

Legislation Amendment Bill

Government Bill

As reported from the Justice Committee

Commentary

Recommendation

The Justice Committee has examined the Legislation Amendment Bill and recommends that it be passed. We recommend all amendments unanimously.

Introduction

This omnibus bill would principally amend the Legislation Act 2019. It seeks to make it easier to find, use, and understand legislation. Secondary legislation, in particular, may be difficult to find because it can be published in one of several places—the Gazette, newspapers, or an agency’s website—or not at all. These difficulties might constrain people’s ability to understand their rights and obligations under the law, and reduce parliamentary oversight of secondary legislation.

This bill would respond to these issues by:

- providing for the New Zealand Legislation website to be a single point of access to legislation
- requiring the relevant administering agency to electronically publish agency-drafted secondary legislation
- proposing rules, powers, functions, and duties for the Parliamentary Counsel Office (PCO), the Attorney-General, and administering agencies to support the changes
- amending other legislation to support and promote consistency with the new requirements
- expanding the powers of revision bills to improve their efficiency and effectiveness
- enabling the PCO to make editorial changes to keep legislation up to date and to correct errors.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Proposed amendments

This commentary covers the main amendments we recommend to the bill as introduced. We do not discuss minor, technical, or purely consequential amendments.

Revision bills

Clauses 35 to 39 would amend sections 92 to 99 of the Legislation Act, which relate to the preparation of revision bills under subpart 3 of Part 3. The Act states that the purpose of a revision bill is to enable the re-enactment of legislation in an up-to-date and accessible form but must not change the effect of the law except where certain limited changes are authorised. The bill would expand what changes may be included in a revision bill at introduction.

Proposed new section 96(3) sets out what a revision bill may do. It includes making amendments to reduce or avoid the costs of administering the legislation (section 96(3)(b)(iii)). We note that each of the paragraphs in this section, apart from section 96(3)(b)(iii), contains an appropriate limit on the significance of the change that may be made. They include by using a modifier such as “unduly” or “unnecessary” or by its description. We recommend amending section 96(3)(b)(iii) to “unnecessary costs of administering the legislation”, making it consistent with the reference to “unnecessary compliance costs” in section 96(3)(b)(ii).

Clause 38, which would amend section 97, would require a revision bill's explanatory note to include a statement identifying changes that have been made under section 96(3) in “general terms”. We think that a revision bill that contains significant changes should be brought to the attention of the House and submitters.

We therefore recommend amending section 97(2) to state that a revision bill's explanatory note would require a statement (or a link to a statement) from the Chief Parliamentary Counsel that identifies changes that, in their opinion, call for particular attention. We also recommend inserting new section 97(2A) to require the Chief Parliamentary Counsel to have regard to section 3(2)(e). That section provides that a purpose of the Act is to support effective parliamentary and public scrutiny of legislation.

Clause 39 would amend section 98 to require the Chief Parliamentary Counsel and a relevant chief executive to certify that they are satisfied the revision powers in section 96 have been appropriately exercised when preparing the revision. We consider that the certification requirement should explicitly link appropriateness to the purpose of revision bills. We recommend amending section 98(2) to provide that the certifiers should be satisfied that any changes made under section 96(3) are appropriate to include in a revision bill.

We are aware that, over time, large sections of an old Act may be repealed, leaving only a few isolated provisions. We think that these short, old Acts could be more accessible if revised and inserted into a larger Act that deals with the same subject. We recommend inserting new clause 37(2A) to provide for a revision bill to incorporate Acts or parts of Acts into other Acts.

We also considered several other matters related to revision bills that we wish to bring to the attention of the House. As they do not result in amendments to the bill, they are included in the other matters section later in our commentary.

Electronic legislative requirements apply to all legislation

Subpart 3 of Part 4 of the Contract and Commercial Law Act 2017 (CCLA) sets default rules for requirements in most legislation to be met using electronic technology. The electronic legislative requirements supplement Part 2 of the Legislation Act, which provides for interpretation and application of legislation.

We consider that the location of the electronic legislative requirements in the CCLA and the references to “transactions” could mislead some users to think that the requirements only apply in a contract or commercial context and to transactions. We understand, however, that they apply to the use of electronic technology in relation to many legislative requirements regardless of the context. Further, the clear and well understood rule of interpretation in section 9 of Part 2 of the Legislation Act is not expressed in a way that clearly applies to the provisions in the CCLA.

To resolve these problems, we recommend amending clause 8 to insert a new interpretation rule as new section 16B. The new provision would confirm that the CCLA provides for how legal requirements may be met using, or taking into account, electronic technology. It would also provide that the section would not limit section 218(2) of the CCLA, which sets out when subpart 3 of Part 4 of that Act does not apply.

Drafting and publishing legislation

Clause 11 would amend section 67 of the Legislation Act, which sets out what legislation is drafted by the PCO. Section 67(d)(i) provides that the PCO drafts any secondary legislation made by Order in Council (unless the Attorney-General otherwise directs). Section 67(d)(ii) provides that the PCO drafts secondary legislation that amends an Act. However, we note that certain Acts provide that the PCO does not draft specific secondary legislation made by Order in Council or that amends an Act. We recommend clarifying this by amending clause 11 to insert subclauses (1AA) and (1AB). Our proposed new subclauses provide that the PCO is to draft secondary legislation made by Order in Council or that amends an Act unless an Act otherwise provides.

Clause 13, which would amend section 69, would require the PCO to publish agency-drafted legislation directed by the Attorney-General, and agency-drafted legislation specified in a PCO notice. However, we note that certain Acts may also provide that the PCO is required to publish specific agency-drafted legislation. We recommend

clarifying this by amending new section 69 to require the PCO to publish agency-drafted legislation if an Act provides.

Powers to make editorial changes

Clause 30 would insert new section 86(1B) into the Act. It would require the Chief Parliamentary Counsel to give their “prior written consent” before an administering agency may make an editorial change to a version of its agency-published legislation. We propose amending this section to state that the Chief Parliamentary Counsel should authorise the change rather than providing written consent. We think this better aligns with the Chief Parliamentary Counsel’s current role to authorise editorial changes made by the PCO, and makes it clear that they are the decision-maker when authorising the administering agency to make an editorial change.

Section 87(p) of the Act provides for changes to the title of secondary legislation, so as to better identify the legislation or to distinguish it from other legislation. We recommend inserting new clause 32(5A) to also enable changes to titles of agency-drafted legislation to reflect the PCO’s current drafting practice.

Clause 34, which would replace section 91, provides that changes to legislation made by an administering agency are to be noted. This must be either in a suitable place in the legislation or on the relevant website where the legislation is published. We consider that this new section provides too much flexibility in how editorial changes are to be noted. Therefore, we recommend amending section 91(2) so the agency must note changes to legislation in accordance with a PCO notice and any direction given by the Attorney-General under section 83AB.

House of Representatives may disallow secondary legislation

Section 116 of the Act provides that the House may, by resolution, disallow any secondary legislation, or a provision of secondary legislation to which the subpart applies. Subsection (2) states that legislation that is disallowed by a resolution ceases to have effect on the later of (a) the passing of the resolution, and (b) any date stated in the resolution as the date on which the legislation ceases to have effect.

We note that section 25 of the Act provides that the default rule for commencement of an Act is that it comes into force on the day after Royal assent. For consistency, we think that the commencement of a disallowance resolution should align with section 25. We recommend inserting new clause 41A to amend section 116(2)(a) so that secondary legislation disallowed by a House resolution would cease to have effect on the day after the day on which the resolution was passed (or any later date stated in the resolution).

Functions of the PCO

Clause 44 would replace section 130, which sets out the functions of the PCO. Proposed new section 130(1)(e) introduces a function that would enable the PCO to maintain on the legislation website a record of administering agencies for legislation. We understand that, in most cases, administration of legislation is set by portfolio

responsibilities, but in some cases a decision might need to be made about which agency or person should be identified as the administering agency. We consider that it is important that the right administering agency is identified because the Act imposes obligations on them. We recommend amending this provision, so the PCO could decide which agency or person was to be recorded if this is reasonably necessary.

Proposed new section 130(3) provides for the Attorney-General to direct the PCO to perform additional functions that are consistent with its objective. We are aware that this type of provision is common for an entity that is established by statute. For that type of entity, the use of the power requires the Attorney-General to consult the entity, and the direction to be published in the Gazette and presented to the House of Representatives. We recommend inserting new section 130(3A) and (3B) to provide that the Attorney-General's power under new section 130(3) is subject to the usual requirements to consult the PCO. The direction would also need to be published in the Gazette and presented to the House.

Legal privilege and liability

Section 131 of the Act provides that confidential communications between a client of the PCO and the Chief Parliamentary Counsel or another counsel of the PCO are subject to legal professional privilege. "Counsel" is defined as including a person with a legal qualification (referred to in section 137(2)) and who works for the PCO as contractor or secondee in relation to drafting legislation. Clause 45 would amend section 131 to make it clear that the section would apply to communications with the PCO about a legislative proposal.

We are aware that the PCO also uses legislation analysts, counsels' assistants, contractors, and secondees, who may not hold a practising certificate but support the drafting of legislation. We recommend amending clause 45 by changing the definition of "counsel" to include an employee, a contractor, or a secondee of the PCO who is working under the supervision of a person who is a counsel.

Clause 47 would amend section 146 of the Act to provide for the protection from liability for the Chief Parliamentary Counsel and PCO employees. We note that other provisions of the Act recognise that the PCO may use contractors or secondees, but the protection from liability does not currently apply to them. We recommend amending clause 47 to provide that protection from liability would also apply to secondees and contractors working for the PCO.

How an administering agency must publish its legislation

Clause 52 would amend Schedule 1, which sets out transitional and savings provisions. Clause 52(8) provides for the process by which an administering agency must publish agency-published legislation for legislation that is transitioned.

We think the bill could be clearer about how the provisions apply to the transition of agency-published legislation under the new requirements proposed under Part 3 of the

Act. We recommend amending clause 52(8) to clarify what must be done on or before, and on or after, the publication deadline.

We also propose clarifying that, if an agency chooses to only republish an up-to-date consolidation of its secondary legislation, it must not remove the relevant amendments that have already been published from its website. In addition, we propose clarifying that, if secondary legislation is amended after the publication deadline, the administering agency must publish a consolidation of the secondary legislation. We recommend amending clause 15(4) to reflect this.

Transitional arrangements

Clause 19 of Schedule 1 (Transitional regulation-making power) of the Act provides for its orderly implementation.

For several reasons, we think that the transitional regulation-making power should be amended so that it enables changes to empowering and related provisions in secondary legislation. They are to align with the proposed new requirements under Part 3 of the Act and to support the legislation website as a single point of access to legislation for agency-published legislation. The purpose of this amendment would be to make sure that transitional regulations could do the types of things included in Schedule 4 of the bill. Examples include removing bespoke publication requirements, ensuring that instruments that have legislative effect are appropriately tagged as secondary legislation, and standardising the type of secondary legislation.

We recommend inserting new clauses 52(8A), (8B), (8C), and (8D) to amend Schedule 1 to this effect.

In the bill, clause 52(10) states that the PCO's publication duty under section 69 of Act and other publication responsibilities under Part 3 would not apply to legislation repealed or revoked before 2008. We are aware that the PCO has a programme of work to digitise this legislation and make it available on the legislation website. Therefore, we recommend amending subclause (10) to clarify that the PCO may publish any pre-2008 versions of legislation under Part 3 of the Act if it thinks fit.

Other matters that we considered

As previously noted, we also considered several other matters related to revision bills. We set them out below.

We note that disclosure statement requirements for government legislation are currently set by a Cabinet circular rather than through legislation.¹ The circular provides that revision bills are exempt from the requirement to include a disclosure statement. We encourage the Government to revise its disclosure requirements so that they apply

¹ Department of the Prime Minister and Cabinet, CO (13)3: Disclosure Requirements for Government Legislation

to revision bills. This change would make sure that unusual features of revisions bills are brought to the attention of the House and submitters.

We are also aware that the Regulatory Standards Act 2025, which was enacted while we were considering this bill, will require a consistency accountability statement for legislation. The Regulatory Standards Act excludes revision bills from these statements (see Schedule 2). We consider that revision bills should not be exempt from consistency accountability statements and propose that the Regulatory Standards Act be amended to reflect this. This change would bring any identified inconsistencies to the attention of the House and select committees.

Appendix

Committee process

The Legislation Amendment Bill was referred to this committee on 22 July 2025. The House instructed us to report the bill back no later than 18 December 2025. We called for submissions on the bill with a closing date of 28 August 2025. We received and considered submissions from 25 interested groups and individuals. We heard oral evidence from one submitter.

Advice on the bill was provided by the Parliamentary Counsel Office. The Office of the Clerk provided advice on the bill's legislative quality. The Parliamentary Counsel Office assisted with legal drafting.

Committee membership

Hon Andrew Bayly (Chairperson)

Hon Ginny Andersen

Jamie Arbuckle

Carl Bates

Tākuta Ferris

Rima Nakhle

Tom Rutherford

Todd Stephenson

Vanushi Walters

Hon Dr Duncan Webb

Dr Lawrence Xu-Nan

Related resources

The documents we received as advice and evidence are available on the Parliament website.

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Judith Collins

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Government Bill

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Schedule 1

New Part 2 inserted into Schedule 1

Schedule 2

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Schedule 3

Repeals and revocations

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53

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Legislation Amendment Act **2025**.

2 Commencement

- (1) This Act comes into force on a date or dates set by Order in Council. 5
- (2) However, **sections 5(1), 6(3), 40, 50, 52(2), (9), (15A), and (18), and 57(1) and (2)** come into force on the day after Royal assent.
- (3) Any part of the Act (other than **sections 9, 20, and 52(20)**) that has not come into force 6 months after Royal assent comes into force then.
- (4) Any part of **sections 9, 20, and 52(20)** that has not come into force by the 10
fifth anniversary of Royal assent comes into force then.
- (5) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

3 Principal Act

This Act amends the Legislation Act 2019. 15

Part 1

Main amendments to principal Act

4 Section 3 amended (Purpose of this Act)

Replace section 3(2)(c) with:

- (c) provides for— 20
 - (i) legislation (and information relevant to legislation) to be published electronically; and
 - (ii) the legislation website to be a single point of access to that legislation and information:

5 Section 4 amended (Overview of this Act)

25

- (1) Repeal section 4(1)(d).
- (2) Replace section 4(3) with:
- (3) *See also* the Imperial Laws Application Act 1988, which provides for this Act to apply to Imperial legislation.

6 Section 5 amended (Interpretation)

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- (1) In section 5(1), replace the definition of **administering agency** with:

- administering agency** means, in relation to legislation, the department, instrument of the Crown, Office of Parliament, Crown entity, local authority, or other person that—
- (a) is recorded by the PCO on the legislation website as the administering agency for the legislation; or
 - (b) is, or will be, responsible for administering the legislation (if **paragraph (a)** does not apply)
- (2) In section 5(1), repeal the definition of **applicable publication requirements**.
- (3) In section 5(1), repeal the definitions of **central government entity**, **Government amendment**, **legislative guidelines or standards**, **legislative quality procedures**, **relevant policy agency**, and **responsible Minister**.
- (4) In section 5(1), replace the definition of **consolidation** with:
consolidation means a version of legislation published under section 70 or **73(1)(c)**
- (5) In section 5(1), definition of **legislation website**, replace “or supporting material (or both)” with “and information relevant to legislation”.
- (6) In section 5(1), definition of **minimum legislative information**, before “means—”, insert “or **MLI**”.
- (7) In section 5(1), definition of **minimum legislative information**, after paragraph (c), insert:
 (ea) ~~in the case of an Act, the date on which it was enacted; and~~
 (cb) in the case of secondary legislation, the date on which it was made; and
- (8) In section 5(1), insert in their appropriate alphabetical order:
access notice means a notice made under **section 152**
agency-drafted legislation means secondary legislation that is not required to be drafted by the PCO under section 67
agency-published legislation means secondary legislation that is not required to be published by the PCO under section 69
MLI exemption means an exemption of that type referred to in **section 73(3)**
PCO notice means a notice made under **section 153**
publication exemption means an exemption of that type referred to in **section 73(3)**
- 7 **Section 13 amended (Definitions of terms for all legislation)**
 In section 13, insert in their appropriate alphabetical order:
MLI exemption means an exemption of that type referred to in **section 73(3)**
publication exemption means an exemption of that type referred to in **section 73(3)**

8 ~~New section 16A~~ sections 16A and 16B inserted (~~References to Sovereign's birthday~~)

After section 16, insert:

16A References to Sovereign's birthday

A reference in legislation or in any other instrument to the Sovereign's birthday is a reference to the first Monday in June. 5

Guidance note

See, for example, the reference to the Sovereign's birthday in the definition of working day in section 13.

16B How to meet legal requirements using electronic technology 10

(1) Subpart 3 of Part 4 of the Contract and Commercial Law Act 2017 provides for how legal requirements may be met using, or taking into account, electronic technology.

Guidance note

Subpart 3 of Part 4 of that Act provides for the use of electronic technology to meet certain legal requirements, including requirements— 15

- for information to be in writing, to be recorded in writing, and to be given in writing:
- for signatures:
- to retain information in paper or another non-electronic form: 20
- to provide or produce information that is in paper or another non-electronic form.

See also subpart 2 of Part 4 of that Act, which reduces uncertainty in relation to information in electronic form and electronic communications.

(2) This section does not limit section 218(2) of that Act (which sets out when subpart 3 of Part 4 of that Act does not apply). 25

9 Section 24 amended (Outline of commencement provisions)

After section 24(1), insert:

(1A) However, *see also* **section 77**, which overrides those sections and generally defers or prevents commencement if secondary legislation is not published. 30

10 Sections 59 to 62 and cross-heading above section 59 repealed

Repeal sections 59 to 62 and the cross-heading above section 59.

11 Section 67 amended (What legislation is drafted by PCO)

(1AA) In section 67(d)(i), after “(unless”, insert “an Act otherwise provides or”.

(1AB) In section 67(d)(ii), after “an Act”, insert “(unless an Act otherwise provides)”. 35

- (1) Replace section 67(d)(iii) with:
 - (iii) any secondary legislation specified in a PCO notice:
- (2) In section 67, insert as subsection (2):
- (2) For the purposes of **subsection (1)(d)(iii)**, the Chief Parliamentary Counsel must not make a PCO notice unless satisfied that the administering agency for the secondary legislation to which it relates has agreed to the notice applying to that legislation. 5

12 New section 68A and cross-heading inserted

After section 68, insert:

- Overview of publication duties and of legislation website's role* 10
- 68A Overview of publication duties and of legislation website's role as single point of access**
- (1) Sections 69 to **72A** provide for the PCO to publish on the legislation website—
 - (a) Bills and Acts; and
 - (b) secondary legislation drafted by the PCO; and 15
 - (c) in some circumstances, secondary legislation drafted by administering agencies; and
 - (d) consolidations of that legislation; and
 - (e) minimum legislative information for—
 - (i) secondary legislation published by the PCO; and 20
 - (ii) secondary legislation published by administering agencies if required by regulations made under this Act.
 - (2) **Sections 73 to 76** provide for administering agencies to publish on their own Internet site (or on an approved Internet site)—
 - (a) the secondary legislation that they administer (unless it is published by the PCO); and 25
 - (b) consolidations of that legislation; and
 - (c) minimum legislative information for that legislation.
 - (3) The PCO has a function under **section 130** to maintain the legislation website as a single point of access to legislation, including agency-published legislation. 30
 - (4) Administering agencies have a duty to comply with the regulations, and the Attorney-General's directions, made or given under this Act—
 - (a) to support the legislation website as a single point of access; and
 - (b) to otherwise facilitate access to their secondary legislation. 35

- (5) This section is only a guide to the general scheme and effect of sections 69 to **76** and **130(1)(d)**.

13 Cross-heading above section 69 amended

In the cross-heading above section 69, replace “*Key*” with “*PCO’s key*”.

14 Section 69 amended (PCO must publish all legislation)

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- (1) Replace the heading to section 69 with “**What PCO must publish**”.

- (2) Replace section 69(1)(d) with:

- (d) all agency-drafted legislation that the Attorney-General directs; and
- (e) all agency-drafted legislation specified in a PCO notice; and
- (ea) all agency-drafted legislation required by an Act to be published by the PCO; and
- (f) minimum legislative information for the following legislation and changes to that information:
 - (i) all secondary legislation published by the PCO;
 - (ii) all agency-published legislation.

10

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- (3) Replace section 69(2) and (3) with:

- (2) For the purposes of **subsection (1)(e)**, the Chief Parliamentary Counsel must not make a PCO notice unless satisfied that the administering agency for the secondary legislation to which it relates has agreed to the notice applying to that legislation.
- (3) Despite **subsection (1)(f)(ii)**, the PCO is not required to publish minimum legislative information for agency-published legislation or changes to that information if the information or changes are not published under **section 73** or that section is not complied with.

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15 Section 70 amended (PCO must publish consolidations of legislation that is amended)

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- (1) In section 70(1)(b), replace “drafted” with “published”.

- (2) Repeal section 70(3).

16 Section 71 amended (How and when PCO must publish legislation and consolidations of legislation)

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- (1) In the heading to section 71, after “**must**”, insert “**first**”.

- (2) In section 71(1), table, replace “**must be published**” with “**must be first published**”.

- (3) In section 71(1), table, replace “drafted by the PCO” with “published by the PCO” in each place.

35

- (4) In section 71(1), table, before the item relating to consolidations of Acts, insert:

	Minimum legislative information for agency-published legislation referred to in section 69(1)(f)(ii)	At the time specified in regulations made under this Act	
	Changes to minimum legislative information	At the time specified in regulations made under this Act	
(5)	In section 71(3), replace “or proposed legislation” with “, proposed legislation, or minimum legislative information”.		
17	Section 72 replaced (How and when electronic versions of legislation must be available on legislation website)		
	Replace section 72 with:		5
72	How and when electronic versions of legislation and MLI must continue to be published on legislation website		
(1)	This section applies to the legislation and minimum legislative information published by the PCO under section 71.		
(2)	The PCO must continue to publish the legislation and information by ensuring that,—		10
	(a)	as far as practicable, the legislation and information is at all times able to be accessed at, or downloaded from, the legislation website free of charge; and	
	(b)	the PCO meets any minimum requirements set by the regulations made under this Act for how that must be done.	15
(3)	The PCO must continue to comply with this section even if the legislation is repealed.		
(4)	<i>See</i> section 71(3), which provides that legislation, proposed legislation, or minimum legislative information is sufficiently published (for any period during which it is not practicable to publish it electronically) if it is only published in printed form and made available in the way set out in section 71(2).		20
	Compare: 2012 No 119 s 9		
18	New section 72A inserted (Administering agency must lodge agency-drafted legislation that is required to be published by PCO)		25
	After section 72 (as inserted by section 17 of this Act), insert:		
72A	Administering agency must lodge agency-drafted legislation that is required to be published by PCO		
(1)	This section applies to agency-drafted legislation that is required to be published by the PCO under section 69.		30
(2)	The administering agency must, in accordance with regulations made under this Act, lodge with the PCO for publication the agency-drafted legislation, its minimum legislative information, and changes to that information.		

- (3) If legislation or information is not lodged in accordance with those regulations, it is not properly lodged and the PCO is not required to publish it (despite section 69).

19 Sections 73 to 77 and cross-heading above section 73 replaced

Replace sections 73 to 77 and the cross-heading above section 73 with:

5

Administering agency's key responsibilities in relation to publication

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

- (1) The administering agency for agency-published legislation must publish—
- (a) the secondary legislation; and
 - (b) minimum legislative information for the secondary legislation and changes to that information; and
 - (c) consolidations of the secondary legislation that is amended.

10

(1A) A consolidation must incorporate the amendments made to the secondary legislation so that it shows the law as at its stated date.

15

- (2) The administering agency must comply with the requirements (if any) prescribed in regulations made under this Act—

- (a) for publishing, making available, and notifying the making of its agency-published legislation; and
- (b) for supporting the PCO to perform its functions under **section 130** in connection with its agency-published legislation (for example, to assist the PCO to maintain the legislation website as a single point of access to legislation).

20

- (3) However, if exemptions of the following type apply (whether under **Schedule 3**, regulations made under this Act, an access notice, or other legislation), the following provisions and obligations do not apply:

25

If there is the following type of exemption:

the following do not apply:

a publication exemption for the secondary legislation (or part of it)

subsection (1)(a) (and any obligations under this Part for the agency to publish the legislation or part)

an MLI exemption for the secondary legislation

subsection (1)(b) (and any obligations under this Part for the agency to publish the minimum legislative information or make it available as referred to in **subsection (2)**)

Any obligations for the agency to notify the making of the secondary legislation as referred to in **subsection (2)**

a consolidation exemption for the secondary legislation

subsection (1)(c) subsections (1)(c) and (1A) (and any obligations under this Part for the agency to publish a consolidation)

- (4) **Subsection (3)** is subject to **section 76**.

74 How and when administering agency must first publish legislation and consolidations of legislation

- (1) The administering agency for agency-published legislation must electronically publish the following things at the following times in accordance with **subsection (2)** and otherwise in the manner prescribed under regulations made under this Act: 5

What is required to be published

The secondary legislation

Minimum legislative information for the secondary legislation

Changes to the minimum legislative information

Consolidations of the secondary legislation

When it must be first published

As soon as practicable after the legislation is made

As soon as practicable after the legislation is made

As soon as practicable after the information changes

As soon as practicable after the legislation is amended

- (2) The secondary legislation or other thing must be published on—
- (a) an Internet site maintained by, or on behalf of, the administering agency; or
 - (b) an Internet site specified in, or of a kind that is prescribed by, regulations made under this Act. 10
- (3) The administering agency may also publish those things in printed form and make them available in the way notified to the public.
- (4) Secondary legislation or minimum legislative information is sufficiently published for the purposes of this Act (for any period during which it is not practicable to publish it electronically) if it is only published and made available in the way set out in **subsection (3)**. 15

75 How and when electronic versions of legislation and MLI must continue to be published on Internet site

- (1) This section applies to the legislation and minimum legislative information published by an administering agency under **section 74**. 20
- (2) The administering agency must continue to publish the legislation and information by ensuring that,—
- (a) as far as practicable, the legislation and information is at all times able to be accessed at, or downloaded from, an Internet site referred to in **section 74(2)** free of charge; and 25
 - (b) the agency meets any minimum requirements set by the regulations made under this Act for how that must be done.
- (3) The administering agency must continue to comply with this section even if the legislation is revoked. 30
- (4) *See section 74(4)*, which provides that secondary legislation or minimum legislative information is sufficiently published (for any period during which it

is not practicable to publish it electronically) if it is only published in printed form and made available in the way set out in **section 74(3)**.

76 Alternative obligations if publication exemption applies

If a publication exemption applies to secondary legislation or a part of secondary legislation, the administering agency must (instead of publishing the legislation or part under **sections 73 to 75**)—

- (a) make the legislation or part available in a way that meets the minimum requirements set under regulations made under this Act (if any) and any requirements set by the empowering legislation; and
- (b) publish details as to its availability in the manner (if any) required by regulations made under this Act.

20 New sections 77 and 77A and cross-heading inserted

After **section 76** (as inserted by **section 19** of this Act), insert:

Secondary legislation does not commence until first published

77 Secondary legislation does not commence until first published

- (1) Secondary legislation or a part of secondary legislation does not come into force on its commencement date unless the relevant requirement is met.
- (2) To the extent that **subsection (1)** results in secondary legislation, or a part of secondary legislation, not coming into force on its commencement date, the legislation or part comes into force on the day after the relevant requirement is met.
- (3) This section overrides sections 26 to 29.
- (4) However, this section does not apply if—
 - (a) the empowering legislation or any other legislation expressly authorises the legislation or part to commence—
 - (i) even if it is not yet published; or
 - (ii) on or after a particular date or event; or
 - (b) a publication exemption applies; or
 - (c) regulations made under **section 147(1)(e)** apply.
- (5) In this section,—

commencement date means the date or time when the secondary legislation or part would otherwise commence (including as a result of sections 26 to 29)

relevant requirement, in relation to any secondary legislation or part, means—

- (a) the secondary legislation or part is first published by—
 - (i) the PCO under section 71; or

	(ii) the administering agency on an Internet site referred to in section 74(2) ; or	
	(b) (if it is not practicable to publish the secondary legislation or part as referred to in paragraph (a)) it is first published and made available in the way set out in section 71(2) or 74(3) .	5
77A	Section 77 does not affect certain matters	
	Section 77 does not affect any of the following:	
	(a) whether the legislation is authorised or validly made:	
	(b) the commencement under section 26(3) of the secondary legislation's Title and commencement provisions and any provisions identifying the principal legislation amended.	10
21	Section 78 amended (Official versions of legislation)	
	Replace section 78(1) with:	
	(1) The PCO may, in carrying out its functions of publishing and consolidating legislation, identify official electronic or printed versions of legislation.	15
	(1A) An administering agency for agency-published legislation may, in carrying out its functions of publishing and consolidating legislation, do either or both of the following:	
	(a) identify official electronic or printed versions of the agency-published legislation as originally made:	20
	(b) identify official electronic or printed versions of consolidations of the agency-published legislation if the Chief Parliamentary Counsel authorises the agency under section 79A .	
22	Section 79 amended (Legal status of official versions)	
	(1) In section 79(1)(b), after “section 70”, insert “or 73(1)(c) ”.	25
	(2) In section 79(2), after “the PCO”, insert “or an administering agency”.	
23	Section 79A replaced (Legislative status of publication notes and information)	
	Replace section 79A with:	
79A	What Chief Parliamentary Counsel must have regard to when authorising agency to identify official consolidations	30
	(1) The Chief Parliamentary Counsel may authorise an administering agency to act under section 78(1A)(b) after having regard to the processes described in subsection (2) .	
	(2) The processes are those that the agency has in place to provide reasonable assurance that a consolidation that it prepares correctly states, as at its stated date, the law made by the legislation consolidated and by the amendments.	35

79B How authorisation to identify official consolidations is given

- (1) The Chief Parliamentary Counsel's authorisation under **section 79A** must be made by making a PCO notice.
- (2) The PCO notice must set out any terms and conditions of the authorisation (for example, to impose requirements relating to notes or information inserted by the administering agency in carrying out its functions of publishing and consolidating legislation).
- (3) A failure to comply with any terms or conditions does not affect the official status of a version of the legislation.

5

79C Revocation of authorisation does not affect official status

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If an administering agency publishes an official version of a consolidation of legislation under **section 78(1A)(b)**, the ~~subsequent~~ later revocation of the agency's authorisation does not affect the status of the official version.

79D Legislative status of publication notes and information

- (1) The following, inserted by the PCO or an administering agency in carrying out its functions of publishing and consolidating legislation, do not form part of the text of the official version of legislation (even if published in that version):
 - (a) machine-readable text, links, or other metadata inserted as an aid to assist users of electronic versions of legislation:
 - (b) a record of the legislative history of the legislation (including a record of the fact that changes have been made by the PCO or administering agency under subpart 2):
 - (c) information recorded and published as an aid to assist users to understand how this Act applies to secondary legislation:
 - (d) any other note or information that is clearly identified, in a suitable place on the relevant website, as not forming part of the legislation.
- (2) In this section, **relevant website** means,—
 - (a) in the case of the PCO, the legislation website:
 - (b) in the case of an administering agency, an Internet site on which it publishes its secondary legislation.

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24 Section 80 amended (Evidential status of minimum legislative information)

- (1) In section 80(2)(c), replace “published” with “first published”.
- (2) Replace section 80(2)(d) with:
 - (d) if the date of notification of the making of the secondary legislation is stated, that the making of the secondary legislation was notified on the date stated.

35

24A Section 82 amended (Power to revoke spent secondary legislation and other instruments)

- (1) In the heading to section 82, delete “**spent**”.
- (2) In section 82(2), replace “has ceased to have effect or” with “is redundant, is spent, has ceased to have effect, or”.

5

25 Cross-heading above section 83

Replace the cross-heading above section 83 with:

*Directions***26 Section 83 amended (Attorney-General directions under this Part)**

- (1) In the heading to section 83, replace “**directions under this Part**” with “**may give directions to PCO**”.
- (2) In section 83(1)(a), after “section 67”, insert “or 69 or subpart 3”.
- (3) Replace section 83(1)(b) with:

10

- (b) consistent with this Act and regulations made under this Act, about—
 - (i) the form in which legislation, proposed legislation, or consolidations of legislation (or any class of them) must be published; and
 - (ii) the legislation website (for example, about how to maintain the website as a single point of access to legislation and to information relevant to that legislation); and
 - (iii) maintaining a record of administering agencies; and
 - (iv) any other matters concerning the publication of, or provision of access to, legislation, proposed legislation, minimum legislative information, or other information.

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- (4) After section 83(2), insert:
- (3) A direction in relation to subpart 3 may impose certification or other assurance requirements for a revision Bill that apply in addition to the requirements in **section 98**.

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27 New sections 83AA to 83AC inserted

After section 83, insert:

83AA Attorney-General and responsible Minister may give directions to IRD in connection with Inland Revenue Bills

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- (1) The Attorney-General and the responsible Minister may jointly give 1 or more directions to the Inland Revenue Department in connection with the drafting of Inland Revenue Bills under an Order in Council made under section 68 (including matters in connection with the publication of those Bills and of amendments to those Bills).

35

(2)	A direction must be consistent with this Act and regulations made under this Act.	
(3)	The Inland Revenue Department must give effect to a direction or have regard to the direction, as the context <u>direction</u> requires.	
(4)	A direction must be given to the Inland Revenue Department in writing.	5
(5)	In this section, Inland Revenue Bills and responsible Minister have the same meanings as in section 68.	
83AB Attorney-General may give directions to support consistent approach across agencies		
(1)	The Attorney-General may give 1 or more directions for the purpose of supporting a consistent approach to the delivery of high-quality legislation that is easy to find, use, and understand.	10
(2)	A direction may set standards or other requirements—	
	(a) relating to the design or drafting of legislation; or	
	(b) relating to publishing, making available, facilitating access to, or lodging secondary legislation or information relevant to that legislation, or for notifying the making of secondary legislation; or	15
	(c) to support the PCO to perform its functions under section 130 (for example, assisting the PCO to maintain the legislation website as a single point of access to legislation and to record administering agencies on the legislation website); or	20
	(d) for the supply of information to the PCO to assist it to prepare a report under section 83A .	
(3)	A direction must be consistent with this Act and regulations made under this Act.	25
(4)	A direction may be given only—	
	(a) to 1 or more categories or types of administering agencies (for example, to all departments or all Crown entities); or	
	(b) to a group of administering agencies (whether made up of categories or types) if—	30
	(i) the group is made up of at least 3 administering agencies; and	
	(ii) the agencies in the group have in common at least 1 significant characteristic that relates to the direction.	
(5)	An administering agency must give effect to a direction or have regard to the direction, as the context <u>direction</u> requires.	35
Compare: 2004 No 115 s 107; 2020 No 40 s 57		

83AC Process for giving directions under section 83AB

- (1) The Attorney-General must, before giving a direction under **section 83AB**, to the extent that the Attorney-General considers necessary in the circumstances, consult those administering agencies to which the direction is proposed to apply. 5
- (2) The Attorney-General must ensure that, as soon as practicable after giving a direction under **section 83AB**, the direction is—
 - (a) published on an Internet site maintained by, or on behalf of, the PCO; and
 - (b) presented to the House of Representatives. 10

28 Cross-heading above section 83A amended

In the cross-heading above section 83A, replace “*exemptions from presentation and other drafting and publication matters*” with “*legislative practices*”.

29 Section 83A replaced (Annual report on exemptions from presentation and other drafting and publication matters) 15

Replace section 83A with:

83A Annual report on legislative practices

- (1) The PCO must, as soon as practicable after the end of each financial year, prepare a report on the following matters and provide it to the Attorney-General:
 - (a) practices relating to the design, drafting, ~~publication, and accessibility of~~ and publication of, and access to, legislation that the Chief Parliamentary Counsel thinks fit to report on; and 20
 - (b) the extent to which administering agencies have relied on presentation exemptions during the previous financial year.
- (2) A report may include— 25
 - (a) recommendations for the repeal of ~~obsolete or~~ redundant or spent legislation or provisions of legislation; and
 - (b) recommendations for—
 - (i) changes to this Act or regulations made under this Act; or
 - (ii) changes to other legislation to support the purpose of this Act. 30
- (3) The practices referred to in **subsection (1)(a)** may be those of the PCO, the Inland Revenue Department, or any administering agency.
- (4) The Attorney-General must present the report to the House of Representatives.

30 Section 86 amended (Power to make editorial changes)

- (1) After section 86(1), insert: 35

(1A) An administering agency for agency-published legislation may, in the manner prescribed under regulations made under this Act (if any), make changes referred to in section 87 to a version of the legislation if the Chief Parliamentary Counsel authorises the agency under **section 86A**.

(1B) In addition, an administering agency for secondary legislation may, in the manner prescribed under regulations made under this Act (if any), make a particular change referred to in section 87 to a version of the legislation if the Chief Parliamentary Counsel ~~gives their prior written consent to~~ authorises the change.

(2) Repeal section 86(3).

31 New sections 86A and 86B inserted

After section 86, insert:

86A What Chief Parliamentary Counsel must have regard to when authorising agency to make editorial changes

(1) The Chief Parliamentary Counsel may authorise an administering agency to act under **section 86(1A)** after having regard to the processes described in **subsection (2)**.

(2) The processes are those that the agency has in place to provide reasonable assurance that it will appropriately exercise the powers under section 87.

86B How authorisation to make editorial changes is given

(1) The Chief Parliamentary Counsel's authorisation under **section 86A** must be made by making a PCO notice.

(2) The PCO notice must set out any terms and conditions of the authorisation, which may include any of the following:

- (a) the classes of legislation to which the authorisation applies;
- (b) limiting the authorisation to only particular kinds of changes referred to in section 87;
- (c) restricting the circumstances in which the agency may make changes referred to in section 87;
- (d) providing for the manner in which the agency must act under **section 91(2)** (which relates to noting changes to legislation).

32 Section 87 amended (Editorial changes)

(1) Replace section 87(e) with:

- (e) changes may be made to—
 - (i) number or renumber the provisions of any legislation (subject to **subsection (2)** in the case of a change made under section 86(1)); and

- (ii) any other legislation so as to consequentially update any references in that legislation to those numbered or renumbered provisions:
- (2) After section 87(j), insert:
- (ja) grammar or spelling may be changed so as to be consistent with current drafting practice: 5
- (3) After section 87(m), insert:
- (ma) changes may be made to show the effect of section 38:
- Example**
- A regulation refers to the Cats and Dogs Act 1908 (the **1908 Act**), which has been replaced by the Dogs and Cats Act 2020. 10
- Under section 38(2), the reference in the regulation to the repealed 1908 Act is a reference to the Dogs and Cats Act 2020.
- The regulation may be changed to refer to the Dogs and Cats Act 2020.
- (mb) changes may be made to show the effect on the commencement of secondary legislation of **section 77** (which, generally, defers or prevents commencement if the secondary legislation is not published): 15
- (mc) changes may be made to show the effect of legislation that provides that—
- (i) a reference to a matter in other legislation is a reference to, or must be read as (or treated as), a reference to some other matter; or 20
- Example**
- The Dogs and Cats Act 2020 provides that, after it comes in force, a reference to “cats” in any other Act is a reference to “cats and dogs”. 25
- The other Acts that refer to cats may be changed to refer to cats and dogs.
- (ii) the text of other legislation must be treated as amended, must have effect, or must be construed as if it had been amended in a specified way: 30
- (4) Replace section 87(n) with:
- (n) a provision that is contained in amending legislation may be incorporated as a provision of the legislation it amends, and for that purpose,—
- (i) headings, subparts, Parts, schedules, provisions, and cross-references may be inserted, omitted, or changed in a manner that is consistent with current drafting practice; and 35
- (ii) the provision may be omitted from versions of the amending legislation; and

	(iii) all necessary consequential amendments may be made:	
	Example	
	The XYZ Amendment Act 1924 (the 1924 Act) amended the XYZ Act 1908 (the 1908 Act). The 1924 Act includes some transitional and substantive provisions.	5
	Under current drafting practice, an Act contains a schedule of transitional provisions and an associated section that gives effect to the schedule. In addition, the substantive provisions would be included in the principal Act itself rather than the amending Act (that is, included in the 1908 Act).	
	The transitional provisions may be moved into a new schedule of the 1908 Act. An associated section to give effect to the schedule may be added.	10
	The substantive provisions may be moved into 1908 Act together with appropriate headings and all necessary consequential amendments to reflect the move.	
(5)	After section 87(o) (after the example), insert:	15
	(oa) changes may be made to omit a provision that is redundant or spent:	
(5A)	<u>After section 87(p), insert:</u>	
	(pa) <u>changes may be made to the Title of agency-drafted legislation, so as to be consistent with current drafting practice:</u>	
(6)	In section 87, insert as subsection (2):	20
(2)	The Chief Parliamentary Counsel may authorise the PCO to make the changes referred to in section 87(1)(e)(i) to a version of legislation only if they are satisfied that the administering agency for the legislation has agreed to the changes.	
33	Section 88 repealed (Changes to numbering)	25
	Section 88 is repealed.	
33A	<u>Section 89 amended (Changes to format)</u>	
	<u>In section 89, after “read it”, insert “or use it”.</u>	
34	Section 91 replaced (Changes to legislation to be noted on legislation website)	30
	Replace section 91 with:	
91	Changes to legislation to be noted	
(1)	If the PCO makes changes authorised by this subpart, the PCO must—	
(a)	indicate that fact in a suitable place in the legislation or otherwise on the legislation website; and	35
(b)	outline in general terms, and in a suitable place in the legislation or otherwise on the legislation website, the changes made.	

- (2) If an administering agency makes changes authorised by this subpart, the agency must, in accordance with a PCO notice and any direction given under **section 83AB**,—
- (a) indicate that fact in a suitable place in the legislation or otherwise on an Internet site on which it publishes its secondary legislation; and 5
 - (b) outline in general terms, and in a suitable place in the legislation or otherwise on the Internet site, the changes made.
- (3) The Chief Parliamentary Counsel may make a PCO notice for the purposes of **subsection (2)**. 10
Compare: 2012 No 119 s 27
- 35 Section 92 amended (Purpose of this subpart)**
- In section 92(2), delete “, but (except as authorised by this subpart) without changing its effect”.
- 36 Section 93 amended (Overview of this subpart)**
- Repeal section 93(4). 15
- 37 Section 96 amended (Revision powers)**
- (1) In section 96(1), replace “and this section” with “, this section, and any directions given under section 83”.
 - (2) Above section 96(2), insert: 20
Drafting in accordance with current drafting practice
 - (2A) In section 96(2)(a), after “parts of Acts”, insert “or incorporate Acts or parts of Acts into other Acts”.
 - (3) After section 96(2)(e), insert: 25
(ea) make changes to promote legislation that is easy to find, use, and understand:
 - (4) In section 96(2)(f), after “overview provisions,”, insert “provisions about interpretation,”.
 - (5) Replace section 96(3) to (4) with: 30
Changing effect of legislation
 - (3) A revision Bill may also— 35
 - (a) make amendments to do 1 or more of the following things:
 - (i) clarify Parliament’s intent:
 - (ii) resolve ambiguity:
 - (iii) reconcile inconsistencies within the Acts or parts of Acts revised:
 - (iv) promote consistency between the Acts or parts of Acts revised and other legislation:

- (b) make amendments to reduce or avoid any of the following:
 - (i) unduly onerous or burdensome requirements:
 - (ii) unnecessary compliance costs:
 - (iii) ~~the unnecessary~~ costs of administering the legislation:
 - (iv) conflicts or adverse interactions between legislation: 5
- (c) for the purpose of ensuring the Acts or parts of Acts revised are fit for purpose, make amendments to update how provisions can be complied with, or operate, in a way that takes account of changes in technology, drafting practice, legislative design, or any other circumstances:
- (d) update any monetary amount (including an amount specified for the purpose of jurisdiction or an offence or penalty): 10
- (e) for the purpose of enabling matters of general principle to be contained in Acts and matters of detail to be contained in secondary legislation,—
 - (i) omit forms, schedules, or other matters of detail from the Acts or parts of Acts revised and instead authorise those matters to be prescribed by or under secondary legislation: 15
 - (ii) include matters currently prescribed in secondary legislation made under the Acts or parts of Acts revised:
- (f) make any other change that is necessary for the purpose of implementing **paragraphs (a) to (e)** or that is consequential on doing so. 20

Changes under subpart 2

38 Section 97 amended (Format of revision Bill)

Replace section 97(2) with:

- (2) ~~A revision Bill's explanatory note must include a statement setting out, in general terms, the changes that have been made under **section 96(3)**.~~ 25
- (2) A revision Bill's explanatory note must include (or link to)—
 - (a) a statement from the Chief Parliamentary Counsel that sets out the changes made under **section 96(3)** that, in their opinion, call for particular attention; and
 - (b) a statement that sets out, in general terms, any other changes made under that provision. 30
- (2A) For the purposes of **subsection (2)(a)**, the Chief Parliamentary Counsel must have regard to section 3(2)(e), which refers to this Act supporting effective parliamentary and public scrutiny of legislation.

39 Sections 98 to 100 replaced

Replace sections 98 to 100 with:

98 Certification of revision Bill

- (1) The Chief Parliamentary Counsel, and each chief executive of the administering agencies for the Acts or parts of Acts revised, must certify a revision Bill.
- (2) The certifiers must certify the revision Bill if they are satisfied, after having regard to the purpose of this subpart set out in section 92, that the revision powers set out in section 96 have been exercised appropriately in the preparation of the revision, including that any changes made under **section 96(3)** are appropriate to include in a revision Bill.
- (3) When a revision Bill has been certified, the Chief Parliamentary Counsel must give the revision Bill and certificate to the Attorney-General.

Compare: 2012 No 119 s 33

99 Amendments proposed by revision Bills

Nothing in this Act affects the powers of the House of Representatives to amend a revision Bill for any purpose and to pass it with amendment.

Compare: 2012 No 119 s 34

40 Part 4 repealed

Repeal Part 4.

41 Section 114 amended (Secondary legislation must be presented to House of Representatives)

After section 114(2)(a), insert:

- (aa) this requirement does not apply to secondary legislation made by resolution of the House of Representatives; and
- (ab) this requirement does not apply to secondary legislation made under the Royal prerogative; and

41A Section 116 amended (House of Representatives may disallow secondary legislation by resolution)

Replace section 116(2)(a) with:

- (a) the day after the day on which the resolution was passed; and

Guidance note

Paragraph (a) refers to the calendar day on which the resolution was passed (rather than the sitting day).

41B Section 120 amended (Resolution or motion is secondary legislation)

Replace section 120(2) with:

- (2) The Clerk of the House of Representatives must lodge a copy of the resolution or notice of the motion under **section 72A**.

(2A) The PCO must publish the resolution or notice of motion under **section 69(1)(ea)**.

42 Section 125 amended (Usual effect of revocation if not confirmed by deadline)

- (1) In the heading to section 125, replace “Usual effect” with “Effect”. 5
- (2) Repeal section 125(1)(a), (2), and (3).

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

Repeal section 126.

44 Section 130 replaced (Functions of PCO)

10

Replace section 130 with:

130 Functions of PCO

- (1) The functions of the PCO are as follows:

Drafting

- (a) to draft legislation under Part 3: 15

Publishing, consolidating, and providing access

- (b) to publish and consolidate legislation under Part 3:
- (c) to publish minimum legislative information under Part 3:
- (d) to establish and maintain the legislation website, including as a single point of access to the following: 20
 - (i) legislation, including agency-published legislation:
 - (ii) information relevant to that legislation:

- (e) to maintain on the legislation website a record of administering agencies for legislation (including, if ~~legislation would not otherwise have a recorded administering agency reasonably necessary~~, to decide which agency or person is recorded as the administering agency): 25

Exercising other aspects of stewardship

- (f) to provide advice and guidance on, and other support in relation to,—
 - (i) the design, drafting, and publication of legislation, including legislation that is not drafted or published by the PCO; and 30
 - (ii) ~~ensuring making~~ that agency-published legislation is easy to find, use, and understand, including by making it accessible from the legislation website; and
 - (iii) the duties imposed on administering agencies under this Act:
- (g) to keep under review practices relating to the design, drafting, ~~publication, and accessibility of~~ and publication of, and access to, legislation: 35

Other functions

- (h) to revise Acts in accordance with the current revision programme (as provided in subpart 3 of Part 3):
 - (i) to examine all local Bills and private Bills, and those Members' Bills that the Attorney-General directs be examined, and to report to the Attorney-General on their effect (in particular, on whether they affect the rights of the Crown or the public and on their relationship to other legislation):
 - (j) to provide services to facilitate or, support, or assist with the design, drafting, publication, notification, presentation, and accessibility of and presentation of, and access to, legislation:
 - (k) to perform and exercise the functions, powers, and duties conferred or imposed on it by or under this Act or any other legislation:
 - (l) to perform the other functions that the Attorney-General directs the PCO to perform under **subsection (3)**.
- (2) **Subsection (1)(b) to (e)** includes publishing or otherwise making available information or other aids to assist users to find, use, and understand legislation.
- Example**
- The PCO may publish or otherwise make available a prospective consolidation of an Act to show the law as it would be amended by—
- amendments in a Bill; or
 - amendments in an amendment Act that have not yet come into force.
- (3) The Attorney-General may direct the PCO to perform any additional function that is consistent with the PCO's objective.
- (3A) The Attorney-General must consult with the PCO before giving the direction.
- (3B) As soon as practicable after giving the direction, the Attorney-General must—
- (a) publish it in the *Gazette*; and
 - (b) present a copy of it to the House of Representatives.
- (4) In this section, **legislation**—
- (a) has the meaning set out in section 5(1); and
 - (b) includes proposed legislation and amendments to proposed legislation.

Compare: 2012 No 119 s 59

45 Section 131 amended (Confidentiality)

- (1) In section 131(3), definition of **confidential communications**, before paragraph (a), insert:
- (aaa) communications between any client of the PCO and any counsel in the PCO that relate to any legislative proposal, whether before or after drafting instructions are received by the PCO:

- (2) In section 131(3), replace the definition of **counsel** with:

counsel includes—

- (a) an employee of the PCO who holds a legal qualification referred to in section 137(2); and
- (b) a person who holds a legal qualification referred to in section 137(2) and is working for the PCO as a contractor or secondee in relation to the drafting of legislation; and
- (c) an employee, a contractor, or a secondee of the PCO who is working under the supervision of a person who is a counsel under **paragraph (a) or (b).**

46 Section 133 amended (Delegation of functions, duties, and powers)

- (1) In section 133(1)(a), after “employee of the PCO”, insert “, or any person working for the PCO as a contractor or secondee,”.
- (2) After section 133(6), insert:
- (7) The Chief Parliamentary Counsel may delegate the power to make an access notice only if the Attorney-General has given their consent (and the duty under subsection (1)(b) applies in relation to that power only if the consent has been given).

46A Section 140 amended (Chief Parliamentary Counsel acts as employer)

In section 140, replace “the parliamentary counsel” with “parliamentary counsel”.

47 Section 146 amended (Protection from liability)

- (1) In the heading to section 146, after “**liability**”, insert “**for Chief Parliamentary Counsel and, PCO employees, contractors, and secondees**”.
- (2) Replace section 146(1) with:

- (1) This section applies to—

- (a) the Chief Parliamentary Counsel; and
- (b) every employee of the PCO; and
- (c) every contractor or secondee of the PCO.

48 New section 146A inserted (PCO may rely on material made available by agencies and is not liable for its contents, accuracy, or validity)

After section 146, insert:

146A PCO may rely on material made available by agencies and is not liable for its contents, accuracy, or validity

- (1) This section applies in relation to the following material:
 - (a) agency-drafted legislation that the PCO publishes under section 69:

- (b) minimum legislative information that the PCO publishes under section 69:
 - (c) agency-published legislation in respect of which the PCO provides access from the legislation website under **section 130(1)(d)**:
 - (d) information that is relevant to legislation in respect of which the PCO provides access from the legislation website under **section 130(1)(d)** if the information is prepared or generated by a person other than the PCO. 5
- (2) The PCO—
- (a) may act in reliance on the material that is made available to the PCO; and 10
 - (b) is not liable for—
 - (i) the content, accuracy, or validity of the material; or
 - (ii) any error or omission in or arising from the material (or in connection with an administering agency's acts or omissions under this Act). 15

49 Section 147 replaced (Regulations)

Replace section 147 with:

147 General regulations

- (1) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, make regulations for all or any of the following purposes: 20
 - (a) providing for anything this Act says may or must be provided for by regulations:
 - (b) providing for any requirement for an administering agency to publish, make available, facilitate access to, or lodge legislation or information or to notify the making of legislation, including— 25
 - (i) by whom, when, where, and how the legislation or information must be published, made available, made accessible, or lodged or the making of the legislation must be notified:
 - (ii) the form, format, method, or medium that must be used (which may be an electronic system): 30
 - (iii) the layout or method of presentation of the legislation or information:
 - (iv) specifications, standards, or other requirements for any Internet site an administering agency uses for the purposes of this Act (for example, specifications or standards relating to accessibility, usability, and security): 35

- (v) what information or other evidence or documents must be provided in connection with publishing, making available, facilitating access to, or lodging the legislation or information or notifying the making of the legislation:
- (vi) requirements with which the information, evidence, or documents must comply: 5
- (vii) requirements for complying with New Zealand's international obligations to promote the transparency of legislation (for example, requiring an explanation of the purpose of, and the rationale for, the secondary legislation): 10
- (viii) by whom, when, where, and how any changes must be made to the information (and prescribing any other matters under this paragraph in relation to those changes):
- (ix) authorising signatures and formal or introductory parts to be omitted from published legislation: 15
- (c) providing for applications or other process requirements in connection with the PCO or the Chief Parliamentary Counsel performing or exercising any function, duty, or power under this Act:
- (d) exempting (on terms and conditions, if any) secondary legislation from any or all of the requirements under this Act to publish, make available, facilitate access to, or lodge the legislation or information relevant to the legislation or to notify the making of the legislation, including granting a publication exemption, an MLI exemption, or a consolidation exemption: 20
- (e) disapplying (on terms and conditions, if any) secondary legislation from the effect of **section 77**, including to allow a period of disapplication in specified circumstances: 25
- (f) specifying features by which an electronic document or a printed document is identifiable as an official version for the purpose of section 78, including (without limitation) by— 30
 - (i) imposing requirements as to the form of official versions of legislation:
 - (ii) providing how official versions of legislation in an electronic form ~~can~~ may be authenticated:
- (g) authorising the Chief Parliamentary Counsel to determine or prescribe, whether by access notice or by setting the requirements of an electronic system, any of the matters under **paragraphs (a) to (f) and (i)**: 35
- (h) providing for—
 - (i) matters contemplated by subpart 2 of Part 1 of Schedule 1 (which deals with the transition to publication under this Act); and 40

- (ii) transitional and savings provisions in connection with regulations referred to in **clause 15(5)** of Schedule 1:
 - (i) providing for anything incidental that is necessary for carrying out, or giving full effect to, this Act.
- (2) The Attorney-General must, before making a recommendation for regulations under **subsection (1)(g)**, be satisfied that the subject matter is appropriate to be dealt with in an access notice (or by the requirements of an electronic system) rather than being dealt with in the regulation itself. 5
- (3) **Subsection (4)** applies to—
 - (a) the Attorney-General before they make a recommendation for regulations that grant an exemption under **subsection (1)(d)** or disapply the effect of **section 77** under **subsection (1)(e)**; or 10
 - (b) the Chief Parliamentary Counsel before they make an access notice that grants an exemption under **subsection (1)(d)** or disapplies the effect of **section 77** under **subsection (1)(e)**. 15
- (4) The Attorney-General or Chief Parliamentary Counsel must—
 - (a) have regard to the purpose of this Act; and
 - (b) be satisfied that there is good reason for granting the exemption (or disapplying the effect of **section 77**) that outweighs the interests of the public in having the requirement met (or in the application of **section 77**); and 20
 - (c) be satisfied that the extent of the exemption or disapplication is not broader than is reasonably necessary to address the matters that gave rise to the exemption or disapplication.
- (5) If the Attorney-General makes a recommendation for regulations under **subsection (1)(d) or (e)**, the Attorney-General's reasons for making the recommendation (including why the exemption or disapplication is appropriate) must be published together with the regulations. 25
- (6) If the Chief Parliamentary Counsel makes an access notice that grants an exemption under **subsection (1)(d)** or disapplies the effect of **section 77** under **subsection (1)(e)**, the Chief Parliamentary Counsel's reasons for making the access notice (including why the exemption or disapplication is appropriate) must be published together with the access notice. 30
- (7) The Attorney-General must, before making a recommendation for regulations under **subsection (1)(h)**, have regard to the purpose of subpart 2 of Part 1 of Schedule 1 set out in clause 11 of that schedule. 35
- (8) Regulations made under this section are secondary legislation (*see* Part 3 for publication requirements).

50 Section 148 and cross-heading repealed

Repeal section 148 (which relates to the review of revision programme provisions after 30 June 2020) and the cross-heading above section 148.

51 New sections 148 to 153 inserted

After section 147A, insert:

5

148 Regulations for fees and costs in connection with PCO's functions (other than its core drafting function)

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

(a) requiring the payment of fees to the PCO for the PCO or the Chief Parliamentary Counsel to perform or exercise any function, power, or duty under this Act:

10

(b) prescribing the amounts of those fees or the manner in which those fees are to be ascertained:

(c) authorising the PCO to require payment of any costs incurred for the PCO or the Chief Parliamentary Counsel in performing or exercising any function, power, or duty under this Act:

15

(d) authorising the PCO to refund or waive, in whole or in part and on any conditions as may be prescribed, payment of a fee or cost payable by any 1 or more named persons.

20

(2) The reference to the PCO's functions in **subsection (1)(a) and (c)** does not include a function performed only under **section 67(1)(a), (c), or (d)** (which relates to the PCO's core drafting function).

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

25

149 PCO or Chief Parliamentary Counsel may refuse to act if fee or costs are not paid

The PCO or the Chief Parliamentary Counsel may refuse to perform or exercise a function, power, or duty until the fee and costs prescribed by the regulations (if any) are paid.

30

150 Fees and costs recoverable as debt due

The PCO may recover in any court of competent jurisdiction as a debt due any fee or costs payable to it under the regulations.

151 Administering agency may be required to pay levy in connection with PCO's functions (other than its core drafting function)

35

(1) An administering agency must, if required by regulations made under this section, pay to the PCO a levy prescribed by the regulations.

- (2) The Governor-General may, by Order in Council made on the recommendation of the Attorney-General, make regulations providing for the levy.
- (3) A levy may be prescribed on the basis that the following costs should be met fully out of the levy:
 - (a) a portion of the costs of the PCO in performing or exercising its functions, powers, and duties under this Act, where the size of the portion to be met by levies under this Act is determined by the Attorney-General; and 5
 - (b) the costs of collecting the levy money.
- (4) The reference to the PCO's functions in **subsection (3)** does not include a function performed only under **section 67(1)(a), (c), or (d)** (which relates to the PCO's core drafting function). 10
- (5) A levy may be prescribed on the basis that any actual cost that could have been, but has not been, recovered as a levy shortfall for a year may be recovered (along with any financing charge) over any period of up to 5 years. 15
- (6) The regulations may—
 - (a) specify the class or classes of administering agencies that are required to pay a levy:
 - (b) specify the amount of a levy, or method of calculating or ascertaining the amount of a levy: 20
 - (c) include in a levy, or provide for the inclusion in a levy of, any shortfall in recovering the actual costs:
 - (d) refund, or provide for refunds of, any over-recovery of the actual costs:
 - (e) provide for the payment and collection of a levy:
 - (f) provide different levies for different classes of administering agencies: 25
 - (g) specify the financial year or part financial year to which a levy applies, and apply that levy to that financial year or part financial year and each subsequent financial year until the levy is revoked or replaced:
 - (h) require payment of a levy for a financial year or part financial year, irrespective of the fact that the regulations may be made after that financial year has commenced. 30
- (7) If a person is in 2 or more classes of administering agencies in respect of which different levies have been prescribed, the person must pay each of those levies (unless the regulations provide otherwise).
- (8) The PCO may recover in any court of competent jurisdiction as a debt due any unpaid levy. 35
- (9) The PCO, or any other person prescribed for the purposes of this subsection, must ensure that—

- (a) each levy payment is paid into a Crown Bank Account and is separately accounted for; or
 - (b) by the 20th day of the month after the month in which the PCO receives a levy payment, the levy payment is paid into a Crown Bank Account.
- (10) Regulations made under this section are secondary legislation (*see* Part 3 for publication requirements). 5

Access notices

152 Regulations may provide for access notices

- (1) The Chief Parliamentary Counsel may make an access notice for the purpose of regulations made under **section 147(1)(g)**. 10
- (2) A regulation that provides for an access notice may provide for any requirements in relation to the notice or its creation.
- (3) A reference to anything being done under regulations made under this Act includes anything done under an access notice.
- (4) An access notice has effect only to the extent that a regulation refers to it. 15
- (5) A breach of an access notice is a breach of the regulation that provides for the notice.
- (6) If a regulation provides for an access notice,—
 - (a) an access notice made under the regulation is secondary legislation (*see* Part 3 for publication requirements); and 20
 - (b) the regulation must contain a statement to that effect.

PCO notices

153 Chief Parliamentary Counsel may make PCO notices

- (1) The Chief Parliamentary Counsel may make a PCO notice for the purpose of providing for anything this Act says may or must be provided for by a PCO notice. 25
- (2) The Chief Parliamentary Counsel must, as soon as practicable after a PCO notice is made, publish the notice on an Internet site maintained by, or on behalf of, the PCO.
- (3) A PCO notice that revokes another PCO notice that applies for the purposes of **section 67(1)(d)(iii) or 69(1)(e)** must not come into force earlier than 3 months after the revocation notice is made unless the administering agency agrees to it coming into force on an earlier date. 30
- (4) In **subsection (3), administering agency**, in relation to a PCO notice that is being revoked, means the administering agency ~~that agreed to the application of the notice as referred to in **section 67(2) or 69(2)** for the secondary legislation to which the notice relates.~~ 35

Part 2

Related amendments to principal Act and other legislation

52 Schedule 1 amended

- (1) In Schedule 1, replace clause 1(c) with:

(c) subpart 2 relates to the publication of new and existing secondary legislation under Part 3 of this Act: 5

- (2) In Schedule 1, repeal clause 1(e).

- (3) In Schedule 1, replace clause 2 with:

2 Definitions for this Part

In this Part,— 10

main commencement date means 28 October 2021

publication commencement date means the date on which **section 19** of the Legislation Amendment Act **2025** comes into force

publication deadline, for secondary legislation, is the deadline that applies to it under **clause 15(6)** 15

regulations has the meaning set out in **clause 11(2)**.

- (4) In Schedule 1, replace clause 11(1)(a) with:

(a) provide for orderly transitional arrangements for the application of this Act to agency-published legislation; and

- (5) In Schedule 1, replace clause 11(2) with: 20

- (2) *See also* **section 147(1)(h)**, which provides for regulations to be made for the purposes of this subpart (the **regulations**).

- (6) In Schedule 1, replace clause 12(1)(b) with:

(b) on the publication commencement date, Part 3 is amended (*see* the Legislation Amendment Act **2025**) and this subpart and the regulations provide for an orderly transition of secondary legislation to the new requirements under Part 3 as follows: 25

(i) the requirements for administering agencies under Part 3 apply, but are modified by **clause 15**, as set out below; and

(ii) until the publication deadline set under this subpart, the existing publication requirements generally continue to apply to secondary legislation that is made under an existing empowering provision; but 30

(iii) on the publication deadline, the new requirements under Part 3 apply (and both in force and new secondary legislation must be published in accordance with the new requirements); and 35

- (iv) after a date set under this subpart, secondary legislation may be revoked if it is not published in accordance with the new requirements.

Guidance note

See *also* **clause 37**, which provides that **section 77** applies only to secondary legislation that is made after that section comes into force. In summary, **section 77** provides that secondary legislation does not commence until it is electronically published.

Clause 37 and section 77 come into force on a date set by Order in Council (or, if an Order is not made, on the fifth anniversary of Royal assent of the Legislation Amendment Act **2025**).

- (7) In Schedule 1, clause 14(1), after “section 74(1)(a)”, insert “(as in force on the main commencement date)”.

- (7A) In Schedule 1, after clause 14(2), insert:

- (2A) Despite subclause (2)(b), on and after the publication commencement date, the PCO may, but is not required to, publish the applicable publication requirements as referred to in that paragraph.

- (8) In Schedule 1, replace clauses 15 to 18 with:

15 How administering agency must publish agency-published legislation before, on, and after publication deadline

- (1) This clause applies to agency-published legislation on and after the publication commencement date if it is made—

- (a) before the publication deadline; and
(b) under an empowering provision that was enacted before the publication commencement date.

Guidance note

This clause does not apply to agency-published legislation that is made under an empowering provision that was enacted after the publication commencement date. **Sections 73 to 76** New sections 73 to 76 apply to that legislation without modification.

This clause also does not apply to agency-published legislation that is made on or after the publication deadline. Again, new sections 73 to 76 apply to that legislation without modification.

- (2) Before the publication deadline,—

- (a) new sections 73 to 76 do not apply; and
(b) instead, the existing publication requirements (if any) continue to apply.

- (2A) However, on or before the publication deadline, the administering agency must publish the following in accordance with new **sections 73(1A) and (2) and 74(2)** (unless a publication exemption applies):

- (a) either or both of—
 - (i) the secondary legislation (as originally made) and every amending instrument (if any); or
 - (ii) a consolidation of the secondary legislation that incorporates all of the amendments made by every amending instrument: 5
- (b) the MLI for the secondary legislation:
- (c) the MLI for every amending instrument published under **paragraph (a)(i).**
- (2B) If the administering agency complies with **subclause (2A)(a)(ii),** it may, but is not required to, publish under **subclause (2A)** the secondary legislation (as originally made) or any amending instrument that is incorporated into the consolidation. 10
- (3) **Subclause (4)** does **Subclauses (2A), (2B), and (4)** do not apply if the secondary legislation is revoked before the publication deadline.
- (4) On and after the publication deadline,— 15
 - (a) the administering agency must publish the following in accordance with **section 74(2)** and otherwise in the manner prescribed under regulations made under this Act (unless a publication exemption applies):
 - (i) either or both of—
 - (A) the secondary legislation (as originally made) and every amending instrument (if any); or 20
 - (B) a consolidation of the secondary legislation that incorporates all of the amendments made by every amending instrument:
 - (ii) the MLI for the secondary legislation: 25
 - (iii) the MLI for every amending instrument published under **sub-paragraph (i)(A);** and
 - (b) if the administering agency complies with **paragraph (a)(i)(B),** it may, but is not required to, publish an amending instrument that is incorporated into the consolidation; and 30
 - (c) the administering agency must continue to publish the secondary legislation and its MLI under **section 75,** applied as if the legislation had been first published under **section 74** (unless a publication exemption applies); and
 - (d) if the administering agency complies with **paragraph (a)(i)(B)** (and not **paragraph (a)(i)(A),** it must continue to publish the secondary legislation (as originally made) and every amending instrument made before the publication deadline in accordance with the existing publication requirements (if any); and 35

- (e) ~~sections 73 to 76~~ otherwise apply subject to ~~paragraphs (a) to (d)~~ and the modifications (if any) prescribed by the regulations.
- (4) On and after the publication deadline,—
- (a) the administering agency must continue to publish the secondary legislation and its MLI under new **section 75**, applied as if the legislation had been first published under new **section 74** (unless a publication exemption applies); and 5
 - (b) the administering agency must also continue to publish on an Internet site the secondary legislation (as originally made) and every amending instrument made before the publication deadline if— 10
 - (i) the administering agency complies with **subclause (2A)(a)(ii)** (and not **subclause (2A)(a)(i)**); and
 - (ii) that legislation was published, immediately before the publication deadline, on an Internet site maintained by, or on behalf of, the administering agency; and 15
 - (c) if an amending instrument is made after the publication deadline, the administering agency must publish a consolidation of the secondary legislation that is amended under new **section 73(1)(c)** (unless a consolidation exemption applies); and
 - (d) new **sections 73 to 76** otherwise apply subject to **subclauses (2A) and (2B)** and **paragraphs (a) to (c)** and the modifications (if any) prescribed by the regulations. 20
- (5) The secondary legislation is revoked on a date specified in the regulations if—
- (a) the requirements that apply under ~~subclause (4)~~ **subclause (2A)** have not been complied with; and 25
 - (b) it is of a class that is specified by the regulations as being revoked on that date.
- (6) In this clause, the **publication deadline** for secondary legislation is—
- (a) the first anniversary of the publication commencement date (unless **paragraph (b) or (c)** applies); or 30
 - (b) a deadline set by the regulations for the relevant class of secondary legislation that is later than the first anniversary of the publication commencement date (unless **paragraph (c)** applies); or
 - (c) a deadline earlier than a deadline under **paragraphs (a) and (b)** that is set by agreement between the administering agency and the Chief Parliamentary Counsel. 35
- (6A) In this clause, a reference to—
- (a) a new provision (for example, new **section 73**) is a reference to that provision as in force on and after the publication commencement date;

- (b) a **former** provision (for example, former **section 73**) is a reference to that provision as in force immediately before the publication commencement date.
- (7) In this clause, the **existing publication requirements** for secondary legislation are former sections 73 to 75, as in force immediately before the publication commencement date, and clause 14. 5
- Guidance note**
- The existing publication requirements require the maker of the secondary legislation to comply with certain applicable publication requirements. Generally, the requirements are either— 10
- the minimum requirements that apply under the Legislation (Publication) Regulations 2021; or
 - the requirements recorded and published by the PCO under clause 14.
- For each empowering provision, see the note about these requirements under the provision. 15
- (8) In this clause, **amending instrument** means secondary legislation that amends other secondary legislation.
- 16 Legislation (Publication) Regulations 2021 saved**
- For the purposes of **clause 15**, regulations made for the purposes of section 74(1)(aa), as in force immediately before the publication commencement date,— 20
- (a) continue in force; but
- (b) may be amended, revoked, or replaced under **section 147**.
- (8A) In Schedule 1, replace clause 19(1)(ab) with: 25
- (ab) ensure that this Act applies appropriately to secondary legislation, which includes enabling amendments—
- (a) to support the legislation website as a single point of access; and
- (b) to otherwise facilitate access to the secondary legislation; and
- (8B) In Schedule 1, replace clause 19(2)(d)(ii) with: 30
- (ii) to clarify the maker of the instrument; or
- (ia) to permit the instrument to continue to come into force despite not yet being published; or
- (ib) to modify requirements for publishing, making available, or facilitating access to the instrument; or
- (ic) to modify requirements relating to when the instrument applies or comes into force; or 35
- (id) to change the type of instrument (for example, to change an approval to a notice); or

- (iie) to clarify provisions that provide for mixed powers (for example, to divide a mixed power into 2 separate powers); or
- (8C) In Schedule 1, after clause 19(2), insert:
- (2A) In **subclause (2)(d)(iie)**, a **mixed power** is a power—
- (a) to make instruments that are secondary legislation; and
- (b) to make other instruments.
- (8D) In Schedule 1, after clause 19(3)(a), insert:
- (ab) consulting the administering agencies for the legislation to which the regulations relate; and
- (9) In Schedule 1, clause 19(5), after “on the”, insert “fifth anniversary of the”.
- (10) In Schedule 1, replace clause 20(1) and (2) with:
- (1) Section 69, and other publication responsibilities for the PCO under Part 3 of this Act, do not apply to—
- (a) Bills that were introduced before 1 January 2008 (or amendments to those Bills):
- (b) Acts that ceased to be in force before 1 January 2008:
- (c) secondary legislation that ceased to be in force before 1 January 2008:
- (d) minimum legislative information for that secondary legislation.
- (2) However, the PCO may publish any of that legislation (or proposed legislation) under Part 3 of this Act if it thinks fit.
- (11) In Schedule 1, repeal clause 20(4).
- (12) In Schedule 1, heading to clause 21, after “**maker**”, insert “**or administering agency**”.
- (13) In Schedule 1, clause 21(1), after “maker”, insert “or administering agency”.
- (13A) In Schedule 1, clause 21(3), replace “set for that secondary legislation under the regulations” with “for that secondary legislation”.
- (14) In Schedule 1, clause 23(1), replace “59(2)(c) or (d)” with “59(2)(b), (c), or (d)”.
- (15) In Schedule 1, replace clause 23(2) to (4) with:
- (2) The Attorney-General must be treated as having directed, for the purpose of new section 67(1)(d)(iv) of this Act, that the PCO will draft secondary legislation made under the provision.
- (3) The Attorney-General may amend, revoke, or replace that direction at any time.
- (4) ~~**Subclause (2)** does not apply to secondary legislation that the PCO is required to draft under **section 67(1)(d)(i), (ii), or (iii)**.~~
- (4) **Subclause (2)** does not apply to secondary legislation if—

- (a) the PCO is required to draft the secondary legislation under new **section 67(1)(d)(i), (ii), or (iii)**; or
- (b) before the publication commencement date, former clause 23(2) had ceased to apply under former clause 23(3).
- (5) If, immediately before the commencement of this subclause, an express agreement between an administering agency and the PCO is in force for the purposes of ~~former section 69 67(d)(iii) of this Act (as in force before that commencement)~~, the relevant secondary legislation must be treated as being specified in a PCO notice under new **section 67(1)(d)(iii)** of this Act. 5
- (6) The PCO may amend, revoke, or replace that notice at any time. 10
- (7) In this clause, a reference to—
- (a) a **new** provision (for example, new **section 67**) is a reference to that provision as in force on and after the publication commencement date;
- (b) a **former** provision (for example, former **section 67**) is a reference to that provision as in force immediately before the publication commencement date. 15
- (15A) In Schedule 1, after clause 27A, insert:
- 27B Publication statement taken not to have been required**
- Copies or reprints of legislation published under the Legislation Act 2012 must be taken never to have been required to include a statement that they are published under the authority of the New Zealand Government (despite section 6(6) of that Act). 20
- (16) In Schedule 1, clause 28, replace “published by the PCO under this Act or any corresponding previous Acts” with “first published under this Act, any corresponding previous Acts, or any other legislation”. 25
- (17) In Schedule 1, clause 29(2), delete “sections 59 to 62 or”.
- (18) In Schedule 1, repeal subpart 4 of Part 1.
- (19) In Schedule 1,—
- (a) insert the Part set out in **Schedule 1** of this Act as the last Part; and
- (b) make all necessary consequential amendments. 30
- (20) In Schedule 1, after **clause 36** (as inserted by **subsection (19)**), insert:
- 37 Restriction on commencement applies only to new secondary legislation**
- Section 77** (secondary legislation does not commence until first published) applies only to secondary legislation that is made after that section comes into force. 35
- 53 Schedule 1A amended**
- In Schedule 1A, after item 1, insert:

1A	Order	Establishing Royal commissions of inquiry under the authority of the Letters Patent constituting the Office of Governor-General of New Zealand.
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54 Schedule 2 amended

In Schedule 2, replace clause 3(1) with:

- (1) A requirement to make material **publicly available** under this schedule is a requirement that—
- (a) the material is—
- (i) made available on (or via a link on) an Internet site maintained by or on behalf of the administering agency, free of charge, unless doing so would infringe copyright; or
- (ii) in any other case, made available—
- (A) for inspection, free of charge, in the manner notified on an Internet site maintained by or on behalf of the administering agency; and
- (B) for purchase, at a reasonable cost, in the manner notified on an Internet site maintained by or on behalf of the administering agency; and
- (b) if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material is also available as set out in **paragraph (a)**.

55 Schedule 3 replaced

Replace Schedule 3 with the **Schedule 3** set out in **Schedule 2** of this Act. 20

56 Schedule 4 amended

- (1) In the Schedule 4 heading, replace “ss 122, 125, 126” with “s 122”.
- (2) In Schedule 4, repeal the Part 1 heading.
- (3) In Schedule 4, repeal Part 2.

57 Repeals and revocations

- (1) Section 5, Part 3, and Schedule 2 of the Legislation (Repeals and Amendments) Act 2019 are repealed.
- (2) Section 5 and Schedule 36 of the Secondary Legislation Act 2021 are repealed.
- (3) Repeal the Acts specified in **Part 1 of Schedule 3**.
- (4) Revoke the secondary legislation specified in **Part 2 of Schedule 3**. 30

58 Other amendments to Acts

Amend the Acts specified in **Schedule 4** as set out in that schedule.

Schedule 1
New Part 2 inserted into Schedule 1

s 52

Part 2	
Provisions relating to Legislation Amendment Act 2025	
36	Savings for Department of Justice (Restructuring) Act 1995 and Sovereign’s Birthday Observance Act 1952
(1)	If, immediately before the commencement of this clause, a provision referred to in subclause (2) applied to an agreement, a document, or any other thing, the provision continues to apply despite its repeal by section 57 of the Legislation Amendment Act 2025.
(2)	The provisions are—
(a)	sections 3 and 4 of the Department of Justice (Restructuring) Act 1995; and
(b)	section 2 of the Sovereign’s Birthday Observance Act 1952.

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Schedule 2 Schedule 3 replaced

s 55

Schedule 3

Exemptions from publication, MLI, presentation, or disallowance under this Act

ss 73, 114, 115

- (1) A publication, MLI, presentation, or disallowance exemption applies to secondary legislation (or a part of secondary legislation) under this schedule if—
 - (a) it is made under an empowering provision to which that exemption applies in accordance with the tables below; and
 - (b) any exemption ground is met (if specified in the tables for the exemption).
- (2) However, a publication exemption or an MLI exemption does not apply to any secondary legislation that is required to be published by the PCO under section 69.
- (3) Any term or expression that is used in this schedule in relation to any empowering legislation, but not defined in this Act, has the same meaning as in that empowering legislation.
- (4) See *also* subparts 2 and 5 of Part 1 of Schedule 1 for transitional publication, MLI, and presentation exemptions.

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLI exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Animal Products Act 1999					
Section 167(1) (for the purposes of section 38(2)(b) or 60)	Exemption ground The Director-General considers that compliance would result in 1 or more of the following: (a) disclosure of commercially sensitive information:	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	(b) disclosure of a trade secret: (c) prejudice to New Zealand's position in current or future negotiations for overseas market access: (d) prejudice to the international relations of New Zealand.				
Armed Forces Discipline Act 1971					
Section 206	Exemption ground The Chief of Defence Force is satisfied that compliance would be likely to— (a) prejudice the security or defence of New Zealand; or (b) prejudice the international relations of the Government of New Zealand.	Exemption applies to the secondary legislation or part of it if exemption ground is met for the legislation or part	Exemption applies if exemption ground is met	Exemption applies to the secondary legislation or part of it if exemption ground is met for the legislation or part	
Biosecurity Act 1993					
Section 131(2) or (3)	Exemption ground The chief technical officer or management agency considers that compliance would result in— (a) disclosure of commercially sensitive information; or (b) prejudice to New Zealand's overseas market access.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Child Poverty Reduction Act 2018					
Section 6 (in combination with section 34)				Exemption applies	Exemption applies
Civil Aviation Act 2023					

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Section 52	Exemption ground Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 63	Exemption ground Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 64	Exemption ground Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 67	Exemption ground Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 70	Exemption ground Compliance is inappropriate for reasons of security.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 152	Exemption ground Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 154	Exemption ground Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 322(1)(b)	Exemption ground Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	
Section 430 (where transport instrument provided for by rule	Exemption ground Compliance would prejudice the national security interests of New Zealand.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
made under s 52, 63, 67, or 70)					Exemption applies
Section 436					
Civil Defence Emergency Management Act 2002					
Section 39					Exemption applies
Commerce Act 1986					
Section 52P					Exemption applies
Section 52W					Exemption applies
Section 53ZG					Exemption applies
Defence Act 1990					
Section 27	Exemption ground The Chief of Defence Force is satisfied that compliance would be likely to— (a) prejudice the security or defence of New Zealand; or (b) prejudice the international relations of the Government of New Zealand.	Exemption applies to secondary legislation or part of it if exemption ground is met for that legislation or part	Exemption applies if exemption ground is met	Exemption applies to secondary legislation or part of it if exemption ground is met for that legislation or part	
District Court Act 2016					
Section 60(1)(b), (2)					Exemption applies
Dog Control Act 1996					
Section 78A(1)					Exemption applies
Electronic Identity Verification Act 2012					
Section 47	Exemption ground The chief executive considers that there should not be compliance—	Exemption applies to part of secondary legislation if		Exemption applies to part of secondary legislation if exemption ground is met for that part	

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	(a) for reasons that justify withholding of information in the Official Information Act 1982; or (b) to protect the security or integrity of the Service.	exemption ground is met for that part			
Financial Markets Conduct Act 2013					
Section 556 (to the extent that it relates to agency-published legislation)	Exemption ground The FMA is satisfied on reasonable grounds in relation to agency-published legislation that it is proper to defer compliance on the ground of commercial confidentiality.	Exemption applies while exemption ground is met	Exemption applies while exemption ground is met	Exemption applies while exemption ground is met	
Fisheries Act 1996					
Regulations made under section 186	Exemption ground The secondary legislation is bylaws made under the regulations for the purposes of section 49 of Ngā Rohe Moana o Ngā Hapū o Ngāti Porou Act 2019.		Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met
Forests Act 1949					
Section 114(1)(b)	Exemption ground The Secretary considers that compliance would result in 1 or more of the following: (a) disclosure of commercially sensitive information; (b) prejudice to New Zealand's position in current or future negotiations for overseas market access; (c) prejudice to the international relations of New Zealand.	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Governor-General Act 2010					
Section 5					Exemption applies
Section 6					Exemption applies
Section 8					Exemption applies
Health and Safety at Work Act 2015					
Section 7(5)				Exemption applies	Exemption applies
Section 8(2)		Exemption applies	Exemption applies	Exemption applies	Exemption applies
Local Government (Water Services Preliminary Arrangements) Act 2024					
Section 42					Exemption applies
Section 46					Exemption applies
Members of Parliament (Remuneration and Services) Act 2013					
Section 8(1)				Exemption applies	Exemption applies
Section 17(1)				Exemption applies	Exemption applies
Section 23(1)				Exemption applies	Exemption applies
Section 27				Exemption applies	Exemption applies
Section 32(4), (6)				Exemption applies	Exemption applies
Section 43				Exemption applies	Exemption applies
Section 44				Exemption applies	Exemption applies
Misuse of Drugs Act 1975					
Section 4(1), (1B)					Exemption applies
Organic Products and Production Act 2023					
Section 143 (for the purpose of section 63)	Exemption ground	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	The relevant chief executive considers that compliance would result in 1 or more of the following: (a) disclosure of commercially sensitive information: (b) disclosure of a trade secret: (c) prejudice to New Zealand's position in current or future negotiations for overseas market access: (d) prejudice to the international relations of New Zealand.				
Remuneration Authority Act 1977					
Section 12B(1), (2)				Exemption applies	Exemption applies
Takeovers Act 1993					
Section 45(1)(a), (b)	Exemption ground The Takeovers Panel is satisfied on reasonable grounds that it is proper to defer compliance for reasons of commercial confidentiality.	Exemption applies while exemption ground is met	Exemption applies while exemption ground is met	Exemption applies while exemption ground is met	
Telecommunications Act 2001					
Section 27					Exemption applies
Section 30M					Exemption applies
Section 30R					Exemption applies
Section 39					Exemption applies
Section 51					Exemption applies
Section 58					Exemption applies
Section 59					Exemption applies

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
Section 87					Exemption applies
Section 94J					Exemption applies
Section 170(1)					Exemption applies
Section 180					Exemption applies
Section 222					Exemption applies
Section 236					Exemption applies
Section 238					Exemption applies
Schedule 2, clause 10					Exemption applies
Schedule 2, clause 17					Exemption applies
Schedule 2A, clause 3					Exemption applies
Telecommunications (Interception Capability and Security) Act 2013					
Section 29		Exemption applies	Exemption applies	Exemption applies	Exemption applies
Section 34		Exemption applies	Exemption applies	Exemption applies	Exemption applies
Section 49				Exemption applies	Exemption applies
Wine Act 2003					
Section 120(1) (for the purposes of section 41(2))	Exemption ground The Director-General is satisfied that compliance would result in 1 or more of the following: (a) disclosure of commercially sensitive information; (b) disclosure of a trade secret; (c) prejudice to New Zealand's position in current or future negotiations for overseas market access;	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies if exemption ground is met	Exemption applies

Empowering provision	Exemption grounds	Publication exemption (s 73(3))	MLJ exemption (s 73(3))	Presentation exemption (s 114(2)(a))	Disallowance exemption (s 115(d))
	(d) prejudice the international relations of New Zealand.				

Schedule 3

Repeals and revocations

s 57

Part 1

Acts repealed

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Colliery Railways Vesting Act 1893 (1893 No 48)

Department of Justice (Restructuring) Act 1995 (1995 No 39)

Kaitangata Railway and Coal Company Limited Empowering Act 1875 (1875 No 2)
(P)

Royal Titles Act 1974 (1974 No 1)

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Sovereign's Birthday Observance Act 1952 (1952 No 13)

Trustee Companies Management Act 1975 (1975 No 25)

Part 2

Secondary legislation revoked

Legislation Act (Publication for International Transparency) Direction 2021 (LI 2021/271) 15

Schedule 4

Other amendments

s 58

Biosecurity Act 1993 (1993 No 95)

In section 131(5), replace “If, under the Legislation Act 2019, the notice is not required to be published,—” with “The following applies to a notice given under subsection (2) or (3):”.

Civil Aviation Act 2023 (2023 No 10)

Replace section 63(4) and (5) with:

- (4) An order made under this section—
- (a) is secondary legislation (see Part 3 of the Legislation Act 2019 for publication requirements); and
 - (b) is not to be drafted by the PCO under **section 67(1)(d)(i)** of that Act.

Commerce Act 1986 (1986 No 5)

Repeal section 52W(2).

Comprehensive and Progressive Agreement for Trans-Pacific Partnership Amendment Act 2018 (2016 No 90)

In section 43(2), replace “In section 234, insert as subsections (2) to (6):” with “After **section 234(1A)**, insert:”

In section 43(2), repeal new subsection (6).

Conservation Act 1987 (1987 No 65)

Repeal section 26R(3)(d).

Contract and Commercial Law Act 2017 (2017 No 5)

In section 4(1), replace “for the purposes of section 35 of the Legislation Act 2012 (which provides that revision Acts are not intended to change the effect of the law, except as expressly provided)” with “prepared under subpart 3 of Part 2 of the Legislation Act 2012”.

Replace section 218(1) with:

- (1) This subpart applies to legislation that is part of the law of New Zealand unless—
- (a) the legislation provides otherwise; or
 - (b) the context of the legislation requires a different interpretation.

In section 218(2)(a), replace “an enactment that requires” with “legislation to the extent that it requires”.

In section 218(2)(b) to (e), replace “enactments” with “legislation”.

Copyright Act 1994 (1994 No 143)

In section 2(1), repeal the definition of **regulations**.

Replace section 27(1)(c) with:

- (c) any secondary legislation:

In section 234, insert as subsection (1A):

- (1A) Regulations made under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Crown Minerals Act 1991 (1991 No 70)

In section 19(3)(b), replace “67(d)(i)” with “**67(1)(d)(i)**”.

Customs and Excise Act 2018 (2018 No 4)

In Schedule 3, repeal clauses 17 and 18.

In Schedule 3 clause 26(2)(a), replace “67(d)(i)” with “**67(1)(d)(i)**”.

Deposit Takers Act 2023 (2023 No 35)

In Schedule 3, Part 1, item relating to the Legislation Act 2019, delete “Part 1,”.

Electoral Act 1993 (1993 No 87)

In section 266, delete “published in the *Gazette*”.

In section 266, insert as subsection (2):

- (2) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Epidemic Preparedness Act 2006 (2006 No 85)

Replace section 18(3) with:

- (3) The Clerk of the House of Representatives must lodge a copy of the resolution under **section 72A** of the Legislation Act 2019.
- (4) The Parliamentary Counsel Office must publish the resolution under **section 69(1)(ea)** of that Act.

In section 24A(4)(b), replace “67(d)(ii)” with “**67(1)(d)(ii)**”.

Financial Markets Authority Act 2011 (2011 No 5)

In Schedule 1, Part 2, repeal the item relating to the Trustee Companies Management Act 1975.

Financial Markets Conduct Act 2013 (2013 No 69)

In section 331(1), after “must”, insert “, by notice,”.

In section 331(3), replace “An approval” with “A notice issued”.

In section 331(4), replace “approval” with “notice”.

Financial Markets Conduct Act 2013 (2013 No 69)—*continued*

Repeal section 332(3).

Financial Reporting Act 2013 (2013 No 101)

In the heading to section 27, replace “take effect” with “come into force”.

Replace section 27(1) with:

- (1) A standard, an authoritative notice, an amendment, or a revocation (or a part of that legislation) comes into force on the later of— 5
- (a) the date stated or provided for in that standard, notice, amendment, or revocation; and
- (b) the 28th day after the date of the publication of the standard, notice, amendment, or revocation under the Legislation Act 2019. 10

In section 27(2), replace “taking effect” with “coming into force”.

In section 27(2)(a), replace “into effect” with “into force”.

In section 28(2)(a) and (b), replace “takes effect” with “comes into force”.

Fire and Emergency New Zealand Act 2017 (2017 No 17)

Repeal section 73(7). 15

Fisheries Amendment Act 2004 (2004 No 6)

After section 12(3), insert:

- (4) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Food Act 2014 (2014 No 32) 20

Repeal section 39(2)(a).

Repeal section 44(4)(a).

Freedom Camping Act 2011 (2011 No 61)

Replace section 18(2)(c) with:

- (c) state the Internet site on which the notice is published. 25

Repeal section 18(3).

Housing Act 1955 (1955 No 51)

Repeal section 2A(5).

Immigration Advisers Licensing Act 2007 (2007 No 15)

Repeal section 38. 30

Inquiries Act 2013 (2013 No 60)

In section 6(3), delete “in the *Gazette*”.

Inquiries Act 2013 (2013 No 60)—continued

After section 6(4), insert:

- (5) A notice under subsection (3) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Land Transport Act 1998 (1998 No 110)

In section 152A(6)(b), replace “67(d)(i)” with “**67(1)(d)(i)**”.

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Repeal section 270(6).

Local Electoral Act 2001 (2001 No 35)

In section 148(1), delete “published in the *Gazette*”.

After section 148(2), insert:

- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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Maritime Transport Act 1994 (1994 No 104)

In section 36A(2)(b), replace “67(d)(i)” with “**67(1)(d)(i)**”.

In section 390A(2)(b), replace “67(d)(i)” with “**67(1)(d)(i)**”.

Ombudsmen Act 1975 (1975 No 9)

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Replace section 15(4) with:

- (4) The Clerk of the House of Representatives must lodge the rules under **section 72A** of the Legislation Act 2019, unless the rules are drafted by the Parliamentary Counsel Office under **section 67(1)(d)(iii)** or (iv) of that Act.
- (5) If the rules are lodged under **subsection (4)**, the Parliamentary Counsel Office must publish them under **section 69(1)(ea)** of that Act.

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Parliamentary Service Act 2000 (2000 No 17)

Replace section 25(5) with:

- (5) The Clerk of the House of Representatives must lodge a copy of the resolution under **section 72A** of the Legislation Act 2019.
- (6) The Parliamentary Counsel Office must publish the resolution under **section 69(1)(ea)** of that Act.

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Partnership Law Act 2019 (2019 No 53)

In section 4(1), replace “for the purposes of section 35 of the Legislation Act 2012 (which provides that revision Acts are not intended to change the effect of the law, except as expressly provided)” with “prepared under subpart 3 of Part 2 of the Legislation Act 2012”.

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Racing Industry Act 2020 (2020 No 28)

Repeal section 85(4).

Residential Care and Disability Support Services Act 2018 (2018 No 33)

Repeal section 53(4)(c).

Resource Management Act 1991 (1991 No 69)

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Repeal section 44(5).

Resource Management (Waitaki Catchment) Amendment Act 2004 (2004 No 77)

After section 30(2), insert:

- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

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Takeovers Act 1993 (1993 No 107)

In section 45(6), delete “, and presented to the House of Representatives,”.

Tariff Act 1988 (1988 No 155)

In section 9C(2), replace “67(d)(i)” with “**67(1)(d)(i)**”.

Replace section 12(5) with:

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- (5) The Clerk of the House of Representatives must lodge a copy of the resolution under **section 72A** of the Legislation Act 2019.
- (6) The Parliamentary Counsel Office must publish the resolution under **section 69(1)(ea)** of that Act.

Telecommunications Act 2001 (2001 No 103)

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Repeal section 180(2).

Veterans’ Support Act 2014 (2014 No 56)

Repeal section 34(1)(b).

Repeal section 170(7)(d)(i).

Waste Minimisation Act 2008 (2008 No 89)

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In section 38A(1), delete “in the *Gazette*”.

Water Services Act 2021 (2021 No 36)

In section 9(2), replace “may, by notice in the *Gazette*, declare the provision of water by a person” with “may declare the provision of water by 1 or more named persons”.

Replace section 9(4) with:

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- (4) A declaration made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements), unless it applies only to 1 or more named persons.

Water Services Act 2021 (2021 No 36)—*continued*

- (5) A declaration made under this section that applies only to 1 or more named persons must be—
- (a) notified in the *Gazette*; and
 - (b) published on an Internet site maintained by, or on behalf of, the Water Services Authority.

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In section 97I(1), delete “, by notice published in the *Gazette*,”.

Legislative history

14 May 2025
22 July 2025

Introduction (Bill 152–1)
First reading and referral to Justice Committee