 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

#### 1 **Confirmable instruments made or presented 1 July 2015 to 31 December 2015**

- (1) Sections 47C and 47D apply to a confirmable instrument (as defined in section 47B) that—
- (a) is made, or presented to the House of Representatives, after 30 June 2015 and before 1 January 2016; and
  - (b) is an instrument of a kind covered by a former confirmation provision; and
  - (c) would if that provision were not repealed on 1 January 2016 have under that provision lapsed at a time (being a time after 31 December 2015 and stated in that provision) if not earlier confirmed by an Act of Parliament.

- (2) In this clause,—

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

**confirmed** includes—

- (a) confirmed and validated; or
- (b) validated

**former confirmation provision** means a confirmation provision that is repealed or replaced—

- (a) on 1 January 2016; and
- (b) by section 14 and Schedule 3 of the Legislation (Confirmable Instruments) Amendment Act 2015

**lapsed** means lapsed, expired, been revoked, or been deemed to have been revoked.

## Schedule 1

### Consequential amendments to Acts

s 77(3)

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

Section 46: repeal and substitute:

##### **46 Application of Legislation Act 2012 to Code**

The Code 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 41 of that Act.

Section 183(4): repeal and substitute:

- (4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 322A(4): repeal and substitute:

- (4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 2(3): repeal and substitute:

- (3) An Order in Council made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 81L: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “Part 3 of the Legislation Act 2012”.

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

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

- (b) be a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and be presented to the House of Representatives under section 41 of that Act.

Section 9A(4): repeal and substitute:

- (4) Any guidelines made under subsection (1)(h) are 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 41 of that Act.

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

Section 4(4): repeal and substitute:

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

- (4) A notice in the *Gazette* made for the purposes of paragraph (d) of the definition of **primary processor** in subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 41(10): repeal and substitute:

- (10) An order made 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 41 of that Act.

Section 46(10): repeal and substitute:

- (10) An order made 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 41 of that Act.

Section 125: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “Part 3 of the Legislation Act 2012”.

Section 167(3): repeal and substitute:

- (3) A notice made under subsection (1)(ma) 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 41 of that Act.

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

Section 6(7): repeal and substitute:

- (7) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 7(2): omit “Acts and Regulations Publication Act 1989” and substitute “Legislation Act 2012”.

Section 16(6): repeal and substitute:

- (6) An 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 41 of that Act.

Section 32(8): repeal and substitute:

- (8) An 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 41 of that Act.

Section 79: repeal and substitute:

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

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

Codes of welfare issued under section 75 and notices amending or revoking codes of welfare are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

- (b) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 157(4): repeal and substitute:

- (4) An exemption under this section is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (5) A class exemption under this section must be published under section 6 of the Legislation Act 2012 and, for this purpose, **class exemption**—
  - (a) means an exemption of general application that applies to a class of reporting entities or transactions; but
  - (b) does not include an exemption granted in relation to a particular reporting entity or transaction.
- (6) An exemption under this section that is not a class exemption under subsection (5) must, as soon as practicable after being granted, be—
  - (a) published on an Internet site maintained by or on behalf of the chief executive; and
  - (b) notified in the *Gazette*; and
  - (c) made available in printed form for purchase on request by members of the public.
- (7) A notification in the *Gazette* for the purpose of subsection (6)(b) does not have to incorporate the exemption.

Section 159(3): repeal.

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

Section 26(3): repeal and substitute:

- (3) An order made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 2(3): repeal and substitute:

- (3) An Order in Council made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 4(3): repeal and substitute:

- (3) An 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 41 of that Act.

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

Section 20(5): repeal and substitute:

- (5) A notice given under section 18 or 19—
- (a) is a legislative 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 41 of that Act; and
  - (c) is a regulation for the purposes of the Interpretation Act 1999.

**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 41 of that Act.

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

Replace section 57(9) with:

- (9) The national policy direction 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 41 of that Act.

Replace section 58(4) with:

- (4) An amendment under subsection (1) or (2) or a replacement direction under subsection (3) 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 41 of that Act.

Replace section 66(2) with:



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

- (2) The order 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 41 of that Act.

Replace section 67(9) with:

- (9) An exemption 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 41 of that Act.

Replace section 86(2) with:

- (2) The order 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 41 of that Act.

Replace section 87(11) with:

- (11) An exemption 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 41 of that Act.

Replace section 100G(3) with:

- (3) The order 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 41 of that Act.

Replace section 100L(7) with:

- (7) The order 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 41 of that Act.

In section 100S, replace “section 5 of the Regulations (Disallowance) Act 1989” with “Part 3 of the Legislation Act 2012” in each place.

Replace section 100ZB(9) with:

- (9) A levy order 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 41 of that Act.

In section 100ZH, replace “section 5 of the Regulations (Disallowance) Act 1989” with “Part 3 of the Legislation Act 2012” in each place.

Replace section 121B(5) with:

- (5) An order 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 41 of that Act.

Replace section 137(2) with:

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

- (2) A levy order 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 41 of that Act.

In section 138, replace “the Regulations (Disallowance) Act 1989” with “Part 3 of the Legislation Act 2012” in each place.

Replace section 142S(1) and (2) with:

- (1) Part 2 of the Legislation Act 2012 does not apply to material incorporated in a biosecurity document.
- (2) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations that incorporate material, but the requirement in section 41 to present a disallowable instrument to the House of Representatives does not apply to material incorporated in regulations.

Replace section 146(7) with:

- (7) An extension under subsection (2)(b) or a revocation under subsection (5)(b) must be published as provided in section 47 of the Legislation Act 2012.

In section 151, replace “the Regulations (Disallowance) Act 1989” with “Part 3 of the Legislation Act 2012” in each place.

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

Section 30(5): repeal and substitute:

- (5) Rules made 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 41 of that Act.

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

Section 362: repeal and substitute:

**362 Status of rules**

The rules are 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 41 of that Act.

Sections 411 and 412: repeal and substitute:

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

- (1) Nothing in section 41 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 41 of that Act made by subsection (1), applies to an

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

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.

Section 450(3E): repeal and substitute:

- (3E) An order made under subsection (3D) 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 41 of that Act.

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

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

- (b) 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 41 of that Act.

**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 41 of that Act.

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

Section 43(5): repeal and substitute:

- (5) An exemption under this section is neither a legislative 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 41 of that Act.

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

Section 42: repeal and substitute:

**42 Application of Legislation Act 2012 to rules**

The rules 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 41 of that Act.

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

Section 29(3): repeal and substitute:

- (3) An order made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 28(7): repeal and substitute:

- (7) An ordinary rule is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 31(4): repeal and substitute:

- (4) An emergency rule 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 41 of that Act.

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 41 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 41 of the Legislation Act 2012”.

Section 77A(5): repeal and substitute:

- (5) A direction that takes effect on a date on or after the notice is published in the *Gazette* is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

- (5A) No direction made under subsection (1) is a legislative instrument for the purposes of the Legislation Act 2012.

Section 77B(5): repeal and substitute:

- (5) A direction that takes effect on a date on or after the notice is published in the *Gazette* is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

- (5A) No direction made under subsection (1) is a legislative instrument for the purposes of the Legislation Act 2012.

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

Section 91T(2): repeal and substitute:

- (2) An order made under subsection (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 41 of that Act.

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 41 of that Act.

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

Section 39(4): repeal and substitute:

- (4) A national civil defence emergency management plan 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 41 of that Act.

Sections 40 and 41: repeal and substitute:

**40 Incorporation by reference**

- (1) This section applies if section 49 of the Legislation Act 2012 is relied on to incorporate material by reference in a national civil defence emergency plan.
- (2) When this section applies, subpart 2 of Part 3 of the Legislation Act 2012 applies with the following modifications:
  - (a) section 51 does not apply;
  - (b) section 52 must be read as if—
    - (i) references to the chief executive were references to the Director; and
    - (ii) references to the inspection sites were references to the office of the Director;
  - (c) section 54 must be read as if references to the chief executive were references to the Director;
  - (d) section 56 does not apply.

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

- (1) The Minister must not recommend to the Governor-General the making of a national civil defence emergency management plan unless the Minister—
  - (a) has made copies of the proposed plan available for inspection at the office of the Director, free of charge, for a reasonable period; and

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

- (b) has stated where copies of the proposed plan are available for purchase; and
  - (c) has made copies of the proposed plan available, free of charge, on an Internet site maintained by or on behalf of the Director, except any part of the proposed plan where making it available in this manner would infringe copyright; and
  - (d) has publicly notified the proposed plan by—
    - (i) publishing a notice in the *Gazette*; and
    - (ii) publishing a notice in 1 or more daily newspapers circulating in the major metropolitan areas; and
    - (iii) giving any other notification that the Minister considers appropriate, having regard to the persons likely to have an interest in the proposal; and
  - (e) has presented the proposed plan to the House of Representatives at least 90 days before making the recommendation.
- (2) Every notice under this section must include—
- (a) a description of the proposed plan;
  - (b) a statement that submissions on the proposed plan may be made in writing to the Minister by any person;
  - (c) a closing date for submissions (which must not be earlier than 40 working days after the notification under this section);
  - (d) a statement that every submission should state—
    - (i) those aspects of the proposed plan that the submission supports; and
    - (ii) those aspects of the proposed plan that the submission opposes; and
    - (iii) the reasons for the support and opposition identified; and
    - (iv) any specific alternatives to the proposed plan that the person making the submission wishes to recommend:
  - (e) a list of places where a copy of the proposed plan may be purchased or inspected;
  - (f) an address for submissions.
- (3) The Minister may comply with subsection (1)(c) by providing a hypertext link from an Internet site maintained by or on behalf of the responsible department to a copy of the proposed plan that is available, free of charge, on an Internet site that is maintained by or on behalf of someone else.

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

- (4) For the purposes of subsection (1)(c), the Minister may not rely on section 66 of the Copyright Act 1994 as authority to make available on an Internet site any material that is proposed to be incorporated by reference.
- (5) In this section, **proposed plan** includes material incorporated by reference in the plan under section 40, together with a translation in an official New Zealand language, where that material is not in an official New Zealand language.

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

Section 20A(8): repeal and substitute:

- (8) 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 41 of that Act.

Section 22(4): repeal and substitute:

- (4) A determination 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 41 of that Act.

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

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

- (4) An allocation plan is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 161D(4): repeal and substitute:

- (4) A *Gazette* notice 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 41 of that Act.

Section 161H(4): repeal and substitute:

- (4) A *Gazette* notice 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 41 of that Act.

Section 163(6): repeal and substitute:

- (6) Any guidelines or standards issued by the chief executive under regulations made under subsection (1)(d) are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Sections 175 and 176: repeal and substitute:

**Climate Change Response Act 2002 (2002 No 40)—continued****175 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) Material incorporated by reference in regulations does not have to be presented to the House of Representatives under section 41 of the Legislation Act 2012.

Section 224(4): repeal and substitute:

- (4) To avoid doubt, a *Gazette* notice 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 41 of that Act.

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

Section 15(4): repeal and substitute:

- (4) A notice under subsection (1) or (3) is neither a legislative instrument nor a disallowable instrument for the purposes of the Legislation Act 2012.

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

Section 52N(6): repeal and substitute:

- (6) The order 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 41 of that Act.

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 41 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 41 of that Act).

Section 53ZG(6): repeal and substitute:

- (6) An exemption 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 41 of that Act.

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



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

**8 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 a Part 4 determination or to any amendment to, or replacement of, that material.
- (2) Subpart 1 of Part 3 of the Legislation Act 2012 does not apply to material incorporated by reference in a Part 4 determination or to any amendment to, or replacement of, that material.

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

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

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

Section 2(4): repeal and substitute:

- (4) Levy orders and orders made under section 13(2) are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 12: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “Part 3 of the Legislation Act 2012”.

Section 13(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “Part 3 of the Legislation Act 2012”.

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

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

- (2B) A notice in the *Gazette* made under subsection (2A) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

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

- (e) the Parliamentary Counsel Office

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

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

**regulations** includes instruments published under Part 2 of the Legislation Act 2012 or under any corresponding former enactment

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

Section 406: add as subsection (2):

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

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

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

Section 4B(2): repeal and substitute:

- (2) A notice in the *Gazette* made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 174(5): repeal and substitute:

- (5) The instructions are 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 41 of that Act.

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

*Item repealed.*

**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.

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

Section 76C(1)(b): omit “section 9 of the Acts and Regulations Publication Act 1989” and substitute “section 7 of the Legislation Act 2012”.

Section 76D: repeal and substitute:

**76D Application of Legislation Act 2012**

Orders in Council amending or modifying the Excise and Excise-equivalent Duties Table and made under section 77, 78, 79, or 79A on or after the date on which section 77(3) of the Legislation Act 2012 comes into force—

- (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives not later than 16 sitting days after the day on which they are made; but
- (b) are not legislative instruments for the purposes of the Legislation Act 2012 and do not have to be published under section 6 of that Act.

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”.

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

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 41 of the Legislation Act 2012 requires provisions incorporated under section 287A to be presented to the House of Representatives.

Section 287F: repeal.

Section 288(11): repeal and substitute:

- (11) Every rule 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 41 of that Act.

**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 41 of the Legislation Act 2012 requires material incorporated in regulations to be presented to the House of Representatives.

Schedule 5E: repeal clause 9.

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

Section 11G(6): repeal and substitute:

- (6) Every Order in Council made under subsection (1)(b) or (2) is a legislative 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 41 of that Act.

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

Section 35B(6): repeal and substitute:

- (6) An order made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 78A(3): repeal and substitute:

- (3) An order made 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 41 of that Act.

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

Section 18AA(4): repeal and substitute:

- (4) Rules made 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 41 of that Act.

Section 139AJ(5): repeal and substitute:

- (5) Rules made under this section are 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 41 of that Act.

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

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

Section 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 41 of that Act.

Section 317(5): repeal and substitute:

- (5) Criteria prescribed by the Minister for use in assessing compliance with minimum standards imposed by regulations made under this section are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 319(3): repeal and substitute:

- (3) Criteria prescribed by the Minister for use in assessing compliance with minimum standards imposed by regulations made under this section are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

New section 319AA: insert after section 319:

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

**319AA Application of Legislation Act 2012 to certain material incorporated by reference**

- (1) This section applies if section 49 of the Legislation Act 2012 is relied on to incorporate material by reference in criteria prescribed under section 317(2)(b) or 319(1)(b) of this Act.
- (2) When this section applies, subpart 2 of Part 3 of the Legislation Act 2012 (other than section 51) applies.

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

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

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

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

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

**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 41 of that Act.

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

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 41 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 41 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 41 of that Act.

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

Section 33(1): repeal and substitute:

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

- (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 41 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 41 of that Act.

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 41 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 41, 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.

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

Section 5(2): repeal and substitute:

- (2) An Order in Council made under this section and presented to the House of Representatives under section 41 of the Legislation Act 2012 in any session expires as follows:
- (a) if the Order in Council is made on or before 30 June in any calendar year, it expires on the close of the last day of that session except so far as it is expressly validated or confirmed by an Act passed during that session:
- (b) if the Order in Council is made on or after 1 July in any calendar year, it expires on the close of the last day of the session of Parliament in the following calendar year except so far as it is expressly validated or confirmed by an Act passed during that session or the preceding session.

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

Section 21(4): omit “section 4 of the Acts and Regulations Publication Act 1989” and substitute “the Legislation Act 2012”.

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

Section 22: repeal and substitute:

**22 Application of Part 3 of Legislation Act 2012**

An immediate modification order cannot be disallowed under Part 3 of the Legislation Act 2012 if a notice of motion under section 17 of this Act to disallow it—

- (a) has lapsed; or
- (b) has not been agreed to.

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

Section 15(4): repeal and substitute:

- (4) An Order in Council made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 16(3): repeal and substitute:

- (3) An Order in Council made under subsection (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 41 of that Act.

Section 40(7): repeal and substitute:

- (7) An 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 41 of that Act.

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

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

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

Section 94(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 41 of that Act.

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 41 of that Act; and
  - (b) is a legislative instrument only if it is a class exemption.

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

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

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

Section 4B(4): repeal and substitute:

- (4) An exemption is a disallowable instrument under the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (5) A class exemption must be published under section 6 of the Legislation Act 2012 and, for this purpose, **class exemption** means an exemption of general application that applies to a class of persons.
- (6) An exemption that is not a class exemption under subsection (5) must, as soon as practicable after being granted, be—
  - (a) published on an Internet site maintained by or on behalf of the FMA; and
  - (b) notified in the *Gazette*; and
  - (c) made available in printed form for purchase on request by members of the public.
- (7) A notification in the *Gazette* for the purpose of subsection (6)(b) does not have to incorporate the exemption.

Section 4D: omit “in the *Gazette*”.

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 41 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”.

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 41 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.

Section 35B(6): repeal and substitute:

- (6) A notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act



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

2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 48(2A): repeal and substitute:

(2A) An Order in Council made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

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

Section 299A(2): repeal and substitute:

(2) An order made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 303(1): repeal and substitute:

(1) A notice given under this Act that is required to be published in the *Gazette*—  
(a) is a regulation for the purposes of the Interpretation Act 1999; and  
(b) is a legislative instrument for the purposes of the Legislation Act 2012, but is not a disallowable instrument for the purposes of that Act and does not have to be presented to the House of Representatives under section 41 of that Act.

Section 303(3): repeal and substitute:

(3) A notice given under section 11(4)(b)(i) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 11I: repeal and substitute:

**11I Food standards subject to disallowance**

A food standard 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 41 of that Act.

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

Section 67ZM(2): repeal and substitute:

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

- (2) A levy order 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 41 of that Act.

Section 67ZT: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “Part 3 of the Legislation Act 2012”.

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

Section 21(2): repeal and substitute:

- (2) A notice given under subsection (1) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 116(6): repeal and substitute:

- (6) A notice given 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 41 of that Act.

Section 243(7): repeal and substitute:

- (7) Rules made 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 41 of that Act.

Section 244(3): repeal and substitute:

- (3) A notice given 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 41 of that Act.

Section 280(7): repeal and substitute:

- (7) A notice given 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 41 of that Act.

Section 301(7): repeal and substitute:

- (7) A notice given under subsection (1)(c) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 327(5): repeal and substitute:

- (5) Minimum standards prescribed by the Secretary under this section are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 367(7): repeal and substitute:

- (7) A rule, amendment, or revocation made under subsection (1) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation

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

Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

Section 43Q(5): repeal and substitute:

- (5) A rule 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 41 of that Act.

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

Section 78(3): insert “or by any legislative instrument (within the meaning of the Legislation Act 2012)” after “pursuant to, any Act”.

**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 41 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 41 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 41 of that Act.

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

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

- (b) 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 41 of that Act.

Section 50(5): repeal and substitute:

- (5) An 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 41 of that Act.

Section 96B(5): repeal and substitute:

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

- (5) A notice issued 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 41 of that Act.

Section 141I: repeal and substitute:

**141I Application of Legislation Act 2012**

- (1) Part 2 of the Legislation Act 2012 does not apply to material incorporated by reference in regulations, group standards, notices of transfer, or codes of practice, or to any amendment to, or replacement of, that material.
- (2) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations, group standards, and notices of transfer that incorporate material by reference, but does not apply to codes of practice that incorporate material by reference.
- (3) However, nothing in section 41 of the Legislation Act 2012 requires material (including any amendment to, or replacement of, that material) that is incorporated by reference in regulations, group standards, or notices of transfer to be presented to the House of Representatives.

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

Section 69O(5): repeal and substitute:

- (5) Standards issued or adopted under subsection (1) are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 69ZL(3): repeal and substitute:

- (3) A notice under subsection (1)(j)(ii) 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 41 of that Act.

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 41 of the Legislation Act 2012 requires standards incorporated by reference in regulations to be presented to the House of Representatives.

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

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 41 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.

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

Section 16(1): repeal and substitute:

- (1) A notice under section 13 or 14 is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 9(7): repeal and substitute:

- (7) An Order in Council under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 14(4): repeal and substitute:

- (4) A notice published under section 11 or 12 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 41 of that Act.

Section 63: repeal and substitute:

**63 Application of Legislation Act 2012 to notices under section 54**

A notice issued under section 54, and an amendment or revocation of a notice issued under that section, is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 115(4): repeal and substitute:

- (4) An Order in Council under subsection (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 41 of that Act.

Section 132(3): repeal and substitute:

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

- (3) A notice under section 130 or 131 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 41 of that Act.

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

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

- (b) 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 41 of that Act.

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

Section 24(3): repeal and substitute:

- (3) An Order in Council under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 25(4)(a): insert “or the Legislation Act 2012” after “Acts and Regulations Publication Act 1989”.

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

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

- (b) are neither legislative instruments nor disallowable instruments for the purposes of the Legislation Act 2012 and do not have to be presented to the House of Representatives under section 41 of that Act.

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

- (c) 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 41 of that Act.

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

- (c) 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 41 of that Act.

Section 378: add:

- (9) A special direction 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 41 of that Act, unless this Act otherwise provides.

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

Section 39: repeal and substitute:

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

**39 Application of Legislation Act 2012 to code and standards**

The code of conduct and competency standards, and any amendment, revocation, or replacement of the code or standards, are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 3(7): repeal and substitute:

- (7) An Order in Council made under subsection (6) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

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

Section 36: omit “gazetted”.

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

Section 26(4): repeal and substitute:

- (4) A levy order is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 51: omit “the Regulations (Disallowance) Act 1989” in each place where it appears and substitute in each case “Part 3 of the Legislation Act 2012”.

Section 52(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “Part 3 of the Legislation Act 2012”.

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

Section 2(3): repeal and substitute:

- (3) An Order in Council made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

**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

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

- (b) must be presented to the House of Representatives under section 41 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 41 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 41 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 41 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.

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

Section 148(3): repeal and substitute:

- (3) All guidelines and standards issued under subsection (1) are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 2(3): repeal and substitute:

- (3) An Order in Council made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 61(3): repeal and substitute:



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

- (3) An 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 41 of that Act.

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

Section 65(4): omit “laid before the House of Representatives pursuant to the Regulations (Disallowance) Act 1989” and substitute “presented to the House of Representatives under section 41 of the Legislation Act 2012”.

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

Section 2(2): omit “regulation for the purposes of the Acts and Regulations Publication Act 1989” and substitute “legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012”.

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 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of that Act.

Section 160(6): repeal and substitute:

- (6) An ordinary rule 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 41 of that Act.

Section 162(4): repeal and substitute:

- (4) An emergency rule 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 41 of that Act.

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.

Section 168A(5): repeal and substitute:

- (5) A notice given 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 41 of that Act.

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

Section 46(4): repeal and substitute:

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

- (4) An Order in Council made under subsection (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 41 of that Act.

Section 65O(5): repeal and substitute:

- (5) An Order in Council made under subsection (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 41 of that Act.

Section 85: repeal and substitute:

**85 Status of GPS**

To avoid doubt, a GPS is not a direction for the purposes of Part 3 of the Crown Entities Act 2004 and is neither a legislative 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 41 of that Act).

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

Section 72: repeal and substitute:

**72 Application of Legislation Act 2012 to constitution of New Zealand Law Society**

The provisions of the constitution of the New Zealand Law Society and the provisions of any amendment to that constitution or to any new constitution adopted by the New Zealand Law Society are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 89: repeal and substitute:

**89 Application of Legislation Act 2012 to constitution of New Zealand Society of Conveyancers**

The provisions of the constitution of the New Zealand Society of Conveyancers and the provisions of any amendment to that constitution or to any new constitution adopted by the New Zealand Society of Conveyancers are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 106: repeal and substitute:

**106 Application of Legislation Act 2012 to rules**

The rules to which section 100 applies and amendments to those rules are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012.

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

New section 259I: replace section 259I with:

**259I Application of Legislation Act 2012 to standards incorporated by reference**

- (1) Part 2 of the Legislation Act 2012 does not apply to—
  - (a) financial reporting standards incorporated by reference in regulations made under section 259(1)(dc); or
  - (b) an amendment to, or replacement of, those standards.
- (2) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations made under section 259(1)(dc) that incorporate financial reporting standards by reference.
- (3) However, nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in regulations made under section 259(1)(dc) to be presented to the House of Representatives.

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 41 of that Act.

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

- (7) A determination by the Remuneration Authority under this clause 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 41 of that Act.

**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 41 of that Act.

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

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

- (ii) any legislative instrument within the meaning of the Legislation Act 2012 made by Order in Council; and

Section 56(2): repeal and substitute:

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

- (2) An Order in Council made under subsection (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 41 of that Act.

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

Section 81: repeal and substitute:

**81 Application of Legislation Act 2012**

- (1) An Order in Council made under section 7 or 8 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 41 of that Act.
- (2) A notice in the *Gazette* under section 16—
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of that Act.

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

Section 14(12): repeal and substitute:

- (12) A notice made under subsection (11) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**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 41 of that Act.

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

Section 49(4): repeal and substitute:

- (4) The notice is not a legislative instrument for the purposes of the Legislation Act 2012, but if the direction in the notice takes effect on a date on or after the notice is published in the *Gazette*, the notice is a disallowable instrument for the purposes of that Act and must be presented to the House of Representatives under section 41 of that Act.

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

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

- (a) 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 41 of that Act; and

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

Section 451(6): repeal and substitute:

- (6) A rule made under this Act is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 36(7): repeal and substitute:

- (7) A notice under subsection (2) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 55(4): repeal and substitute:

- (4) A notice under subsection (2) 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 41 of that Act.

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

Section 2(3): repeal and substitute:

- (3) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—
  - (a) a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; and
  - (b) a regulation for the purposes of the Interpretation Act 1999.

Section 96J(3): repeal and substitute:

- (3) An 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 41 of that Act.

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

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

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

Section 4(3): repeal and substitute:

- (3) An Order in Council made under subsection (1) or (1B) is a legislative instrument, but not a disallowable instrument, for the purposes of the Legislation Act

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

2012 and must be presented to the House of Representatives under section 41 of that Act.

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.

Section 5A(3): repeal and substitute:

- (3) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—
- (a) a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; and
  - (b) a regulation for the purposes of the Interpretation Act 1999.

Section 22(6): repeal and substitute:

- (6) A notice issued under subsection (1A) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 31(6): repeal and substitute:

- (6) A notice given by the Minister in the *Gazette* for the purposes of subsection (1) is—
- (a) a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; and
  - (b) a regulation for the purposes of the Interpretation Act 1999.

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

Section 33(3): repeal and substitute:

- (3) An Order in Council made under subsection (1) is a legislative 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 41 of that Act.

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

Section 29: repeal and substitute:

**29 Application of Legislation Act 2012 to approved code**

The approved code of practice 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 41 of that Act.

**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 42 of the Legislation Act 2012”.

Section 64(1)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 64(3)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 64(3)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 68(2)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 68(2)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 68(4)(c): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

Section 68(4)(d): omit “section 5 of the Regulations (Disallowance) Act 1989” and substitute “section 42 of the Legislation Act 2012”.

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 41 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.

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

Section 35: repeal and substitute:

**35 Application of Legislation Act 2012 to requirements**

A requirement 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 41 of that Act.

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

New section 12A: insert after section 12:

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

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

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

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

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

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

- (b) 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 41 of that Act.

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

- (b) 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 41 of that Act.

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

Section 21(4): repeal and substitute:

- (4) The notice is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 22(5): repeal and substitute:

- (5) The notice 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 41 of that Act.

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

Section 3: repeal and substitute:

**3 Application and limitation of Act**

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

**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:



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

- (b) rules that relate to the entitlement of members to use the designation chartered accountant;
- (c) the code of ethics required by section 7.

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

Section 11(11): repeal and substitute:

- (11) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act, but the conduct rules are neither a legislative instrument nor a disallowable instrument for the purposes of that Act.

Section 12(8): repeal and substitute:

- (8) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**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 41 of that Act.

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

Section 22(3): repeal and substitute:

- (3) An order made under subsection (2) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

- (b) any legislative instrument within the meaning of the Legislation Act 2012 made by Order in Council

Section 49(2): repeal and substitute:

- (2) An order made under subsection (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 41 of that Act.

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

Section 15(3): repeal and substitute:

- (3) All rules made under this section must be published under the Legislation Act 2012 as if they were legislative instruments, but they are not disallowable instruments for the purposes of that Act and do not have to be presented to the House of Representatives under section 41 of that Act.

Section 19(3): repeal and substitute:

- (3) Subject to this section and to section 20(1), a person who is bound by the provisions of an enactment (being an Act or a legislative instrument within the meaning of the Legislation Act 2012 made by Order in Council) to maintain secrecy in relation to, or not to disclose, any matter may be required to supply any information to or answer any question put by an Ombudsman in relation to that matter, or to produce to an Ombudsman any document or paper or thing relating to it, even if compliance with that requirement would otherwise be in breach of the obligation of secrecy or non-disclosure.

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

Section 2AB(3): repeal and substitute:

- (3) A notice published under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 25(4): repeal and substitute:

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

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

Section 12: repeal and substitute:

**12 Publication or notification is sufficient notice**

The publication in the *Gazette* or in accordance with the Legislation Act 2012 of any petroleum demand restraint regulations, or of any Order in Council, order, notice, warrant, licence, or other act of authority under this Act or under any petroleum demand restraint regulations must be treated for all purposes as notice of the act of authority to all persons concerned, and in any prosecution under this Act the liability of the accused must be determined accordingly.

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

Section 12(4): repeal and substitute:

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

- (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 41 of that Act.

Section 35(2): repeal and substitute:

- (2) A notice published under section 28 or 30 is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 52(3): repeal and substitute:

- (3) A notice published in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 145(2): repeal and substitute:

- (2) A notice under sections 142 to 144 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 41 of that Act.

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

Section 27(2): repeal and substitute:

- (2) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 14: add:

- (4) A notice in the *Gazette* under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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

- (b) any legislative instrument within the meaning of the Legislation Act 2012 made by Order in Council

Section 7(3)(a): omit “regulations within the meaning of the Regulations (Disallowance) Act 1989” and substitute “legislative instrument within the meaning of the Legislation Act 2012”.

Section 50: repeal and substitute:

**Privacy Act 1993 (1993 No 28)**—*continued***50 Application of Legislation Act 2012 to codes**

All codes of practice issued under section 46 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 41 of that Act.

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

Section 80A(6): repeal and substitute:

- (6) Instructions issued under this section are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 13(12): repeal and substitute:

- (12) A control 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 41 of that Act.

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

Section 22(4): repeal and substitute:

- (4) Rules made under subsection (2) are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 32(2): repeal and substitute:

- (2) Rules made under section 29 or 34 are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 59(2): repeal and substitute:

- (2) Rules made under section 52 or 54 are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**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.

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

- (3) However, nothing in section 41 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.

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

Section 54(5): repeal and substitute:

- (5) An ordinary rule 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 41 of that Act.

Section 56(4): repeal and substitute:

- (4) An emergency rule 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 41 of that Act.

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

Section 5(6): repeal and substitute:

- (6) Rules made under this section are a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 19(2): repeal and substitute:

- (2) A notice under section 14, 15, or 18 is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

Section 23(2): repeal and substitute:

- (2) A notice under any of sections 20 to 22 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 41 of that Act.

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

Section 11A: repeal and substitute:

**11A Application of Legislation Act 2012 to orders**

An Order in Council made under this Act 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 41 of that Act.

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

Section 74: repeal and substitute:

**Registered Architects Act 2005 (2005 No 38)—continued****74 Application of Legislation Act 2012 to rules**

The rules 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 41 of that Act.

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

Section 12B(9): repeal and substitute:

- (9) A determination to which subsection (1) or (2) applies is a legislative instrument for the purposes of the Legislation Act 2012, but is not required to be presented to the House of Representatives under section 41 of that Act and is not a disallowable instrument for the purposes of that Act.

Section 16(2): repeal and substitute:

- (2) A determination to which subsection (1) applies is a legislative instrument for the purposes of the Legislation Act 2012 but is not required to be presented to the House of Representatives under section 41 of that Act and is not a disallowable instrument for the purposes of that Act.

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

Section 4: repeal and substitute:

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

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

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

Section 81(5): repeal and substitute:

- (5) An Order in Council made under this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

- (a) rules are neither legislative instruments nor disallowable instruments for the purposes of the Legislation Act 2012 (and do not have to be presented to the House of Representatives under section 41 of that Act); and

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

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

- (5) An exemption is a disallowable instrument under the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

- (6) A class exemption must be published under section 6 of the Legislation Act 2012 and, for this purpose, **class exemption** means an exemption of general application that applies to a class of deposit takers.
- (7) An exemption that is not a class exemption under subsection (6) must, as soon as practicable after being granted, be—
  - (a) published on an Internet site maintained by or on behalf of the Bank; and
  - (b) notified in the *Gazette*; and
  - (c) made available in printed form for purchase on request by members of the public.
- (8) The Bank's reasons for granting the exemption (including why an exemption is appropriate) must be published together with the exemption.
- (9) However, the Bank may defer publishing, and need not publish, the reasons for granting an exemption if the Bank is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.
- (10) A notification in the *Gazette* for the purpose of subsection (7)(b) does not have to incorporate the exemption.

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

Section 46A(4): repeal and substitute:

- (4) A national policy statement prepared after the use of a process established under subsection (1)(b) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 92(1): repeal and substitute:

- (1) A code of practice is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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 41 of that Act.

Section 54D(3): repeal and substitute:

- (3) A notice issued by the FMA—

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

- (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 41 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 41 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 41 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.

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

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

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

Section 36E: add:

- (7) An exemption under this section is a disallowable instrument under the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.
- (8) A class exemption under this section must be published under section 6 of the Legislation Act 2012 and, for this purpose, **class exemption**—
  - (a) means an exemption of general application that applies to a class of securities markets or class of futures markets; but



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

- (b) does not include an exemption granted in relation to a particular securities market or futures market.
- (9) An exemption that is not a class exemption under subsection (8) must, as soon as practicable after being granted, be—
  - (a) published on an Internet site maintained by or on behalf of the FMA; and
  - (b) notified in the *Gazette*; and
  - (c) made available in printed form for purchase on request by members of the public.
- (10) A notification in the *Gazette* for the purpose of subsection (9)(b) does not have to incorporate the exemption.

Section 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 41 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 41 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

Section 37: add:

- (11) Declarations to which subsection (7)(b) applies (but no other declarations made under this section) are legislative instruments for the purposes of the Legislation Act 2012, and all declarations made under this section are disallowable instruments for the purposes of that Act and must be presented to the House of Representatives under section 41 of that Act.

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

- (1) An exemption granted under section 48—

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

- (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 41 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.

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

Section 7(8): repeal and substitute:

- (8) An Order in Council made under this section is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**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 41 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 41 of that Act.

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

Section 61H(3): repeal and substitute:

- (3) An Order in Council made under this section and presented to the House of Representatives under section 41 of the Legislation Act 2012 expires on the close of the period of 12 months commencing with the date on which it was presented, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date.

Section 61H(4): repeal and substitute:

- (4) An Order in Council made under this section that is presented to the House of Representatives under section 41 of the Legislation Act 2012, and that has been revoked by a subsequent Order in Council before the close of 31 December in the calendar year following the calendar year during which it was presented to the House, must be treated as being invalid in respect of the period for which it

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

purported to have effect except so far as it is expressly validated and confirmed in respect of that period by an Act passed before that date.

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

Section 110(3): repeal and substitute:

- (3) A notice published under section 108 or 109 or this section is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 24: repeal and substitute:

**24 Application of Legislation Act 2012 to rules**

- (1) The rules are 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 41 of that Act.
- (2) However, section 41 of the Legislation Act 2012 does not apply to material incorporated by reference in the rules.
- (3) To avoid doubt, nothing in Part 2 of the Legislation Act 2012 applies to material incorporated by reference in the rules.

Section 25: repeal.

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

Section 32(4): repeal and substitute:

- (4) A State enterprise must comply with a notice given under subsection (3), and the notice is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**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 41 of that Act.

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

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

Section 45: repeal and substitute:

**Takeovers Act 1993 (1993 No 107)—continued****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 41 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.

New section 45A: insert after section 45:

**45A Deferral of obligations, and variation or revocation of exemptions**

- (1) The Panel may defer complying with section 45(4) if the Panel is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.
- (2) The Panel may defer publishing, and need not publish, under section 45 the reasons for granting an exemption if the Panel is satisfied on reasonable grounds that it is proper to do so on the ground of commercial confidentiality.

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

- (3) The Panel may vary or revoke an exemption granted under section 45.
- (4) Section 45(1) to (5) and this section apply, with necessary modifications, in all respects to a variation or revocation under this section.

**Taratahi Agricultural Training Centre (Wairarapa) Act 1969 (1969 No 138)**

Section 3(2B): repeal and substitute:

- (2B) An Order in Council made under subsection (2A) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

Section 7G: repeal and substitute:

**7G Application of Legislation Act 2012**

- (1) An Order in Council that incorporates material by reference under section 7C, or amends or replaces such an order, 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 41 of that Act.
- (2) However, material incorporated by reference under section 7C does not have to be presented to the House of Representatives under section 41 of that Act.

Section 7H: repeal.

Section 9B(1)(b): omit “section 9 of the Acts and Regulations Publication Act 1989” and substitute “section 7 of the Legislation Act 2012”.

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 41 of that Act.

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

Section 11(1): repeal and substitute:

- (1) Every Order in Council made under section 9 and presented to the House of Representatives under the Legislation Act 2012 expires on the close of 31 December in the calendar year following the calendar year during which it was presented to the House, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date.

Section 11(3): repeal and substitute:

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

- (3) If the House of Representatives resolves that any Order in Council made under this Act (other than an Order in Council made under section 9) presented to it under the Legislation Act 2012 should be revoked or varied, it must be treated as having been revoked or varied in accordance with the terms of the resolution, and any duty payable must, so far as that resolution provides, be refunded.

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

Section 225A(3): repeal and substitute:

- (3) An Order in Council made under subsection (1) is a legislative instrument and a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

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 41 of that Act).

Section 69N(6): 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 41 of that Act.

Section 105(2): repeal and substitute:

- (2) A notice 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 41 of that Act.

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 41 of that Act.

Section 160(3): repeal and substitute:

- (3) A notice in the *Gazette* under subsection (1)(b) is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012

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

and must be presented to the House of Representatives under section 41 of that Act.

**Tourist and Health Resorts Control Act 1908 (1908 No 194)**

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

Section 6: omit “gazetted” and substitute “published in the *Gazette*”.

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

Section 76(4): repeal and substitute:

- (4) In subsection (3), **regulations**—
- (a) has the same meaning as it has in the Interpretation Act 1999; and
  - (b) includes legislative instruments within the meaning of the Legislation Act 2012; and
  - (c) includes any instruments that have, under any Act, been printed or published as if they were regulations or legislative instruments.

**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 41 of that Act.”

**United Nations Act 1946 (1946 No 7)**

Section 3(2): repeal and substitute:

- (2) The publication in the *Gazette* or in accordance with the Legislation Act 2012 of any regulations made under this Act or of any Order in Council, Proclamation, order, notice, warrant, licence, or other act of authority under this Act or under the regulations must be treated for all purposes as being notice of the act of authority to all persons concerned, and in any prosecution the liability of the accused must be determined accordingly.

**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.

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.

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

- (2) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations that incorporate material by reference.
- (3) However, nothing in section 41 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.

**Veterinarians Act 2005 (2005 No 126)**

Section 89: repeal and substitute:

**89 Application of Legislation Act 2012 to *Gazette* notices**

Every matter approved or prescribed under this Act that is required to be published in the *Gazette* is a disallowable instrument, but not a legislative instrument, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

**War Pensions Act 1954 (1954 No 54)**

Section 75C(3): repeal and substitute:

- (3) Every Order in Council made under this section and presented to the House of Representatives under section 41 of the Legislation Act 2012 expires on the close of the period of 12 months commencing with the date on which it was presented to the House, except so far as it is expressly validated and confirmed by an Act passed before that date.

Section 75C(4): repeal and substitute:

- (4) Every Order in Council made under this section and presented to the House of Representatives under section 41 of the Legislation Act 2012, and revoked by a subsequent Order in Council before the close of 31 December in the calendar year following the calendar year during which it was presented to the House, must be treated as being invalid in respect of the period for which it purported to have effect except so far as it is expressly validated and confirmed in respect of that period by an Act passed before that date.

**Wellington Airport Act 1990 (1990 No 56)**

Section 7: add:

- (11) An Order in Council made under subsection (3) is neither a legislative 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 41 of that Act.

**Wildlife Act 1953 (1953 No 31)**

Section 72(3B): repeal and substitute:



**Wildlife Act 1953 (1953 No 31)—continued**

(3B) A notice in the *Gazette* made under subsection (3A) 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 41 of that Act.

**Wine Act 2003 (2003 No 114)**

Section 96(1)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “Part 3 of the Legislation Act 2012”.

Section 96(2)(b): omit “the Regulations (Disallowance) Act 1989” and substitute “Part 3 of the Legislation Act 2012”.

Section 120(3): repeal and substitute:

(3) A notice under subsection (1)(o) 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 41 of that Act.

Schedule 1: amended, on 1 March 2017, by section 183(b) of the Senior Courts Act 2016 (2016 No 48).

Schedule 1: amended, on 5 December 2013, by section 4(2) of the Legislation Amendment Act 2013 (2013 No 122).

Schedule 1: amended, on 5 December 2013, by section 4(3) of the Legislation Amendment Act 2013 (2013 No 122).

Schedule 1: amended, on 24 May 2013, by section 65 of the Crown Minerals Amendment Act 2013 (2013 No 14).

## Schedule 2

### Confirmable instruments

ss 4, 47A, 47B

Schedule 2: inserted, on 1 January 2016, by section 13 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

<b>Act</b>	<b>Empowering section(s) and restriction (if any)</b>
Agricultural Compounds and Veterinary Medicines Act 1997	81E
Animal Products Act 1999	118
Antarctica (Environmental Protection) Act 1994	55(2)
Arms Act 1983	74A(a)
Arms Act 1983	74A(b)
Arms Act 1983	74A(c)
Arms Act 1983	74A(d)
Arms Act 1983	74A(e)
Biosecurity Act 1993	100L
Biosecurity Act 1993	100ZB
Biosecurity Act 1993	137
Biosecurity Act 1993	150
Civil Aviation Act 1990	42A
Climate Change Response Act 2002	162(1)
Climate Change Response Act 2002	202(1)
Commodity Levies Act 1990	4 (apart from, or with, section 305 of the Fisheries Act 1996, or section 111 of the Wine Act 2003)
Contract and Commercial Law Act 2017	239(2)—restriction: only if the order makes an addition to Schedule 5
Copyright Act 1994	234(1)(qa) and (qb)
Criminal Procedure Act 2011	387(1)(i)
Criminal Procedure Act 2011	387(1)(j)
Customs and Excise Act 2018	96(1)
Customs and Excise Act 2018	Clause 20 of Schedule 3
Customs and Excise Act 2018	Clause 21(1) of Schedule 3
Customs and Excise Act 2018	Clause 23(1) of Schedule 3—restriction: only if the order increases a rate of duty
Education and Training Act 2020	10(2)
Education and Training Act 2020	382(1)
Energy (Fuels, Levies, and References) Act 1989	33(1)
Energy Resources Levy Act 1976	5(1)
Fisheries Act 1996	74(7)
Food Act 2014	207
Forests Act 1949	67ZM
Gambling Act 2003	319(1)
KiwiSaver Act 2006	65(1)

<b>Act</b>	<b>Empowering section(s) and restriction (if any)</b>
Land Transport Act 1998	167(1)(j)—restriction: only if the regulations prescribe fees or charges that are identified as land transport revenue for the purposes of the Land Transport Management Act 2003
Land Transport Act 1998	269 and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Land Transport Act 1998	269A and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Land Transport Management Act 2003	65ZJ(1)
Maritime Security Act 2004	78(4)(b)
National Animal Identification and Tracing Act 2012	62
National Animal Identification and Tracing Act 2012	67(2)
New Zealand Superannuation and Retirement Income Act 2001	15(2)
New Zealand Superannuation and Retirement Income Act 2001	30(2)
Parental Leave and Employment Protection Act 1987	71O and 73(1)(ad)
Parental Leave and Employment Protection Act 1987	73(1)(ae)
Petroleum Demand Restraint Act 1981	4(1)
Policing Act 2008	27(1)
Primary Products Marketing Act 1953	3(1)
Reserve Bank of New Zealand Act 1989	152 and 173—restriction: only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5
Road User Charges Act 2012	85(1)
Social Security Act 2018	423(1)(c)
Social Security Act 2018	452(1) (apart from, or with, cl 55(6) of Schedule 1)
Tariff Act 1988	9
Tax Administration Act 1994	225B(1)(a)
Tax Administration Act 1994	225B(1)(b)
Veterans' Support Act 2014	190(2)
Waste Minimisation Act 2008	41(1)(e)
Wine Act 2003	89

Schedule 2: amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 2: amended, on 1 July 2020, by section 20(2) of the Land Transport (Rail) Legislation Act 2020 (2020 No 33).

Schedule 2: amended, on 1 April 2020, by section 78(1) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Schedule 2: amended, on 12 April 2019, by section 73 of the Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12).

Schedule 2: amended, on 30 December 2018, by section 65 of the Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90).

Schedule 2: amended, on 26 November 2018, by section 459 of the Social Security Act 2018 (2018 No 32).

Schedule 2: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Schedule 2: amended, on 27 June 2018, by section 9(2) of the Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15).

Schedule 2: amended, on 1 September 2017, by section 347 of the Contract and Commercial Law Act 2017 (2017 No 5).

## Notes

### **1** *General*

This is a consolidation of the Legislation Act 2012 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

### **2** *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

### **3** *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

### **4** *Amendments incorporated in this consolidation*

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Land Transport (Rail) Legislation Act 2020 (2020 No 33): section 20

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 78(1)

Legislation (Repeals and Amendments) Act 2019 (2019 No 59): sections 3, 10

Arms (Prohibited Firearms, Magazines, and Parts) Amendment Act 2019 (2019 No 12): section 73

Social Security Act 2018 (2018 No 32): section 459

Land Transport Management (Regional Fuel Tax) Amendment Act 2018 (2018 No 15): section 9

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Contract and Commercial Law Act 2017 (2017 No 5): section 347

Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90): Part 5 (as amended by Trans-Pacific Partnership Agreement (CPTPP) Amendment Act 2018)

Senior Courts Act 2016 (2016 No 48): section 183(b)

Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120)

Standards and Accreditation Act 2015 (2015 No 91): section 45(1)

Legislation Act Commencement Order (No 2) 2013 (SR 2013/479)

Legislation Amendment Act 2013 (2013 No 122)

Legislation Act Commencement Order 2013 (SR 2013/242)

Crown Minerals Amendment Act 2013 (2013 No 14): section 65

