

# Legislation Amendment Bill

Government Bill

## Explanatory note

### General policy statement

The policy objectives of this Bill are to—

- improve the accessibility of the law by re-enacting the Interpretation Act 1999 in the Legislation Act 2012, so the main provisions of New Zealand legislation that are concerned with parliamentary enactments can be found in 1 statute; and
- improve the interpretation rules from the Interpretation Act 1999 for the courts and the public by addressing (through some small fine-tuning amendments) a few technical issues identified since 1999; and
- further encourage the production of good legislation by increasing the availability of information about the development and content of new Government initiated legislation in order to inform the parliamentary and public scrutiny of that legislation; and
- clarify and update the Legislation Act 2012 by making some small related and other amendments, in particular, to take into account the publication of disclosure statements and the legal status of official electronic versions of legislation available online free of charge.

### Updating and re-enacting Interpretation Act 1999

The general policy objective is to move the Interpretation Act 1999 into the Legislation Act 2012, which is an Act about legislation in general, to improve accessibility to the principles and rules contained in the Interpretation Act. The Interpretation Act 1999 applies to more than just the interpretation of legislation because it contains standard provisions regarding the commencement and repeal of legislation.

This reform completes the implementation of the Law Commission's recommendation in its report entitled *Presentation of New Zealand Statute Law* (NZLC R104,

2008) to bring together in 1 statute all of the provisions about legislation. The Legislation Act 2012 brought forward and combined the law on legislation that was contained in the Acts and Regulations Publication Act 1989, the Regulations (Disallowance) Act 1989, and the Statutes Drafting and Compilation Act 1920.

*Part 1* of the Bill inserts a *new Part 2A* into the Legislation Act 2012 that largely carries forward the Interpretation Act 1999 provisions with several technical improvements and clarifications to address developments identified since 1999.

### **Disclosure statements for Government initiated legislation**

The New Zealand Government has, over time, established a range of expectations for the development of legislation that are intended to support the production of robust Government initiated legislation that also conforms to well-established legal principles. There is no established process, however, that allows members of Parliament, or the public, to readily assess the extent to which the development of a particular piece of legislation has been consistent with those general expectations. There is a concern that some legislation fails to meet these expectations due to a lack of sufficient attention given to the expectations, or to time pressures on the departments that are developing the legislation.

The Bill will insert a *new Part 3A* into the Legislation Act 2012. The *new Part 3A* will require the department or departments primarily involved in the development of a piece of Government initiated legislation to make readily available certain information held by the department about the development and content of that legislation. The production and publication of this information is intended to promote greater attention to existing expectations for the development of legislation, and to support more informed parliamentary and public scrutiny of that legislation. Making this a legislative requirement represents a stronger and more public commitment to disclosure than a solely administrative requirement, and allows assurance to be given that the House of Representatives will continue to be consulted about proposed changes to the form and content of the disclosures required.

The Bill makes clear, however, that this information disclosure obligation on departments is not intended to impose conditions or restrictions of any kind on the content of legislation, on the legislative processes of Parliament, or on the ability of the Government to develop legislation.

#### *Minimum disclosure requirements for Government Bills and amendments to Bills*

The Bill requires the chief executive of the relevant department(s) to prepare a disclosure statement for most Government Bills, and for most substantive Government amendments to a Bill, and then to publish that disclosure statement online as soon as practicable after the Bill or amendment becomes available. It imposes a set of minimum disclosure requirements on the chief executive in 3 broad areas—

- useful background material and policy information concerning the legislation; and

- key quality assurance assessments or processes used to test the robustness of the content of the legislation; and
- significant or unusual features of the legislation that are likely to warrant careful scrutiny.

#### *Minimum disclosure requirements for disallowable instruments*

The chief executive of the relevant department or other entity is also required to prepare and publish a disclosure statement for most disallowable instruments to be drafted by the PCO under section 59(2). The requirement does not apply if the chief executive indicates that there is no relevant information available or that any relevant information has already been published in another disclosure statement. Where a disclosure statement is required for a disallowable instrument, the Bill imposes minimum disclosure requirements in 2 broad areas—

- useful background material and policy information concerning the legislation; and
- key quality assurance processes used to test the robustness of the content of the legislation.

#### *House of Representatives to be consulted on any additional disclosure requirements*

The Bill also acknowledges that the Minister responsible for *new Part 3A* may propose administrative requirements for the layout or format of a disclosure statement and for additional information or matters that the chief executive of the relevant department must include in a disclosure statement. Before doing so, however, the Minister must present to the House of Representatives a document that describes the proposal.

#### *Independent review within 5 years*

Finally, the Bill requires an independent review of the operation and effectiveness of this new Part of the Legislation Act 2012. The review is to commence within 5 years of *new Part 3A* coming into force, and the review findings are to be presented to the House and published.

### **Updating Legislation Act 2012**

*Part 3* of the Bill makes some related and other small amendments to the Legislation Act 2012 to clarify, for example, that the Parliamentary Counsel Office's statutory functions include the publication of supporting documents relating to Government Bills, amendments to those Bills, and instruments drafted by the Parliamentary Counsel Office, such as the disclosure statements defined in *new Part 3A* of the Legislation Act 2012; and to update the way legislation is made available to the public to reflect the way the public are now accessing legislation, particularly in view of the legal status of official electronic versions of legislation available online free of charge.

### Departmental disclosure statement

The Parliamentary Counsel Office (in respect of *Parts 1 and 3*) and the Treasury (in respect of *Part 2*) are required to prepare a disclosure statement to assist with the scrutiny of this Bill. It provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2014&no=213&>.

### Regulatory impact statements

The Treasury produced regulatory impact statements on 2 February 2011 and 29 January 2013 to help inform the main policy decisions taken by the Government relating to the disclosure statement requirement proposals in this Bill.

A copy of these regulatory impact statements can be found at—

- <http://purl.oclc.org/nzt/f-1541>
- <http://www.treasury.govt.nz/economy/publications/informationreleases/ris/pdfs/ris-tsy-rbr-mar11.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

The regulatory impact requirements do not apply to other proposals in this Bill. The relocation of the Interpretation Act 1999 in the Legislation Act 2012 is a technical “revision” that substantially re-enacts the current law in order to improve legislative clarity and navigability. The other small proposals amending the Legislation Act 2012 are minor technical and non-contentious changes that would be suitable for inclusion in a Statutes Amendment Bill.

### Clause by clause analysis

*Clause 1* is the Title clause.

*Clause 2* relates to commencement. The following come into force on **1 July 2015** or an earlier date appointed by Order in Council (once necessary preparations have been made for compliance with the new legislated disclosure requirements):

- *Part 2* (disclosure requirements for Government initiated legislation); and
- *clause 15(2)* (which amends section 59 to add a further function for the Parliamentary Counsel Office (PCO) relating to the publication of supporting documents relating to legislation); and
- *clause 18 and Schedule 1* (transitional, savings, and related provisions—see also *clause 8* in *Part 2*).

All other provisions (*Part 1*, and the rest of *Part 3*) come into force on the day after the date of Royal assent.

*Clause 3* identifies the principal Act amended: the Legislation Act 2012.

## Part 1 Interpretation of legislation

### *Purposes (new section 3(fa))*

*Clause 4* amends section 3 (which states the Act's purposes) to insert a new purpose. *New section 3(fa)* states the new purpose, which is related to *new Part 2A* (inserted by *clause 6*). The new purpose is to replace, with both re-enacted and new provisions, the Interpretation Act 1999 (the **1999 Act**, to be repealed by the *new section 77(9)* that is inserted by *clause 17(2)*).

### *Reprints—repealed enactments, etc (section 24)*

*Clause 5* amends section 24, which authorises specified changes in reprints. But section 24 does not, as section 24(3) indicates, limit the authority to make changes in a reprint in reliance on other enactments, including section 22 (references to repealed enactment) of the 1999 Act. The reference to section 22 of the 1999 Act is replaced with a reference to the following 2 new or corresponding sections (inserted by *clause 6*):

- *new section 36Q* (references to repealing enactment not yet in force):
- *new section 36W* (references to repealed enactment).

### *New Part 2A—Interpretation of legislation*

*Clause 6* inserts a *new Part 2A* on interpretation of legislation. *New Part 2A* replaces, with both re-enacted and new provisions, the Interpretation Act 1999. Most of the replacement provisions (*new sections 36A to 36ZP*) re-enact, without substantive changes, existing law. This analysis therefore discusses only substantive adjustments to, or replacement provisions without equivalents in, the existing law. Background is given by relevant cross-references to *Interpretation Act 1999—A Discussion Paper* (Parliamentary Counsel Office, 6 March 2013) (the **discussion paper**). Nearly every *new Part 2A* provision has a compare note indicating its 1999 Act (and any Acts Interpretation Act 1924) equivalent or predecessor. *New Schedule 2* also compares the existing, and re-enacted and new, provisions (*see new section 36ZP*, and *clause 19* and *Schedule 2*). If *new Part 2A* is enacted, the Legislation Act 2012 as amended could be renumbered via a reprint of that Act (if that renumbering is authorised under section 25(1)(b) and (2) of the Legislation Act 2012).

### *Purposes of new Part 2A*

*New section 36A(d)* is new. It ensures that the purposes of *new Part 2A* include to replace, with both re-enacted and new provisions, the Interpretation Act 1999.

*New Part 2A*, like the 1999 Act, contains a number of fundamental interpretation enactments, including *new section 36C* (ascertaining meaning of legislation). But *new Part 2A*, like the 1999 Act, does not contain all enactments relating to the interpretation of legislation. (*New Part 2A* does not contain, for example, section 35 (revision Acts not intended to change effect of law) of the Legislation Act 2012, or section ZA

3(3) to (5) (using old law as interpretation guide) of the Income Tax Act 2007.) *New Part 2A* therefore operates in parallel with (is not subject to, and does not override) other enactments (for example, section 6 of the New Zealand Bill of Rights Act 1990) that relate to the interpretation of all or particular enactments.

#### *Application (section 4(1) of 1999 Act)*

*New section 36B* relates to the application of *new Part 2A*.

*New section 36B(1)* re-enacts section 4(1) of the 1999 Act, but also makes it clearer (as proposed in the discussion paper at [2.1] to [2.7]) that some or all of *new Part 2A* may be displaced by provisions or context, as noted in *Sisters of Mercy (Roman Catholic Diocese of Auckland Trust Board) v Attorney-General* (High Court, Auckland, CP219/99, 14 December 2001) at [29] per Randerson J.

#### *Interpretation informed by context (new section 36C(1))*

*New section 36C(1)* differs from section 5(1) of the 1999 Act by requiring an enactment's meaning to be ascertained from its text in the light of its purpose *and in its context*. Addition of a reference to context was not proposed in the discussion paper, but is intended only to align the text of this general interpretation direction with, and so not to alter significantly the substance of, existing law and practice.

Section 5(1) of the 1999 Act, contrary to the Law Commission's recommendation in (NZLC R17, 1990) at pp 31–33 and 121, omitted reference to context. The explanatory note to the Bill for the 1999 Act suggested (at p iii) this omission arose from concern about the imprecision of the term, and concern that reference to it could invite reference to matter leading to “a meaning that might well go beyond the approach of the Courts currently”. The Justice and Electoral Committee's report on the Bill similarly showed a concern that including context might result in “more liberal interpretation” departing from Parliament's words and aims.

But the omission, opposed by submissions on that Bill, cannot mean that interpretation is *not* to be informed by context. “While the reference to context was not enacted”, Glazebrook J observed in *Agnew v Pardington* [2006] 2 NZLR 520 (CA) at [32], “... there is no doubt that the text of a provision must be interpreted having regard to the Act as a whole and the legal system generally.” Hence the courts' approach under section 5(1) of the 1999 Act, despite the omission, is that interpretation is nonetheless still to be informed by internal and extrinsic context, including parliamentary history. Indeed, “[in] determining purpose”, Tipping J said in *Commerce Commission v Fonterra Co-operative Group Ltd* [2007] 3 NZLR 767 (SCNZ) at [22], “the Court must obviously have regard to both the immediate and the general legislative context”. Interpretation informed by context is thus now, and has perhaps always been, both orthodox and routine. *New section 36C(1)* thus requires interpretation to be informed (confirmed or bolstered), but never distorted, by context.

*Status of examples (new section 36D)*

*New section 36D* is a standard provision on the status of examples, as proposed in the discussion paper at [2.8] to [2.13]. It is based on section 15AD of the Acts Interpretation Act 1901 (Aust) (as substituted in 2011). It avoids the need to repeat, in Acts and regulations, provisions like section 5 of the Major Events Management Act 2007. Its effect is that examples in legislation will not be exhaustive, and will (if enacted after *new section 36D(1)(b)* commences) also be capable of extending a provision's operation.

*New section 36D(1)(b)* is new. It helps to ensure that a new legislated example illustrating a provision's operation is properly considered (with other indications in *new section 36C(2) and (3)*) by making the example able, under the general law, to "condition" the provision's meaning: *Yaraka Holdings Pty Limited v Giljevic* [2006] ACTCA 6 at [87] per Madgwick J. A legislated example can only condition a provision's meaning if the applicable (general or special) status provision allows the example to do so, and the example is factually relevant: *B v The Chief Executive of the Ministry of Social Development* [2012] NZHC 3165 (affirmed: [2013] NZCA 410 at [27] to [30]). It is rare for a legislated example to be inconsistent with the provision illustrated but, if they are inconsistent, *new section 36D(1)(b)* ensures that the example may extend the provision's operation, if a court interpreting the provision assesses that this outcome is in fact appropriate. The provision will generally prevail, but the example will, even so, have to be considered in coming to that outcome.

Australian experience suggests that it will be exceptional for the example to extend the provision's operation: *Butt & Owners Corporation Units Plan No 1725 (Units Title)* [2013] ACAT 17 (extension not reasonably open interpretation); *Jakjoy Pty Ltd and Commissioner of Taxation* [2013] AATA 526 (purported extension held to in fact confine). It also suggests that, whatever the outcome, it is beneficial for the example to have to be considered. *City of Casey - Casey Aquatic & Recreation Centre (Anti-Discrimination)* [2012] VCAT 893 was an application for an exemption from the Equal Opportunity Act 2010 (Vict). The Tribunal held that women-only evening swimming sessions were a special measure to promote equality for a particular group, so no exemption was required by the Act for that conduct. Section 12(1) illustrated special measures with the following example: "A swimming pool that is located in an area with a significant Muslim population holds women-only swimming sessions to enable Muslim women who cannot swim in mixed company to use the pool." The Tribunal gave weight to the Act including conduct of this kind as an example, saying it showed that the Parliament supported measures of this kind and considered that they ought (despite them being discriminatory) to fall outside the Act's prohibitions.

New examples of the operation of a provision may, of course, be intended to be incapable of affecting that provision's operation. If so, those new examples will have to be either *not* legislated with, or legislated with but expressly *overridden by*, that provision. Status provisions that ensure that legislated examples are overridden by the provisions illustrated include section AA 2(1) of the Income Tax Act 2007 and *new*

*section 4AA* of the Tax Administration Act 1994 (as those sections are amended or inserted by *clause 20* and *Schedule 3*).

*Commencement of legislation (sections 8 to 10 of 1999 Act)*

*New section 36G(3)* is new. It ensures that an Act's Title and commencement sections come into force (subject to *new section 36B(1)*) on Royal assent (as proposed in the discussion paper at [2.14] to [2.18]). This avoids the need to expressly provide for their commencement, and confirms their self-executing character. (It also enables an Act's commencement section to continue to refer to "this Act", but for that reference to "this Act" to exclude the Act's Title and commencement sections.) A corresponding new provision is required for enactments other than Acts—*see also new section 36H(3)* analysed below.

*New section 36H(2)(b)* indicates, as proposed in the discussion paper at [2.20] to [2.24], the default date of commencement of regulations or enactments in regulations if—

- the making of the regulations is not (under section 12 of the Legislation Act 2012, or otherwise) notified in the *Gazette*; and
- the regulations do not state or provide for the date on which the regulations or enactments in the regulations come into force.

The default date of commencement is the day after the date on which the regulations are otherwise publicly notified. (*See also* the definition of public notification in *new section 36ZD*, discussed below.)

*New section 36H(3)* is new. It ensures that the Title and commencement provisions of regulations come into force (subject to *new section 36B(1)*) on their making. This avoids the need to expressly provide for commencement, and confirms the self-executing character, of those provisions. (It also enables the regulations' commencement provision to continue to refer to them as a whole, for example to "these regulations", but for that reference to exclude their Title and commencement provisions.) A corresponding provision is also required for Acts—*see also new section 36G(3)* analysed above.

*New sections 36I and 36J(4) and (5)*, about commencement orders, are mainly new.

*New section 36I(1)(a)* (commencement orders may appoint date that is same day as day orders made) repositions and re-enacts part of section 10(3) of the 1999 Act (the rest is re-enacted in *new section 36J(3)*).

*New sections 36I(1)(b) and 36J(4) and (5)* confirm, and make clear the effect of, a commencement order's appointing a day, and stating a time on that day, for the commencement of an enactment that the order brings into force (as proposed in the discussion paper at [2.25] to [2.30]).

*New section 36I(1)(c)* provides for any date appointed by a commencement order (an Order in Council bringing into force an Act or an enactment in or made under it) to be changed, so long as the change occurs before the appointed date. It has been neces-



sary to do this very occasionally, and it is considered desirable to confirm the ability to do it (as proposed in the discussion paper at [2.25] to [2.30]).

An example of a very occasional change of an appointed commencement date is the Securities Markets Act Commencement Order 2004 (SR 2004/21). That 2004 order revoked and replaced the Securities Markets Act Commencement Order 2003, in order to change (from 1 March 2004 to 3 May 2004) the date on which subpart 2 of Part 2 of the Securities Markets Act 1988 came into force. (To similar effect, for related regulations, was regulation 3 of the Securities Markets (Disclosure of Relevant Interests by Directors and Officers) Amendment Regulations 2004 (SR 2004/22).)

That example involved facilitating understanding and compliance. The new disclosure rules aimed to ensure that information about directors' and officers' holdings in public issuers was up to date and useful to the market. The information was to assist in the monitoring of insider trading and market manipulation and to act as a deterrent to these activities, as the dates of trades could be checked against the dates at which material information entered the public domain. However, some confusion in the market prompted the Government to postpone the commencement of the new regime. In a news media statement issued on 23 February 2004, the acting Commerce Minister, Hon Paul Swain, said: "I've become aware of companies and their management who are unsure about the scope of the new requirements. In these circumstances I think it best that we take a period of time to talk further with affected parties so that everyone understands what it is we're asking of them and to see how we should deal with overseas issuers . . . Despite a full consultation process and publicity about the changes, company managers appear to have been caught a little on the hop, so we are just giving a bit more time".

*New section 36I(2)* applies if the commencement order power is to the effect that 1 or more commencement orders may be made appointing different dates for different provisions. *New section 36I(2)* ensures provisions, for this purpose, includes any 1 or more textual elements, or other indications, provided in the Act or enactment (and, in particular, each of the following:

- any provision inserted, repealed, or repealed and replaced, by the Act or enactment; and
- any item, or any part of an item, in any schedule of the Act or enactment).

Power to appoint different dates for different provisions is often necessary or desirable, especially for large and complex amending enactments. It should be, and is, sought and given expressly (as is power, instead or as well, to appoint different dates for different purposes). But a number of recent Acts make clearer the meaning for this purpose of provisions. Examples include section 2(4) of the Search and Surveillance Act 2012, section 2(4) of the Financial Markets Conduct Act 2013, and section 2(3) of the Financial Reporting (Amendments to Other Enactments) Act 2013. *New section 36I(2)* removes inflexibility in commencing amending enactments, and avoids repeating standard clarifying provisions.

*Exercise of powers between passing and commencement of legislation  
(section 11 of 1999 Act)*

*New section 36K(1)(e) and (3)(b)* are new, but were proposed in the discussion paper at [2.31] to [2.38].

*New section 36K(1)(e)* makes clear the broad scope of section 11(1)(e) of the 1999 Act. In a 2001 case—*New Zealand Employers Federation Inc v National Union of Public Employees* [2002] 2 NZLR 54 (CA)—the Court of Appeal discussed whether a power (to register unions) given to the Registrar of Unions by the Employment Relations Act 2000 fell within the authority under section 11(1)(e) to “do any other act or thing for the purposes of an enactment”. The majority considered this power was not necessary or desirable for getting the enactment ready to operate. It was instead an operation of the enactment’s substantive provisions and the registration was void. A dissenting view was that the Registrar’s power did fall within section 11, because that section’s purpose is to have new legislation operating conveniently and effectively from the very beginning. (The court noted the unfortunate consequence of its decision, and commented that it would be for Parliament to determine whether validating legislation should be enacted. Parliament later passed the Employment Relations (Validation of Union Registration and Other Matters) Amendment Act 2001 to validate the registration of unions before the Employment Relations Act 2000 commenced.) To help ensure that enactments can operate conveniently and effectively right from the moment that they commence, *new section 36K(1)(e)* therefore provides that a power in an enactment to confer or impose on a person a legal position (right, interest, title, immunity, duty, status, or capacity) can be exercised between the enactment’s passing and commencement (but with effect before that commencement only to the limited extent specified in *new section 36K(4)*).

*New section 36K(3)(b)* provides, similarly, that a legal position (right, interest, title, immunity, duty, status, or capacity) that would be conferred or imposed by an enactment that is relevant to the power’s exercise and that is not yet in force must be treated as having accrued or been imposed, to enable the power concerned to be exercised during this interim period (between an enactment’s passing and commencement).

*New section 36K(1)(e) and (3)(b)* will not prevent, and as general default provisions will inform and encourage, the desirable practice of framing and enacting specific provisions that make clear how particular powers are exercisable between legislation’s passing and commencement.

*References to repealing enactment not yet in force (new section 36Q)*

*New section 36Q* will facilitate reference to and use of the sections and definitions of a new Act not yet in force, and a seamless transition when that new Act repeals and replaces the old Act. It will also avoid the need to repeat common provisions to this effect (such as sections 369 to 371 of the Property Law Act 2007 and clause 10(3) of the Securities Act (Real Property Developments) Exemption Notice 2007). It was

proposed in the discussion paper at [2.39] to [2.42]. *New section 36Q* is also to be referred to in section 24(3) (on reprints) as amended by *clause 5*.

*Effect of repeal on existing rights and proceedings (section 18 of 1999 Act)*

*New section 36S(1)(b)*, to align its wording with *new sections 36S(1)(c) and 36T(2)(b)*, refers to the commencing (not bringing) of proceedings (as defined in *new section 36ZD*). This change was proposed in the discussion paper at [2.55] to [2.57].

*New section 36S(1)(c)* provides that the repeal of an enactment does not affect the completion of proceedings commenced or in progress under the enactment. This will apply regardless of the nature of the proceedings (as defined in *new section 36ZD*). Currently, section 18 of the 1999 Act is limited to proceedings that relate to an existing right, interest, title, immunity, or duty. This change was proposed in the discussion paper at [2.43] to [2.54].

*Consequential amendments to regulations under other Acts  
(new section 36ZB)*

*New section 36ZB* provides that a power to make regulations under one Act (the **principal Act**) includes a power to make amendments to regulations made under other Acts if the amendments are necessary or desirable as a consequence of the enactment of either or both:

- the principal Act or any amendment to it;
- the regulations made under the principal Act or any amendment to them.

This would, for example, enable regulations under the principal Act to amend regulations under other Acts in order to update references to offices or titles changed by the principal Act. *New section 36ZB* was proposed in the discussion paper at [2.58] to [2.65].

*Application of legislation to the Crown (section 27 of 1999 Act)*

*New section 36ZC* makes clearer subordinate legislation's current status, by providing that no enactment binds the Crown unless—

- the enactment is the whole or a portion of an Act, and the Act (or another enactment) expressly provides that the Crown is bound by the Act or by the enactment; or
- the enactment is the whole or a portion of any regulations made under (or made under an enactment made, directly or indirectly, under) an Act, and the Act (or another enactment) expressly provides that the Crown is bound by the Act or by the enactment.

All of *new Part 2A* (interpretation of legislation) expressly binds the Crown (under section 5 of the Legislation Act 2012). Most subordinate legislation binds the Crown by virtue of its empowering Act expressly (or by necessary implication) doing so. But some Acts also include more specific express provisions (examples include section 153 of the Local Government Act 2002, and section 57 of the Waste Mini-

misation Act 2008). The discussion paper at [2.66] to [2.70] proposed that section 27 of the 1999 Act be re-enacted reworded to make clearer subordinate legislation's current status.

### *Definitions (section 29 of 1999 Act)*

*New section 36ZD* re-enacts, with some changes, section 29 (definitions) of the 1999 Act. Most of the changes were foreshadowed in the discussion paper at [2.71] to [2.82].

The definitions of committed for trial and summary conviction formerly in section 29 of the 1999 Act were on 1 July 2013 repealed by the Criminal Procedure Act 2011 (section 413 and Part 1 of Schedule 3). They are therefore not re-enacted in *new section 36ZD*.

Proceedings, as used in *new sections 36S(1)(b) and (c) and 36T(2)(b)*, is defined as meaning proceedings (whether civil, criminal, disciplinary, or other, at any stage, and interlocutory or main)—

- in or before a court or tribunal, or before a person acting judicially; or
- of a person or body performing administrative functions, investigative functions, or both.

The definition of public notification or public notice in *new section 36ZD* is extended to include a notice published on a day, or from a time, specified in the notice, and on an Internet site that is administered by or on behalf of the person who must or may publish the notice, and that is, so far as practicable, publicly available free of charge. This change has been refined after consideration of submissions on the discussion paper. In particular, the reference to “on a day, or from a time, specified in the notice” is intended to ensure that any Internet public notification specifies when it was first posted. Without this information the public cannot ascertain when a notice was published (as they can when notices are put in the *Gazette* or a newspaper).

The definition of regulations in *new section 36ZD* is reorganised, simplified, and illustrated by some examples. The core definition is all instruments that are, are stated or deemed to be or not to be, or that amend or revoke or replace, either or both legislative instruments or disallowable instruments. The examples ensure existing subcategories (based mainly on form) continue to be “regulations” for interpretation and general purposes.

The definition of repeal in *new section 36ZD* is extended to include, in relation to an Imperial enactment that is part of the law of New Zealand, a declaration or other provision to the effect that it ceases to be so.

The definition of working day in *new section 36ZD* is adjusted so as to exclude (generally, not by repeated specific provisions), for any area, conduct, location, or other thing in a province, the day observed as the anniversary of that province. As shown by *Guy v Bank of New Zealand* [2014] NZHC 445 at [4]-[12] per Associate Judge Bell, working day is often anyway defined in a special way as, for example, in

rules 1.3(1) and 31.9(2) of the High Court Rules (*see also* the Judicature Modernisation Bill (178–1) cl 4 and Schedule 1, rules 1.3(1) and 31.9(2)).

*Meaning of words and expressions used in instruments*  
(section 34 of 1999 Act)

*New section 36ZK* ensures that a word or expression used in an instrument (whether legislative or administrative) made under an enactment has the same meaning as it has *from time to time* in the enactment under which the instrument is made. This change was proposed in the discussion paper at [2.83] to [2.90].

*Time (section 35 of 1999 Act)*

*New section 36ZL(3)* is new. It provides that whenever legislation expresses a period of time as being “within” a specified number of days of a date or event (for example, “within 10 working days after 1 April”), the specified date or the day of the specified event is disregarded and the period begins at the beginning of the next day. This change was proposed in the discussion paper at [2.91] to [2.95].

*New section 36ZM* is new. It relates to how to calculate periods of months in an enactment passed or made after the commencement of *new Part 2A*. This issue was identified in the discussion paper (at [3.1] to [3.14]) as an area for further consideration. *New section 36ZM* follows closely the Acts Interpretation Act 1901 (Aust) (section 2G (as inserted in 2011)). But it refers to months (as defined in *new section 36ZD*) not calendar months (as defined in the Acts Interpretation Act 1901 (Aust) (section 2B)). It confirms the corresponding date rule currently set out in case law.

Case law relevant to how to calculate periods of months includes *Police v Maindonald* [1971] NZLR 417 (SC); *Forster v Jododex Australia Pty Ltd* (1972) 127 CLR 421 (HCA); *Dodds v Walker* [1981] 2 All ER 609 (HL); *E J Riley Investments Holdings Ltd v Eurostile Holdings Ltd* [1985] 3 All ER 181 (EWCA, Civil Division); *R v Perks* [1993] 3 NZLR 572 (HC); and *Re K* [2003] NZFLR 318 (FC). Examples of cases discussing and applying the Acts Interpretation Act 1901 (Aust) (section 2G (as inserted in 2011)) include the following:

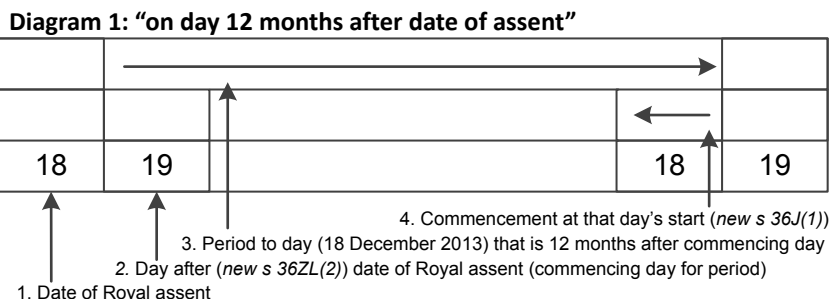
- *Sopikiotis v Owners Corporation RP017740 & Anor* [2013] FMCA 122 at [20] per Burchardt FM and [2013] FCA 353 at [24] to [31] per Kenny J (bankruptcy notice held to be served within the 6-month period, commencing on the date of issue of the notice, allowed by regulation 4.02A(a) of the Bankruptcy Regulations 1996 (Aust)); and
- *Boyes v Beaumont Care Pty Ltd* [2013] FWC 2264 per Senior Deputy President Richards (applicant held not to have been employed for minimum 6-month employment period required by section 382(a) of Fair Work Act 2009 (Aust)).

Periods described in months, while not recommended drafting practice, are even so used widely in legislation, for example, for commencement. Commencement provisions have, under long-standing practice, been drafted based on the corresponding date rule (in case law, but to be confirmed by *new section 36ZM*). The rule, in sum-

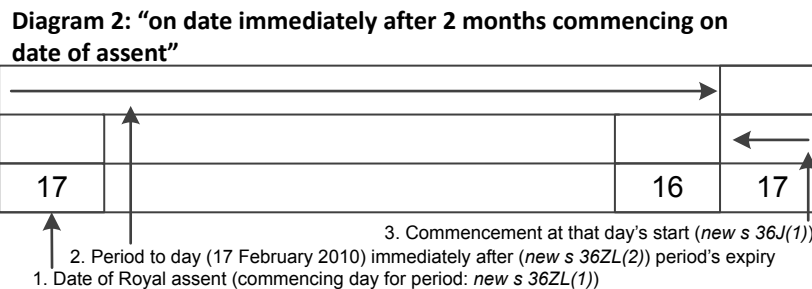
mary, is that “a calendar month ends at midnight on the day in the ensuing month immediately preceding the day numerically corresponding to the commencing day”: *Police v Maindonald* [1971] NZLR 417 at 419 (SC), per MacArthur J. The rule is complex, and some may find it confusing. It is also usually applied in conjunction with provisions of the 1999 Act. Section 35(2) of the 1999 Act (carried forward in *new section 36ZL(2)*) helps determine the commencing day of a monthly period expressed to start “from” or “after” the date of Royal assent. Section 10(1) of the 1999 Act (carried forward in *new section 36J(1)*) also applies. It provides that “an enactment comes into force at the beginning of the day on which the enactment comes into force”.

Two examples help to show how to ascertain commencements involving periods of months.

The first example is the often-used wording: “[*Specified provisions*] come into force on the day 12 months after the date on which this Act receives the Royal assent”. That wording is used in section 2(2) of the Sale and Supply of Alcohol Act 2012. The Act received Royal assent on 18 December 2012. The following diagram shows, in 4 steps, how the corresponding date rule and other applicable law apply in interpreting that wording:



The second example is the different wording: “This Act comes into force on the date immediately after the expiry of the period of 2 months that commences on the day on which this Act receives the Royal assent.” That wording is used in section 2 of the Legal Services Amendment Act 2009. The Act received Royal assent on 17 December 2009. The following diagram shows, in 3 steps, how the corresponding date rule and other applicable law apply in interpreting that wording:



## Part 2

### Disclosure requirements for Government initiated legislation

*Clause 7* amends section 3 to insert a new purpose for the principal Act that refers to new disclosure requirements for Government initiated legislation.

*Clause 8* inserts *new section 4A* to provide for transitional, savings, and related provisions set out in *new Schedule 1AA*.

*Clause 9* inserts *new Part 3A* into the principal Act to provide for disclosure requirements for Government initiated legislation.

*New section 57A* sets out the purposes of the Part. The purposes are to—

- better inform parliamentary and public scrutiny of Government initiated legislation and promote good practices for the development of such legislation. This is achieved by improving access to existing background material and available information about Government policy, improving the transparency and understanding of relevant quality assurance processes, and identifying significant or unusual features of Bills that may require more careful scrutiny; and
- enable the disclosure of this information in a way that is timely, informative, concise, and cost-effective.

*New section 57B* defines various terms used in the Part. One of the defined terms is Government amendment. This term is defined by reference to the rules and practice of the House of Representatives and is intended to include supplementary order papers in the name of a Minister.

### Subpart 1—Disclosure for Government Bills

*New section 57C* requires the chief executive of the department that is primarily involved in developing a Government Bill to ensure that a disclosure statement is prepared for the Bill. *New sections 57E and 57F* set out minimum requirements for disclosure.

The requirement to prepare a disclosure statement applies to all Government Bills except for those specified in *new section 57D* (for example, Imprest Supply Bills, Appropriation Bills, and Statutes Amendment Bills).

*New section 57E* requires the disclosure statement to—

- identify reports that have informed the policy;
- include certain information if the Bill gives effect to an international agreement;
- identify regulatory impact statements;
- identify assessments of the Bill relating to the New Zealand Bill of Rights Act 1990;
- describe the steps taken to assess the consistency of the Bill with New Zealand's international obligations and the principles of the Treaty of Waitangi;

- describe the nature and extent of external consultation (for example, on an exposure draft);
- describe the nature and extent of any testing procedures or techniques (other than consultation) to ensure that the policy is workable and complete (for example, scenario testing or trials using practical examples).

*New section 57F* requires the disclosure statement to indicate the presence of certain significant or unusual legislative features, including whether the Bill—

- provides for a compulsory acquisition of private property;
- affects rights or freedoms, or imposes obligations, retrospectively;
- creates, amends, or removes offences, penalties, or the jurisdiction of the courts;
- creates or amends a strict or an absolute liability offence;
- reverses or modifies the usual burden of proof for an offence or a civil pecuniary penalty proceeding;
- creates or amends an immunity;
- creates, amends, or removes provisions relating to privacy;
- creates or amends a power to make a disallowable instrument (including a Henry VIII power to make a regulation that amends an Act);
- contains any other provision that is unusual or involves matters that call for special comment.

The disclosure statement must—

- describe the effect of the relevant provisions and describe any features that limit or mitigate any potential adverse effects of the relevant provisions; or
- in the case of provisions relating to offences, penalties, jurisdiction, or privacy, describe the nature and extent of the consultation with the Ministry of Justice or the Privacy Commissioner relating to the provisions.

*New section 57F(3)* requires the relevant chief executive to have regard to legislative guidelines that are identified by an Order in Council made under *new section 57R* (if any) in considering what disclosures should be made—

- in relation to provisions that are unusual or involve matters that call for special comment; and
- when describing any features that limit or mitigate any potential adverse effects of the relevant provisions.

These guidelines may include guidelines issued by the Legislation Advisory Committee (see <http://www.pco.parliament.govt.nz/legislation-advisory-committee>).

## Subpart 2—Disclosure for Government amendments

*New section 57G* requires a chief executive of the department that is primarily involved in the development of a Government amendment to a Bill (for example, a sup-



plementary order paper) to ensure that a disclosure statement is prepared for the amendment. This does not apply if, for example, it is not reasonably practicable to provide a disclosure statement in a timely manner in order to assist in the parliamentary scrutiny of the Government amendment.

*New section 57H* requires a disclosure statement for a Government amendment to contain the disclosures required by *new section 57E* (applied as if references to a Bill were references to the proposed amendments).

*New section 57I* requires a disclosure statement for a Government amendment to disclose whether the proposed amendments would have materially changed the disclosures for the Bill under *new section 57F*.

*New section 57J* requires a chief executive who is relying on a certain exception from providing disclosure to prepare and publish a statement confirming the matters specified in the provision that gives the exception.

### Subpart 3—Disclosure for disallowable instruments

*New section 57K* requires a chief executive of a department or other entity that is primarily involved in developing a disallowable instrument to ensure that a disclosure statement is prepared. The requirement only applies to disallowable instruments that are to be drafted by the PCO under section 59(2) and is subject to the exceptions in *new section 57K(3)*. Under *new section 57L*, the statement must—

- identify reports that have informed the policy:
- include certain information if the instrument gives effect to an international agreement:
- identify regulatory impact statements:
- describe the nature and extent of external consultation (for example, on an exposure draft):
- describe the nature and extent of any testing procedures or techniques (other than consultation) to ensure that the policy is workable and complete (for example, scenario testing or trials using practical examples).

### Subpart 4—Consultation and publication

#### *Consultation on disclosure statement proposals*

*New sections 57M and 57N* require the Minister to consult the House of Representatives about proposals—

- to require disclosure statements to include other information in addition to the minimum statutory requirements set out in *new sections 57E, 57F, and 57L*:
- for layout or format requirements for disclosure statements.

These additional requirements would be imposed on departments administratively rather than by the Act.

*Disclosure must be made available*

*New sections 57O to 57Q* require—

- the relevant Minister to present a disclosure statement to the House of Representatives; and
- the relevant chief executive to ensure that the disclosure statement is published on the Internet.

**Subpart 5—Miscellaneous provisions**

*New section 57R* provides for an Order in Council to identify legislative guidelines that chief executives must have regard to under *new section 57F(3)*.

*New section 57S* provides that nothing in the Part requires the disclosure of information that is not publicly available. Information is publicly available if it would be provided under the Official Information Act 1982 if a request were made for that information.

*New section 57T* provides that a failure to comply with this Part does not affect any power to make any enactment nor the validity of any enactment.

*New section 57U* provides for a 5-year review of the operation and effectiveness of the Part.

**Part 3**

**Related and other amendments**

*Clause 10* amends the section 4 definition of legislative instrument by repealing paragraph (d) (about resolutions of the House relating to disallowable instruments). The repeal ensures disallowable instruments resolutions or notices of motion will be published or notified in the Legislative Instrument series only by way of the notices the Clerk of the House of Representatives forwards under section 47(5). This availability fits both with practice to date (*see* SR 2008/362 and SR 2013/32) and comparable regimes (for example, section 21 of the Epidemic Preparedness Act 2006 and section 35(4) of the National War Memorial Park (Pukeahu) Empowering Act 2012). A related amendment – to section 59(2)(c) – is in *clause 15(3)*.

*Clause 11(1)* repeals section 6(6), which requires copies and reprints of legislation published under section 6 to include a statement that they are published under the authority of the New Zealand Government. Section 6(6) is repealed with effect as from the commencement (on 5 August 2013) of section 6. This repeal is because that publication statement is no longer (as before 5 August 2013) required or always used to identify official versions of legislation. Official versions of legislation are instead identifiable in accordance with regulations made under section 22. The current regulations under section 22 (namely, the Legislation (Official Versions) Regulations 2013) specify the features that identify official versions of legislation that the Chief Parliamentary Counsel may issue under section 17. Those regulations require an official version of legislation to display or exhibit on its front page a representation

of the New Zealand Coat of Arms (with or without the publication statement or a statement identifying the Act under the authority of which the legislation is issued). *Clause 11(2)* amends section 6 by inserting *new subsections (6A) and (6B)*, which relate to alternative text that is inserted in copies or reprints of legislation published under section 6. The alternative text is inserted after enactment, and editorially, to indicate to certain (for example, to blind) legislation users, in an alternative way, the general effect of a non-textual element (for example, a graphical image such as a crest, map, or medal). *New subsection (6A)* provides that the alternative text does not form part of the published copies or reprints of legislation. *New subsection (6B)* ensures *new subsection (6A)* is not limited by section 25(3), which already makes clear the status of alternative text, but only when it is inserted in official versions of reprinted enactments. *Clause 11(3)* repeals section 6(8) because it is clear, and unnecessary to declare, that (publication in printed form authorisation or direction) orders under section 6(4) are both legislative instruments and disallowable instruments.

*Clause 12* repeals section 7, which requires the Attorney-General to designate places where printed copies of legislation published under section 6 are available for purchase by members of the public. Designation has formerly ensured specified minimum public access to official printed copies, but is now an unnecessary regulatory burden. Public access to legislation is now mainly, and increasingly, access to electronic versions. Further, official electronic versions issued under section 17 must be available free of charge and (so far as practicable) at all times to be accessed at, or downloaded from, an Internet site maintained by or on behalf of the New Zealand Government. Repeal of the designation requirements will not prevent the PCO from continuing to make available (for example, via <http://www.legislation.govt.nz> and <http://www.pco.parliament.govt.nz>) information about outlets at which printed copies may be purchased. But many users will produce printed versions directly from official electronic versions, or order printed copies through an Internet site (such as <http://www.legislationdirect.co.nz/>). *See also* the related repeal and amendment effected by *clauses 13 and 14*, and the amendments made by *clause 20* and *Schedule 3* to section 76C of the Customs and Excise Act 1996 and section 9B of the Tariff Act 1988.

*Clause 13* repeals section 8, which requires printed copies of in-force legislation published under section 6 to be made available for purchase at designated outlets, and at a price that must be reasonable, having regard to the actual cost of printing and making the copies available for sale. The repeal of section 8 is in part a consequence of the repeal (by *clause 12*) of the section 7 requirement to designate places where printed copies of legislation published under section 6 are available for purchase by members of the public. But a legislative constraint on the price of printed copies is also regarded as unnecessary now that official electronic versions issued under section 17 (and from which printed versions may be produced directly) must be available free of charge and (so far as practicable) at all times to be accessed at, or downloaded from, an Internet site maintained by or on behalf of the New Zealand Government.

*Clause 14* replaces section 12(2)(e) because of the repeal of sections 7 and 8 (by *clauses 12 and 13*). Section 12(2)(e) requires every section 12 notice (of the making of legislative instruments) to give, about each legislative instrument listed in the no-

tice, and along with the information specified in section 12(2)(a) to (d) and (f), the designated places at which copies of the legislative instrument may be purchased. *New section 12(2)(e)* instead requires the notice to include information about ways that copies of the legislative instrument may be accessed or purchased.

*Clause 15(1)* amends section 59(1)(c), which specifies the PCO's function of arranging for the printing and publication of Bills and amendments to them. The amendment deletes a cross-reference to Part 2, because the PCO's section 59(1)(c) function is not one under that Part. *Clause 15(2)* adds a further function for the PCO relating to arranging for the publication of supporting documents relating to Government Bills, amendments to those Bills, and instruments drafted by the PCO (for example, disclosure statements prepared under *new Part 3A*). *Clause 15(3)* ensures the instruments to be drafted by the PCO under section 59(2)(c) exclude notices (of disallowance resolutions or notices of motion) that section 47(5) or another enactment requires the Chief Parliamentary Counsel to arrange to be published under section 6 as if they were legislative instruments. A related amendment – to the section 4 definition of legislative instrument – is in *clause 10*.

*Clause 16* amends section 60, which authorises the Inland Revenue Department to draft and print certain Government Bills. Some of the amendments are to make it clear that the authorisation to supervise the printing of those Bills also extends to supervising their publication. Another repeals section 60(2) because it is clear, and unnecessary to declare, that (Inland Revenue Department drafting authorisation) orders under section 60(1) are both legislative instruments and disallowable instruments.

*Clause 17(1)* repeals a spent provision (section 77(4)) amending the Interpretation Act 1999. *Clause 17(2)* inserts a *new section 77(9)* that repeals the Interpretation Act 1999.

*Clause 18* and *Schedule 1* insert *new Schedule 1AA* to provide for transitional, savings, and related provisions in connection with amendments made to the Legislation Act 2012.

*Clause 19* inserts a *new Schedule 2*. *New Schedule 2* contains a comparative table (of former, and re-enacted and new, interpretation provisions) referred to in *new section 36ZP* (inserted by *clause 6*).

*Clause 20* and *Schedule 3* amend consequentially references to Interpretation Act 1999 definitions, or other provisions, that have ongoing application and are unrelated to specific repeals or transitions, or that relate to subordinate legislation and are redundant. But references in rules of court to definitions or provisions are not amended, for example, references in rule 1.17(3) of the High Court Rules (*see also* the Judicature Modernisation Bill (178–1) cl 4 and Schedule 1, rule 1.17(3)), rule 1.16.3 of the District Courts Rules 2009, and (the definition of working day in) rule 2.5(1) of the Māori Land Court Rules 2011.

*Clause 20* and *Schedule 3* also amend enactments to—

- update unamended references to the repealed Acts and Regulations Publication Act 1989 and Regulations (Disallowance) Act 1989; and
- make clearer or adjust drafting functions for certain occupational licensing and other instruments made under Acts.



*Hon Bill English*

## **Legislation Amendment Bill**

Government Bill

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##### **Interpretation of legislation**

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

- 1 Title**  
This Act is the Legislation Amendment Act **2014**.
- 2 Commencement**
- (1) **Part 2** (disclosure requirements for Government initiated legislation), **sections 15(2) and 18**, and **Schedule 1** come into force on the earlier of—
- (a) a date appointed by the Governor-General by Order in Council; and
- (b) **1 July 2015**.
- (2) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent. 10
- 3 Principal Act**  
This Act amends the Legislation Act 2012 (the **principal Act**).

**Part 1**  
**Interpretation of legislation**

- 4 Section 3 amended (Purposes)** 15
- (1) In the heading to section 3, after “**Purposes**”, insert “**of this Act**”.
- (2) In section 3(a), after “publication,”, insert “interpretation,”.
- (3) After section 3(f), insert:
- (fa) to replace, with both re-enacted and new provisions, the Interpretation Act 1999: 20
- 5 Section 24 amended (Power to make changes in reprints)**
- In section 24(3), replace “section 22 of the Interpretation Act 1999” with “**sections 36Q and 36W**”.

**6 New Part 2A inserted**

After Part 2, insert:

<b>Part 2A</b>		
<b>Interpretation of legislation</b>		
Subpart 1—Purposes and application		5
<b>36A</b>	<b>Purposes of this Part</b>	
	The purposes of this Part are to—	
	(a) state principles and rules for the interpretation of legislation; and	
	(b) shorten legislation; and	
	(c) promote consistency in the language and form of legislation; and	10
	(d) replace, with both re-enacted and new provisions, the Interpretation Act 1999.	
	Compare: 1999 No 85 s 2	
<b>36B</b>	<b>Application</b>	
(1)	A provision of this Part applies to an enactment that is part of the law of New Zealand and that is passed or made either before or after the commencement of this Part unless—	15
	(a) the enactment provides otherwise; or	
	(b) the context of the enactment requires a different interpretation.	
(2)	The provisions of this Part also apply to the interpretation of this Part.	20
	Compare: 1999 No 85 s 4	
Subpart 2—Principles of interpretation		
<b>36C</b>	<b>Ascertaining meaning of legislation</b>	
(1)	The meaning of an enactment must be ascertained from its text in the light of its purpose and in its context.	25
(2)	The matters that may be considered in ascertaining the meaning of an enactment include the indications provided in the enactment.	
(3)	Examples of those indications are preambles, the analysis, a table of contents, headings to Parts and sections, marginal notes, diagrams, graphics, examples and explanatory material, and the organisation and format of the enactment.	30
	Compare: 1924 No 11 s 5(j); 1999 No 85 s 5	
<b>36D</b>	<b>Status of examples</b>	
(1)	An example provided in an enactment of the operation of a provision of the enactment—	

<p>(a) does not limit the provision; and                  (b) may extend the operation of the provision.</p> <p>(2) <b>Subsection (1)(b)</b> applies only to an example of the operation of a provision of an enactment passed or made after the commencement of this Part.</p> <p>Compare: Acts Interpretation Act 1901 s 15AD (Aust); Legislation Act 2001 s 132 (ACT); Interpretation of Legislation Act 1984 s 36A (Vict)</p> <p><b>36E Enactments apply to circumstances as they arise</b>                  An enactment applies to circumstances as they arise.                  Compare: 1924 No 11 s 5(d); 1999 No 85 s 6</p> <p><b>36F Enactments do not have retrospective effect</b>                  An enactment does not have retrospective effect.                  Compare: 1999 No 85 s 7</p> <p style="text-align: center;"><b>Subpart 3—Specific provisions applying to legislation</b>  <i>Commencement of legislation</i></p> <p><b>36G Date of commencement of Acts</b></p> <p>(1) An Act or an enactment in an Act comes into force on the date stated or provided in the Act for the commencement of the Act or for the commencement of the enactment.</p> <p>(2) If an Act does not state or provide for a commencement date for the Act or an enactment in it, the Act or enactment comes into force on the day after the date of Royal assent.</p> <p>(3) However, the Title and commencement sections of an Act come into force on Royal assent, and a reference in an Act’s commencement section to “this Act” excludes the Act’s Title and commencement sections.                  Compare: 1924 No 11 s 10A; 1986 No 115 s 6; 1999 No 85 s 8</p> <p><b>36H Date of commencement of regulations</b></p> <p>(1) Regulations or enactments in regulations come into force on the date stated or provided in the regulations for the commencement of the regulations or for the commencement of the enactments.</p> <p>(2) If regulations do not state or provide for the date on which the regulations or enactments in the regulations come into force, the regulations or the enactments in the regulations come into force—</p> <p style="padding-left: 20px;">(a) on the day after the date on which the making of the regulations is notified in the <i>Gazette</i>; or</p> <p style="padding-left: 20px;">(b) if the making of the regulations is not notified in the <i>Gazette</i>, on the day after the date on which the regulations are otherwise publicly notified.</p>	<p>5</p> <p>10</p> <p>15</p> <p>20</p> <p>25</p> <p>30</p> <p>35</p>
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- (3) However, the Title and commencement provisions of regulations come into force on their making, and a reference in their commencement provision to them as a whole (for example, to “these regulations”) excludes their Title and commencement provisions.  
Compare: 1999 No 85 s 9 5
- 36I Commencement orders**
- (1) A power in an Act to make an Order in Council bringing the Act, or an enactment in or made under it, into force by appointing a date for the commencement of the Act or enactment—
- (a) includes a power to appoint a date for the Act or enactment to come into force that is the same day as the day on which the Order in Council is made; and 10
- (b) includes a power to state a time on the date that the Order in Council appoints as the date on which the Act or enactment is to come into force; and 15
- (c) is capable of being exercised more than once to amend, revoke, or revoke and 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.
- (2) If the power is to the effect that 1 or more orders may be made appointing different dates for different provisions, **provisions** includes any 1 or more textual elements, or other indications, provided in the Act or enactment (and, in particular, each of the following: 20
- (a) any provision inserted, repealed, or repealed and replaced, by the Act or enactment; and 25
- (b) any item, or any part of an item, in any schedule of the Act or enactment).
- Compare: 1999 No 85 s 10(3)
- 36J Time of commencement of legislation**
- (1) An enactment comes into force at the beginning of the day on which the enactment comes into force. 30
- (2) If an enactment is expressed to take effect from a particular day, the enactment takes effect at the beginning of the next day.
- (3) An Act, or an enactment in or made under it, brought into force by an Order in Council appointing a day (without also stating a time on that day) for the commencement of the Act or enactment comes into force at the beginning of that day. 35
- (4) An Act, or an enactment in or made under it, brought into force by an Order in Council appointing a day, and also stating a time on that day, for the commencement of the Act or enactment comes into force at that time on that day. 40

(5) **Subsection (4)** overrides **subsection (1)**.

Compare: 1924 No 11 s 10; 1986 No 115 s 6; 1999 No 85 s 10

*Exercise of powers between passing and commencement of legislation***36K Exercise of powers between passing and commencement of legislation**

- (1) A power conferred by an enactment may be exercised before the enactment commences to— 5
- (a) make a regulation or rule or other instrument; or
  - (b) serve a notice or document; or
  - (c) appoint a person to an office or position; or
  - (d) establish a body of persons; or 10
  - (e) confer or impose on a person a legal position; or
  - (f) do any other act or thing for the purposes of an enactment.
- (2) The power may be exercised only if the exercise of the power is necessary or desirable— 15
- (a) to bring the enactment into operation; or
  - (b) in connection with bringing the enactment into operation.
- (3) For the purpose of exercising under this section the power,— 20
- (a) the enactment that confers the power, and all other enactments that are relevant to the power's exercise and that have not yet commenced, must be treated as if they had commenced:
  - (b) a legal position that would be conferred or imposed by an enactment that is relevant to the power's exercise and that has not yet commenced must be treated as if it has accrued or been imposed when the power is exercised under this section.
- (4) Any regulations made, other instrument issued, or other thing done in reliance on this section must not take effect before the commencement of the enactment that empowers the making of the regulations, issuing of the instrument, or doing of the other thing, unless the regulations' or instrument's or other thing's taking effect before that commencement is necessary or desirable— 25
- (a) to bring the enactment into operation; or 30
  - (b) in connection with bringing the enactment into operation.
- (5) **Subsection (4)** overrides **subsections (1) to (3)**.
- (6) In this section,—
- commence** means come into force or take effect
- legal position** means a right, interest, title, immunity, duty, status, or capacity. 35
- Compare: 1924 No 11 s 12; 1999 No 85 s 11

*Exercise of powers in legislation generally***36L Power to appoint to an office**

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

- (a) remove or suspend a person from the office: 5
- (b) reappoint or reinstate a person to the office:
- (c) appoint another person in place of a person who—
  - (i) has vacated the office; or
  - (ii) has died; or
  - (iii) is absent; or
  - (iv) is incapacitated in a way that affects the performance of that person's duty. 10

Compare: 1924 No 11 s 25(f); 1999 No 85 s 12

**36M Power to correct errors**

The power to make an appointment or do any other act or thing may be exercised to correct an error or omission in a previous exercise of the power even though the power is not generally capable of being exercised more than once. 15

Compare: 1924 No 11 s 25(j); 1936 No 58 s 2; 1999 No 85 s 13

**36N Exercise of powers by deputies**

A power conferred on the holder of an office, other than a Minister of the Crown, may be exercised by the holder's deputy lawfully acting in the office. 20

Compare: 1924 No 11 s 25(e); 1986 No 115 s 7; 1999 No 85 s 14

**36O Power to amend or revoke**

The power to make a regulation, or issue any other instrument, includes the power to—

- (a) amend or revoke it: 25
- (b) revoke it and replace it with another.

Compare: 1924 No 11 s 25(h); 1999 No 85 s 15

**36P Exercise of powers and duties more than once**

- (1) A power conferred by an enactment may be exercised from time to time.
- (2) A duty or function imposed by an enactment may be performed from time to time. 30

Compare: 1924 No 11 s 25(g); 1999 No 85 s 16



*Repeals***36Q References to repealing enactment not yet in force**

- (1) A reference in an enactment to a repealing enactment not yet in force is, until the repealing enactment comes into force, a reference to an enactment that, with or without modification, is to be replaced by, or that corresponds to, the repealing enactment. 5
- (2) Those references may be or include references to terms or expressions as defined in either of those enactments.
- (3) **Subsection (2)** does not limit **subsection (1)**.

**36R Effect of repeal generally**

- (1) The repeal of an enactment does not affect— 10
- (a) the validity, invalidity, effect, or consequences of anything done or suffered:
- (b) an existing right, interest, title, immunity, or duty:
- (c) an existing status or capacity: 15
- (d) an amendment made by the enactment to another enactment:
- (e) the previous operation of the enactment or anything done or suffered under it.
- (2) The repeal of an enactment does not revive—
- (a) an enactment that has been repealed or a rule of law that has been abolished: 20
- (b) any other thing that is not in force or existing at the time the repeal takes effect.

Compare: 1924 No 11 s 20(a), (e), (f); 1999 No 85 s 17

**36S Effect of repeal on existing rights and proceedings**

- (1) The repeal of an enactment does not affect— 25
- (a) the completion of a matter or thing that relates to an existing right, interest, title, immunity, or duty; or
- (b) the commencing of proceedings that relate to an existing right, interest, title, immunity, or duty; or 30
- (c) the completion of any proceedings commenced or in progress under the enactment.
- (2) A repealed enactment continues to have effect for the purposes stated in **subsection (1)** as if the enactment had not been repealed. 35

Compare: 1924 No 11 ss 20(g), (h), 22; 1999 No 85 s 18

<b>36T</b>	<b>Effect of repeal on prior offences and breaches of enactments</b>	
(1)	The repeal of an enactment does not affect a liability to a penalty for an offence or for a breach of an enactment committed before the repeal.	
(2)	A repealed enactment continues to have effect as if it had not been repealed for the purpose of—	5
	(a) investigating the offence or breach:	
	(b) commencing or completing proceedings for the offence or breach:	
	(c) imposing a penalty for the offence or breach.	
	Compare: 1924 No 11 s 20(h); 1999 No 85 s 19	
<b>36U</b>	<b>Enactments made under repealed legislation to have continuing effect</b>	10
(1)	An enactment made under a repealed enactment, and that is in force immediately before that repeal, continues in force as if it had been made under any other enactment—	
	(a) that, with or without modification, replaces, or that corresponds to, the enactment repealed; and	15
	(b) under which it could be made.	
(2)	An enactment that continues in force may be amended or revoked as if it had been made under the enactment that replaces, or that corresponds to, the repealed enactment.	
	Compare: 1924 No 11 ss 20(d), 20A; 1960 No 50 s 2; 1999 No 85 s 20	20
<b>36V</b>	<b>Powers exercised under repealed legislation to have continuing effect</b>	
	Anything done in the exercise of a power under a repealed enactment, and that is in effect immediately before that repeal, continues to have effect as if it had been exercised under any other enactment—	
	(a) that, with or without modification, replaces, or that corresponds to, the enactment repealed; and	25
	(b) under which the power could be exercised.	
	Compare: 1924 No 11 ss 20(d), 20A; 1960 No 50 s 2; 1999 No 85 s 21	
<b>36W</b>	<b>References to repealed enactment</b>	
(1)	The repeal of an enactment does not affect an enactment in which the repealed enactment is applied, incorporated, or referred to.	30
(2)	A reference in an enactment to a repealed enactment is a reference to an enactment that, with or without modification, replaces, or that corresponds to, the enactment repealed.	
(3)	<b>Subsection (1)</b> is subject to <b>subsection (2)</b> .	35
	Compare: 1924 No 11 ss 20(b), 21; 1999 No 85 s 22	

*Amending legislation***36X Amending enactment part of enactment amended**

An amending enactment is part of the enactment that it amends.

Compare: 1999 No 85 s 23

*Authority to make, amend, revoke, or replace regulations*

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**36Y Authority to make regulations**

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

(2) Regulations are not invalid just because the enactment under which they are expressed to have been made does not authorise their making as long as their making is authorised by another enactment.

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Compare: 1924 No 11 s 24; 1999 No 85 s 24

**36Z Amendment, revocation, or replacement of regulations made by Act**

Regulations amended or replaced by an Act may be amended, revoked, or revoked and replaced by later regulations as if they had been made by regulation.

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Compare: 1999 No 85 s 25

*Forms***36ZA Use of prescribed forms**

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

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Compare: 1924 No 11 s 5(i); 1999 No 85 s 26

*Consequential amendments to regulations under other Acts***36ZB Regulations under one Act may consequentially amend regulations under others**

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A power to make regulations under one Act (the **principal Act**) includes a power to make amendments to regulations made under other Acts if the amendments are necessary or desirable as a consequence of the enactment of either or both:

- (a) the principal Act or any amendment to it;
- (b) the regulations made under the principal Act or any amendment to them.

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**Subpart 4—Application of legislation to the Crown****36ZC Enactments not binding on the Crown**

No enactment binds the Crown unless—

- (a) the enactment is the whole or a portion of an Act, and the Act (or another enactment) expressly provides that the Crown is bound by the Act or by the enactment; or
- (b) the enactment is the whole or a portion of any regulations made under (or made under an enactment made directly or indirectly under) an Act, and the Act (or another enactment) expressly provides that the Crown is bound by the Act or by the enactment.

Compare: 1924 No 11 s 5(k); 1999 No 85 s 27

### Subpart 5—Meaning of terms and expressions in legislation

#### 36ZD Definitions

In an enactment,—

**Act** means an Act of the Parliament of New Zealand or of the General Assembly; and includes an Imperial Act that is part of the law of New Zealand

**commencement**, in relation to an enactment, means the time when the enactment 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 36ZE**)

**disallowable instrument** has the meaning given to it in section 4

**enactment** means the whole or a portion of an Act or regulations

**Gazette** means the *New Zealand Gazette* published or purporting to be published under the authority of the New Zealand Government; and includes a supplement

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

**legislative instrument** has the meaning given to it in section 4

**Minister**, in relation to an enactment, 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 enactment

**month** means a calendar month

**New Zealand** or similar words referring to New Zealand, when used as a territorial description, mean the islands and territories within the Realm of New Zealand; but do not include the self-governing State of the Cook Islands, the self-governing State of Niue, Tokelau, or the Ross Dependency

**North Island** means the island commonly known as the North Island; and includes the islands adjacent to it north of Cook Strait

**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

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**prescribed** means prescribed by or under an enactment

**proceedings** means proceedings (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

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**Proclamation** means a proclamation made and signed by the Governor-General under the Seal of New Zealand and published in the *Gazette*

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

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(a) in the *Gazette*; or

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

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

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**regulations** means an instrument that is all or any of the following:

(a) an instrument that is a legislative instrument, a disallowable instrument, or both, for the purposes of this Act:

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(b) an instrument that an enactment states is, or is not, or requires to be treated as if it were, or were not, an instrument referred to in **paragraph (a)**:

(c) an instrument that amends, revokes, or revokes and replaces an instrument referred to in **paragraph (a) or (b)**

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### Examples

Regulations, rules, or bylaws made under an Act by the Governor-General in Council or by a Minister of the Crown.

An instrument (whether called, or made by, an Order in Council, Proclamation, notice, regulations, or Warrant, or any other name or instrument) made under, and that varies or extends the scope or provisions of, an enactment.

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An instrument (whether called, or made by, an Order in Council, Proclamation, notice, regulations, or Warrant, or any other name or instrument) made under an Imperial Act or the Royal prerogative, and having the force of law in New Zealand.

An instrument called an Order in Council and that brings into force, repeals, or suspends an enactment.

Any other instrument that determines or alters the temporal application of the law applying to the public or a class of the public (whatever it is called or made by, and whether or not it determines or alters temporal application as illustrated by section 40).

**repeal**,—

- (a) in relation to any enactment, includes expiry, revocation, and replacement; and
- (b) in relation to an Imperial Act, or an enactment in or made under it, that is part of the law of New Zealand, includes a declaration or other provision to the effect that the Act or enactment ceases to be, or to have effect as, part of the law of New Zealand

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

**South Island** means the island commonly known as the South Island; and includes the islands adjacent to it south of Cook Strait

**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 the week other than—

- (a) a Saturday, a Sunday, Waitangi Day, Good Friday, Easter Monday, Anzac Day, the Sovereign's birthday, 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; and
- (f) for any area, conduct, location, or other thing in a province, the day observed as the anniversary of that province

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

Compare: 1924 No 11 s 4; 1999 No 85 s 29

### **36ZE Meaning of de facto relationship**

- (1) In an enactment, **de facto relationship** means a relationship between 2 people (whether a man and a woman, a man and a man, or a woman and a woman) who—

<ul style="list-style-type: none"> <li>(a) live together as a couple in a relationship in the nature of marriage or civil union; and</li> <li>(b) are not married to, or in a civil union with, each other; and</li> <li>(c) are both aged 16 years or older.</li> </ul>	5
<p>(2) Despite <b>subsection (1)</b>, 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.</p>	5
<p>(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—</p> <ul style="list-style-type: none"> <li>(a) the context, or the purpose of the law, in which the question is to be determined; and</li> <li>(b) all the circumstances of the relationship.</li> </ul>	10
<p>(4) A de facto relationship ends if—</p> <ul style="list-style-type: none"> <li>(a) the de facto partners cease to live together as a couple in a relationship in the nature of marriage or civil union; or</li> <li>(b) one of the de facto partners dies.</li> </ul> <p>Compare: 1999 No 85 s 29A</p>	15
<b>36ZF Meaning of step-parent, etc</b>	
<p>For the purposes of an enactment, the relationship of step-parent, stepson, step-daughter, 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.</p> <p>Compare: 1999 No 85 s 29B</p>	20
<b>36ZG Definitions in enactments passed or made before 1 November 1999</b>	
<p>In an enactment passed or made before 1 November 1999,—</p> <p><b>Act</b> includes rules and regulations (within the meaning of those terms as used in the Acts Interpretation Act 1924) made under the Act</p> <p><b>Governor</b> means the Governor-General</p> <p><b>land</b> 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</p> <p><b>person</b> includes a corporation sole, and also a body of persons, whether corporate or unincorporate.</p> <p>Compare: 1924 No 11 s 4; 1999 No 85 s 30</p>	25
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<b>36ZH Use of masculine gender in enactments passed or made before 1 November 1999</b>	
In an enactment passed or made before 1 November 1999, words denoting the masculine gender include females.	
Compare: 1999 No 85 s 31	5
<b>36ZI Parts of speech and grammatical forms</b>	
Parts of speech and grammatical forms of a word that is defined in an enactment have corresponding meanings in the same enactment.	
Compare: 1999 No 85 s 32	
<b>36ZJ Numbers</b>	10
Words in the singular include the plural and words in the plural include the singular.	
Compare: 1924 No 11 s 4; 1999 No 85 s 33	
<b>36ZK Meaning of words and expressions used in regulations or other instruments</b>	15
A word or expression used in regulations made, or in any other instrument issued, under an enactment, has the same meaning as it has from time to time in the enactment under which the regulations are made or the other instrument is issued.	
Compare: 1924 No 11 s 7; 1999 No 85 s 34	20
<b>36ZL Time</b>	
(1) A period of time described as beginning at, on, or with a specified day, act, or event includes that day or the day of the act or event.	
(2) A period of time described as beginning from or after a specified day, act, or event does not include that day or the day of the act or event.	25
(3) A period of time described as being within a specified number of days of a day, act, or event does not include that day or the day of the act or event, and the period begins at the beginning of the next day.	
(4) A period of time described as ending by, on, at, or with, or as continuing to or until, a specified day, act, or event includes that day or the day of the act or event.	30
(5) A period of time described as ending before a specified day, act, or event does not include that day or the day of the act or event.	
(6) A reference to a number of days between 2 events does not include the days on which the events happened.	35



- (7) A thing that, under an enactment, 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: 1924 No 11 s 25(a), (b); 1999 No 85 s 35

**36ZM How periods of months calculated**

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- (1) In an enactment passed or made after the commencement of this Part, a reference to a period of 1 month is a reference to a period—
- (a) starting at the beginning of the relevant day of one of the months; and
  - (b) ending—
    - (i) immediately before the start of the corresponding day of the next month; or
    - (ii) if there is no such day—at the end of the next month.

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**Examples**

Example 1: A month starting on 15 December in a year ends immediately before 15 January in the next year.

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Example 2: A month starting on 31 August in a year ends at the end of September in that year (because September is the calendar month coming after August and does not have 31 days).

- (2) In an enactment passed or made after the commencement of this Part, a reference to a period of 2 or more months is a reference to a period—
- (a) starting at the start of the relevant day of one of the months (the **starting month**); and
  - (b) ending—
    - (i) immediately before the start of the corresponding day of the month that is that number of months after the starting month; or
    - (ii) if there is no such day—at the end of the calendar month that is that number of months after the starting month.

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**Examples**

Example 1: A reference to 6 months starting on 15 December in a year is a reference to a period starting on that day and ending immediately before 15 June in the next year.

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Example 2: A reference to 6 months starting on 31 October in a year is a reference to a period starting on that day and ending at the end of April in the next year (because April is the calendar month coming sixth after October and does not have 31 days).

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Compare: Acts Interpretation Act 1901 s 2G (Aust)

**36ZN Distance**

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

Compare: 1924 No 11 s 25(c); 1999 No 85 s 36

### Subpart 6—Saving and references

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**36ZO 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 in force despite the following repeals:

- (a) the repeal of section 26 of the Acts Interpretation Act 1908 by section 29(1) and Schedule 1 of the Acts Interpretation Act 1924:
- (b) the repeal of section 29(2) and Schedule 2 of the Acts Interpretation Act 1924 by section 38(1) and Schedule 2 of the Interpretation Act 1999:
- (c) the repeal of section 38(2) of the Interpretation Act 1999 by **section 77(9)** of this Act.

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Compare: 1924 No 11 s 29(2); 1999 No 85 s 38(2)

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**36ZP References to Interpretation Act 1999**

- (1) A reference in an enactment to a repealed enactment that is the whole, or as the case requires a portion, of the Interpretation Act 1999 is a reference to an enactment—
  - (a) that is the whole, or as the case requires a portion, of this Part; and
  - (b) that, with or without modification, replaces, or that corresponds to, the enactment repealed.
- (2) **Schedule 2** is provided to assist readers to identify corresponding provisions at the commencement of this Part, but must not be interpreted as a definitive or ongoing guide to the correspondence of provisions.
- (3) This section does not limit **sections 36Q and 36W**.

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## Part 2

### Disclosure requirements for Government initiated legislation

**7 Section 3 amended (Purposes)**

Before section 3(g), insert:

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- (fb) to provide for disclosure requirements for Government initiated legislation:

**8 New section 4A inserted (Transitional, savings, and related provisions)**

After section 4, insert:

**4A Transitional, savings, and related provisions**  
 The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.

**9 New Part 3A inserted**  
 After section 57, insert: 5

**Part 3A**

**Disclosure requirements for Government initiated legislation**

**57A Purposes of this Part**  
 The purposes of this Part are to—

- (a) better inform parliamentary and public scrutiny of Government initiated legislation, and promote good practices for the development of such legislation, by— 10
  - (i) improving access to existing background material and available information about Government policy relating to Government Bills and disallowable instruments; and 15
  - (ii) improving the transparency and understanding of relevant quality assurance processes applied to Government Bills and disallowable instruments; and
  - (iii) identifying significant or unusual features of Government Bills that may require more careful scrutiny; and 20
- (b) enable the disclosure of this information in a way that is timely, informative, concise, and cost-effective.

**57B Interpretation**  
 In this Part, unless the context otherwise requires,—

**department** has the same meaning as in section 2(1) of the Public Finance Act 1989 25

**disclosure statement** means a disclosure statement prepared under this Part

**external consultation** means consultation carried out by, or on behalf of, the New Zealand Government with persons other than departments, members of Parliament, or persons who work for, or on behalf of, members of Parliament 30

**Government amendment** has the same meaning as in the rules and practice of the House of Representatives

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**Example**  
 A supplementary order paper in the name of a Minister that proposes amendments to a Government Bill. 35

**Government Bill** has the same meaning as in the rules and practice of the House of Representatives

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

**introduction**, in relation to a Government Bill or Government amendment, means the introduction of the Bill or amendment in accordance with the rules and practice of the House of Representatives 5

**legislative guidelines** means guidelines on the process or content of legislation issued by a committee, body, or other person that are identified in an Order in Council made under **section 57R** 10

**Minister** means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Part

**personal information** has the same meaning as in section 2(1) of the Privacy Act 1993 15

**property**—

(a) means everything that is capable of being owned, whether it is real or personal property, and whether it is tangible or intangible property; and

(b) includes any estate or interest in property

**publicly available** has the meaning set out in **section 57S(2)** 20

**relevant chief executive**, in relation to a Government Bill, Government amendment, or disallowable instrument, means the chief executive of the relevant entity in relation to the Bill, amendment, or instrument

**relevant entity**, in relation to a Government Bill, Government amendment, or disallowable instrument,— 25

(a) means a department or any other entity that is primarily involved in developing the Bill, amendment, or instrument at the time that disclosure under this Part is required; and

(b) does not include the PCO (unless the PCO will be responsible for the administration of the resulting enactment). 30

### Subpart 1—Disclosure for Government Bills

#### 57C **Relevant chief executive must ensure disclosure statement is prepared for most Government Bills**

(1) The relevant chief executive must ensure that at least 1 disclosure statement is prepared for a Government Bill. 35

(2) **Sections 57E and 57F** specify the minimum requirements for a disclosure statement.

**57D Disclosure not required for certain Government Bills**

**Section 57C** does not apply to any of the following:

- (a) Imprest Supply Bills, Appropriation Bills, or Subordinate Legislation (Confirmation and Validation) Bills:
- (b) Statutes Amendment Bills (within the meaning of the rules and practice of the House of Representatives): 5
- (c) Bills that primarily relate to the repeal or revocation of enactments identified as spent:
- (d) revision Bills prepared under subpart 3 of Part 2.

**57E Minimum requirements for disclosure relating to policy background, and development, of Government Bill** 10

(1) The disclosure statement or statements for a Government Bill must—

*Background material and policy information*

- (a) identify any inquiry, review, or evaluation reports that have informed the policy that is to be given effect to by the Bill: 15
- (b) identify any international agreement, or withdrawal from an international agreement, that is to be given effect by the Bill:
- (c) if the Bill gives effect to an international agreement, identify any national interest analysis report relating to that agreement:
- (d) identify any regulatory impact statement prepared by the relevant entity to inform the policy decisions that led to the Bill: 20

*Testing of legislative content*

- (e) identify any assessment of whether any provisions of the Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990: 25
- (f) describe the steps taken by, or on behalf of, the relevant entity to assess the consistency of the Bill with New Zealand's international obligations:
- (g) describe the steps taken by, or on behalf of, the relevant entity to assess the consistency of the Bill with the principles of the Treaty of Waitangi:
- (h) describe the nature and extent of external consultation on the policy to be given effect to by the Bill: 30
- (i) describe the nature and extent of external consultation on a draft of the Bill:
- (j) describe the nature and extent of any testing procedures or techniques (other than consultation) applied to the policy to be given effect to by the Bill that have been carried out by, or on behalf of, the relevant entity to ensure that the policy is workable and complete (for example, scenario testing or trials using practical examples). 35

- (2) **Subsection (1)(e)** applies only to an assessment that is carried out by, or on behalf of, the New Zealand Government.
- 57F Minimum requirements for disclosure relating to presence of significant or unusual legislative features**
- (1) The disclosure statement or statements for a Government Bill must identify whether, in the relevant chief executive's opinion, the Bill—
- Taking of private property*
- (a) allows or provides for a compulsory acquisition of private property:
- Retrospectivity*
- (b) affects rights or freedoms, or imposes obligations, retrospectively:
- Offences, jurisdiction, and burden of proof*
- (c) creates, amends, or removes—
- (i) any offences or penalties; or
- (ii) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal):
- (d) creates or amends a strict or an absolute liability offence:
- (e) reverses or modifies the usual burden of proof for an offence or a civil pecuniary penalty proceeding:
- Immunities*
- (f) creates or amends a civil or criminal immunity for any person:
- Privacy*
- (g) creates, amends, or removes provisions affecting the collection, storage, security, correction, use, or disclosure of, or access to, personal information:
- Delegated legislation*
- (h) creates or amends a power to make a disallowable instrument:
- (i) creates or amends a power to make an instrument that could—
- (i) amend an Act; or
- (ii) define the meaning of a term in an Act; or
- (iii) grant an exemption from an Act or a disallowable instrument; or
- (iv) otherwise modify or suspend the operation or effect of an Act:
- Unusual provisions*
- (j) contains any other provision that is unusual or involves matters that call for special comment.
- (2) If the disclosure statement or statements identify that, in the relevant chief executive's opinion, the Bill contains or provides for any of the matters specified in—

- (a) **subsection (1)** (other than **subsection (1)(c) or (g)**), the disclosure statement or statements must describe—
  - (i) the effect of the relevant provisions; and
  - (ii) any features that, in the relevant chief executive’s opinion, limit or mitigate any potential adverse effects of the relevant provisions: 5
- (b) **subsection (1)(c)**, the disclosure statement or statements must describe the nature and extent of the consultation with the Ministry of Justice on the matter:
- (c) **subsection (1)(g)**, the disclosure statement or statements must describe the nature and extent of the consultation with the Privacy Commissioner on the matter. 10
- (3) The relevant chief executive must, in considering what disclosures should be made under **subsection (1)(j) or (2)(a)**, have regard to the legislative guidelines (if any).
- (4) **Subsection (3)** does not limit **subsections (1) and (2)**. 15

#### Subpart 2—Disclosure for Government amendments

##### **57G Relevant chief executive must ensure disclosure statement is prepared for Government amendment**

- (1) The relevant chief executive must ensure that at least 1 disclosure statement is prepared for a Government amendment. 20
- (2) However, **subsection (1)**—
  - (a) does not apply to a Government amendment to a Bill of a kind referred to in **section 57D**:
  - (b) does not apply if, in the relevant chief executive’s opinion,—
    - (i) it is not reasonably practicable to comply with this section and **section 57O** before the parliamentary scrutiny of the Government amendment occurs; or
    - (ii) **section 57H(1)** does not apply (because of the operation of **section 57H(2)**) and there are no material changes referred to in **section 57I**. 25 30

##### **57H Disclosure relating to policy background, and development, of Government amendments**

- (1) The disclosure statement or statements for a Government amendment must contain, in relation to the proposed amendments, the disclosures required by **section 57E(1)(a) to (j)** (where those paragraphs apply with all necessary modifications as if references to a Bill were references to the proposed amendments). 35

(2)	However, <b>subsection (1)</b> does not apply if, in the relevant chief executive's opinion, there is no publicly available information on the matters referred to in <b>section 57E(1)(a) to (d) and (f) to (j)</b> that is likely to assist the parliamentary and public scrutiny of the Government amendment.	
<b>57I</b>	<b>Disclosure relating to presence of significant or unusual legislative features</b>	5
	The disclosure statement or statements for a Government amendment must—	
(a)	disclose whether, in the relevant chief executive's opinion, the proposed amendments would have materially changed the disclosures for the Bill under <b>section 57F</b> (had the amendments been incorporated into the Bill on its introduction); and	10
(b)	if so, briefly describe how the disclosures would have been different.	
<b>57J</b>	<b>Relevant chief executive must give confirmation</b>	
(1)	If the relevant chief executive is relying on <b>section 57G(2)(b)(ii) or 57H(2)</b> , the relevant chief executive must—	
(a)	prepare a statement confirming the matters specified in those provisions; and	15
(b)	ensure that the statement is published on an Internet site as soon as practicable after the introduction of the Government amendment.	
(2)	The confirmation must, so far as practicable, be available to the public on the Internet site at all times.	20
(3)	<b>Subsection (1)</b> does not apply if it is not reasonably practicable to comply with that subsection before the parliamentary scrutiny of the Government amendment occurs.	
	<b>Subpart 3—Disclosure for disallowable instruments</b>	
<b>57K</b>	<b>Relevant chief executive must ensure disclosure statement is prepared for most disallowable instruments</b>	25
(1)	The relevant chief executive must ensure that at least 1 disclosure statement is prepared for a disallowable instrument that is to be drafted by the PCO under section 59(2).	
(2)	<b>Section 57L</b> specifies the minimum requirements for a disclosure statement.	30
(3)	However, <b>subsection (1)</b> does not apply to a disallowable instrument if the relevant chief executive confirms, in the explanatory note to the instrument, that—	
(a)	all of the following requirements are satisfied in relation to the instrument:	35
(i)	there is no publicly available information on the matters specified in <b>section 57L(a) to (d)</b> that is likely to assist the parliamentary	



	scrutiny of the instrument or assist any person to understand the instrument:	
	(ii) no external consultation has been undertaken:	
	(iii) no testing procedures or techniques referred to in <b>section 57L(g)</b> have been carried out; or	5
(b)	the instrument’s only effect is to do 1 or more of the things specified in section 40(a) to (f) in relation to the provisions of an enactment (for example, a commencement order); or	
(c)	there is no additional material information available to be disclosed under <b>section 57L</b> that has not already been disclosed in a disclosure statement for 1 or more of the following:	10
	(i) the Act under which the instrument is made:	
	(ii) the principal disallowable instrument (if any) that is being amended by the instrument:	
	(iii) any other disallowable instrument.	15
(4)	If <b>subsection (3)(c)</b> applies, the explanatory note must specify how a person may obtain a copy of the disclosure statement or statements referred to in that paragraph by electronic means (for example, from a specified Internet site address).	
(5)	In this section, <b>explanatory note</b> includes a statement of reasons.	20
<b>57L</b>	<b>Minimum requirements for disclosure relating to policy background, and development, of disallowable instrument</b>	
	The disclosure statement or statements for a disallowable instrument must—	
	<i>Background material and policy information</i>	
(a)	identify any inquiry, review, or evaluation reports that have informed the policy to be given effect to by the instrument:	25
(b)	identify any international agreement, or withdrawal from an international agreement, that is to be given effect by the instrument:	
(c)	if the instrument gives effect to an international agreement, identify any national interest analysis report relating to that agreement:	30
(d)	identify any regulatory impact statement prepared by the relevant entity to inform the policy decisions that led to the instrument:	
	<i>Testing of legislative content</i>	
(e)	describe the nature and extent of external consultation on the policy to be given effect to by the instrument:	35
(f)	describe the nature and extent of external consultation on a draft of the instrument:	

- (g) describe the nature and extent of any testing procedures or techniques (other than consultation) applied to the policy to be given effect to by the instrument that have been carried out by, or on behalf of, the relevant entity to ensure that the policy is workable and complete (for example, scenario testing or trials using practical examples). 5

#### Subpart 4—Consultation and publication

##### *Consultation on disclosure statement proposals*

#### **57M Application of requirement to consult about administrative requirements**

- (1) **Section 57N** applies if the Minister proposes— 10
- (a) an administrative requirement that a disclosure statement contain, in addition to the minimum requirements under **sections 57E, 57F, and 57L**, additional, or more specific, information in connection with those matters; or
- (b) an administrative requirement that additional information about any of the following be included in a disclosure statement: 15
- (i) the policy that is to be given effect to by legislation:
- (ii) the drafting of legislation:
- (iii) a process, practice, or procedure that has the purpose or effect of promoting, or facilitating the preparation of, quality legislation:
- (iv) significant or unusual features of legislation: 20
- (v) plans for the implementation, monitoring, or review of legislation; or
- (c) administrative requirements about the layout or format for a disclosure statement.
- (2) **Section 57N** applies to a proposal for a change to the administrative requirements referred to in **subsection (1)(c)** only if, in the Minister’s opinion, the change is significant. 25

#### **57N House of Representatives must be consulted about proposal**

The Minister must, not later than 16 sitting days of the House of Representatives before the proposal is given effect, present to the House of Representatives a document that describes the proposal. 30

##### *Disclosure must be made available*

#### **57O Disclosure statement must be presented to House of Representatives**

- (1) The relevant Minister must present the disclosure statement or statements for a Government Bill, Government amendment, or disallowable instrument to the House of Representatives. 35

(2)	In this section, <b>relevant Minister</b> ,—	
(a)	in relation to a Government Bill or Government amendment, means the Minister in charge of the Bill; and	
(b)	in relation to a disallowable instrument, means the Minister who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of the Act, or the part of the Act, under which the instrument is made.	5
<b>57P</b>	<b>Relevant chief executive must ensure that disclosure statement is published on Internet site</b>	
(1)	The relevant chief executive must ensure that the disclosure statement or statements for a Government Bill, Government amendment, or disallowable instrument are published on an Internet site.	10
(2)	A disclosure statement must, so far as practicable, be available to the public on the Internet site at all times.	
<b>57Q</b>	<b>Time for compliance</b>	15
	<b>Sections 57O and 57P(1)</b> must be complied with,—	
(a)	in the case of a Government Bill or Government amendment, as soon as practicable after the introduction of the Bill or Government amendment (as the case may be):	
(b)	in the case of a disallowable instrument, as soon as practicable after the instrument is presented under section 41 but, in any event, not later than the 16th sitting day of the House of Representatives after the day on which the instrument is made.	20
<b>Subpart 5—Miscellaneous provisions</b>		
<b>57R</b>	<b>Order in Council may identify legislative guidelines that chief executives must have regard to</b>	25
(1)	The Governor-General may, by Order in Council made on the recommendation of the Minister, identify legislative guidelines (in whole or in part) for the purposes of <b>section 57F(3)</b> .	
(2)	The Minister must, not later than 16 sitting days of the House of Representatives before the Order in Council is made, present to the House of Representatives a document that describes the proposed Order in Council.	30
(3)	The Order in Council need not contain the text of the legislative guidelines.	
<b>57S</b>	<b>Disclosure only relates to publicly available information</b>	
(1)	Nothing in this Part requires the disclosure of information that is not publicly available.	35

- (2) In this Part, information is **publicly available** if it would be provided under the Official Information Act 1982 if a request were made for that information.
- 57T Validity of enactment not affected by failure to comply with Part**  
Failure to comply with this Part does not affect—
- (a) any power to make any enactment; or 5
  - (b) the validity of any enactment.
- 57U Five-year review**
- (1) The Minister must commission an independent review of the operation and effectiveness of this Part in accordance with the terms of reference set by the Minister. 10
  - (2) The review must be commissioned not later than 5 years after the date on which this Part comes into force.
  - (3) The Minister must present a copy of the findings of the review to the House of Representatives as soon as practicable after receiving a copy of the findings of the review but, in any event, not later than 1 year after commissioning the review. 15
  - (4) The Minister must also ensure that the findings of the review are, so far as practicable, available to the public on an Internet site at all times.

### Part 3

#### Related and other amendments 20

##### 10 Section 4 amended (Interpretation)

In section 4, definition of **legislative instrument**, repeal paragraph (d).

##### 11 Section 6 amended (Chief Parliamentary Counsel to arrange publication)

- (1) Repeal section 6(6) as from the commencement (on 5 August 2013) of section 6. 25
- (2) Before section 6(7), insert:
  - (6A) Alternative text that is inserted in copies or reprints of legislation published under this section, and that is inserted to indicate the effect of an element (for example, a graphical image such as a crest, map, or medal), does not form part of the published copies or reprints of legislation. 30
  - (6B) **Subsection (6A)** is not limited by section 25(3) (which relates only to alternative text in official versions of reprinted enactments).
- (3) Repeal section 6(8).

- 12 Section 7 repealed (Designation of places where printed copies of legislation may be purchased)**  
Repeal section 7.
- 13 Section 8 repealed (Sale of copies of legislation)**  
Repeal section 8. 5
- 14 Section 12 amended (Notice of making of legislative instruments)**  
Replace section 12(2)(e) with:  
(e) information about ways that copies of the legislative instrument may be accessed or purchased:
- 15 Section 59 amended (Functions of PCO)** 10  
(1) In section 59(1)(c), delete “(as provided in Part 2)”.  
(2) After section 59(1)(i), insert:  
(ia) to arrange for the publication of supporting documents relating to Government Bills, amendments to those Bills, and instruments drafted by the PCO (including documents that provide information about the development and content of legislation proposed by the Government): 15  
(3) In section 59(2)(c), replace “resolutions of the House of Representatives referred to in paragraph (d) of the definition of legislative instrument in section 4” with “notices that section 47(5) or another enactment requires the Chief Parliamentary to arrange to be published under section 6 as if they were legislative instruments”. 20
- 16 Section 60 amended (Power to authorise drafting and printing of Government Bills by Inland Revenue Department)**  
(1) In the heading to section 60, replace “**drafting and printing**” with “**drafting, printing, and publication**”. 25  
(2) In section 60(1), replace “Despite section 59(1)(a), the” with “The”.  
(3) In section 60(1)(b), replace “supervise the printing” with “arrange for the printing and publication”.  
(4) After section 60(1), insert:  
(1A) Subsection (1) overrides section 59(1)(a) and (c). 30  
(5) Repeal section 60(2).
- 17 Section 77 amended (Repeals, consequential amendments, and savings about legislative matters)**  
(1) Repeal section 77(4).  
(2) After section 77(8), insert: 35  
(9) The Interpretation Act 1999 (1999 No 85) is repealed.

**18 New Schedule 1AA inserted**

Before the Schedule, insert as **Schedule 1AA** the schedule set out in **Schedule 1** of this Act.

**19 New Schedule 2 inserted**

After the Schedule, insert as **Schedule 2** the schedule set out in **Schedule 2** 5  
of this Act.

**20 Amendments to other enactments**

Amend the enactments specified in **Schedule 3** as specified in that schedule.

**Schedule 1**  
**New Schedule 1AA inserted**

s 18

**Schedule 1AA**  
**Transitional, savings, and related provisions**

5

s 4A

**1 Interpretation**

In this schedule,—

**2014 Act** means the Legislation Amendment Act **2014**

**principal Act** means the Legislation Act 2012.

10

*Transitional provisions relating to Legislation Amendment Act **2014***

**2 Bills for which disclosure was made under administrative requirements**

(1) This clause applies to a Government Bill in respect of which disclosure was made under the administrative requirements.

(2) For the purposes of applying **subpart 2 of Part 3A** to a Bill to which this clause applies, the reference in **section 57I** to disclosures made under **section 57F** must be treated as being a reference to disclosures made under the administrative requirements that are substantially similar to the requirements of **section 57F**.

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(3) In this clause and in **clause 3**, **administrative requirements** means the requirements for departments to disclose information relating to Government Bills that—

20

- (a) were imposed by the Government; and
- (b) came into effect on or about 29 July 2013.

(4) In this clause and in **clause 3**, a term or an expression that is defined in **Part 3A** and used in this clause or **clause 3** has the same meaning as in that Part.

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**3 Bills for which disclosure was not made under administrative requirements**

(1) This clause applies to a Government Bill introduced before the commencement of **Part 3A** in respect of which disclosure was not made under the administrative requirements if—

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- (a) a Government amendment is introduced after the commencement of this clause; and
- (b) the Government amendment includes proposed amendments to the Bill that—

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- (i) make material changes to the policy to be given effect by the Bill; or
- (ii) would have materially changed the disclosures referred to in **section 57F** (had the amendments been incorporated into the Bill on its introduction and a disclosure statement been prepared under **Part 3A**). 5
- (2) If the Government amendment will be referred to a select committee of the House of Representatives, the relevant chief executive must ensure that at least 1 disclosure statement is prepared for the Bill (as proposed to be amended) under **subpart 1 of Part 3A**. 10
- (3) If **subclause (2)** does not apply, the relevant chief executive must ensure that at least 1 disclosure statement is prepared for the Bill (as proposed to be amended) that includes the information required by **section 57F**.
- (4) However, **subclause (3)** does not apply if, in the relevant chief executive's opinion, it is not reasonably practicable to comply with that subclause and **section 57O** before the parliamentary scrutiny of the Government amendment occurs. 15
- (5) **Sections 57O to 57Q** apply with all necessary modifications to a disclosure statement under this clause (with the time for compliance under **section 57Q** being as soon as practicable after the introduction of the Government amendment). 20
- 4 Minister may consult on proposals before commencement**
- The Minister may perform a duty under **section 57N** before the commencement of that section.



**Schedule 2**  
**New Schedule 2 inserted**

**s 19**

**Schedule 2**  
**Comparative table of interpretation provisions**

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**s 36ZP**

<b>Provision in Interpretation Act 1999</b>	<b>Corresponding provision in this Act</b>
2 (purposes of this Act)	<b>36A</b> (purposes of this Part)
4(1) (application—general)	<b>36B(1)</b> (application—general)
4(2) (application—to this Act)	<b>36B(2)</b> (application—to this Part)
5(1) (ascertaining meaning of legislation—general)	<b>36C(1)</b> (ascertaining meaning of legislation—general)
5(2) and (3) (ascertaining meaning of legislation—indications)	<b>36C(2) and (3)</b> (ascertaining meaning of legislation—indications)
No equivalent	<b>36D</b> (status of examples)
6 (enactments apply to circumstances as they arise)	<b>36E</b> (enactments apply to circumstances as they arise)
7 (enactments do not have retrospective effect)	<b>36F</b> (enactments do not have retrospective effect)
8(1) (date of commencement of Acts—stated or provided)	<b>36G(1)</b> (date of commencement of Acts—stated or provided)
8(2) (date of commencement of Acts—not stated or provided)	<b>36G(2)</b> (date of commencement of Acts—not stated or provided)
No equivalent—but compare section 10A(2) and (3) of the Acts Interpretation Act 1924 (as substituted on 1 January 1987 by section 6 of the Acts Interpretation Amendment Act 1986)	<b>36G(3)</b> (date of commencement of Acts—Title and commencement sections)
9(1) (date of commencement of regulations—stated or provided)	<b>36H(1)</b> (date of commencement of regulations—stated or provided)
9(2) (date of commencement of regulations—not stated or provided)	<b>36H(2)</b> (date of commencement of regulations—not stated or provided)
No equivalent—but compare section 10A(2) and (3) of the Acts Interpretation Act 1924 (as substituted on 1 January 1987 by section 6 of the Acts Interpretation Amendment Act 1986)	<b>36H(3)</b> (date of commencement of regulations—Title and commencement provisions)
10(3) (time of commencement of legislation—commencement orders may appoint date that is same day as day orders made)	<b>36I(1)(a)</b> (commencement orders—may appoint date that is same day as day orders made)
No equivalent	<b>36I(1)(b)</b> (commencement orders—may state time on appointed date)
No equivalent	<b>36I(1)(c)</b> (commencement orders—amendment or revocation)
No equivalent	<b>36I(2)</b> (commencement orders—different dates for different provisions—meaning of provisions)
10(1) (time of commencement of legislation—beginning of day on which comes into force)	<b>36J(1)</b> (time of commencement of legislation—beginning of day on which comes into force)
10(2) (time of commencement of legislation—if expressed to take effect from a particular day)	<b>36J(2)</b> (time of commencement of legislation—if expressed to take effect from a particular day)

<b>Provision in Interpretation Act 1999</b>	<b>Corresponding provision in this Act</b>
No equivalent	<b>36J(3)</b> (time of commencement of legislation—Order in Council appointing a day (without also stating a time on that day))
No equivalent	<b>36J(4) and (5)</b> (time of commencement of legislation—Order in Council appointing a day, and also stating a time on that day)
11(1), (2), and (3) (exercise of powers between passing and commencement of legislation)	<b>36K(1)(a) to (d) and (f), (2), and (4)</b> (exercise of powers between passing and commencement of legislation)
No equivalent	<b>36K(1)(e)</b> (exercise of powers between passing and commencement of legislation—conferring or imposing legal position)
11(4) (exercise of powers between passing and commencement of legislation)	<b>36K(3)(a)</b> (exercise of powers between passing and commencement of legislation—as if all relevant enactments in force)
No equivalent	<b>36K(3)(b)</b> (exercise of powers between passing and commencement of legislation—as if relevant legal position had accrued or been imposed)
12 (power to appoint to an office)	<b>36L</b> (power to appoint to an office)
13 (power to correct errors)	<b>36M</b> (power to correct errors)
14 (exercise of powers by deputies)	<b>36N</b> (exercise of powers by deputies)
15 (power to amend or revoke)	<b>36O</b> (power to amend or revoke)
16 (exercise of powers and duties more than once)	<b>36P</b> (exercise of powers and duties more than once)
No equivalent	<b>36Q</b> (references to repealing enactment not yet in force)
17 (effect of repeal generally)	<b>36R</b> (effect of repeal generally)
18 (effect of repeal on enforcement of existing rights)	<b>36S</b> (effect of repeal on existing rights and proceedings)
19 (effect of repeal on prior offences and breaches of enactments)	<b>36T</b> (effect of repeal on prior offences and breaches of enactments)
20 (enactments made under repealed legislation to have continuing effect)	<b>36U</b> (enactments made under repealed legislation to have continuing effect)
21 (powers exercised under repealed legislation to have continuing effect)	<b>36V</b> (powers exercised under repealed legislation to have continuing effect)
22 (references to repealed enactment)	<b>36W</b> (references to repealed enactment)
23 (amending enactment part of enactment amended)	<b>36X</b> (amending enactment part of enactment amended)
24 (authority to make certain enactments)	<b>36Y</b> (authority to make regulations)
25 (amendment and revocation of regulations made by Act)	<b>36Z</b> (amendment, revocation, or replacement of regulations made by Act)
26 (use of prescribed forms)	<b>36ZA</b> (use of prescribed forms)
No equivalent	<b>36ZB</b> (regulations under one Act may consequentially amend regulations under others)
27 (enactments not binding on the Crown)	<b>36ZC</b> (enactments not binding on the Crown)
29 (definitions)	<b>36ZD</b> (definitions)
29A (meaning of de facto relationship)	<b>36ZE</b> (meaning of de facto relationship)
29B (meaning of step-parent, etc)	<b>36ZF</b> (meaning of step-parent, etc)

<b>Provision in Interpretation Act 1999</b>	<b>Corresponding provision in this Act</b>
30 (definitions in enactments passed or made before commencement of this Act)	<b>36ZG</b> (definitions in enactments passed or made before 1 November 1999)
31 (use of masculine gender in enactments passed or made before commencement of this Act)	<b>36ZH</b> (use of masculine gender in enactments passed or made before 1 November 1999)
32 (parts of speech and grammatical forms)	<b>36ZI</b> (parts of speech and grammatical forms)
33 (numbers)	<b>36ZJ</b> (numbers)
34 (meaning of words and expressions used in regulations and other instruments)	<b>36ZK</b> (meaning of words and expressions used in regulations or other instruments)
35(1) to (6) (time)	<b>36ZL(1), (2), and (4) to (7)</b> (time)
No equivalent	<b>36ZL(3)</b> (time—period “within” days of date or event)
No equivalent	<b>36ZM</b> (time—how periods of months calculated)
36 (distance)	<b>36ZN</b> (distance)
38(2) (repeals and saving)	<b>36ZO</b> (how Abolition of Provinces Act 1875 affects provincial legislation)
No equivalent	<b>36ZP</b> (references to Interpretation Act 1999)

## Schedule 3 Consequential amendments

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### Part 1 Amendments to Acts

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

Replace section 44ZN(3) with:

- (3) Notices issued under this section are neither legislative instruments nor disallowable instruments for the purposes of the Legislation Act 2012 and do not have to be presented to the House of Representatives under section 41 of that Act. 10

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

In the heading to section 79, replace “**treated as legislative instruments for purposes of disallowance**” with “**are disallowable instruments for purposes of Legislation Act 2012**”. 15

#### **Auckland Regional Amenities Funding Act 2008 (2008 No 3 (P))**

In section 20(5)(b), delete “; and”.

Repeal section 20(5)(c).

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

In section 74B(1)(c) and (2)(c), replace “the Regulations (Disallowance) Act 1989” with “subpart 1 of Part 3 of the Legislation Act 2012”. 20

#### **Biosecurity Law Reform Act 2012 (2012 No 73)**

Repeal section 92(3).

#### **Canterbury Earthquake Recovery Act 2011 (2011 No 12)**

In section 4(1), definition of **enactment**, replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”. 25

#### **Care of Children Act 2004 (2004 No 90)**

In section 17(3A)(b), replace “section 29A(2) of the Interpretation Act 1999” with “**section 36ZE(2)** of the Legislation Act 2012”.

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

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Replace section 28(7) with:

- (7) An ordinary rule (except for one made by an Order in Council under section 34A(1), and therefore subject to section 34A(4) and (6)),—

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

- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* **section 34(2)** and (3) of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly).

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Replace section 31(4) with:

- (4) An emergency rule—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* section 35(2) to (4) and (5A) of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly).

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Replace section 34(2) with:

- (2) If an ordinary rule (except for one made by an Order in Council under section 34A(1), and therefore subject to section 34A(4) and **(6)**) is made under this Act, then subject to subsection (3),—
  - (a) notice of the making of the rule must be given in the *Gazette*; and
  - (b) the rule must be made available by the Authority for purchase by members of the public at a reasonable price; and
  - (c) the notification must specify a place where the rule is available for inspection free of charge and for purchase.

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In section 34A(4), replace “must be published” with “must (despite **section 34(2)**) be notified and made available in accordance with **section 34(2)** and (3)”.

Replace section 34A(6) with:

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- (6) An Order in Council made under subsection (1)—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* subsection (4) of this section, and **section 34(2)** and (3) of this Act), but may be published under section 14(1) of that Act (in which case sec-

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

tion 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and

- (c) is not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012.

Repeal section 91T(2).

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

Repeal section 19(3).

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

Replace section 27(1)(b) with:

- (b) any Act as defined in **section 36ZD** (definitions) of the Legislation Act 2012:

In section 122A(4), replace “section 35(6) of the Interpretation Act 1999” with “**section 36ZL(7)** (time) of the Legislation Act 2012”.

**Corrections Act 2004 (2004 No 50)**

Replace section 45A(3) with:

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- (3) Rules made under subsection (1) or (2) are disallowable instruments, but not legislative instruments, for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act.

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

In section 413(a)(i) and (iii), replace “section 19 of the Interpretation Act 1999” with “**section 36T** (effect of repeal on prior offences and breaches of enactments) of the Legislation Act 2012”.

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

Replace section 19(3) (as inserted on 5 August 2013 by section 63(2) of the Crown Minerals Amendment Act 2013, and also as reprinted under subpart 2 of Part 2 of the Legislation Act 2012) with:

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- (3) A minerals programme issued on or after the date on which **section 20** of the **Legislation Amendment Act 2014** comes into force—
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* section 20 of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and

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

- (c) is not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012.

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

In section 76C(1)(b), replace “places designated under section 7 of the Legislation Act 2012” with “places specified in a notice given under **subsection (5)**”.

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After section 76C(4), insert:

- (5) The chief executive must give notice in the *Gazette* stating that copies of the documents referred to in subsection (2) can (in accordance with subsection (1)(b)) be purchased at specified places.

Replace section 76D with:

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**76D Application of Legislation Act 2012**

Orders in Council amending or modifying the Excise and Excise-equivalent Duties Table and made under section 77, 78, 79, or 79A on or after the date on which **section 20** of the **Legislation Amendment Act 2014** comes into force—

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- (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) are not legislative instruments for the purposes of the Legislation Act 2012 and do not have to be published under section 6 of that Act (*see* section 76C of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and
- (c) are not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012.

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In section 76G(3), replace “The Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

In section 76G(4)(a) and (b), replace “the Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

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

Replace section 253(7) with:

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

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

Repeal section 48(3).

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

In section 156A(3), replace “section 15 of the Interpretation Act 1999” with “**section 360** (power to amend or revoke) of the Legislation Act 2012”.

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

In section 37(2), replace “section 4 of the Regulations (Disallowance) Act 1989” with “section 41 of the Legislation Act 2012”. 5

In section 122(4), replace “section 4 of the Regulations (Disallowance) Act 1989” with “section 41 of the Legislation Act 2012”.

**Electronic Identity Verification Act 2012 (2012 No 123)**

In section 7, definition of **organisation**, paragraph (a), replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”. 10

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

In section 21(4), replace “printed and published under the Legislation Act 2012 as if it were a regulation” with “published under section 6 of the Legislation Act 2012 as if it were a legislative instrument”. 15

**Evidence Act 2006 (2006 No 69)**

In section 10(2), replace “the Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

**Exclusive Economic Zone and Continental Shelf (Environmental Effects) Act 2012 (2012 No 72)** 20

Replace sections 156 and 157 with:

**156 Application of Legislation Act 2012 to material incorporated by reference: publication**

Part 2 of the Legislation Act 2012 does not apply to material incorporated by reference in regulations made under this Act or to an amendment to, or replacement of, that material. 25

**157 Application of Legislation Act 2012 to material incorporated by reference: disallowance**

(1) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations made under this Act that incorporate material by reference. 30

(2) However, nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in regulations to be presented to the House of Representatives.



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

After section 13(8), insert:

- (8A) *Gazette* notices under subsection (1), (4), or (7) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 5

After section 14(7), insert:

- (7A) *Gazette* notices under subsection (1), (3), or (6) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 14B(7), insert:

- (7A) *Gazette* notices under subsection (1) or (6) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 10

After section 20(5), insert:

- (6) *Gazette* notices under subsection (1) or (2) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 15

After section 60(4), insert:

- (6) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 20

After section 75(7), insert:

- (8) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 25

After section 83(1), insert:

- (1A) *Gazette* notices under subsection (1)(a) or (b) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 30

After section 98(5), insert:

- (5A) *Gazette* notices under subsection (5) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 30

After section 113C(2), insert:

- (2A) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 35

After section 178(2), insert:

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

(2A) *Gazette* notices under subsection (2) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 181(9), insert:

(9A) *Gazette* notices under subsection (9)(b) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 5

After section 186(3), insert:

(4) None of the following are disallowable instruments for the purposes of the Legislation Act 2012 or required to be presented to the House of Representatives under section 41 of that Act: 10

(a) *Gazette* notices under regulations under subsection (2)(b) or (d):

(b) *Gazette* notices under regulations and this section and section 297 (with, or without, section 89 of the Fisheries Act 1983):

(c) *Gazette* notices under regulations under this section and section 93 of the Waikato-Tainui Raupatu Claims (Waikato River) Settlement Act 2010. 15

In section 186G, insert as subsection (2):

(2) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 20

After section 186H, insert:

(2A) *Gazette* notices under subsection (2)(a) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 186K(5), insert: 25

(5A) *Gazette* notices under subsection (5) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 186Q(8), insert:

(9) *Gazette* notices under subsection (1) or (6) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 30

After section 186ZE(2), insert:

(3) *Gazette* notices under section 186K(5) (as that subsection is applied by subsection (2) of this section) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act. 35

After section 186ZR(3), insert:

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

- (4) *Gazette* notices under regulations under subsection (1)(a) or (b) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 188(6), insert:

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- (7) *Gazette* notices under subsection (1) or (5) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 188A(3), insert:

- (4) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

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After section 283(3), insert:

- (4) *Gazette* notices under subsection (2) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

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After section 295(4), insert:

- (5) *Gazette* notices under subsection (1) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

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After section 296P(4), insert:

- (5) *Gazette* notices under subsection (3)(b) and (4) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 296Q(4), insert:

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- (5) Directions given in accordance with this section and published in the *Gazette* under subsection (3)(b)(i) are not disallowable instruments for the purposes of the Legislation Act 2012 and are not required to be presented to the House of Representatives under section 41 of that Act.

After section 297(3), insert:

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- (4) None of the following are disallowable instruments for the purposes of the Legislation Act 2012 or required to be presented to the House of Representatives under section 41 of that Act:

(a) *Gazette* notices under regulations under subsection (1)(h):

(b) *Gazette* notices under regulations under section 186 and this section (with or without section 89 of the Fisheries Act 1983).

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After section 302A(6), insert:

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

- (7) New notices are disallowable instruments for the purposes of the Legislation Act 2012, and required to be presented to the House of Representatives under section 41 of that Act, only if, and only to the extent that, the revoked notices are disallowable instruments for the purposes of the Legislation Act 2012, and required to be presented to the House of Representatives under section 41 of that Act. 5

Replace section 303 with:

**303 Application of Legislation Act 2012 to instruments given by notice in Gazette**

- (1) Instruments that are required by or under this Act to be given by notice in the *Gazette* are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act, unless this Act expressly provides otherwise. 10
- (2) Instruments that are required by or under this Act to be given by notice in the *Gazette* are not legislative instruments for the purposes of the Legislation Act 2012, unless this Act expressly provides otherwise, but— 15
- (a) may be drafted by the PCO under section 59(2)(d) of that Act; and
- (b) may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly). 20

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

In section 54(4), replace “Without limiting the Interpretation Act 1999, no regulation made under this section shall be” with “No regulation made under this section is”.

**Holidays (Full Recognition of Waitangi Day and ANZAC Day) Amendment Act 2013 (2013 No 19) 25**

In Schedule 1, Part 1, repeal the item relating to the Interpretation Act 1999.

**Human Tissue Act 2008 (2008 No 28)**

In Schedule 5, replace clauses 7 and 8 with:

- 7 Application of Legislation Act 2012 to standards incorporated by reference: publication 30**
- Part 2 of the Legislation Act 2012 does not apply to—
- (a) standards incorporated by reference in regulations under section 74 or 75; or
- (b) an amendment to, or replacement of, those standards.
- Compare: 1956 No 65 s 112ZM 35

**Human Tissue Act 2008 (2008 No 28)**—*continued***8 Application of Legislation Act 2012 to standards incorporated by reference: disallowance**

- (1) Subpart 1 of Part 3 of the Legislation Act 2012 applies to regulations under section 74 or 75 that incorporate material by reference.
- (2) However, nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in regulations under section 74 or 75 to be presented to the House of Representatives.

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Compare: 1956 No 65 s 112ZN

**Income Tax Act 2007 (2007 No 97)**

In section AA 2(1), after “Diagrams”, insert “, examples,”.

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In section AA 3, heading to subsection (2), replace “*Interpretation Act*” with “*Part 2A (interpretation of legislation) of Legislation Act 2012*”.In section AA 3(2), replace “The Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.**International Finance Agreements Act 1961 (1961 No 3)**

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Repeal section 10(3).

**Land Transport Act 1998 (1998 No 110)**In section 152A(4), replace “must be published” with “must (despite **section 161(3)**) be notified and made available in accordance with **section 161(3)**”.

Replace section 152A(6) with:

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- (6) An Order in Council made under subsection (1)—
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* subsection (4) of this section, and **section 161(3)** of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and
- (c) is not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012.

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Replace section 160(6) with:

- (6) An ordinary rule (except for one made by an Order in Council under section 152A(1), and therefore subject to section 152A(4) and **(6)**),—

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

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

(b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* **section 161(3)** of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly).

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Replace section 161(3) with:

(3) If an ordinary rule (except for one made by an Order in Council under section 152A(1), and therefore subject to section 152A(4) and **(6)**) is made under this Act,—

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(a) notice of the making of the rule must be given in the *Gazette*; and

(b) the rule must be made available for purchase by members of the public at a reasonable price; and

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(c) the notification must specify a place where the rule is available for inspection free of charge and for purchase.

Replace section 162(4) with:

(4) An emergency rule—

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

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(b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see* section 163(2) to (4) of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly).

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**Maraeroa A and B Blocks Claims Settlement Act 2012 (2012 No 52)**

Replace section 46(2) with:

(2) Bylaws made under this section—

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(a) are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012; and

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

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

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Replace section 36A(2) with:

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

- (2) Any maritime rule or any amendment to a maritime rule made by Order in Council under subsection (1) must (despite **section 448(2)**) be notified and made available in accordance with **sections 448(2)** and 449 as if the Minister had made the rule or the amendment to the rule.
- (2A) An Order in Council made under subsection (1)— 5
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see subsection (2)* of this section, and **sections 448(2)** and 449 of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and 10
- (c) is not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012. 15

Replace section 390A(2) with:

- (2) Any marine protection rule or any amendment to a marine protection rule made by Order in Council under subsection (1) must (despite **section 448(2)**) be notified and made available in accordance with **sections 448(2)** and 449 as if the Minister had made the rule or the amendment to the rule. 20
- (2A) An Order in Council made under subsection (1)—
- (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 25
- (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see subsection (2)* of this section, and **sections 448(2)** and 449 of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and 30
- (c) is not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012.

Replace section 448(2) with:

- (2) If a rule is made under this Act (except for one made by an Order in Council under section 36A(1) or 390A(1), and therefore subject to **section 36A(2) and (2A) or 390A(2) and (2A)**), then subject to section 449 (notification of emergency rules in certain circumstances),— 35

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

- (a) notice of the making of the rule must be given by the Authority in the *Gazette*; and
- (b) the rule must be made available by the Authority for purchase by members of the public at a reasonable price; and
- (c) the notification must specify a place where the rule is available for inspection free of charge and for purchase.

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Replace section 451(5A) and (6) with:

- (6) A rule made under this Act (except for one made by an Order in Council under section 36A(1) or 390A(1), and therefore subject to **section 36A(2) and (2A) or 390A(2) and (2A)**),—
  - (a) is a disallowable instrument for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but
  - (b) is not a legislative instrument for the purposes of the Legislation Act 2012 and does not have to be published under section 6 of that Act (*see sections 448(2) and 449 of this Act*), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly).

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

Replace section 2(3) with:

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

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

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Replace section 5A(3) with:

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

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Replace section 31(6) with:

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

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**National War Memorial Park (Pukeahu) Empowering Act 2012 (2012 No 76)**

In section 35(4), replace “printed and published under section 4 of the Acts and Regulations Publication Act 1989 as if the notice were a regulation” with “published under section 6 of the Legislation Act 2012 as if it were a legislative instrument”.

In the heading to section 36, replace “**Regulations (Disallowance) Act 1989**” with “**Legislation Act 2012**”. 5

In section 36, replace “Regulations (Disallowance) Act 1989” with “Legislation Act 2012”.

**Ngāti Mākino Claims Settlement Act 2012 (2012 No 53)**

Replace section 50(2) with: 10

- (2) Bylaws made under this section—
- (a) are legislative instruments and disallowable instruments for the purposes of the Legislation Act 2012; and
  - (b) must be presented to the House of Representatives under section 41 of that Act. 15

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

In section 5(3), replace “Section 24 of the Interpretation Act 1999” with “**section 36Y** (authority to make certain enactments) of the Legislation Act 2012”.

In section 14(6), replace “section 14 of the Interpretation Act 1999” with “**section 36N** (exercise of powers by deputies) of the Legislation Act 2012”. 20

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

In section 139(3), replace “section 15 of the Interpretation Act 1999” with “**section 36O** (power to amend or revoke) of the Legislation Act 2012”.

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

In sections 116(2) and 134(2), replace “Without limiting the Interpretation Act 1999, no regulation made under this section shall be” with “No regulation made under this section is”. 25

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

In Schedule 3, replace clauses 6 and 7 with:

- 6 Application of Legislation Act 2012 to material incorporated by reference: publication** 30
- Part 2 of the Legislation Act 2012 does not apply to material incorporated by reference in Orders in Council or regulations made under this Act or to an amendment to, or replacement of, that material.

**Reserve Bank of New Zealand Act 1989 (1989 No 157)—continued****7 Application of Legislation Act 2012 to material incorporated by reference: disallowance**

- (1) Subpart 1 of Part 3 of the Legislation Act 2012 applies to Orders in Council or regulations made under this Act that incorporate material by reference.
- (2) However, nothing in section 41 of the Legislation Act 2012 requires material that is incorporated by reference in Orders in Council or regulations to be presented to the House of Representatives.

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**Sale and Supply of Alcohol Act 2012 (2012 No 120)**

In section 89(1)(a), replace “must be treated as regulations within the meaning of section 2 of the Regulations (Disallowance) Act 1989; and sections 5 to 10 of that Act apply accordingly” with “are a disallowable instrument for the purposes of the Legislation Act 2012; and subpart 1 of Part 3 of that Act applies accordingly”.

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In section 89(2), replace “Regulations (Disallowance) Act 1989” with “Legislation Act 2012”.

**Tariff Act 1988 (1988 No 155)**

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In the heading to section 7C, replace “regulations” with “**Tariff amendment orders**”.

Replace section 7G (as inserted on 5 August 2013 by section 77(3) of the Legislation Act 2012, and with the replacement this item makes also taking effect on 5 August 2013) with:

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**7G Application of Legislation Act 2012 to provisions incorporated by reference: publication and disallowance**

- (1) Part 2 of the Legislation Act 2012 does not apply to—
- (a) provisions incorporated by reference under section 7C in an Order in Council made under section 9 or 10; or
- (b) an amendment to, or replacement of, those provisions.
- (2) Subpart 1 of Part 3 of the Legislation Act 2012 applies to an Order in Council that incorporates provisions under section 7C.
- (3) However, material incorporated by reference under section 7C does not have to be presented to the House of Representatives under section 41 of that Act.

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In section 9B(1)(b), replace “places designated under section 7 of the Legislation Act 2012” with “places specified in a notice given under **subsection (5)**”.

After section 9B(4), insert:

- (5) The chief executive must give notice in the *Gazette* stating that copies of the documents referred to in subsection (2) can (in accordance with subsection (1)(b)) be purchased at specified places.

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Replace section 9C with:

**Tariff Act 1988 (1988 No 155)—continued**

**9C Application of Legislation Act 2012**

Orders in Council amending or modifying the Tariff made under section 9 or 10 on or after the date on which **section 20** of the **Legislation Amendment Act 2014** comes into force—

- (a) are disallowable instruments for the purposes of the Legislation Act 2012 and must be presented to the House of Representatives under section 41 of that Act; but 5
- (b) are not legislative instruments for the purposes of the Legislation Act 2012 and do not have to be published under section 6 of that Act (*see* section 9B of this Act), but may be published under section 14(1) of that Act (in which case section 14(2) and (3) of that Act, and in particular section 14(3)(c) of that Act, applies accordingly); and 10
- (c) are not to be drafted by the PCO under section 59(2)(a) to (c), but may be drafted by the PCO under section 59(2)(d), of the Legislation Act 2012. 15

In section 9F(3), replace “The Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

In section 9F(4)(a) and (b), replace “the Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

In section 16, replace “Without limiting the Acts Interpretation Act 1924, no Order in Council under this Act shall be” with “No Order in Council under this Act is”. 20

**Tax Administration Act 1994 (1994 No 166)**

After section 4A, insert:

**4AA Status of examples**

Examples are included in this Act only as an interpretational aid. If there is conflict between an example and a provision of this Act, the provision prevails. 25

**Te Runanga o Ngai Tahu Act 1996 (1996 No 1 (P))**

Repeal section 10(6).

**Telecommunications Act 2001 (2001 No 103)**

In section 69ZD(2), replace “section 16 of the Interpretation Act 1999” with “**section 36P** (exercise of powers and duties more than once) of the Legislation Act 2012”. 30

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**

In section 2(2), replace “the Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”. 35

**Trans-Tasman Mutual Recognition Act 1997 (1997 No 60)**—*continued*

In section 76(3), replace “the Interpretation Act 1999” with “**Part 2A** (interpretation of legislation) of the Legislation Act 2012”.

In section 76(4)(a), replace “the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”.

**Trans-Tasman Proceedings Act 2010 (2010 No 108)** 5

In section 4(1), definition of **working day**, paragraph (b), replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”.

In section 58(2), replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”. 10

**Wills Act 2007 (2007 No 36)**

In section 6, definition of **de facto relationship**, replace “section 29A of the Interpretation Act 1999” with “**section 36ZE** of the Legislation Act 2012”.

**Part 2****Amendments to regulations** 15**Dog Control (Prescribed Forms) Regulations 1996 (SR 1996/223)**

In regulation 3, replace “section 26 of the Interpretation Act 1999” with “**section 36ZA** (use of prescribed forms) of the Legislation Act 2012”.

**Gas (Information Disclosure) Regulations 1997 (SR 1997/127)**

In regulation 2(1), definition of **entity**, paragraph (a), replace “section 4 of the Acts Interpretation Act 1924” with “**section 36ZD** (definitions) of the Legislation Act 2012”. 20

**Student Allowances Regulations 1998 (SR 1998/277)**

In regulation 2(1), definition of **partner**, replace “as defined in section 29 of the Interpretation Act 1999” with “as civil union is to be interpreted under section 5 of the Civil Union Act 2004, and de facto partner is defined in **section 36ZD** (definitions) of the Legislation Act 2012”. 25

In regulation 2(1), definition of **partnered**, paragraph (b), replace “as defined in section 29A of the Interpretation Act 1999” with “as civil union is to be interpreted under section 5 of the Civil Union Act 2004, and de facto relationship is defined in **section 36ZE** (meaning of de facto relationship) of the Legislation Act 2012”. 30

**Telecommunications (Operational Separation) Determination 2007 (SR 2007/302)**

In clause 11(1), definition of **New Zealand**, replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”. 35

**Waste Minimisation (Calculation and Payment of Waste Disposal Levy)  
Regulations 2009 (SR 2009/144)**

In regulation 39, replace “section 29 of the Interpretation Act 1999” with “**section 36ZD** (definitions) of the Legislation Act 2012”.