Version
as at 4 September 2026

Legislation Act 2019

Public Act	2019 No 58
Date of assent	28 October 2019
Commencement	see section 2

Contents

		Page
1	Title	7
2	Commencement	7
	Part 1 **Preliminary provisions**	
3	Purpose of this Act	8
4	Overview of this Act	9
5	Interpretation	10
6	Transitional, savings, and related provisions	12
7	Act binds the Crown	12
	Part 2 **Interpretation and application of legislation**	
	Purposes and application	
8	Purposes of this Part	12
9	Application of this Part	12
	General principles of interpretation	
10	How to ascertain meaning of legislation	13

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 Parliamentary Counsel Office.

11 Legislation applies to circumstances as they arise 13
12 Legislation does not have retrospective effect 13

General definitions and interpretation provisions

13 Definitions of terms for all legislation 13
14 Meaning of de facto relationship 16
15 Meaning of step-parent, etc 16
16 References to specific gender or kind of person include others 17
17 When sending by post is taken as done 17
18 Parts of speech have corresponding meaning 17
19 Words in singular include plural and vice versa 17
20 Words used in secondary legislation or other instruments have same meaning as in empowering legislation 17
21 Anything done under secondary legislation or other instrument is also done under Act 18
22 Legislation not binding on the Crown 18
23 Examples do not limit provision 18

Commencement of legislation

24 Outline of commencement provisions 18
25 Date on which Acts commence 19
26 Date on which secondary legislation commences 19
27 Time at which legislation commences 19
28 When legislation commences if calculated by number of months 19
29 Power to make commencement order 20

Amendment and repeal

30 Amendments part of, and construed with, legislation amended 21
31 References to repeal or amendment extend to other ceasing of effect 21
32 Effect of repeal or amendment generally 21
33 Effect of repeal or amendment on existing rights and proceedings 21
34 Effect of repeal or amendment on prior offences and breaches of legislation 22
35 Powers exercised under repealed or amended legislation have continuing effect 22
36 Legislation made under repealed legislation has continuing effect 22
37 How to apply references to new legislation that is not yet in force 22
38 How to apply references to repealed legislation 23
39 Time of repeal of legislation on particular day 23

General empowering provisions

40 Authority to make secondary legislation 23
41 Secondary legislation may make consequential amendments to other secondary legislation 23

42 Amendments made to secondary legislation by Act do not prevent later amendments 24

Exercise of powers in legislation generally

43 When powers can be exercised before commencement 24
44 Limit on when pre-commencement exercise of powers takes effect 24
45 Power to appoint person to an office includes related powers 25
46 Power to do things may be exercised to correct errors 25
47 Powers of office holder may be exercised by acting office holders 25
48 Power to make includes power to amend or revoke 26
49 Power to make different provision for classes of matters 26
50 Power to identify matters using classes 26
51 Exercise or performance of powers, functions, and duties more than once 26

Forms

52 Use of approved or prescribed forms 27
53 Extension of power to approve or prescribe forms 27

Time and distance

54 When periods start and end 28
55 Extension for doing thing if day or last day is not working day 29
56 Calculating periods of months (except for commencement of legislation) 29
57 Determining time generally 29
58 Determining measurements of distance 30

Revision Acts

59 Meaning of revision Act and old law 30
60 Revision Act is generally to have same effect as old law 30
61 Using old law as interpretation guide for revision Act 30
62 Exceptions: when revision Act changes effect of old law 30

Power to incorporate by reference

63 Interpretation 31
64 Power for secondary legislation to incorporate material by reference 31
65 Schedule 2 applies if material incorporated by reference 32
66 Effect of amendments to material incorporated by reference 32

Part 3
Drafting and publishing of legislation

Subpart 1—Drafting and publishing legislation

Key drafting responsibilities

67 What legislation is drafted by PCO 32
68 Power to authorise IRD to draft Inland Revenue Bills 33

Key publishing responsibilities

69 PCO must publish all legislation 33
70 PCO must publish consolidations of legislation that is amended 34
71 How and when PCO must publish legislation and consolidations of legislation 34
72 How and when electronic versions of legislation must be available on legislation website 35

Other provisions applying to secondary legislation not published by PCO

73 Maker must publish secondary legislation not published by PCO (if required) 35
74 Applicable publication requirements for secondary legislation not published by PCO 35
75 Additional applicable publication requirements for secondary legislation with international transparency obligations under CPTPP 36
76 Chief Parliamentary Counsel must support international transparency obligations 37
77 Definitions for purposes of international transparency obligations 37

Official versions and related matters

78 Official versions of legislation 38
79 Legal status of official versions 39
79A Legislative status of publication notes and information 39
80 Evidential status of minimum legislative information 40
81 Judicial notice of legislation 40
82 Power to revoke spent secondary legislation and other instruments 40

Attorney-General directions

83 Attorney-General directions under this Part 41

Annual report on exemptions from presentation and other drafting and publication matters

83A Annual report on exemptions from presentation and other drafting and publication matters 41

Subpart 2—Correcting errors and making other editorial changes

84 Purpose of this subpart 41
85 Interpretation 42
86 Power to make editorial changes 42
87 Editorial changes 42
88 Changes to numbering 44
89 Changes to format 45
90 When changes take effect 45
91 Changes to legislation to be noted on legislation website 45

Subpart 3—Revision Bills

92 Purpose of this subpart 46
93 Overview of this subpart 46
94 Interpretation 46

Preparation of revisions

95 Three-yearly revision programme 46
96 Revision powers 47
97 Format of revision Bill 48
98 Certification of revision Bill 49
99 Amendments proposed by revision Bills 49
100 PCO's annual report may address matters relating to revision and editorial changes 49

Part 4
Disclosure requirements for Government-initiated legislation

[Repealed]

101 Purpose of this Part *[Repealed]* 50
102 Interpretation in this Part *[Repealed]* 50
103 Chief executives must prepare and publish disclosure statements for Government-initiated legislation *[Repealed]* 50
104 What must be contained, or linked to, in disclosure statements *[Repealed]* 50
105 Disclosure statement requirements do not apply to certain Bills and amendments *[Repealed]* 50
106 Chief executives must act independently and include statement of responsibility *[Repealed]* 50
107 Government notice must be issued to support consistent approach across agencies *[Repealed]* 50
108 Government notice may be issued only with approval of House of Representatives *[Repealed]* 51
109 Factors to be considered in determining classes of legislation requiring disclosure statements *[Repealed]* 51
110 Ministerial direction may be given to support consistent approach across agencies *[Repealed]* 51
111 Disclosure relates only to information available to public under Official Information Act 1982 *[Repealed]* 51
112 Validity of legislation not affected by failure to comply with this Part *[Repealed]* 51

Part 5
Parliament's oversight of secondary legislation

113 Purpose of this Part 51

Subpart 1—Presentation to House of Representatives

114 Secondary legislation must be presented to House of Representatives 51

Subpart 2—Disallowance by House of Representatives

115 All secondary legislation subject to disallowance, with limited exceptions 52
116 House of Representatives may disallow secondary legislation by resolution 52
117 Secondary legislation disallowed if House of Representatives does not dispose of motion to disallow 52
118 Effect of disallowance on legislation 53
119 House of Representatives may amend or replace secondary legislation 53
120 Resolution or motion is secondary legislation 54

Subpart 3—Confirmation

121 Definitions used in this subpart 54
122 What secondary legislation must be confirmed under this subpart 54
123 Secondary legislation must be confirmed by deadline (or otherwise will be revoked) 55
124 How to confirm secondary legislation 55
125 Usual effect of revocation if not confirmed by deadline 55
126 Effect on some legislation of not being confirmed by deadline (whether or not earlier revoked) 56
127 Confirmable secondary legislation must state this fact 56

Part 6
Parliamentary Counsel Office

128 Parliamentary Counsel Office continues 56

Objective and functions of PCO

129 Objective of PCO 57
130 Functions of PCO 57
131 Confidentiality 57

Powers of Chief Parliamentary Counsel

132 Powers of Chief Parliamentary Counsel 58
133 Delegation of functions, duties, and powers 58
134 Revocation of delegations 59

Chief Parliamentary Counsel and employees of PCO

135 Chief Parliamentary Counsel 59
136 Parliamentary counsel 60
137 Chief Parliamentary Counsel and parliamentary counsel to hold legal qualification 60
138 Other employees of PCO 61

139 Remuneration and conditions of appointment of Chief Parliamentary Counsel 61
140 Chief Parliamentary Counsel acts as employer 61
141 Collective agreements 61
142 Employment principles 61
143 Appointments on merit 62
144 Chief Parliamentary Counsel to establish procedure for notifying vacancies and appointments, and reviewing appointments 62
145 Secondments from elsewhere in State Services for developing senior leadership and management capability 62
146 Protection from liability 62

Part 7
Regulations and miscellaneous provisions

Regulation-making powers

147 Regulations 63
147A Regulations may make consequential amendments to other secondary legislation that authorises sub-delegated legislation 67

Review of revision programme provisions

[Repealed]

148 Review of revision programme provisions after 30 June 2020 68
[Repealed]

Schedule 1 69
Transitional, savings, and related provisions

Schedule 1A 87
Secondary legislation made by Royal prerogative

Schedule 2 88
Incorporation by reference

Schedule 3 90
Exemptions from presentation or disallowance under this Act

Schedule 4 96
Secondary legislation subject to confirmation by Act

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Legislation Act 2019.

2 Commencement

(1) This Act comes into force as follows:

(a) section 147 (which contains regulation-making powers) comes into force on the day after the date of Royal assent:

(aa) the following provisions (which contain regulation-making powers) come into force on the day after the date on which the Secondary Legislation Act 2021 receives the Royal assent:

(i) clause 19 of Schedule 1 and section 6 (but only for the purpose of giving effect to clause 19):

(ii) section 147A:

(b) the rest of this Act comes into force—

(i) on 1 or more dates set by Order in Council; or

(ii) to the extent not brought into force earlier, on the fifth anniversary of the date on which the Secondary Legislation Act 2021 receives the Royal assent.

(2) One or more Orders in Council may set different dates for different provisions (and, for that purpose, may commence a provision only for the purpose of giving effect to some, but not other, parts of this Act).

(3) An Order in Council made under this section is secondary legislation (*see* Part 3 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Section 2(1)(aa): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(1)(b)(i): the rest of this Act (except Part 4, section 148, and provisions already in force) brought into force, on 28 October 2021, by clause 2 of the Legislation Act 2019 Commencement Order 2021 (LI 2021/249).

Section 2(1)(b)(ii): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 2(3): inserted, on 28 October 2021, by regulation 103 of the Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247).

Part 1
Preliminary provisions

3 Purpose of this Act

(1) The purpose of this Act is to promote high-quality legislation for New Zealand that is easy to find, use, and understand.

(2) To that end, this Act—

(a) states principles and rules about the interpretation of legislation:

(b) allows legislation to be simpler, shorter, and more consistent:

(c) provides for all legislation to be published electronically in 1 place over time (with exceptions):

(d) provides tools for modernising and simplifying legislation and keeping legislation up to date:

(e) supports effective parliamentary and public scrutiny of legislation:

(f) continues the PCO with functions and objectives that promote that purpose.

4 Overview of this Act

(1) In this Act,—

(a) this Part contains the purpose of this Act, definitions, and other preliminary provisions:

(b) Part 2 provides for the interpretation and application of legislation, including—

(i) principles of interpretation and default definitions that apply (for example, a definition of working day):

(ii) providing for rules that apply to the commencement, amendment, and repeal of legislation:

(iii) general empowering provisions (for example, so that a power to prescribe a form can be used to prescribe required information and the method for supplying the required information in place of a form):

(c) Part 3 provides for the drafting and publication of legislation, including by—

(i) setting drafting and publication responsibilities; and

(ii) providing tools for correcting errors in legislation; and

(iii) providing for revision programmes to revise New Zealand's legislation:

(d) *[Repealed]*

(e) Part 5 supports parliamentary oversight and control over secondary legislation through—

(i) providing for the House of Representatives to disallow all secondary legislation (with limited exceptions); and

(ii) setting the deadlines for confirmation of secondary legislation (if confirmation by Parliament is required) and the consequences of not confirming:

(f) Part 6 continues the PCO with the functions of drafting and publishing legislation and with associated functions that support the stewardship of New Zealand's legislation:

(g) Part 7 contains regulation-making powers and miscellaneous provisions.

(2) This section is only a guide to the general scheme and effect of this Act.

(3) *See also*—

(a) the Imperial Laws Application Act 1988, which provides for this Act to apply to Imperial legislation; and

(b) the Legislation (Repeals and Amendments) Act 2019, which contains repeals, revocations, and amendments to other legislation, as well as later amendments to this Act to require centralised publication of secondary legislation.

Section 4(1)(d): repealed, on 17 March 2026, by section 5(1) of the Legislation Amendment Act 2026 (2026 No 7).

5 Interpretation

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

administering agency means, in relation to legislation, the department, Office of Parliament, or other organisation that is, or will be, responsible for administering the legislation

applicable publication requirements has the meaning set out in section 74

chief executive, in relation to an administering agency, means the chief executive of the administering agency

Chief Parliamentary Counsel means the person who holds that office under section 135

consolidation means a version of legislation published under section 70

current drafting practice, in subpart 2 of Part 3, has the meaning set out in section 85

disallowance exemption means an exemption under section 115(a) to (d)

empowering legislation, in relation to any secondary legislation or instrument, means—

(a) the legislation that empowers the making of the secondary legislation or instrument; or

(b) the Royal prerogative (for anything done under the Royal prerogative)

empowering provision, in relation to any secondary legislation or instrument, means—

(a) the provision of the empowering legislation that empowers the making of the secondary legislation or instrument; or

(b) the Royal prerogative (for anything done under the Royal prerogative)

instrument includes secondary legislation and any instrument that is not legislation (for example, an administrative document)

introduction, in relation to a Bill, means the introduction of the Bill in accordance with the rules and practice of the House of Representatives

legislation means the whole or a part of an Act or any secondary legislation

legislation website means any Internet site maintained by, or on behalf of, the PCO for the publication of legislation or supporting material (or both)

maker, in relation to any secondary legislation or instrument, means the person empowered to make the secondary legislation or instrument (but *see also* subsection (2))

minimum legislative information means—

(a) the Title of the legislation; and

(b) the empowering provision; and

(c) the administering agency; and

(d) any other information required by regulations made under this Act

official version, in relation to legislation, means a version of the legislation that has the status of an official version under section 78

PCO means the Parliamentary Counsel Office

presentation exemption means an exemption of the type referred to in section 114(2)

referential words, in subpart 2 of Part 3, has the meaning set out in section 85

release, in relation to an amendment to a Bill, means the circulation or release of the amendment to the House of Representatives in accordance with the rules and practice of the House of Representatives

secondary legislation means an instrument (whatever it is called) that—

(a) is made under an Act if the Act (or any other legislation) states that the instrument is secondary legislation; or

(b) is made under the Royal prerogative in a form and for a purpose set out in Schedule 1A

Example

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

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

(2) In this Act, a reference to the **maker** of any secondary legislation or instrument is, if the Governor-General is empowered to make that legislation or

instrument, a reference to the relevant Minister for that secondary legislation or instrument.

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

Section 5(1) **central government entity**: repealed, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Section 5(1) **disallowance exemption**: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 5(1) **Government amendment**: repealed, on 17 March 2026, by section 6(3) of the Legislation Amendment Act 2026 (2026 No 7).

Section 5(1) **legislative guidelines or standards**: repealed, on 17 March 2026, by section 6(3) of the Legislation Amendment Act 2026 (2026 No 7).

Section 5(1) **legislative quality procedures**: repealed, on 17 March 2026, by section 6(3) of the Legislation Amendment Act 2026 (2026 No 7).

Section 5(1) **relevant policy agency**: repealed, on 17 March 2026, by section 6(3) of the Legislation Amendment Act 2026 (2026 No 7).

Section 5(1) **responsible Minister**: repealed, on 17 March 2026, by section 6(3) of the Legislation Amendment Act 2026 (2026 No 7).

Section 5(1) **secondary legislation** paragraph (b): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

6 Transitional, savings, and related provisions

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

7 Act binds the Crown

This Act binds the Crown.

Part 2
Interpretation and application of legislation

Purposes and application

8 Purposes of this Part

The purposes of this Part are to—

(a) state principles and rules for the interpretation of legislation:

(b) allow legislation to be simpler, shorter, and more consistent.

Compare: 1999 No 85 s 2

9 Application of this Part

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

(a) the legislation provides otherwise; or

(b) the context of the legislation requires a different interpretation.

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

Compare: 1999 No 85 s 4

General principles of interpretation

10 How to ascertain meaning of legislation

(1) The meaning of legislation must be ascertained from its text and in the light of its purpose and its context.

(2) Subsection (1) applies whether or not the legislation's purpose is stated in the legislation.

(3) The text of legislation includes the indications provided in the legislation.

(4) Examples of those indications are preambles, a table of contents, headings, diagrams, graphics, examples and explanatory material, and the organisation and format of the legislation.

Compare: 1999 No 85 s 5

11 Legislation applies to circumstances as they arise

Legislation applies to circumstances as they arise.

Compare: 1999 No 85 s 6

12 Legislation does not have retrospective effect

Legislation does not have retrospective effect.

Compare: 1999 No 85 s 7

General definitions and interpretation provisions

13 Definitions of terms for all legislation

In legislation,—

Act means an Act—

(a) of the Parliament of New Zealand; or

(b) of the General Assembly

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

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

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

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

department, in relation to any legislation, means the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for the administration of the legislation

enactment means the whole or a part of an Act or any secondary legislation

Gazette means the *New Zealand Gazette* (or a supplement to the *New Zealand Gazette*) published or purporting to be published under the authority of the New Zealand Government

Governor-General in Council or a similar expression means the Governor-General acting on the advice and with the consent of the Executive Council

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

legislation website has the meaning set out in section 5(1)

maker has the meaning set out in section 5

Minister, in relation to any legislation, means the Minister of the Crown who, under the authority of a warrant or with the authority of the Prime Minister, is responsible for the administration of the legislation

Ministry, in relation to any legislation, means the department, departmental agency, or interdepartmental venture (as named in Part 1, 2, or 4 of Schedule 2 of the Public Service Act 2020) that, with the authority of the Prime Minister, is responsible for the administration of the legislation

month means a calendar month

New Zealand or similar words referring to New Zealand, when used as a territorial description,—

(a) means the islands and territories within the Realm of New Zealand; but

(b) does not include the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency

North Island or **Te Ika-a-Māui**, both official alternative names, means the island commonly known as the North Island, and includes the islands adjacent to it

office includes position

Order in Council means an order made by the Governor-General in Council

person includes a corporation sole, a body corporate, and an unincorporated body

prescribed means prescribed by or under legislation

presentation exemption has the meaning set out in section 5(1)

proceeding means a proceeding (whether civil, criminal, disciplinary, or other, at any stage, and interlocutory or main)—

(a) in or before a court or tribunal, or before a person acting judicially; or

(b) of a person or body performing administrative functions, investigative functions, or both

Proclamation means a Proclamation made and signed by the Governor-General under the Seal of New Zealand and (if it is not legislation) published in the *Gazette*

public notification, **public notice**, or a similar expression in relation to an act, a matter, or a thing, means a notice published—

(a) in the *Gazette*; or

(b) in 1 or more newspapers circulating in the area to which the act, matter, or thing relates or in which it arises; or

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

repeal, in relation to any legislation, includes—

(a) expiry (or any other lapsing or ceasing of effect); and

(b) revocation; and

(c) replacement

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

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

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

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

working day means a day of a week other than—

(a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, Te Rā Aro ki a Matariki/Matariki Observance Day, and Labour Day; and

(b) a day in the period commencing with 25 December in a year and ending with 2 January in the following year; and

(c) if 1 January falls on a Friday, the following Monday; and

(d) if 1 January falls on a Saturday or a Sunday, the following Monday and Tuesday; and

(e) if Waitangi Day or Anzac Day falls on a Saturday or a Sunday, the following Monday

writing means representing or reproducing words, figures, or symbols in a visible and tangible form and medium (for example, in print) (but *see* Part 4

of the Contract and Commercial Law Act 2017, which provides for meeting written requirements by electronic means).

Compare: 1999 No 85 s 29

Section 13 **department**: replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 13 **Ministry**: replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 13 **North Island** or **Te Ika-a-Māui**: amended, on 30 November 2022, by section 68(1) of the Statutes Amendment Act 2022 (2022 No 75).

Section 13 **South Island** or **Te Waipounamu**: amended, on 30 November 2022, by section 68(2) of the Statutes Amendment Act 2022 (2022 No 75).

Section 13 **working day** paragraph (a): replaced, on 12 April 2022, by wehenga 7 o Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/section 7 of the Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14).

14 Meaning of de facto relationship

(1) In any legislation, **de facto relationship** means a relationship between 2 people (regardless of their sex, sexual orientation, or gender identity) who—

(a) live together as a couple in a relationship in the nature of marriage or civil union; and

(b) are not married to, or in a civil union with, each other; and

(c) are both aged 16 years or older.

(2) However, a relationship involving a person aged 16 or 17 years is not a de facto relationship unless that person has obtained consent for the relationship in accordance with section 46A of the Care of Children Act 2004.

(3) In determining whether 2 people live together as a couple in a relationship in the nature of marriage or civil union, the court or person required to determine the question must have regard to—

(a) the context, and the purpose of the law, in or for which the question is to be determined; and

(b) all the circumstances of the relationship.

(4) A de facto relationship ends if—

(a) the de facto partners cease living together as a couple in a relationship in the nature of marriage or civil union; or

(b) one of the de facto partners dies.

Compare: 1999 No 85 s 29A

15 Meaning of step-parent, etc

The relationship of step-parent, stepson, stepdaughter, or any other relationship described by a word containing the prefix "step", may be established by civil union or by de facto relationship as well as by marriage.

Compare: 1999 No 85 s 29B

16 References to specific gender or kind of person include others

(1) Words denoting a gender include every other gender.

(2) Words denoting a natural person by referring to a gender (for example, "he or she") or words referring to persons generally (for example, "someone" or "people") include a corporation sole, a body corporate, and an unincorporated body if capable of referring to a corporation sole, a body corporate, or an unincorporated body.

(3) Words denoting a corporation sole, a body corporate, or an unincorporated body include a natural person if capable of referring to a natural person.

Compare: 1999 No 85 s 31; Acts Interpretation Act 1901 ss 2C, 23(a) (Aust); Acts Interpretation Act 1915 s 26(d), (e) (SA)

17 When sending by post is taken as done

(1) This section applies to legislation that authorises or requires a document to be sent by post (whether the expression "serve", "give", or "send", or any other expression, is used).

(2) The document is taken to be sent if it is properly addressed, prepaid, and posted as a postal article.

(3) The document is taken to be received at the time at which it would be delivered in the ordinary course of post.

(4) However, subsection (2) or (3) does not apply if the contrary is proved.

(5) *See also* Part 4 of the Contract and Commercial Law Act 2017, which provides for the deemed timing and receipt of electronic communications.

Compare: Acts Interpretation Act 1901 s 29 (Aust); Interpretation Act 1978 s 7 (UK)

18 Parts of speech have corresponding meaning

Parts of speech and grammatical forms of a word that is defined in any legislation have corresponding meanings in the same legislation.

Compare: 1999 No 85 s 32

19 Words in singular include plural and vice versa

Words in the singular include the plural, and words in the plural include the singular.

Compare: 1999 No 85 s 33

20 Words used in secondary legislation or other instruments have same meaning as in empowering legislation

A word or an expression used in secondary legislation, or in any instrument, has the same meaning as it has, from time to time, in the legislation under which the secondary legislation or instrument is made.

Compare: 1999 No 85 s 34

21 Anything done under secondary legislation or other instrument is also done under Act

A reference to anything being done under an Act includes anything done under secondary legislation, or another instrument, that is made under that Act.

Example

An Act empowers regulations to authorise a regulator to set fees. The Act requires all fees paid under the Act to be paid to the Crown. The regulations require the regulator to set fees by issuing a notice. The fees set in the regulator's notice are paid under the Act and so must be paid to the Crown.

22 Legislation not binding on the Crown

(1) No Act or part of an Act binds the Crown unless the Act (or other legislation) expressly provides that the Crown is bound by the Act or part.

(2) No secondary legislation, or part of secondary legislation, made under an Act or part of an Act binds the Crown unless—

(a) the Act (or another Act) expressly provides that the Crown is bound by the Act or part of the Act; or

(b) the Act or the secondary legislation (or any other legislation) expressly provides that the Crown is bound by the secondary legislation or part of the secondary legislation.

Compare: 1999 No 85 s 27

23 Examples do not limit provision

(1) An example provided in legislation of the operation of a provision of the legislation does not limit the provision.

(2) *See* section 10, which includes examples as part of the text of legislation from which its meaning must be ascertained.

Compare: Acts Interpretation Act 1901 s 15AD (Aust)

Commencement of legislation

24 Outline of commencement provisions

(1) Sections 25 to 29 set rules for the commencement of legislation that—

(a) give effect to the commencement stated or provided for in the legislation; and

(b) provide default rules for commencement if the legislation does not state or provide for the commencement; and

(c) provide further detail for the effective operation and application of those rules.

(2) Subsection (1) is a guide only to the general scheme and effect of the provisions that affect commencement of legislation.

25 Date on which Acts commence

(1) An Act or a part of an Act comes into force on the date stated or provided for in the Act.

(2) If an Act does not state or provide for a commencement date for the Act or part, the Act or part comes into force on the day after Royal assent.

(3) However, an Act's Title and commencement sections, and any principal legislation provision, come into force on Royal assent (and no reference in the commencement section includes them).

(4) In subsection (3), **principal legislation provision** means a section or part of a section that identifies legislation being amended.

Compare: 1999 No 85 s 8

Section 25(3): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 25(4): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

26 Date on which secondary legislation commences

(1) Secondary legislation or a part of any secondary legislation comes into force on the date stated or provided for in the legislation.

(2) If it does not state or provide for that date, the legislation or part comes into force on the day after it is published or first made available (whether under Part 3 or otherwise as required by law).

(3) However, the secondary legislation's Title and commencement provisions, and any provision identifying the principal legislation amended, come into force on its making (and no reference in the commencement provision includes them), even if it is not yet published.

Compare: 1999 No 85 s 9

27 Time at which legislation commences

Legislation comes into force—

(a) at the start of the day on which it comes into force (unless paragraph (b) or (c) applies); or

(b) if it is expressed to come into force from a particular day, at the start of the next day; or

(c) if it states or provides for a particular time of commencement on a date on which it comes into force, at that time.

Compare: 1999 No 85 s 10

28 When legislation commences if calculated by number of months

(1) This section applies to legislation expressed to come into force a number of months after a day or an act or event that occurs on a day (**date A** in the **starting month**).

(2) The legislation comes into force in the month that is that number of months after the starting month,—

(a) on the day of that month that corresponds to date A; or

(b) if there is no such day, on the last day of that month.

(3) This section applies instead of section 56 (on months generally).

Examples

ABC Act 2020 states that it comes into force a month after Royal assent. Royal assent is given on 1 July 2020. The Act comes into force on 1 August 2020.

XYZ Act 2020 states that it comes into force 4 months after Royal assent. Royal assent is given on 31 May 2020. The Act comes into force on 30 September 2020 (because September does not have 31 days).

29 Power to make commencement order

(1) A power to make an Order in Council bringing legislation into force—

(a) includes a power to state a time of commencement on the date that is set; and

(b) is capable of being exercised more than once to amend, revoke, or replace an Order in Council made in a previous exercise of the power, so long as each re-exercise of the power takes effect before the commencement takes effect; and

(c) includes a power to make 1 or more orders setting different dates for different provisions of the legislation; and

(d) includes (if there is a provision where its commencement would otherwise operate to give effect to other parts of legislation) a power to commence the provision only for the purpose of giving effect to some, but not other, parts of that legislation.

Example

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

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

Compare: 1999 No 85 s 10(3)

Amendment and repeal

30 Amendments part of, and construed with, legislation amended

(1) Amending legislation is part of the legislation that it amends.

(2) Amending legislation must be construed with the legislation that it amends.

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

31 References to repeal or amendment extend to other ceasing of effect

A reference in sections 32 to 36, 38, and 39 to repealing or amending legislation includes a reference to—

(a) an implied repeal or amendment; and

(b) a change that removes or limits the effect of the legislation; and

(c) a change that disapplies the legislation to any person, subject matter, or circumstance.

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

32 Effect of repeal or amendment generally

(1) The repeal or amendment of legislation does not—

(a) affect the validity, invalidity, effect, or consequences of anything done or suffered:

(b) affect an existing right, interest, title, immunity, duty, status, or capacity:

(c) affect an amendment made by the legislation to other legislation:

(d) affect the previous operation of the legislation or anything done or suffered under it:

(e) revive any thing that is not in force or existing at the time the repeal or amendment takes effect.

(2) The repeal of legislation does not revive—

(a) legislation that has been repealed; or

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

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

33 Effect of repeal or amendment on existing rights and proceedings

(1) The repeal or amendment of legislation does not affect—

(a) the completion of a matter or thing that relates to an existing right, interest, title, immunity, duty, status, or capacity (a **legal position**); or

(b) the commencing of a proceeding that relates to an existing legal position; or

(c) the completion of a proceeding commenced or in progress under the legislation.

(2) Repealed or amended legislation continues to have effect for the purposes stated in subsection (1) as if the legislation had not been repealed or amended.

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

34 Effect of repeal or amendment on prior offences and breaches of legislation

(1) The repeal or amendment of legislation does not affect a liability to a penalty or any other remedy or relief, or to an order or a direction, for an offence or for a breach of any legislation committed before the repeal or amendment.

(2) Repealed or amended legislation continues to have effect as if it had not been repealed or amended for the purpose of—

(a) investigating the offence or breach:

(b) commencing or completing a proceeding for the offence or breach:

(c) imposing a penalty, or any other remedy or relief, or making or giving an order or a direction, for the offence or breach.

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

35 Powers exercised under repealed or amended legislation have continuing effect

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

(a) that, with or without modification, replaces, or that corresponds to, the legislation repealed or amended; and

(b) under which the power could be exercised.

Compare: 1999 No 85 s 21

36 Legislation made under repealed legislation has continuing effect

(1) Any legislation made under repealed legislation, and that is in force immediately before that repeal, continues in force as if it had been made under any other legislation—

(a) that, with or without modification, replaces, or that corresponds to, the legislation repealed; and

(b) under which it could be made.

(2) Legislation that continues in force may be amended or revoked as if it had been made under the legislation that replaces, or that corresponds to, the repealed legislation.

Compare: 1999 No 85 s 20

37 How to apply references to new legislation that is not yet in force

(1) This section applies if legislation (**new legislation**)—

(a) is to replace (with or without modification), or is to correspond to, existing legislation; and

(b) is not yet in force.

(2) A reference in legislation to the new legislation is, until that new legislation comes into force, a reference to the whole or the corresponding part of the existing legislation.

38 How to apply references to repealed legislation

(1) The repeal of legislation does not affect legislation in which the repealed legislation is applied, incorporated, or referred to.

(2) A reference in legislation to repealed legislation is a reference to legislation that, with or without modification, replaces, or that corresponds to, the legislation repealed.

(3) Subsection (1) is subject to subsection (2).

Compare: 1999 No 85 s 22

39 Time of repeal of legislation on particular day

(1) Legislation that is expressed to be repealed on a particular day is repealed at the start of that day.

(2) Legislation that is expressed to remain in force, or to continue to have effect, until a particular day, remains in force or has effect until the close of that day.

General empowering provisions

40 Authority to make secondary legislation

(1) It is not necessary for secondary legislation to refer to facts, circumstances, or preconditions that must exist or be satisfied before the legislation can be made.

(2) Secondary legislation is not invalid just because the legislation under which it is expressed to have been made does not authorise its making as long as its making is authorised by other legislation.

Compare: 1999 No 85 s 24

41 Secondary legislation may make consequential amendments to other secondary legislation

(1) A power to make secondary legislation (the **main secondary legislation**) under one Act (the **main Act**) includes a power to make consequential amendments to other secondary legislation made by the same person (whether or not made under the same Act).

(2) An amendment is **consequential** for the purposes of this section if it is consequential on the passing or making of either or both of the following:

(a) the main Act or any amendment to it:

(b) the main secondary legislation or any amendment to it.

(3) The only facts, circumstances, or preconditions that must exist or be satisfied before the consequential amendments are made are those (if any) for making the main secondary legislation.

42 Amendments made to secondary legislation by Act do not prevent later amendments

Secondary legislation amended or replaced by an Act may be amended, revoked, or replaced by later secondary legislation as if the amendment or replacement had been made by secondary legislation.

Compare: 1999 No 85 s 25

Exercise of powers in legislation generally

43 When powers can be exercised before commencement

(1) A power conferred by legislation may be exercised before the legislation comes into force or takes effect to—

(a) make secondary legislation or another instrument; or

(b) serve a notice or document; or

(c) appoint a person to an office; or

(d) establish a body of persons; or

(e) confer or impose on a person a right, interest, title, immunity, duty, status, or capacity (a **legal position**); or

(f) do any other act or thing for the purposes of the legislation.

(2) However, the power may be exercised only if the exercise of the power is necessary or desirable—

(a) to bring the legislation into operation; or

(b) in connection with bringing the legislation into operation.

(3) Subsection (1) applies as if—

(a) the legislation that confers the power, and all other legislation that is relevant to the power's exercise and that has not yet commenced, had commenced; and

(b) a legal position that would be conferred or imposed by legislation that is relevant to the power's exercise, and that has not yet commenced, has been conferred or imposed.

Compare: 1999 No 85 s 11

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

(1) Anything that results from the exercise of a power under section 43 may take effect only on and after the commencement of the legislation that confers the power.

(2) However, that limit does not apply if the exercise of the power is necessary or desirable—

(a) to bring the legislation into operation; or

(b) in connection with bringing the legislation into operation; or

(c) to amend, revoke, or replace anything previously done in reliance on section 43.

Compare: 1999 No 85 s 11

45 Power to appoint person to an office includes related powers

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

(a) remove or suspend a person from the office:

(b) reappoint or reinstate a person to the office:

(c) appoint (temporarily or permanently, and for all or limited purposes) another person in place of a person who—

(i) has vacated the office voluntarily (for example, by resigning); or

(ii) has died; or

(iii) is absent temporarily or permanently; or

(iv) is incapacitated temporarily or permanently in a way that affects the performance of that person's duty; or

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

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

46 Power to do things may be exercised to correct errors

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

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

Compare: 1999 No 85 s 13

47 Powers of office holder may be exercised by acting office holders

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

(a) a person who is the holder's deputy lawfully acting in the office:

(b) a person who is for the time being lawfully holding, or performing the duties of, the office.

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

48 Power to make includes power to amend or revoke

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

(a) amend or revoke the legislation or instrument:

(b) replace the legislation or instrument.

(2) Requirements that apply in relation to making the secondary legislation or other instrument also apply, with all necessary modifications, in relation to its amendment, revocation, or replacement.

Compare: 1999 No 85 s 15

49 Power to make different provision for classes of matters

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

(2) The power includes a power—

(a) to make the secondary legislation or instrument with respect to some only of those matters or with respect to a particular class or particular classes of those matters; and

(b) to make different provision with respect to different matters or different classes of matters.

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

50 Power to identify matters using classes

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

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

(b) doing anything in relation to a matter.

(2) In exercising the power, the person may identify the matter by referring to a class or classes of matters.

Compare: Acts Interpretation Act 1901 s 33(3AB) (Aust); Legislation Act 2003 s 13(3) (Aust)

51 Exercise or performance of powers, functions, and duties more than once

(1) A power conferred by legislation may be exercised from time to time.

(2) A duty or function imposed by legislation may be performed from time to time.

Compare: 1999 No 85 s 16

Forms

52 Use of approved or prescribed forms

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

Compare: 1999 No 85 s 26

53 Extension of power to approve or prescribe forms

(1) This section applies to a power (**power A**) conferred by legislation to approve or prescribe a form used to supply information that must or may be supplied to any person, or made available, for any purpose.

(2) Power A includes a power (**power B**) to do any 1 or more of the following:

(a) identify the information to be supplied or made available:

(b) approve or prescribe a method, format, or medium for supplying information or making information available:

(c) if power A is a power to prescribe a form, authorise a prescribed person to approve or prescribe a form or a method, format, or medium for supplying information or making information available.

(3) Power B may be exercised in place of, or as well as, power A.

(4) Information supplied or made available under power B complies with legislation that refers to, requires, or otherwise operates with the form as if the information had been supplied or made available in an approved or a prescribed form (and the legislation applies, with all necessary modifications, accordingly).

(5) Subsection (6) applies if—

(a) power A is itself a power to make secondary legislation; and

(b) secondary legislation made under power A (and in reliance on the power B referred to in subsection (2)(c)) authorises a person to approve or prescribe a form and, in doing so, to determine the information to be supplied or made available; and

(c) the form, rather than the secondary legislation, will identify the information to be supplied or made available.

(6) If this subsection applies,—

(a) the instrument by which the person approves or prescribes the form is secondary legislation (*see* Part 3 for publication requirements); and

(b) the secondary legislation referred to in subsection (5)(b) must contain a statement to that effect.

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

Section 53(1): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(2): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(2)(c): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(3): replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(4): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(5): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 53(6): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Time and distance

54 When periods start and end

If legislation refers to a period described in the following way, the period must be calculated according to the following corresponding rule:

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

Examples

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

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

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

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

Item 5: If the legislation states that a permission continues **until** 30 March, the permission is still in force on 30 March.

Item 6: If the legislation states that a statement must be filed **before** the start of the next financial year, the statement must be filed on 30 June, not 1 July.

Item 7: If the legislation states that the period **between** sending a draft decision document to submitters for comments and finalising the decision must be at least 10 working days, do not count the day on which the draft is sent or the day on which the decision is finalised.

Compare: 1999 No 85 s 35(1)–(5)

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

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

Compare: 1999 No 85 s 35(6)

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

(1) A reference to 1 or more **months** in legislation is a reference to a period calculated as follows:

(a) the period starts at the start of the relevant day in the month; and

(b) the relevant number of months must then be counted to find the ending month; and

(c) the period ends immediately before the corresponding day in the ending month or (if there is no such day) at the close of the last day of the ending month.

Examples

If the legislation refers to a period of 1 month starting on 15 February, the period starts on 15 February and ends at the close of 14 March (because March has a corresponding day).

If the legislation refers to a period of 6 months starting on 31 October, the period starts on 31 October and ends at the close of 30 April (because April does not have 31 days).

If the legislation refers to a period of 3 months *after* the date on which notice is sent and notice is sent on 2 August, the period starts on 3 August (under item 2 in section 54) and ends at the close of 2 November.

(2) This section does not apply to commencement of legislation (*see* section 28).

Compare: Acts Interpretation Act 1901 s 2G (Aust); Interpretation Act 1984 s 62 (WA)

57 Determining time generally

A reference to a point of time in legislation is to time for general purposes in New Zealand as determined by sections 3 and 4 of the Time Act 1974 (which provides for New Zealand standard time and New Zealand daylight time).

Compare: 1974 No 39 s 6

58 Determining measurements of distance

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

Compare: 1999 No 85 s 36

Revision Acts

59 Meaning of revision Act and old law

In sections 60 to 62,—

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

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

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

60 Revision Act is generally to have same effect as old law

(1) A revision Act's provisions—

(a) are the provisions of the old law in rewritten form; and

(b) are intended to have the same effect as the corresponding provisions of the old law.

(2) This section is subject to section 62.

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

61 Using old law as interpretation guide for revision Act

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

Compare: 2007 No 97 s ZA 3(4)

62 Exceptions: when revision Act changes effect of old law

Section 60 is overridden to the extent that a provision of a revision Act—

(a) is expressly provided by the revision Act to be intended to change the effect of the old law; or

(b) has a meaning that is expressly or by necessary implication to a different effect than the corresponding old law provision; or

(c) is enacted, amended, or repealed by legislation that is not a revision Act (for example, an amendment Act intended to change the effect of the old law).

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

Power to incorporate by reference

63 Interpretation

In sections 64 to 66 and Schedule 2, unless the context otherwise requires,—

material—

(a) means material referred to in section 64(1); but

(b) does not include anything incorporated by reference by that material

written material means material that represents or reproduces words, figures, or symbols—

(a) in a visible and tangible form by any means and in any medium; or

(b) in a visible form in any medium by electronic means that enables them to be stored in permanent form and be retrieved and read.

Compare: 2012 No 119 s 48

64 Power for secondary legislation to incorporate material by reference

(1) This section is sufficient authority for secondary legislation to incorporate 1 or more of the following by reference:

(a) a standard, framework, code of practice, recommended practice, or requirement of an international organisation or a national organisation:

(b) a standard, framework, code of practice, recommended practice, or requirement prescribed in any country or jurisdiction, or by any group of countries:

(c) any other written material that deals with technical matters if it is reasonable to consider that—

(i) it is impracticable to include the material in the secondary legislation; or

(ii) the material is so large that including it in the secondary legislation will prevent persons to whom the law applies from using or understanding the secondary legislation with reasonable ease.

(2) For the purposes of this section, secondary legislation incorporates material by reference if the secondary legislation does 1 or more of the following:

(a) incorporates the material in whole or in part, and with or without modification:

(b) incorporates amendments to which section 66 applies.

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

(4) This provision applies in addition to, and does not limit, any of the following:

(a) any other power in legislation to incorporate material by reference (for example, sections 29 to 32 of the Standards and Accreditation Act 2015):

(b) the ability of legislation to refer to or incorporate other legislation:

(c) any rule of law.

Compare: 2012 No 119 ss 49, 57

65 Schedule 2 applies if material incorporated by reference

Schedule 2 applies if material is incorporated by reference in reliance on section 64.

Compare: 2012 No 119 s 50

66 Effect of amendments to material incorporated by reference

(1) This section applies if the material incorporated by reference in secondary legislation in reliance on section 64 is amended by the originator of the material after the secondary legislation is made.

(2) Those amendments have no legal effect as part of the secondary legislation unless—

(a) they are specifically incorporated by later legislation made in accordance with Schedule 2; or

(b) amendments to the material are expressly authorised to have that effect by or under another Act.

(3) 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.

Compare: 2012 No 119 s 53

Part 3
Drafting and publishing of legislation

Subpart 1—Drafting and publishing legislation

Key drafting responsibilities

67 What legislation is drafted by PCO

The main functions of the PCO, in relation to drafting legislation, are—

(a) to draft Government Bills and amendments to them; and

(b) to advise on, or assist with, the drafting of local Bills and private Bills and amendments to them; and

(c) to draft Members' Bills, and amendments to them, if the Attorney-General directs; and

(d) to draft the following:

(i) any secondary legislation made by Order in Council (unless the Attorney-General otherwise directs):

(ii) any secondary legislation that amends an Act:

(iii) any secondary legislation if the administering agency and the Chief Parliamentary Counsel agree:

(iv) any secondary legislation if the Attorney-General directs; and

(e) to draft, or advise on or assist in the drafting of, any other legislation that the Attorney-General directs.

Compare: 2012 No 119 s 59(1)(a), (b), (i), (2)

68 Power to authorise IRD to draft Inland Revenue Bills

(1) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, authorise the Inland Revenue Department to draft Inland Revenue Bills that the responsible Minister directs.

(2) The Order in Council may state exceptions to the authorisation.

(3) The Order in Council is secondary legislation (*see* this Part for publication requirements).

(4) In this section,—

Inland Revenue Bills means Bills, or parts of Bills, intended to become Acts, or parts of Acts, administered by the Inland Revenue Department

responsible Minister means the Minister of the Crown who is responsible for the Inland Revenue Department.

Compare: 2012 No 119 s 60

Requirements under this Act for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Key publishing responsibilities

69 PCO must publish all legislation

(1) The PCO must publish—

(a) all introduced Bills (and those amendments to Bills that the Attorney-General directs); and

(b) all Acts; and

(c) all secondary legislation drafted by the PCO; and

(d) minimum legislative information for all secondary legislation drafted by the PCO.

(2) The PCO must also notify the making of that secondary legislation by publishing the information required by regulations in the *Gazette*.

(3) The PCO may also publish secondary legislation that was not drafted by the PCO as if it were drafted by the PCO. In that case,—

(a) subsections (1)(d) and (2) apply; and

(b) section 71 (how and when legislation must be published by PCO) applies; and

(c) any obligation under any other legislation for the secondary legislation to be published or notified in the *Gazette* is treated as satisfied.

Compare: 2012 No 119 ss 6(1)(a), (b), 12, 13, 14, 59(1)(c)

70 PCO must publish consolidations of legislation that is amended

(1) The PCO must publish consolidations of—

(a) all Acts that are amended; and

(b) all secondary legislation drafted by the PCO that is amended.

(2) A consolidation must incorporate the amendments made to the legislation so that it shows the law as at its stated date.

(3) The consolidation may also show the law as it would be amended by amendments that have not yet commenced if it clearly indicates that those amendments have not yet commenced.

Compare: 2012 No 119 s 6(5)

71 How and when PCO must publish legislation and consolidations of legislation

(1) The PCO must electronically publish the following things at the following times:

What is required to be published	When it must be published
Bills	As soon as practicable after they are introduced
Amendments to Bills	As soon as practicable after the amendments are released
Acts	As soon as practicable after they are enacted
Secondary legislation drafted by the PCO	As soon as practicable after the legislation is made
Minimum legislative information for secondary legislation drafted by the PCO	As soon as practicable after the legislation is made
Consolidations of Acts	As soon as practicable after the Acts are amended
Consolidations of secondary legislation that is drafted by the PCO	As soon as practicable after the legislation is amended

(2) The PCO may also publish those things in printed form and make them available in the way notified to the public.

(3) Legislation or proposed legislation is sufficiently published for the purposes of this Act (for any period during which it is not practicable to publish it electronically) if it is only published and made available in the way set out in subsection (2).

(4) Minimum legislative information is sufficiently published for the purposes of this Act if the secondary legislation containing that information (as required at the time of its publication) is published by the PCO under this Act.

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

72 How and when electronic versions of legislation must be available on legislation website

The PCO must ensure that,—

(a) as far as practicable, legislation published by the PCO under this Act (including official electronic versions of legislation published under section 78) is at all times able to be accessed at, or downloaded from, the legislation website free of charge; and

(b) it meets any minimum requirements set by the regulations made under this Act for how that must be done.

Compare: 2012 No 119 s 9

Other provisions applying to secondary legislation not published by PCO

73 Maker must publish secondary legislation not published by PCO (if required)

(1) This section applies to secondary legislation that is not published by the PCO.

(2) The maker of the secondary legislation must comply with the applicable publication requirements (if any) for that secondary legislation.

(3) For the purpose of this Act and any other legislation, the secondary legislation is published under this Act when the maker first complies with the applicable publication requirements.

Section 73(3): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

74 Applicable publication requirements for secondary legislation not published by PCO

(1) The **applicable publication requirements** for any secondary legislation not published by the PCO are the first of the following that applies to its empowering provision:

(aa) the minimum requirements that apply under regulations made under this Act (if any):

(a) the requirements recorded and published by the PCO under clause 14 of Schedule 1 (if any):

(b) the 1 or more requirements to publish, notify, or otherwise make secondary legislation available (together with any exemptions or limits on those requirements) that applied under an Act to the empowering provision immediately before this section came into force (if any).

(c) *[Repealed]*

(2) In addition, if section 75 applies to the secondary legislation, the **applicable publication requirements** include those set out in that section.

Section 74(1)(aa): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 74(1)(b): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 74(1)(c): repealed, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 74(2): replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

75 Additional applicable publication requirements for secondary legislation with international transparency obligations under CPTPP

(1) This section applies to secondary legislation not published by the PCO that—

(a) is made by a Minister or a relevant central government entity (even if the Minister or entity is performing a statutorily independent function); and

(b) relates to international transparency obligations (because the publishing under this Part of copies of and links to the legislation would help meet those obligations).

(2) The additional applicable publication requirements for secondary legislation with international transparency obligations are that the maker must ensure that—

(a) the secondary legislation is published on the maker's website as soon as practicable; and

(b) the secondary legislation's details are in, or with, the secondary legislation as published on the maker's website; and

(c) the secondary legislation and its details are, as far as practicable, able to be accessed at, or downloaded from, the maker's website; and

(d) links to the secondary legislation are forwarded to the PCO for publication (without delay and in accordance with any applicable directions under section 76).

(3) Subsection (2)(b) is taken to be satisfied if—

(a) the secondary legislation amends (without replacing wholly) principal secondary legislation; and

(b) the details relate to the amendments it makes to the principal secondary legislation; and

(c) the details are in or with a consolidation of the principal secondary legislation that is published as required by subsection (2).

Compare: 2012 No 119 ss 36C(1), 36D(2), 36E(2), (3), 36F(2)

Section 75 heading: amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 75(2): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

76 Chief Parliamentary Counsel must support international transparency obligations

(1) The Chief Parliamentary Counsel must ensure that, as soon as practicable, links forwarded to the PCO under section 75 are—

(a) published electronically; and

(b) as far as practicable, able to be accessed at, or downloaded from, the legislation website.

(2) The Chief Parliamentary Counsel must give all or any makers, and ensure there is or are in force for all secondary legislation with international transparency obligations, a direction or directions setting out, in general terms,—

(a) the nature of their details:

(b) the nature of their links and the form and manner in which they must be forwarded.

(3) The maker must, if required to do so in writing by the Chief Parliamentary Counsel, republish a copy of the secondary legislation promptly on the maker's website in a form that complies with section 75.

(4) A direction under this section is secondary legislation (*see* this Part for publication requirements).

Compare: 2012 No 119 ss 36E(4)–(6), 36F(3), (4), 36G

Requirements under this Act for secondary legislation made under this section		
Publication	The maker must publish it in accordance with the Legislation (Publication) Regulations 2021	s 74(1)(aa)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

77 Definitions for purposes of international transparency obligations

In this section and sections 74 to 76,—

details, for any secondary legislation at any time, means all information necessary or desirable for meeting, for that secondary legislation 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 any secondary legislation at any time, means all information necessary or desirable to enable a user at that time to access, using the legislation website, the secondary legislation as published and made available on the maker's website

maker's website means an Internet site (other than the legislation website) maintained by or on behalf of the maker

relevant 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 department named in Part 1 of Schedule 2 of the Public Service Act 2020, including any departmental agency named in Part 2 of that schedule that is part of that department:

(aa) an interdepartmental venture named in Part 4 of that schedule:

(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 regulations made under this Act (if any).

Compare: 2012 No 119 s 36C(2)

Section 77 **relevant central government entity** paragraph (a): replaced, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 77 **relevant central government entity** paragraph (aa): inserted, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

Section 77 **relevant central government entity** paragraph (b): amended, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Official versions and related matters

78 Official versions of legislation

(1) The PCO may publish—

(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 a printed document that is identified as an official version of legislation in accordance with regulations made under this Act must be treated as an official version unless the contrary is shown.

Compare: 2012 No 119 s 17

79 Legal status of official versions

(1) An official version of legislation—

(a) (if it is as originally enacted or made) is taken to correctly set out the text of the legislation; and

(b) (if it is a consolidation under section 70) is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments; and

(c) (if it is a version of legislation that includes changes made under subpart 2)—

(i) is taken to correctly state, as at its stated date, the law enacted or made by the legislation and by the changes made (and paragraph (b) also applies if the legislation is also a consolidation); and

(ii) is evidence that those changes are authorised by that subpart.

(2) An official version of secondary legislation that states the date of publication by the PCO is evidence that the legislation was published on the date stated.

(3) The presumptions in this section apply unless the contrary is shown.

Compare: 2012 No 119 s 18

79A Legislative status of publication notes and information

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

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

(b) a record of the legislative history of the legislation (including a record of the fact that changes have been made by the PCO under subpart 2):

(c) information recorded and published by the PCO under clause 14 of Schedule 1 or as an aid to assist users to understand how this Act applies to secondary legislation:

(d) any other note or information that is clearly identified, in a suitable place on the legislation website, as not forming part of the legislation.

Section 79A: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

80 Evidential status of minimum legislative information

(1) This section applies to minimum legislative information published under this Act.

(2) Publication of the minimum legislative information for secondary legislation is evidence of the following:

(a) that the secondary legislation was made; and

(b) if the date of making is stated, that the secondary legislation was made on that date; and

(c) if the date of publication of the information is stated with the information, that the information was published on the date stated; and

(d) if the date of notification of the making of the secondary legislation is stated in the *Gazette*, that the making of the secondary legislation was notified in the *Gazette* on the date stated.

(3) The presumptions in this section apply unless the contrary is shown.

Compare: 2012 No 119 s 18(3), (4)

81 Judicial notice of legislation

All courts and persons acting judicially must take judicial notice of all legislation.

Compare: 2012 No 119 s 16

82 Power to revoke spent secondary legislation and other instruments

(1) The Governor-General may, by Order in Council, on the recommendation of the Attorney-General, revoke any secondary legislation or other instrument.

(2) Before making a recommendation, the Attorney-General must be satisfied that the secondary legislation or other instrument has ceased to have effect or is no longer required.

(3) This section is in addition to any other power to revoke the secondary legislation or other instrument.

(4) An order under this section is secondary legislation (*see* this Part for publication requirements).

Compare: 2012 No 119 s 15

Requirements under this Act for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Attorney-General directions

83 Attorney-General directions under this Part

(1) The PCO must carry out the functions in this Part subject to any directions by the Attorney-General—

(a) about the matters set out in section 67:

(b) consistent with this Act and regulations made under this Act, about—

(i) the form in which legislation or consolidations of legislation (or any class of them) must be published (including the omission of signatures and formal or introductory parts); and

(ii) any other matters concerning the publication of legislation or proposed legislation or minimum legislative information.

(2) A direction given by the Attorney-General under this Part must be given to the PCO in writing.

Compare: 2012 No 119 ss 6(7), 20

Annual report on exemptions from presentation and other drafting and publication matters

Heading: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

83A Annual report on exemptions from presentation and other drafting and publication matters

(1) The Chief Parliamentary Counsel must, as soon as practicable after the end of each financial year of the PCO, prepare a report on the following matters and provide it to the Attorney-General:

(a) the extent to which makers have relied on presentation exemptions during the previous financial year; and

(b) any other practices relating to the design, drafting, and publication of legislation that the Chief Parliamentary Counsel thinks fit.

(2) The Attorney-General must present the report to the House of Representatives.

Section 83A: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 2—Correcting errors and making other editorial changes

84 Purpose of this subpart

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

(a) keep legislation up to date; and

(b) improve the ability of users to find, use, and understand that legislation.

85 Interpretation

In this subpart, unless the context otherwise requires,—

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

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

Compare: 2012 No 119 s 23

86 Power to make editorial changes

(1) The Chief Parliamentary Counsel may authorise the PCO to make changes referred to in section 87 to a version of the legislation.

(2) Sections 87 and 89 do not permit any change to the text of a provision of any legislation that, if enacted, would change the effect of the provision.

(3) Nothing in this section limits the authority to make changes in reliance on the application of section 38 or any other legislation.

Compare: 2012 No 119 s 24

87 Editorial changes

The following changes may be made under this subpart:

Updating language, references, and numbering

(a) language that indicates or could be taken to indicate a particular gender may be changed to gender-neutral language so that it is consistent with current drafting practice, as long as it is also consistent with the purpose of the legislation being changed:

Examples

The word "he" may be changed to "they", 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".

(b) language to which section 16 applies may be changed to reflect the effect of section 16 (references to specific gender or kind of person include others):

(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, an office, a person, a place, or a thing that has been replaced by another body, office, person, place, or thing may be changed to a reference to the replacement body, office, person, place, or thing:

(e) the numbering, renumbering, and consequential amendments authorised by an Order in Council made under section 88:

Improving legislation to reflect current drafting practice

(f) changes may be made to the way provisions are referred to, so as to be consistent with current drafting practice:

Example

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

(g) unnecessary referential words may be omitted:

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

(i) punctuation may be changed or omitted, or new punctuation inserted, so as to be consistent with current drafting practice:

(j) conjunctives and disjunctives may be inserted, omitted, or changed so as to be consistent with current drafting practice:

(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:

Example

A reference in a form to "this [blank] day of [blank] 19…" may be changed to "[*Date*]".

Correcting obvious errors

(l) 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 other legislation, to the legislation being changed:

(v) any other errors of a similar nature:

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.

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

(m) 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):

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.

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

(o) changes may be made to show the effect of any amendment or repeal, and changes may be made that are purely consequential on any amendment made, by other legislation, to the legislation being changed:

Example

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

Changes to secondary legislation Titles

(p) changes may be made to the Title of secondary legislation, so as to better identify the legislation or to distinguish it from other legislation:

Examples

The "Cat Notice" can be changed to the "Cat Notice 2022", "Cat Notice (No 5) 2022", or "Cat Exemptions Notice 2022".

The "Exemptions Notice 2022", made under the Dogs and Cats Act 2020, can be changed to the "Dogs and Cats (Exemptions) Notice 2022".

Other consequential changes

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

Compare: 2012 No 119 s 25(1)

88 Changes to numbering

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

(a) publish a version of any specified legislation with provisions numbered or renumbered in the manner indicated by the order; and

(b) publish a version of any other specified legislation, in the manner indicated by the order, so as to consequentially update any references in that legislation to those numbered or renumbered provisions.

(2) An order under this section is secondary legislation (*see* this Part for publication requirements).

Compare: 2012 No 119 s 25(2)

Requirements under this Act for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

89 Changes to format

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

Compare: 2012 No 119 s 26

90 When changes take effect

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

Compare: 2012 No 119 s 18(5)

91 Changes to legislation to be noted on legislation website

If changes authorised by this subpart are made, the PCO must—

(a) indicate that fact in a suitable place in the legislation or otherwise on the legislation website; and

(b) outline in general terms, and in a suitable place in the legislation or otherwise on the legislation website, the changes made.

Compare: 2012 No 119 s 27

Section 91 heading: replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 91: amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 91(a): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 91(b): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 3—Revision Bills

92 Purpose of this subpart

(1) The purpose of this subpart is to enable revision of New Zealand's legislation to be done progressively and systematically.

(2) To that end, this subpart enables revision Bills to re-enact legislation, in an up-to-date and accessible form, but (except as authorised by this subpart) without changing its effect.

Compare: 2012 No 119 s 29(2)

93 Overview of this subpart

(1) This subpart sets out the procedure for the preparation and certification of revision Bills.

(2) This subpart contains—

(a) a requirement for the preparation and approval of a 3-yearly revision programme:

(b) the powers that may be exercised in the preparation of revisions.

(3) This section is only a general guide to this subpart.

(4) *See also* sections 59 to 62, which provide for the interpretation of revision Acts.

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

94 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 95.

Compare: 2012 No 119 s 28

Preparation of revisions

95 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—

(a) make the draft publicly available and invite submissions on the draft from interested persons and members of the public, allowing a reasonable time for those submissions to be made; and

(b) present a revision programme to the House of Representatives as soon as practicable after it is approved by the Government.

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

Compare: 2012 No 119 s 30(1)–(4)

96 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 legislation that is not incorporated in the revision but is relevant to the subject matter of the revision:

(h) correct typographical, punctuation, and grammatical errors, and other similar errors:

(i) make consequential amendments to legislation that is not incorporated, or is incorporated only in part, in the revision:

(j) include any necessary repeals, transitional, savings, and related provisions.

(3) A revision Bill may also—

(a) make minor amendments to clarify Parliament's intent, to resolve ambiguity, or to reconcile inconsistencies between provisions (or to do all of those things):

(b) update any monetary amount (other than an amount specified for the purpose of jurisdiction or an offence or penalty), having regard to movements in the 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 secondary legislation:

(ii) include matters currently prescribed in secondary legislation 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.

(3A) In subsection (3)(b), **Consumers Price Index** means the Consumers Price Index (all groups) published by Statistics New Zealand or, if that index ceases to be published, any measure certified by the Government Statistician as being equivalent to that index.

(4) A revision Bill must not change the effect of the law, except as authorised by subsection (3).

(5) The changes that may be made in a revision Bill include (without limitation) any of the changes that may be made under subpart 2.

Compare: 2012 No 119 s 31

Section 96(3)(b): amended, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

Section 96(3A): inserted, on 1 September 2022, by section 107(1) of the Data and Statistics Act 2022 (2022 No 39).

97 Format of revision Bill

(1) A revision Bill must be in the form of a Bill suitable for introduction in the House of Representatives.

(2) A revision Bill's explanatory note must include a statement setting out, in general terms, the inconsistencies, anomalies, discrepancies, and omissions that were identified in the course of preparing 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.

Compare: 2012 No 119 s 32

98 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 96 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 96(3).

(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.

Compare: 2012 No 119 s 33

99 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 96.

(2) However, nothing in this Act affects the powers of the House of Representatives to amend a revision Bill for any purpose and to pass it with amendment.

Compare: 2012 No 119 s 34

100 PCO's annual report may address matters relating to revision and editorial changes

The PCO's annual report under section 43 of the Public Finance Act 1989 may (without limitation) make—

(a) recommendations for the repeal of obsolete or redundant legislation or provisions of legislation, if their repeal is not suitable for inclusion in a revision; and

(b) recommendations for changes to 1 or more of the following:

(i) the revision powers set out in section 96:

(ii) the powers under subpart 2:

(iii) the procedure for the certification of revision Bills.

Compare: 2012 No 119 s 30(5)

Part 4
Disclosure requirements for Government-initiated legislation

[Repealed]

Part 4: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

101 Purpose of this Part

[Repealed]

Section 101: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

102 Interpretation in this Part

[Repealed]

Section 102: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

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

[Repealed]

Section 103: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

104 What must be contained, or linked to, in disclosure statements

[Repealed]

Section 104: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

105 Disclosure statement requirements do not apply to certain Bills and amendments

[Repealed]

Section 105: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

106 Chief executives must act independently and include statement of responsibility

[Repealed]

Section 106: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

107 Government notice must be issued to support consistent approach across agencies

[Repealed]

Section 107: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

108 Government notice may be issued only with approval of House of Representatives

[Repealed]

Section 108: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

109 Factors to be considered in determining classes of legislation requiring disclosure statements

[Repealed]

Section 109: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

110 Ministerial direction may be given to support consistent approach across agencies

[Repealed]

Section 110: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

111 Disclosure relates only to information available to public under Official Information Act 1982

[Repealed]

Section 111: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

112 Validity of legislation not affected by failure to comply with this Part

[Repealed]

Section 112: repealed, on 17 March 2026, by section 43 of the Legislation Amendment Act 2026 (2026 No 7).

Part 5
Parliament's oversight of secondary legislation

113 Purpose of this Part

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

Subpart 1—Presentation to House of Representatives

114 Secondary legislation must be presented to House of Representatives

(1) The relevant Minister must present secondary legislation to the House of Representatives in accordance with the House's rules and practice.

(2) However,—

(a) if a presentation exemption applies to secondary legislation (or a part of secondary legislation) under Schedule 3, this requirement does not apply to that legislation or part; and

(b) *see also* section 161A of the Local Government Act 2002, which provides that this requirement does not apply to secondary legislation made by a local authority or a council-controlled organisation unless the empowering legislation (or other legislation) expressly requires presentation to the House of Representatives.

Compare: 2012 No 119 s 41

Section 114(2)(a): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Subpart 2—Disallowance by House of Representatives

115 All secondary legislation subject to disallowance, with limited exceptions

This subpart applies to secondary legislation other than—

(a) secondary legislation made by resolution of the House of Representatives; or

(b) secondary legislation made under the Royal prerogative; or

(c) a bylaw as defined in section 2 of the Bylaws Act 1910; or

(d) secondary legislation to which a disallowance exemption applies under Schedule 3.

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

Section 115(d): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

116 House of Representatives may disallow secondary legislation by resolution

(1) The House of Representatives may, by resolution, disallow any secondary legislation, or provision of secondary legislation, to which this subpart applies.

(2) Legislation disallowed by a resolution ceases to have effect on the later of—

(a) the passing of the resolution; and

(b) any date stated in the resolution as the date on which the legislation ceases to have effect.

Compare: 2012 No 119 s 42

117 Secondary legislation disallowed if House of Representatives does not dispose of motion to disallow

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

(a) a member of the Committee of the House of Representatives responsible for the review of secondary legislation gives notice of a motion to disallow it; and

(b) none of the following happens before the deadline:

(i) the notice is withdrawn:

(ii) the House disposes of the motion:

(iii) Parliament is dissolved or expires.

(2) Legislation disallowed under this section ceases to have effect on the later of—

(a) the deadline; and

(b) any date stated in the notice of motion as the date on which the legislation ceases to have effect.

(3) In this section, the **deadline** is the close of the 21st sitting day after the giving of the notice of motion.

Compare: 2012 No 119 s 43

118 Effect of disallowance on legislation

(1) If secondary legislation, or a provision of secondary legislation, is disallowed under section 116 or 117, the following applies:

(a) the disallowance has the same effect as a revocation of the secondary legislation or provision (except as set out in this section):

(b) any other legislation that was previously amended, repealed, or revoked by the legislation or provision is restored or revived as it was immediately before it was amended, repealed, or revoked:

(c) the restoration or revival takes effect at the time the disallowed legislation ceases to have effect.

(2) This section alters the effect of section 32 (which relates to the effect of repeal generally).

Compare: 2012 No 119 ss 44, 45

119 House of Representatives may amend or replace secondary legislation

(1) The House of Representatives may amend or replace any secondary legislation to which this subpart applies by resolution.

(2) The amendment or replacement takes effect on the later of—

(a) the 28th day after a copy of the resolution is published; and

(b) any date stated in the resolution as the date on which it takes effect.

(3) Secondary legislation that is amended or replaced by resolution of the House of Representatives may be disallowed as if the amendment or replacement were made by the maker of the secondary legislation (despite section 115(a)).

Compare: 2012 No 119 s 46

120 Resolution or motion is secondary legislation

(1) A resolution or a motion that (whether itself or as a result of section 117) disallows, amends, or replaces secondary legislation under this subpart is secondary legislation (*see* Part 3 for publication requirements).

(2) For that purpose, the Clerk of the House of Representatives must lodge a copy of the resolution or notice of the motion with the PCO, and the PCO must publish it as if it had been drafted by the PCO, under section 69(3).

(3) However, sections 116(2) and 117(2) apply even if the copy or notice is not yet published.

Compare: 2012 No 119 s 47

Requirements under this Act for secondary legislation made under subsection (1)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1	s 114, Sch 1 cl 32(1)(a)
Disallowance	It is not disallowable	ss 115, 116

This note is not part of the Act.

Subpart 3—Confirmation

121 Definitions used in this subpart

In this subpart,—

deadline means,—

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

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

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

122 What secondary legislation must be confirmed under this subpart

(1) This subpart applies to secondary legislation if it is made under an empowering provision listed in Schedule 4.

(2) However, if that schedule limits which matters require confirmation under an empowering provision, this subpart applies to the secondary legislation only if it relates to those confirmable matters.

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

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

Compare: 2012 No 119 s 47C

124 How to confirm secondary legislation

(1) To confirm secondary legislation by a deadline for the purposes of this subpart,—

(a) an Act must contain a provision to the effect that it confirms the legislation; and

(b) the provision must commence on or before the deadline.

(2) The later repeal of the Act or provision does not affect the confirmation (*see* section 32, which relates to the effect of repeal).

Compare: 2012 No 119 s 47E

125 Usual effect of revocation if not confirmed by deadline

(1) If unconfirmed legislation is revoked by section 123, the following applies on and from the deadline:

(a) any duties, levies, or road user charges imposed under the unconfirmed legislation are cancelled and, if paid, must be refunded (except as set out in subsection (2)); and

(b) any other legislation that was previously amended, repealed, or revoked by the unconfirmed legislation is restored or revived (as it was immediately before it was amended, repealed, or revoked); and

(c) the restoration or revival takes effect at the time the unconfirmed legislation is revoked; and

(d) revocation of the unconfirmed legislation does not otherwise affect its previous operation or anything done or suffered under it.

(2) Subsection (1)(a) does not apply to any of the following:

(a) *[Repealed]*

(b) orders made under section 5(1) of the Energy Resources Levy Act 1976; or

(c) fees or charges to which section 270(4) to (6) of the Land Transport Act 1998 applies; or

(d) levy rates set by regulations made under section 41(1)(e) of the Waste Minimisation Act 2008.

(3) However, this section does not apply if the unconfirmed legislation is made under an empowering provision listed in Part 2 of Schedule 4.

Compare: 2012 No 119 ss 47G–47I

Section 125(2)(a): repealed, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

126 Effect on some legislation of not being confirmed by deadline (whether or not earlier revoked)

(1) This section applies to unconfirmed legislation made under an empowering provision listed in Part 2 of Schedule 4 (whether it is revoked before the deadline or on the deadline by section 123).

(2) The legislation is taken, on and from the deadline, to have been invalid for any previous period for which it purported to be in force.

Compare: 2012 No 119 s 47D

127 Confirmable secondary legislation must state this fact

(1) The explanatory note of secondary legislation to which this subpart applies must—

(a) state (or contain statements to the effect) that the legislation must be confirmed by an Act before the deadline and that, if it is not confirmed, it will be revoked on that deadline; and

(b) state the deadline.

(2) However, a failure to include those statements does not affect the validity of the secondary legislation.

Part 6
Parliamentary Counsel Office

128 Parliamentary Counsel Office continues

(1) The Parliamentary Counsel Office is continued.

(2) The Parliamentary Counsel Office is an instrument of the Crown and a separate statutory office under the Attorney-General's control.

(3) During any period when there is no Minister of the Crown who is Attorney-General, the Parliamentary Counsel Office is under the Prime Minister's control.

Compare: 2012 No 119 s 58

Objective and functions of PCO

129 Objective of PCO

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

130 Functions of PCO

The functions of the PCO are—

(a) to draft, publish, and consolidate legislation (including, where appropriate, with aids for users and supporting documents) for the purposes of Part 3:

(b) to revise Acts in accordance with the current revision programme (as provided in subpart 3 of Part 3):

(c) to examine all local Bills and private Bills, and those Members' Bills that the Attorney-General directs be examined, and to report to the Attorney-General on their effect (in particular, on whether they affect the rights of the Crown or the public and on their relationship to other legislation):

(d) to advise departments and agencies on the drafting and publication of secondary legislation that is not drafted by the PCO:

(e) to provide guidance and other support for, and keep under review, practices relating to the design, drafting, and publication of legislation:

(f) to perform any other functions set out in this Act or any other legislation:

(g) to perform the other functions relating to the drafting and publication of legislation that the Attorney-General directs be performed by the PCO.

Compare: 2012 No 119 s 59

131 Confidentiality

(1) Confidential communications between a client of the PCO and the Chief Parliamentary Counsel (or between a client of the PCO and another counsel in the PCO) are subject to legal professional privilege.

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

(3) In this section,—

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

confidential communications includes—

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

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

counsel includes a person who holds a legal qualification referred to in section 137(2) and is working for the PCO as a contractor or secondee in relation to the drafting of legislation.

Compare: 2012 No 119 s 61

Powers of Chief Parliamentary Counsel

132 Powers of Chief Parliamentary Counsel

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

Compare: 2012 No 119 s 62

133 Delegation of functions, duties, and powers

(1) The Chief Parliamentary Counsel—

(a) may, either generally or particularly, delegate in writing to any employee of the PCO any of the functions, duties, and powers of the Chief Parliamentary Counsel, including functions, duties, and powers delegated to the Chief Parliamentary Counsel under any legislation:

(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, duties, or powers are delegated may perform those functions, or exercise those duties or powers, in the same manner and with the same effect as if they had been conferred on that person directly by this Act and not by delegation.

(3) Subsection (2) is subject to any general or special directions given or conditions imposed by the Chief Parliamentary Counsel.

(4) A person purporting to act under a delegation is, in the absence of proof to the contrary, presumed to be acting in accordance with the terms of the delegation.

(5) A delegation may be made to—

(a) a specified person or persons of a specified class; or

(b) the holder or holders for the time being of a specified position, or of a specified class of positions.

(6) No delegation affects or prevents the exercise of any function, responsibility, duty, or power by the Chief Parliamentary Counsel, or affects the responsibility of the Chief Parliamentary Counsel for the actions of any person acting under the delegation.

Compare: 2012 No 119 s 63

134 Revocation of delegations

(1) A delegation under section 133 is revocable at any time in writing.

(2) A delegation made by a Chief Parliamentary Counsel who has ceased to hold office continues to have effect as if made by the successor in office of that Chief Parliamentary Counsel.

Compare: 2012 No 119 s 65

Chief Parliamentary Counsel and employees of PCO

135 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, duties, and powers of the PCO; and

(b) the general conduct of the PCO; and

(c) managing the activities of the PCO efficiently, effectively, and economically.

(2) However, in matters relating to decisions on individual employees, the Chief Parliamentary Counsel is not responsible to the Attorney-General and must act independently.

(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: 2012 No 119 s 66

136 Parliamentary counsel

(1) The Chief Parliamentary Counsel may appoint such people to be parliamentary counsel as the Chief Parliamentary Counsel thinks necessary for the efficient performance or exercise of the functions, duties, and powers of the Chief Parliamentary Counsel and the PCO.

(2) A parliamentary counsel must hold a legal qualification.

(3) A parliamentary counsel is an employee for the purposes of the Employment Relations Act 2000.

Compare: 2012 No 119 s 67

137 Chief Parliamentary Counsel and parliamentary counsel to hold legal qualification

(1) A person meets the qualification requirement in section 135(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 (4); or

(c) holds a qualification that the Attorney-General considers is sufficient for the position.

(2) A person meets the qualification requirement in section 136(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 (4); or

(c) holds a qualification that the Chief Parliamentary Counsel considers is sufficient for the position.

(3) To avoid doubt, sections 21 to 24 of the Lawyers and Conveyancers Act 2006 do not limit the use of the term "chief parliamentary counsel" or "parliamentary counsel" to describe persons appointed to those roles.

(4) 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).

(5) An order under this section is secondary legislation (*see* Part 3 for publication requirements).

Compare: 2012 No 119 s 68

Requirements under this Act for secondary legislation made under this section

Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)

Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

138 Other employees of PCO

(1) The Chief Parliamentary Counsel may appoint such other employees as the Chief Parliamentary Counsel thinks necessary for the efficient performance or exercise of the functions, duties, and powers of the Chief Parliamentary Counsel and the PCO.

(2) A person appointed under this section is an employee for the purposes of the Employment Relations Act 2000.

Compare: 2012 No 119 s 69

139 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: 2012 No 119 s 70

140 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.

Compare: 2012 No 119 s 71

141 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: 2012 No 119 s 72

Section 141(1)(b): amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

142 Employment principles

The Chief Parliamentary Counsel must operate a personnel policy that complies with the principle of being a good employer by following, as if the Chief

Parliamentary Counsel were the chief executive of a department, sections 73 and 74 of the Public Service Act 2020.

Compare: 2012 No 119 s 73

Section 142: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

143 Appointments on merit

In making an appointment under section 136 or 138, the Chief Parliamentary Counsel must give preference to the person who is best suited to the position.

Compare: 2012 No 119 s 74

144 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 the appointment of an acting, temporary, or casual employee) to a vacant position in the PCO; and

(c) reviewing those appointments made to an advertised vacant position within the PCO that are the subject of any complaint by an employee of the PCO.

Compare: 2012 No 119 s 75

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

Sections 143 and 144 of this Act do not apply to any secondment arranged under section 64 of the Public Service Act 2020.

Compare: 1988 No 20 s 49

Section 145: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

146 Protection from liability

(1) This section applies to the Chief Parliamentary Counsel and every employee of the PCO.

(2) No proceeding may be brought against any person to whom this section applies for—

(a) any liability of the PCO; or

(b) any act done or omitted by the PCO, or by the person, in good faith in the performance or exercise (or intended performance or exercise) of

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

Compare: 2012 No 119 s 76

Part 7
Regulations and miscellaneous provisions

Regulation-making powers

147 Regulations

(1) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, make regulations for 1 or more of the following purposes:

Requirements for publication on and after main commencement date

(a) prescribing additional minimum legislative information for the purposes of the definition of that term in section 5(1):

(b) prescribing information for the purposes of the obligation for the PCO to notify the making of secondary legislation in the *Gazette* under section 69:

(c) prescribing minimum requirements for the manner in which secondary legislation, or a part of secondary legislation, must be published, notified, or otherwise made available for the purpose of the applicable publication requirements under section 74(1) (but only for empowering provisions that—

(i) are enacted on or after the main commencement date; or

(ii) were enacted before the main commencement date and are specified in the regulations as ones to which section 74(1)(aa) applies); or

(iii) are in this Act:

(d) prescribing any instrument of the Crown for the purposes of paragraph (d) of the definition of relevant central government entity in section 77 (as in force on the main commencement date):

Requirements for publication and lodgement for publication on and after publication commencement date

(e) requiring makers of secondary legislation not drafted by the PCO to lodge with the PCO for publication specified updates or corrections to minimum legislative information that is published under this Act:

(f) specifying, for the purposes of section 70(1)(c), the secondary legislation for which a consolidation must be published under this Act if the legislation is amended:

(g) in respect of a consolidation required by regulations made under paragraph (f), specifying, for the purpose of section 71(1), when the PCO must electronically publish the consolidation:

(h) prescribing, for the purposes of any requirement for something to be lodged with the PCO for publication under this Act,—

(i) by whom, when, where, and how the thing must be lodged (including, in the case of amendments, whether they must be lodged as amendments, as consolidations, or in both forms):

(ii) the form, format, method, or medium that must be used in connection with the lodgement (which may be an electronic lodgement system):

(iii) what information or other evidence or documents must be provided in connection with the thing that is lodged or the lodgement (including any certification or information, such as the date on which secondary legislation is made):

(iv) requirements with which information, evidence, or documents that are provided in connection with lodgement must comply:

(v) by whom, when, where, and how any updates or corrections must be made to the thing that must be lodged (and prescribing any other matters under this paragraph in relation to those updates or corrections):

(i) authorising the PCO to determine or prescribe, whether by notice or by setting the requirements of an electronic lodgement system, any of the matters under paragraph (h):

(j) determining what lodgement requirements imposed under the regulations are the standard requirements for lodgement for the purposes of subsection (6)(a):

(k) exempting (on terms and conditions, if any) secondary legislation from any or all of—

(i) the requirements to lodge and publish particular minimum legislative information:

(ii) the requirements relating to lodgement and publication that are prescribed under paragraphs (e) to (j):

(iii) the prohibition on coming into force before publication under section 73, including to allow a period of exemption for things properly lodged with the PCO for publication generally or in specified circumstances:

(iv) any other requirements as to how or when to lodge or publish under this Act:

(l) prescribing, for the purpose of section 76, minimum requirements for the manner in which secondary legislation, or a part of secondary legislation, must be published, notified, or otherwise made available for the purpose of any publication exemptions:

(m) imposing requirements concerning the manner in which legislation and minimum legislative information are to be made available to the public under section 72:

(n) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of section 78, including (without limitation) by—

(i) imposing requirements as to the form of official versions of legislation:

(ii) providing how official versions of legislation in an electronic form can be authenticated:

Fees

(o) requiring the payment of fees and charges to the PCO to perform or exercise any function, duty, or power under this Act in relation to a discretionary publication request (and authorising the PCO not to act until a required amount is paid to it):

(p) prescribing the amounts of those fees and charges or the manner in which those fees and charges are to be calculated:

(q) authorising the PCO to require payment of any costs incurred by the PCO in connection with a discretionary publication request to the PCO:

(r) authorising the PCO to waive or refund, in whole or in part and with or without conditions set by the regulations, payment of fees, charges, or costs:

Other matters

(s) providing for matters contemplated by subpart 2 of Part 1 of Schedule 1 (which deals with the transition to publication under this Act), including—

(i) deadlines and classes of secondary legislation to which those deadlines apply:

(ii) dates and classes of secondary legislation (which may include all secondary legislation that is not listed or published on a particular date) for the purposes of revocations under that subpart:

(iii) any matters set out in paragraphs (a) to (l) that are relevant to minimum legislative information or secondary legislation that is lodged under that subpart:

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

(2) The Attorney-General must, before making a recommendation to specify an empowering provision under subsection (1)(c)(ii), be satisfied that the maker of the secondary legislation under that empowering provision has recommended that section 74(1)(aa) apply to the empowering provision.

(3) The Attorney-General must, before making a recommendation in relation to an exemption under subsection (1)(k),—

(a) have regard to the purpose of this Act; and

(b) be satisfied that there is good reason for granting the exemption that outweighs the interests of the public in having the requirement met; and

(c) be satisfied that the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to the exemption.

(4) If the Attorney-General makes a recommendation in relation to an exemption under subsection (1)(k), the Attorney-General's reasons for making the recommendation (including why the exemption is appropriate) must be published together with the regulations.

(5) The Attorney-General must, before making a recommendation in relation to regulations under subsection (1)(s), have regard to the purpose of subpart 2 of Part 1 of Schedule 1 set out in clause 11 of that schedule.

(6) In this section, **discretionary publication request** means any of the following requests to the PCO:

(a) to publish secondary legislation that does not meet the prescribed standard requirements for lodgement:

(b) to make an editorial change under subpart 2 of Part 3.

(7) Any fee, charge, or cost payable to the PCO is recoverable by the PCO in any court of competent jurisdiction as a debt due to the PCO.

(7A) Regulations made under this section are secondary legislation (*see* Part 3 for publication requirements).

(7B) If regulations made under subsection (1)(i) authorise the PCO to determine or prescribe matters by notice,—

(a) a notice made under the regulations is secondary legislation (*see* Part 3 for publication requirements); and

(b) the regulations must contain a statement to that effect.

(8) References to sections of this Act (or to terms) in subsection (1)(f) to (l) are to sections as in force (and to terms as defined) on and after the publication commencement date.

(9) In this section, **main commencement date** and **publication commencement date** have the meanings set out in clause 2 of Schedule 1.

Requirements under this Act for secondary legislation referred to in subsection (7A)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Requirements under this Act for secondary legislation referred to in subsection (7B)(a)		
Publication	See the relevant publication, presentation, and disallowance table in the secondary legislation referred to in subsection (7A)	ss 73, 74, Sch 1 cl 14
Presentation	The Minister must present it to the House of Representatives, unless a transitional exemption applies under Schedule 1	s 114, Sch 1 cl 32
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Section 147(1)(c): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(1)(c)(i): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(1)(c)(ii): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(1)(c)(iii): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(2): replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(7A): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Section 147(7B): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

147A Regulations may make consequential amendments to other secondary legislation that authorises sub-delegated legislation

(1) This section applies to any secondary legislation that—

(a) authorises the making of other secondary legislation (**sub-delegated legislation**); and

(b) is required, by its own empowering legislation, to contain a statement to the effect that the sub-delegated legislation is secondary legislation.

(2) A failure to contain that statement does not affect the validity of either the secondary legislation or the sub-delegated legislation.

(3) However, the Governor-General may, by Order in Council, make regulations to amend the secondary legislation (whether or not made by the Governor-General) to—

(a) contain a statement to that effect and refer to Part 3 of this Act as containing the publication requirements; and

(b) make any other consequential amendments.

(4) The only facts, circumstances, or preconditions that must exist or be satisfied before those amendments are made are those that apply under this section.

(5) Regulations made under this section are secondary legislation (*see* Part 3 for publication requirements).

Requirements under this Act for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Section 147A: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Review of revision programme provisions

[Repealed]

Heading: repealed, on 17 March 2026, by section 56 of the Legislation Amendment Act 2026 (2026 No 7).

148 Review of revision programme provisions after 30 June 2020

[Repealed]

Section 148: repealed, on 17 March 2026, by section 56 of the Legislation Amendment Act 2026 (2026 No 7).

Schedule 1
Transitional, savings, and related provisions

s 6

Contents

Page

Part 1
Provisions relating to this Act as enacted

1 General overview of this Part 71
2 Definitions for this Part 71

Subpart 1—Interpretation and application of legislation

How provisions apply to existing and new legislation

3 Part 2 of this Act applies to both existing and new legislation 72
4 Exception for examples in existing legislation 72
5 Exception for commencement of secondary legislation made before main commencement date 72

Savings of previous definitions for certain legislation

6 Saving of definitions for pre-1 November 1999 legislation 72
7 Saving of definitions for legislation made before main commencement date 73
8 Savings of previous Proclamations 73
9 Savings of material incorporated by reference under Legislation Act 2012 73
10 How Abolition of Provinces Act 1875 affects provincial legislation 73

Subpart 2—Transition for secondary legislation to new publication requirements

11 Purpose 73
12 Outline of transition to Part 3 publication 74
13 Definition of secondary legislation is effective on main commencement date for all legislation 75
14 Existing requirements continued as applicable publication requirements on main commencement date 77
15 Maker must lodge minimum legislative information before list deadline (if clause applies) 77
16 Maker must lodge secondary legislation for full publication before publication deadline (if clause applies) 78
17 Publication of information and secondary legislation to which this subpart applies 79
18 Application of subpart 1 of Part 3 of this Act 79

Other transitional matters

19 Transitional regulation-making power 79
20 Transitional application of publication responsibilities 81
21 Power to reassign responsibilities of secondary legislation's maker 82
22 Commencement orders for existing Acts are secondary legislation 82

Subpart 3—General drafting and publication matters

Drafting responsibilities

23 PCO's responsibility for drafting secondary legislation 82
24 PCO may continue to draft and publish other instruments 83

Official versions

25 How power to issue official versions applies to previous or existing legislation 83
26 How legal status of previous official versions applies 83
27 Previous printed official versions continue until new official version issued 83
27A Annual report on exemptions from presentation and other drafting and publication matters 83
27B Publication statement taken not to have been required 84

Correcting errors and making other editorial changes

28 How power to make editorial changes applies to legislation published under old publication requirements 84

Revision Bill provisions

29 Provisions on revision Bills apply also to previous revision Bills 84

Subpart 4—Disclosure requirements for Government-initiated legislation

[Repealed]

30 Disclosure requirements apply only to Bills introduced after Part 4 commencement date *[Repealed]* 84
31 Ministers may perform duties before Part 4 commencement date *[Repealed]* 84

Subpart 5—Parliament's oversight of secondary legislation

Presentation to House of Representatives

32 Limited application of presentation requirements to secondary legislation made before publication deadline 85

Disallowance

33 Old disallowance provisions continue to apply to existing notices of motion, etc 85
33A New disallowance provisions apply to previously disallowable instruments 86

Confirmation

34 Old confirmation provisions continue to apply to existing confirmable instruments 86

Subpart 6—Parliamentary Counsel Office

35 Saving for existing appointment 86

Part 1
Provisions relating to this Act as enacted

1 General overview of this Part

This Part contains transitional and savings provisions as follows:

(a) clause 2 provides definitions:

(b) subpart 1 relates to the interpretation principles and rules in Part 2 of this Act:

(c) subpart 2 relates to new and existing secondary legislation and when it and its minimum legislative information must be published under Part 3 of this Act:

(d) subpart 3 relates to general drafting and publication matters in Part 3 of this Act:

(e) *[Repealed]*

(f) subpart 5 relates to Parliament's oversight of secondary legislation under Part 5 of this Act:

(g) subpart 6 relates to the PCO under Part 6 of this Act.

Schedule 1 clause 1(e): repealed, on 17 March 2026, by section 58(2) of the Legislation Amendment Act 2026 (2026 No 7).

2 Definitions for this Part

In this Part,—

list deadline, for secondary legislation, is the deadline that applies to it under clause 15(5)

list exemption means an exemption of that type that is, on and after the publication commencement date, referred to in section 69(2)

main commencement date means the date on which section 10 of the Legislation (Repeals and Amendments) Act 2019 (which repeals the Legislation Act 2012) comes into force

publication commencement date means the date on which section 17 of the Legislation (Repeals and Amendments) Act 2019 comes into force (which brings into force the amendments requiring centralised publication as set out in Schedule 2 of the Legislation (Repeals and Amendments) Act 2019)

publication exemption means an exemption of that type that is, on and after the publication commencement date, referred to in section 69(2)

publication deadline, for secondary legislation, is the deadline that applies to it under clause 16(5)

regulations has the meaning set out in clause 11(2).

Subpart 1—Interpretation and application of legislation

How provisions apply to existing and new legislation

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

(1) Part 2 of this Act applies to—

(a) legislation whether it is enacted or made before, on, or after the main commencement date; and

(b) anything that was an enactment under the Interpretation Act 1999 at the time it was made (or an amendment to that enactment made at any time).

(2) This clause is subject to the rest of this subpart.

4 Exception for examples in existing legislation

(1) Section 23 does not apply to an example provided in legislation that is enacted or made before the main commencement date (or an amendment, after that date, to that legislation).

(2) This clause applies unless—

(a) the legislation provides otherwise; or

(b) the context of the legislation requires a different interpretation.

5 Exception for commencement of secondary legislation made before main commencement date

Section 26 does not apply to secondary legislation made before the main commencement date (and section 9 of the Interpretation Act 1999 applies instead).

Savings of previous definitions for certain legislation

6 Saving of definitions for pre-1 November 1999 legislation

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

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

Governor means the Governor-General

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

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

(2) This clause applies to legislation unless—

(a) the legislation provides otherwise; or

(b) the context of the legislation requires a different interpretation.

Compare: 1999 No 85 s 30

7 Saving of definitions for legislation made before main commencement date

(1) In legislation enacted or made before the main commencement date (or an amendment, after that date, to that legislation), **regulations** has the meaning set out in section 29 of the Interpretation Act 1999 (as in force immediately before that date).

(2) This clause applies to legislation unless—

(a) the legislation provides otherwise; or

(b) the context of the legislation requires a different interpretation.

8 Savings of previous Proclamations

A Proclamation published in the *Gazette* before the main commencement date continues to be a proclamation for the purposes of section 13.

9 Savings of material incorporated by reference under Legislation Act 2012

(1) Material incorporated by reference under subpart 2 of Part 3 of the Legislation Act 2012 must be treated as if—

(a) it were incorporated by reference under section 64 of this Act; and

(b) any notice given under section 52(2) of the Legislation Act 2012 as to where the material is available for inspection and purchase is public notice as to where it is publicly available for the purposes of clause 2(a) of Schedule 2 of this Act.

(2) The chief executive may make it publicly available in another way permitted by Schedule 2 of this Act if the chief executive gives public notice as required by clause 2 of that schedule.

10 How Abolition of Provinces Act 1875 affects provincial legislation

Section 26 of the Acts Interpretation Act 1908 as set out in Schedule 2 of the Acts Interpretation Act 1924 continues to apply despite its repeal.

Compare: 1999 No 85 s 38(2)

Subpart 2—Transition for secondary legislation to new publication requirements

11 Purpose

(1) The purpose of this subpart is to—

(a) provide for orderly transitional arrangements for the application of this Act to secondary legislation that is not published on the legislation website at the publication commencement date; and

(b) otherwise clarify the Act's application to secondary legislation.

(2) *See also* section 147(1)(s), which provides for regulations to be made for the purposes of this subpart (the **regulations**).

12 Outline of transition to Part 3 publication

(1) The transition of secondary legislation to publication under Part 3 applies as follows:

(a) on the main commencement date,—

(i) the definition of secondary legislation set out in this Act will apply (*see* clause 13); and

(ii) amendments will be made, by another Act, to identify empowering provisions that empower the making of secondary legislation; and

(iii) instruments made under those empowering provisions will be secondary legislation for the purposes of this Act (for example, for interpretation and disallowance purposes); but

(iv) existing publication requirements previously set out in the empowering legislation will generally continue to apply to the secondary legislation at that time under Part 3 (*see* sections 73 and 74, as in force on the main commencement date, and clause 14); and

(b) on the publication commencement date, Part 3 is amended (*see* Schedule 2 of the Legislation (Repeals and Amendments) Act 2019) and this subpart and the regulations provide for an orderly transition of secondary legislation to the publication requirements set out in this Act as follows:

(i) Part 3's requirements for makers to lodge secondary legislation and minimum legislative information with the PCO for publication apply, but are modified by the list exemptions and publication exemptions in clauses 15 and 16, as set out below; and

List deadline step (clause 15)

(ii) until the list deadline set by or under this subpart, a list exemption applies, and the existing publication requirements generally continue to apply, under clause 15 despite the publication commencement date; but

(iii) minimum legislative information for classes of secondary legislation will be required to be lodged with the PCO by that list deadline (so that a complete list of secondary legislation may be published on the legislation website); and

(iv) on the list deadline, the list exemption ceases and, after that, minimum legislative information for both existing and new secondary legislation must be lodged with the PCO for publication under Part 3; and

(v) after a date set under this subpart, secondary legislation that is not listed may be revoked; and

Publication deadline step (clause 16)

(vi) until the publication deadline set under this subpart, a publication exemption applies under clause 16 (so that the text of the secondary legislation need not be lodged with the PCO for publication); but

(vii) classes of secondary legislation will be required to be lodged with the PCO for publication by the publication deadline; and

(viii) on the publication deadline, the publication exemption ceases and, after that, both existing and new secondary legislation must be lodged with the PCO for publication under Part 3; and

(ix) after a date set under this subpart, secondary legislation that is not published on the legislation website may be revoked.

(2) This is a guide only to the general scheme and effect of this subpart.

13 Definition of secondary legislation is effective on main commencement date for all legislation

(1) The definition of secondary legislation—

(a) applies to an instrument regardless of whether it is made before, on, or after the main commencement date; and

(b) extends to an instrument made under an identified empowering provision (*see* subclause (3)).

(2) An instrument made before that date that is in force under a provision that empowers the making of secondary legislation, under the Royal prerogative, or under an identified empowering provision, becomes, on the main commencement date, secondary legislation.

Examples

Instrument made under empowering provision before main commencement date

An order is made under section 100 of an Act before the main commencement date.

On the main commencement date, an amendment is made to section 100 by the Secondary Legislation Act so that it states that orders made under it are secondary legislation.

The order is secondary legislation.

Instruments made under empowering provision if amendment passed but not yet in force

An order is made under section 120 of an Act after the main commencement date.

The Secondary Legislation Act has been passed, amending section 120. The amendment will result in section 120 stating that orders made under it are secondary legislation. However, the amendment has not yet come into force. Under subclause (3), section 120 is an identified empowering provision.

The order is secondary legislation.

In addition, section 120 may be changed, as an interim step before the full amendments come into force, so that it clearly states that orders made under it are secondary legislation (*see* subclauses (4) and (5)).

Instrument saved under empowering provision

An order is made under section 90 of a repealed Act. Section 90 was replaced by the section 100 referred to above.

The order continues in force as if it were made under section 100 (*see* section 36 of this Act and section 20 of the Interpretation Act 1999).

The order is secondary legislation.

(3) For the purposes of this Act, a provision is an **identified empowering provision** if an amendment to the legislation (a **secondary legislation amendment**)—

(a) has been passed or made that will result in the legislation stating that instruments under that provision are secondary legislation; but

(b) that amendment is not yet in force.

(4) The Chief Parliamentary Counsel may authorise the PCO to make the following changes to a version of legislation to show the effect of subclauses (1)(b) and (3), the rest of this schedule, and Part 3 in relation to identified empowering provisions:

(a) changes to insert statements to make it clear that instruments made under identified empowering provisions are secondary legislation:

(b) changes to insert, replace, or remove statements relating to listing, notification, publication, or presentation:

(c) any other changes that are purely consequential on those changes.

(5) Subpart 2 of Part 3 applies to those changes as if they were changes referred to in section 87, except that, for the purposes of ensuring that the secondary legislation amendments (and any other related amendments relating to listing, notification, publication, or presentation) are effective despite those changes,—

(a) those changes must be treated as being revoked immediately before those secondary legislation amendments (and related amendments) come into force; and

(b) section 90 (which deals with when editorial changes usually take effect) does not apply.

14 Existing requirements continued as applicable publication requirements on main commencement date

(1) This clause applies, for the purposes of section 74(1)(a), to empowering provisions that are enacted before the main commencement date.

(2) For the purposes of the applicable publication requirements under that paragraph (as in force on the main commencement date),—

(a) the PCO may record and publish, as the applicable publication requirements for the empowering provision,—

(i) the 1 or more requirements to publish, notify, or otherwise make available secondary legislation made under the empowering provision that applied under an Act, with the same or substantially the same effect, immediately before the main commencement date; and with

(ii) any exemptions or limits on those requirements; and with

(iii) any necessary modifications in light of other amendments made to the legislation on or after the main commencement date; and

(b) the PCO must publish those applicable publication requirements, on the legislation website, by publishing either a link to the previous provision that set out that requirement or the record made under paragraph (a).

(3) Nothing in this clause limits the information that the PCO may record and publish in relation to an Act in relation to an empowering provision (for example, as an aid to assist users to understand how this Act applies to secondary legislation).

Schedule 1 clause 14(2)(a)(i): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 14(3): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

15 Maker must lodge minimum legislative information before list deadline (if clause applies)

(1) This clause applies to secondary legislation on and after the publication commencement date if—

(a) it is made before the list deadline; and

(b) it is not already required to be published by the PCO under Part 3 before that list deadline.

(2) Until the list deadline,—

(a) a list exemption applies to the secondary legislation; and

(b) the maker must continue to comply with the applicable publication requirements (to the extent required by section 73, as in force immediately before the publication commencement date); but

(c) those applicable publication requirements are treated as satisfied if—

(i) the minimum legislative information for the secondary legislation is, with the agreement of the PCO, instead lodged with the PCO for publication; and

(ii) the maker complies with the minimum requirements for publication set by regulations made under this Act that are applicable (if any).

(3) The maker must, before the list deadline, lodge the minimum legislative information for the secondary legislation with the PCO for publication in accordance with the regulations (unless the secondary legislation ceases to be in force before the list deadline).

(4) The secondary legislation is revoked on a date specified in the regulations if—

(a) its minimum legislative information is not lodged with the PCO for publication; and

(b) it is of a class that is specified by the regulations as being revoked on that date.

(5) The list deadline for secondary legislation is—

(a) the first anniversary of the publication commencement date (unless paragraph (b) or (c) applies); or

(b) a deadline after the publication commencement date and no later than the fifth anniversary of the publication commencement date that is set by the regulations for the relevant class of secondary legislation; or

(c) a deadline earlier than a deadline under paragraph (a) or (b) that is set by agreement between the maker and the Chief Parliamentary Counsel.

(6) For the purposes of subclause (2)(b), in relation to the applicable publication requirements for secondary legislation with international transparency obligations,—

(a) sections 75 to 77 continue to apply (as in force immediately before the publication commencement date):

(b) any direction made under section 76 (or previously under section 36E or 36F of the Legislation Act 2012) continues in force, and may continue to be amended or revoked as if section 76 were still in force:

(c) any regulations made for the purposes of the definition of relevant central government entity continue in force, and may continue to be amended or revoked as if section 147(1)(d) were still in force.

Schedule 1 clause 15(6)(b): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

16 Maker must lodge secondary legislation for full publication before publication deadline (if clause applies)

(1) This clause applies to secondary legislation on and after the publication commencement date if—

(a) it is made before the publication deadline; and

(b) it is not already required to be published by the PCO under Part 3 before that publication deadline.

(2) A publication exemption applies to the secondary legislation until the publication deadline (*see* section 76, as in force on the publication commencement date, for the publication obligations that instead apply).

(3) The maker must, before the publication deadline, lodge the secondary legislation with the PCO for publication in accordance with the regulations (unless the secondary legislation ceases to be in force before the publication deadline).

(4) The secondary legislation is revoked on a date specified in the regulations if—

(a) the legislation is not lodged with the PCO for publication; and

(b) it is of a class that is specified by the regulations as being revoked on that date.

(5) The publication deadline for secondary legislation is—

(a) a deadline set by the regulations for the relevant class of secondary legislation; or

(b) an earlier deadline set by agreement between the maker and the Chief Parliamentary Counsel.

17 Publication of information and secondary legislation to which this subpart applies

The PCO must publish the minimum legislative information, and the secondary legislation, that is lodged under this subpart when required to do so by the regulations (but need not do so before that time).

18 Application of subpart 1 of Part 3 of this Act

The following sections do not apply to minimum legislative information lodged, or required to be lodged, under clause 15 or secondary legislation lodged, or required to be lodged, under clause 16 (except as provided in the regulations):

(a) section 71 (how and when PCO must publish legislation and consolidations of legislation):

(b) section 73 (secondary legislation does not commence until published):

(c) any other sections of subpart 1 of Part 3 of this Act that are specified in the regulations.

Other transitional matters

19 Transitional regulation-making power

(1) The purpose of this clause is to facilitate an orderly implementation of this Act by enabling amendments that—

(a) ensure that instruments are secondary legislation under this Act if they have, or any part of them has, legislative effect (and exclude instruments from being secondary legislation if no part of them has legislative effect); and

(ab) if they are secondary legislation, ensure that this Act applies appropriately to them; and

(b) are consistent with the purpose of this Act.

(2) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, make regulations for any 1 or more of the following purposes:

(a) to amend legislation to insert, delete, or amend a statement to the effect that an instrument or a class of instruments is secondary legislation (together with a statement referring to Part 3 of this Act for publication requirements):

(b) to amend Schedule 1A of this Act to insert, delete, or amend a description of an instrument made by Royal prerogative:

(c) to amend Schedule 3 of this Act to insert, delete, or amend an exemption from this Act:

(d) to make another amendment to legislation that is necessary or desirable—

(i) as a consequence of an instrument, or a class of instruments, being secondary legislation or not (for example, to delete any reference to disallowable instruments or to insert publication or notification requirements for instruments that are not secondary legislation); or

(ii) to ensure that this Act applies appropriately in relation to the instrument (for example, to clarify the maker of the instrument or to permit the instrument to continue to come into force despite not yet being published); or

(iii) as a consequence of another amendment authorised by this clause (for example, to update the legislation to reflect changed section references or procedural requirements).

(3) The Attorney-General may make a recommendation under this clause only after—

(a) consulting the committee of the House of Representatives that is responsible for the review of secondary legislation; and

(b) having regard to the purpose of this clause.

(4) Regulations made under this clause are secondary legislation (*see* Part 3 for publication requirements).

(5) This clause is repealed on the fifth anniversary of the publication commencement date.

Requirements under this Act for secondary legislation made under this clause		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Schedule 1 clause 19 heading: amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 19(1)(ab): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 19(2): replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 19(4): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 19(5): amended, on 17 March 2026, by section 58(14) of the Legislation Amendment Act 2026 (2026 No 7).

Schedule 1 clause 19(5): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

20 Transitional application of publication responsibilities

(1) Section 69, and other publication or notification responsibilities for the PCO under Part 3 (as in force on the main commencement date), do not apply to—

(a) Bills that were introduced before 5 August 2013 (or amendments to those Bills):

(b) Acts that ceased to be in force before 5 August 2013:

(c) secondary legislation that ceases to be in force before 5 August 2013:

(d) minimum legislative information for that secondary legislation.

(2) Section 69, and other publication responsibilities for the PCO under Part 3 (as in force on and from the publication commencement date), continue to not apply to the things set out in subclause (1), but also do not apply to—

(a) secondary legislation that ceases to be in force before the list deadline (and was not required to be published by the PCO before that date):

(b) minimum legislative information for that secondary legislation.

(3) Sections 75 to 77 (as in force on the main commencement date) do not apply to secondary legislation made before 30 December 2018.

(4) Section 73 (as inserted by Schedule 2 of the Legislation (Repeals and Amendments) Act 2019) does not apply to any secondary legislation that is made before that section comes into force.

21 Power to reassign responsibilities of secondary legislation's maker

(1) The Attorney-General may authorise any department (within the meaning of section 2(1) of the Public Finance Act 1989) to meet, in relation to secondary legislation, an obligation under this Act that would otherwise have to be met by the legislation's maker under this schedule.

(2) An authorisation is made by written notice given to the department and, unless the department is the PCO, copied to the PCO.

(3) Any authorisation under this section expires on the publication deadline set for that secondary legislation under the regulations.

22 Commencement orders for existing Acts are secondary legislation

(1) This clause applies to an Act's commencement provision if—

(a) the Act is enacted before the main commencement date; and

(b) the provision provides for all or part of the Act to be brought into force by Order in Council; and

(c) the commencement provision does not state that a commencement order under the provision is secondary legislation.

(2) A commencement order made under the provision is secondary legislation (*see* Part 3 for publication requirements).

Requirements under this Act for secondary legislation referred to in subclause (2)		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	ss 115, 116

This note is not part of the Act.

Subpart 3—General drafting and publication matters

Drafting responsibilities

23 PCO's responsibility for drafting secondary legislation

(1) This clause applies to secondary legislation made under an empowering provision if, immediately before the main commencement date, section 59(2)(c) or (d) of the Legislation Act 2012 required the PCO to draft instruments made under that empowering provision.

(2) The administering agency and the Chief Parliamentary Counsel are assumed to have agreed, for the purpose of section 67(d) of this Act, that the PCO will draft secondary legislation made under the provision.

(3) Subclause (2) applies only until either party notifies the other that they do not agree or the parties reach a different agreement under section 67(d).

(4) This clause does not apply to secondary legislation to which section 59(2)(a) or (b) of the Legislation Act 2012 applied.

24 PCO may continue to draft and publish other instruments

The PCO may, after the main commencement date, continue to draft and publish any instrument described in section 59(2) of the Legislation Act 2012 until the administering agency or the Chief Parliamentary Counsel notifies the other of an end date for the purposes of this clause.

Official versions

25 How power to issue official versions applies to previous or existing legislation

(1) Section 78 applies to legislation regardless of when it is or was made, printed, or published.

(2) An official electronic version of legislation that was issued under section 17 of the Legislation Act 2012 continues to be an official electronic version for the purposes of this Act (as if it were published under section 78).

26 How legal status of previous official versions applies

Section 18(3) of the Legislation Act 2012 continues to apply to regulations or a legislative instrument (as defined in that Act) to which it applied immediately before the main commencement date.

27 Previous printed official versions continue until new official version issued

(1) This clause applies to every copy of legislation—

(a) that purports to be printed and published (whether before or after the commencement of section 77(2) of the Legislation Act 2012) under the authority of the New Zealand Government; and

(b) until an official electronic or printed version was or is issued under section 17 of the Legislation Act 2012 or section 78 of this Act.

(2) Sections 16C and 16D of the Acts and Regulations Publication Act 1989 continue to apply to those copies despite the repeal of that Act.

27A Annual report on exemptions from presentation and other drafting and publication matters

The first annual report required under section 83A must—

(a) be provided to the Attorney-General as soon as practicable after the end of the financial year ending on 30 June 2022; and

(b) cover the period from the main commencement date to 30 June 2022.

Schedule 1 clause 27A: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

27B Publication statement taken not to have been required

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

Schedule 1 clause 27B: inserted, on 17 March 2026, by section 58(22) of the Legislation Amendment Act 2026 (2026 No 7).

Correcting errors and making other editorial changes

28 How power to make editorial changes applies to legislation published under old publication requirements

Subpart 2 of Part 3 of this Act applies to legislation whether published by the PCO under this Act or any corresponding previous Acts.

Revision Bill provisions

29 Provisions on revision Bills apply also to previous revision Bills

(1) References in this Act to a revision Bill or a revision Act (or a revision programme) include a Bill or an Act that is prepared (or a revision programme) under subpart 3 of Part 2 of the Legislation Act 2012.

(2) References in this Act to sections 59 to 62 or subpart 3 of Part 3 of this Act include subpart 3 of Part 2 of the Legislation Act 2012.

Subpart 4—Disclosure requirements for Government-initiated legislation

[Repealed]

Schedule 1 subpart 4: repealed, on 17 March 2026, by section 58(25) of the Legislation Amendment Act 2026 (2026 No 7).

30 Disclosure requirements apply only to Bills introduced after Part 4 commencement date

[Repealed]

Schedule 1 clause 30: repealed, on 17 March 2026, by section 58(25) of the Legislation Amendment Act 2026 (2026 No 7).

31 Ministers may perform duties before Part 4 commencement date

[Repealed]

Schedule 1 clause 31: repealed, on 17 March 2026, by section 58(25) of the Legislation Amendment Act 2026 (2026 No 7).

Subpart 5—Parliament's oversight of secondary legislation

Presentation to House of Representatives

32 Limited application of presentation requirements to secondary legislation made before publication deadline

(1AA) This clause applies to secondary legislation that is made before the publication deadline for the secondary legislation.

(1) Subpart 1 of Part 5 of this Act, which requires secondary legislation to be presented to the House of Representatives, applies to the secondary legislation only if—

(a) it is made under an empowering provision that was enacted before the main commencement date and, before that date, instruments made under the provision were—

(i) legislative instruments; or

(ii) instruments stated by an Act to be disallowable instruments for the purposes of the Legislation Act 2012; or

(iii) expressly required to be presented to the House of Representatives; or

(b) it is made under an empowering provision that was enacted on or after the main commencement date.

(2) This clause does not affect any requirement for the legislation to be presented to the House of Representatives that applied when the secondary legislation was made.

Schedule 1 clause 32(1AA): inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 32(1): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 32(1)(a): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 32(1)(a)(iii): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 32(1)(b): replaced, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 1 clause 32(2): amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Disallowance

33 Old disallowance provisions continue to apply to existing notices of motion, etc

Subpart 1 of Part 3 of the Legislation Act 2012 continues to apply to a notice of motion to disallow or amend a disallowable instrument (as defined in that Act)

that is given, and not withdrawn or disposed of, before the main commencement date.

33A New disallowance provisions apply to previously disallowable instruments

Subpart 2 of Part 5 of this Act (which provides for disallowance of secondary legislation), applies to anything that was an instrument of the following type at the time it was made (or an amendment to that instrument made at any time):

(a) a legislative instrument (other than a legislative instrument that was stated by an Act not to be disallowable for the purposes of the Legislation Act 2012):

(b) an instrument that was stated by an Act to be a disallowable instrument for the purposes of the Legislation Act 2012.

Schedule 1 clause 33A: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Confirmation

34 Old confirmation provisions continue to apply to existing confirmable instruments

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

Subpart 6—Parliamentary Counsel Office

35 Saving for existing appointment

The Chief Parliamentary Counsel holding office under section 66 of the Legislation Act 2012 continues to hold that office under section 135 of this Act.

Schedule 1A
Secondary legislation made by Royal prerogative

s 5(1)

Schedule 1A: inserted, on 25 March 2021, by section 4(3) of the Secondary Legislation Act 2021 (2021 No 7).

Item	Form	Purpose(s) for which made
1	Letters Patent	Constituting the Office of Governor-General of New Zealand (including constituting the Executive Council, conferring powers on the Governor-General and Executive Council, and otherwise providing for them).
2	Rules	Regulating the use of images of the Royal family for commercial purposes.
3	Royal Warrant	Establishing Royal Honours and regulating the granting, use, and retention of those Honours (including by delegating any matter to regulations or rules).
4	Regulations or rules	Regulating the eligibility and other matters delegated by Royal Warrant in relation to Royal Honours.
5	Rules	Regulating the acceptance and wearing of Commonwealth, foreign, and international Honours by New Zealand citizens.
6	Rules	Regulating the granting, use, and retention of the titles “The Right Honourable” and “The Honourable” in New Zealand.

Schedule 2
Incorporation by reference

ss 65, 66

1 Requirements to be met on proposal to incorporate material by reference

Before secondary legislation incorporating material by reference in reliance on section 64 is made, the chief executive of the administering agency must—

(a) give public notice of the proposal to incorporate the material, of the reasons for the proposal, and of how the material has been made publicly available; and

(b) ensure that copies of the proposed material are publicly available in that way; and

(c) allow a reasonable opportunity for persons to comment on the proposal; and

(d) after considering any comments made and having regard to the purpose of this Act, be satisfied that—

(i) the secondary legislation clearly identifies the material incorporated; and

(ii) the means of making the material publicly available is sufficient to enable persons to whom the law applies to find and obtain copies of the material incorporated with reasonable ease; and

(iii) it is otherwise appropriate to incorporate the proposed material as part of the secondary legislation.

Compare: 2012 No 119 s 51

2 Access to material incorporated by reference

If an instrument incorporating material by reference in reliance on section 64 is made, the chief executive of the administering agency must—

(a) give public notice of how the material is publicly available (or set this out in the secondary legislation); and

(b) ensure that copies of the proposed material are publicly available in that way.

Compare: 2012 No 119 s 52

3 What is required to make material publicly available

(1) A requirement to make material **publicly available** under this schedule is a requirement that—

(a) the material is—

(i) made available on (or via a link on) an Internet site maintained by or on behalf of the administering agency, free of charge, unless doing so would infringe copyright; or

(ii) in any other case, available for inspection, free of charge, at a place notified on an Internet site maintained by or on behalf of the administering agency; and

(b) the material is available for purchase, at a reasonable cost, from a place notified on an Internet site maintained by or on behalf of the administering agency; and

(c) if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material is also available as set out in paragraphs (a) and (b).

(2) A chief executive must not rely on section 66 of the Copyright Act 1994 as authority to make the proposed material available on an Internet site.

4 Proof of material incorporated by reference

(1) A copy of material incorporated by reference in secondary legislation in reliance on section 64 must be—

(a) certified as a correct copy of the material by the chief executive of the administering agency; and

(b) retained by the chief executive.

(2) The production in a proceeding of a copy of the material incorporated by reference that is certified as a correct copy by the chief executive is, in the absence of evidence to the contrary, sufficient evidence of the material incorporated by reference in the secondary legislation.

(3) *See also* Part 4 of the Contract and Commercial Law Act 2017, which enables this requirement to be met by certifying and retaining a copy in an electronic form.

Compare: 2012 No 119 s 54

5 Material incorporated by reference need not be published under this Act or presented to House of Representatives

Subpart 1 of Part 3 and section 114 of this Act do not apply to material that is incorporated by reference in secondary legislation in reliance on section 64 merely because it is incorporated.

Compare: 2012 No 119 s 55

6 Failure to comply does not invalidate

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

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

Schedule 3
Exemptions from presentation or disallowance under this Act

ss 114, 115

Schedule 3: replaced, on 25 March 2021, by section 4(4) of the Secondary Legislation Act 2021 (2021 No 7).

(1) A presentation or disallowance exemption applies to secondary legislation (or part of secondary legislation) under this schedule if—

(a) it is made under an empowering provision to which that exemption applies in accordance with the tables below; and

(b) any exemption ground is met (if specified in the tables for the exemption).

(2) Any term or expression that is used in this schedule in relation to any empowering legislation, but not defined in this Act, has the same meaning as in that empowering legislation.

(3) *See also* clause 32 of Schedule 1 for transitional presentation exemptions.

Empowering provision	Exemption grounds	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Animal Products Act 1999			
Section 167(1) (for the purposes of section 38(2)(b) or 60)			Exemption applies
Child Poverty Reduction Act 2018			
Section 6 (in combination with section 34)			Exemption applies
Civil Aviation Act 2023			
Section 52	**Exemption ground** Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	
Section 63	**Exemption ground** Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	
Section 64	**Exemption ground** Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	

Empowering provision	Exemption grounds	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Section 67	**Exemption ground** Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	
Section 70	**Exemption ground** Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	
Section 152	**Exemption ground** Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	
Section 154	**Exemption ground** Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	
Section 322(1)(b)	**Exemption ground** Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	
Section 430 (where transport instrument provided for by rule made under s 52, 63, 67, or 70)	**Exemption ground** Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	
Section 436			Exemption applies
Commerce Act 1986			
Section 52P			Exemption applies
Section 52W			Exemption applies
Section 53ZG			Exemption applies
District Court Act 2016			
Section 60(1)(b)			Exemption applies
Dog Control Act 1996			
Section 78A(1)			Exemption applies
Financial Markets Conduct Act 2013			
Section 556	**Exemption ground**	Exemption applies if exemption ground is met	

Empowering provision	Exemption grounds	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	If the FMA is satisfied on reasonable grounds that it is proper to defer compliance on the ground of commercial confidentiality.		
Fisheries Act 1996			
Regulations made under section 186	**Exemption ground** The secondary legislation is bylaws made under the regulations for the purposes of section 49 of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.		Exemption applies if exemption ground is met
Governor-General Act 2010			
Section 5			Exemption applies
Section 6			Exemption applies
Section 8			Exemption applies
Health and Safety at Work Act 2015			
Section 7(5)			Exemption applies
Section 8(2)			Exemption applies
Local Government (Water Services Preliminary Arrangements) Act 2024			
Section 42		Exemption applies	Exemption applies
Section 46		Exemption applies	Exemption applies
Misuse of Drugs Act 1975			
Section 4(1), (1B)			Exemption applies
Ombudsmen Act 1975			
Section 15		Exemption applies	*See* s 115(a)
Organic Products and Production Act 2023			
Section 143 (for the purpose of section 63)	The relevant chief executive considers that compliance would result in 1 or more of the following: (a) disclosure of commercially sensitive information: (b) disclosure of a trade secret:	Exemption applies if exemption ground is met	Exemption applies

Empowering provision	Exemption grounds	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	(c) prejudice to New Zealand's position in current or future negotiations for overseas market access:		
	(d) prejudice to the international relations of New Zealand.		
Parliament Act 2025			
Section 53		Exemption applies	*See* s 115(a)
Section 71		Exemption applies	Exemption applies
Section 72		Exemption applies	Exemption applies
Section 73		Exemption applies	Exemption applies
Section 74		Exemption applies	Exemption applies
Section 85			Exemption applies
Section 86			Exemption applies
Section 87			Exemption applies
Section 94			Exemption applies
Remuneration Authority Act 1977			
Section 12B(1), (2)		Exemption applies	Exemption applies
Takeovers Act 1993			
Section 45(1)(a), (b)	**Exemption ground** The Takeovers Panel is satisfied on reasonable grounds that it is proper to defer compliance for reasons of commercial confidentiality.	Exemption applies while exemption ground is met	
Telecommunications Act 2001			
Section 27			Exemption applies
Section 30M			Exemption applies
Section 30R			Exemption applies
Section 39			Exemption applies
Section 51			Exemption applies
Section 58			Exemption applies
Section 59			Exemption applies

Empowering provision	Exemption grounds	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Section 87			Exemption applies
Section 94J			Exemption applies
Section 170(1)			Exemption applies
Section 180			Exemption applies
Section 222			Exemption applies
Section 236			Exemption applies
Section 238			Exemption applies
Schedule 2, clause 10			Exemption applies
Schedule 2, clause 17			Exemption applies
Schedule 2A, clause 3			Exemption applies
Telecommunications (Interception Capability and Security) Act 2013			
Section 29			Exemption applies
Section 34			Exemption applies
Section 49			Exemption applies
Wine Act 2003			
Section 120(1) (for the purposes of section 41(2))			Exemption applies

Empowering provision	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115)
Royal prerogative		
Letters Patent Constituting the Office of Governor-General of New Zealand (and other matters included under Schedule 1A).		*See* s 115(b)
Rules regulating the use of images of the Royal family for commercial purposes.		*See* s 115(b)
Royal Warrants establishing Royal Honours and regulating the granting, use, and retention of those Honours (including by delegating any matter to regulations or rules).		*See* s 115(b)
Regulations or rules regulating eligibility and other matters delegated by Royal Warrant in relation to Royal Honours.		*See* s 115(b)
Rules regulating the acceptance and wearing of Commonwealth, foreign, and international Honours by New Zealand citizens.		*See* s 115(b)
Rules regulating the granting, use, and retention of the titles "The Right Honourable" and "The Honourable" in New Zealand.		*See* s 115(b)

Schedule 3 Civil Aviation Act 1990: repealed, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Schedule 3 Civil Aviation Act 2023: inserted, on 5 April 2025, by section 486 of the Civil Aviation Act 2023 (2023 No 10).

Schedule 3 Civil Defence Emergency Management Act 2002: repealed, on 4 September 2026, by section 235 of the Emergency Management Act 2026 (2026 No 53).

Schedule 3 Local Government (Water Services Preliminary Arrangements) Act 2024: inserted, on 1 July 2025, by section 117 of the Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31).

Schedule 3 Members of Parliament (Remuneration and Services) Act 2013: repealed, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Schedule 3 Natural and Built Environment Act 2023: repealed, on 23 December 2023, by section 6 of the Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68).

Schedule 3 Organic Products and Production Act 2023: inserted, on 6 April 2023, by section 163(2) of the Organic Products and Production Act 2023 (2023 No 14).

Schedule 3 Parliament Act 2025: inserted, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Schedule 3 Parliamentary Service Act 2000: repealed, on 13 November 2025, by section 51 of the Parliament (Repeals and Amendments) Act 2025 (2025 No 63).

Schedule 4
Secondary legislation subject to confirmation by Act

ss 122, 125, 126

Part 1
Legislation that needs to be confirmed by Act before deadline

Act	Empowering section(s)	Limits on what requires confirmation (if any)
Antarctica (Environmental Protection) Act 1994	55(2)	
Arms Act 1983	74A	
Banking (Prudential Supervision) Act 1989	152 and 173	Only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5
Biosecurity Act 1993	137	
Civil Aviation Act 1990	42A	
Climate Change Response Act 2002	162(1)	
Climate Change Response Act 2002	202(1)	
Companies Act 1993	405	
Contract and Commercial Law Act 2017	239(2)	Only if the order makes an addition to Schedule 5
Criminal Procedure Act 2011	387(1)(i)	
Criminal Procedure Act 2011	387(1)(j)	
Customs and Excise Act 2018	96	
Customs and Excise Act 2018	cl 20 of Schedule 3	
Customs and Excise Act 2018	cl 21 of Schedule 3	
Customs and Excise Act 2018	cl 23 of Schedule 3	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)	
Gambling Act 2003	319(1)	
KiwiSaver Act 2006	65(1)	
Land Transport Act 1998	167(1)(j)	Only if the regulations prescribe fees or charges that are identified as land transport revenue for the purposes of

Act	Empowering section(s)	Limits on what requires confirmation (if any)
		the Land Transport Management Act 2003
Land Transport Act 1998	167AAA(1)	
Land Transport Act 1998	269 or 269A	Only if the regulations prescribe fees or charges that are identified, or are to be treated, as land transport revenue for the purposes of the Land Transport Management Act 2003
Maritime Security Act 2004	78(4)(b)	
New Zealand Horticulture Export Authority Act 1987	62B	
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)	
Road User Charges Act 2012	85(1)	
Social Security Act 2018	423(1)(c)	
Social Security Act 2018	452(1) (apart from, or with, clause 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)	

Schedule 4 Part 1 Agricultural Compounds and Veterinary Medicines Act 1997: repealed, on 10 July 2026, by section 20 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Animal Products Act 1999: repealed, on 10 July 2026, by section 56 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Banking (Prudential Supervision) Act 1989: amended, on 1 July 2022, by section 300(1) of the Reserve Bank of New Zealand Act 2021 (2021 No 31).

Schedule 4 Part 1 Biosecurity Act 1993: amended, on 10 July 2026, by section 127 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Commodity Levies Act 1990: repealed, on 10 July 2026, by section 135 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Companies Act 1993: inserted, on 29 November 2022, by section 405(7) of the Companies Act 1993 (1993 No 105).

Schedule 4 Part 1 Education Act 1989: repealed, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 4 Part 1 Education and Training Act 2020: inserted, on 1 August 2020, by section 668 of the Education and Training Act 2020 (2020 No 38).

Schedule 4 Part 1 Fisheries Act 1996: repealed, on 10 July 2026, by section 202 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Food Act 2014: repealed, on 10 July 2026, by section 278 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Forests Act 1949: repealed, on 10 July 2026, by section 290 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Industry Training and Apprenticeships Act 1992: repealed, on 1 April 2020, by section 78(1) of the Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1).

Schedule 4 Part 1 Land Transport Act 1998: amended, on 11 March 2023, by section 42(2) of the Land Transport (Drug Driving) Amendment Act 2022 (2022 No 5).

Schedule 4 Part 1 Land Transport Act 1998: amended, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 4 Part 1 Land Transport Management Act 2003: repealed, on 1 July 2024, by section 14 of the Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9).

Schedule 4 Part 1 National Animal Identification and Tracing Act 2012: repealed, on 10 July 2026, by section 310 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 New Zealand Horticulture Export Authority Act 1987: inserted, on 25 March 2021, by section 4(2) of the Secondary Legislation Act 2021 (2021 No 7).

Schedule 4 Part 1 Primary Products Marketing Act 1953: repealed, on 10 July 2026, by section 335 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Schedule 4 Part 1 Wine Act 2003: repealed, on 10 July 2026, by section 388 of the Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41).

Part 2
Legislation that has no previous effect if not confirmed by deadline

Act	Section
New Zealand Superannuation and Retirement Income Act 2001	15(2)
New Zealand Superannuation and Retirement Income Act 2001	30(2)
Social Security Act 2018	423(1)(c)
Social Security Act 2018	452(1) (apart from, or with, clause 55(6) of Schedule 1)
Veterans' Support Act 2014	190(2)

Notes

1 General

This is a consolidation of the Legislation Act 2019 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

Emergency Management Act 2026 (2026 No 53): section 235

Regulatory Systems (Primary Industries) Amendment Act 2026 (2026 No 41): sections 20, 56, 127, 135, 202, 278, 290, 310, 335, and 388

Legislation Amendment Act 2026 (2026 No 7)

Parliament (Repeals and Amendments) Act 2025 (2025 No 63): section 51

Local Government (Water Services Preliminary Arrangements) Act 2024 (2024 No 31): section 117

Land Transport Management (Repeal of Regional Fuel Tax) Amendment Act 2024 (2024 No 9): section 14

Resource Management (Natural and Built Environment and Spatial Planning Repeal and Interim Fast-track Consenting) Act 2023 (2023 No 68): section 6

Organic Products and Production Act 2023 (2023 No 14): section 163

Civil Aviation Act 2023 (2023 No 10): section 486

Statutes Amendment Act 2022 (2022 No 75): Part 22

Data and Statistics Act 2022 (2022 No 39): section 107(1)

Te Ture mō te Hararei Tūmatanui o te Kāhui o Matariki 2022/Te Kāhui o Matariki Public Holiday Act 2022 (2022 No 14): wehenga 7/section 7

Land Transport (Drug Driving) Amendment Act 2022 (2022 No 5): section 42

Legislation Act 2019 Commencement Order 2021 (LI 2021/249)

Legislation Act (Amendments to Legislation) Regulations 2021 (LI 2021/247): regulation 103

Reserve Bank of New Zealand Act 2021 (2021 No 31): section 300(1)

Secondary Legislation Act 2021 (2021 No 7): section 4

Public Service Act 2020 (2020 No 40): section 135

Education and Training Act 2020 (2020 No 38): section 668

Education (Vocational Education and Training Reform) Amendment Act 2020 (2020 No 1): section 78(1)

Companies Act 1993 (1993 No 105): section 405(7)

Wellington, New Zealand:
Published under the authority of the New Zealand Government—2026