



ANALYSIS

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1989, No. 142

An Act—

- (a) To provide for the printing and publication of copies of Acts of Parliament and statutory regulations; and
 (b) To ensure that copies of Acts of Parliament and statutory regulations are available to the public; and
 (c) To provide for the Government Printing Office to cease to be a department of the Public Service

[19 December 1989]

BE IT ENACTED by the Parliament of New Zealand as follows:

1. Short Title and commencement—(1) This Act may be cited as the Acts and Regulations Publication Act 1989.

(2) Except as provided in sections 18 (4), 22 (2), 25 (2), 30 (2), 31 (2), and 32 (2) of this Act, this Act shall come into force on the day on which it receives the Royal assent.

2. Interpretation—In this Act, unless the context otherwise requires,—

“Act of Parliament” includes an Act of the General Assembly:

“Imperial Act” means any Act of the Parliament of England, or of the Parliament of Great Britain, or of the Parliament of the United Kingdom:

“Regulations” means—

(a) Regulations as defined by section 2 of the Regulations (Disallowance) Act 1989; and

(b) Resolutions of the House of Representatives which—

(i) Revoke any such regulations; or

(ii) Amend any such regulations; or

(iii) Revoke any such regulations, and substitute other regulations.

3. Act to bind the Crown—This Act shall bind the Crown.

Publication

4. Publication of copies of Acts of Parliament, reprints of Acts of Parliament, regulations and reprints of regulations, and reprints of Imperial Acts—(1) The Chief

Parliamentary Counsel shall, under the control of the Attorney-General, arrange for the printing and publication of—

- (a) Copies of every Act enacted by Parliament after the commencement of this section; and
 - (b) Copies of all regulations made after the commencement of this section; and
 - (c) Reprints of Acts of Parliament and reprints of regulations; and
 - (d) Reprints of Imperial Acts that have effect as part of the laws of New Zealand.
- (2) Every such copy and every such reprint shall state that it is published under the authority of the New Zealand Government.

5. Obligation to forward regulations to Chief Parliamentary Counsel—All regulations made after the passing of this Act shall, forthwith after they are made, be forwarded to the Chief Parliamentary Counsel.

Cf. 1936, No. 17, s. 3 (1)

6. Publication of regulations made before commencement of Act—The Attorney-General may direct that copies of regulations made before the passing of this Act shall be printed and published in accordance with section 4 of this Act.

Cf. 1936, No. 17, s. 3 (2)

7. Form of copies and reprints—(1) The Attorney-General may from time to time give directions as to the form in which—

- (a) Copies of Acts of Parliament; or
 - (b) Reprints of Acts of Parliament; or
 - (c) Copies of regulations; or
 - (d) Reprints of regulations; or
 - (e) Reprints of Imperial Acts that have effect as part of the laws of New Zealand,—
- shall be printed and published under this Act.

(2) Directions given under this section may provide for the printing of all or any copies of—

- (a) Acts of Parliament; or
- (b) Reprints of Acts of Parliament; or
- (c) Regulations; or
- (d) Reprints of regulations; or
- (e) Reprints of Imperial Acts that have effect as part of the laws of New Zealand,—

with the omission of such signatures and formal or introductory parts as the Attorney-General from time to time directs.

Cf. 1936, No. 17, s. 4 (1), (2)

8. Special requirements in relation to copies of regulations—Notwithstanding anything in section 7 (2) of this Act, there shall, in the case of all regulations, be printed references to—

- (a) The Act or other authority pursuant to which the regulations were made; and
- (b) The date on which the regulations were made; and
- (c) The date (if any) on which the regulations are expressed to come into force.

Cf. 1936, No. 17, s. 4 (2)

9. Power to designate places where copies of Acts of Parliament and regulations may be purchased—(1) The Attorney-General shall from time to time, by notice in the *Gazette*, designate places where copies of—

- (a) Acts of Parliament; and
- (b) Regulations,—

shall be available for purchase by members of the public.

(2) Notwithstanding subsection (1) of this section, copies to which that subsection applies may be made available for purchase by members of the public not only at the places designated under that subsection but also at other places.

10. Sale of copies of Acts of Parliament and regulations—(1) The Chief Parliamentary Counsel shall, under the control of the Attorney-General, make available for purchase by members of the public at the places designated from time to time by the Attorney-General under section 9 (1) of this Act copies of Acts of Parliament and regulations at a reasonable price.

(2) On the repeal or expiry of any Act of Parliament or the revocation or expiry of any regulations, subsection (1) of this section shall cease to apply in relation to that Act of Parliament or those regulations.

Regulations

11. Regulations series—(1) All copies of regulations printed and published pursuant to section 4 of this Act shall be identified by a number as part of an annual series of regulations.

(2) Any regulations may, without prejudice to any other mode of citation, be cited by the number given to them and by a reference to the year in which copies of them are printed and published.

Cf. 1936, No. 17, s. 3 (3)

12. Notice of making of regulations—The Chief Parliamentary Counsel shall, on each occasion on which copies of regulations are printed and published under section 4 of this Act, arrange for the publication in the *Gazette* of a notice showing—

- (a) The title of the regulations:
- (b) The date on which the regulations were made:
- (c) The Act or other authority pursuant to which the regulations were made:
- (d) The number allocated to the regulations under section 11 of this Act:
- (e) A place at which copies of the regulations may be purchased:
- (f) Such other information as the Chief Parliamentary Counsel considers appropriate.

13. Publishing under this Act sufficient compliance with direction to be published in *Gazette*—Where any regulations are required by any Act to be published or notified in the *Gazette*, the publication in the *Gazette* of a notice under section 12 of this Act which relates to those regulations shall be sufficient compliance with that requirement.

Cf. 1936, No. 17, s. 6

14. Printing and publication of instruments other than regulations—(1) Any instrument that is not a regulation may, if the Attorney-General or the Chief Parliamentary Counsel so directs, be printed and published in accordance with section 4 of this Act, as if it were a regulation.

(2) An instrument shall not by virtue of its printing and publication under this section be a regulation for the purposes of this Act.

(3) The provisions of sections 7, 8, 11, 12, and 15 of this Act shall apply with respect to every instrument that is so printed and published as if it were a regulation for the purposes of this Act.

Cf. 1936, No. 17, s. 6A; 1970, No. 100, s. 2

15. Incorporation of amendments in reprints—

(1) Where any regulations have, whether before or after the passing of this Act, been amended—

- (a) By the revocation of any provision; or
- (b) By the substitution, insertion, or addition of any provision; or
- (c) By the revocation or omission of any words or figures; or
- (d) By the substitution of any words or figures in lieu of any revoked or omitted words or figures; or
- (e) By the insertion of any words or figures,—

then, in any reprint of the regulations, the regulations shall be printed as so amended.

(2) In every such reprint reference shall be made in a footnote or otherwise to the instrument of authority by which each amendment is made.

(3) Before any such reprint is made the Attorney-General shall prepare and certify a copy of the regulations as so amended. The reprint shall be in accordance with the copy so certified and shall contain a statement that it is reprinted under this section.

Cf. 1936, No. 17, s. 7 (1), (2), (3)

16. Power to revoke spent regulations and other instruments—

(1) The Governor-General may from time to time, by Order in Council, revoke any regulations or, as the case may require, declare that they shall cease to have effect as part of the laws of New Zealand, if the Governor-General in Council is satisfied that they have ceased to have effect or are no longer required.

(2) This section is in addition to the provisions of any other enactment relating to the revocation of any regulations.

(3) In this section, the term “regulations” includes, in addition to regulations within the meaning of section 2 of this Act,—

- (a) Any Order in Council or Proclamation; or
- (b) Any notice, Warrant, order, direction, determination, rules, or other instrument of authority—

made or given by the Governor-General or any Minister of the Crown or any person in the service of the Crown, or made or given under any Imperial Act.

Cf. 1936, No. 17, s. 9; 1966, No. 82, s. 2

Gazetting of Acts of Parliament Unnecessary

17. Gazetting of Acts of Parliament unnecessary—It shall not be necessary to gazette Acts of Parliament.

Amendments to Acts Interpretation Act 1924

18. General interpretation of terms—(1) Section 4 of the Acts Interpretation Act 1924 is hereby amended by repealing the definition of the term “Government Printer” (as amended by section 2 of the Acts Interpretation Amendment Act 1986).

(2) Section 4 of the Acts Interpretation Act 1924 is hereby amended by repealing the definition of the term “regulations”, and substituting the following definition:

“‘Regulations’ has the meaning given to that term by section 2 of the Acts and Regulations Publication Act 1989.”

(3) The Acts Interpretation Amendment Act 1986 is hereby consequentially amended by repealing so much of the Schedule as relates to the definition of the term “Government Printer” in section 4 of the Acts Interpretation Act 1924.

(4) Subsections (1) and (3) of this section shall come into force on a date to be appointed by the Governor-General by Order in Council.

19. Repeal of provision relating to gazetting of Acts—Section 13 of the Acts Interpretation Act 1924 is hereby repealed.

Amendments to Civil Defence Act 1983

20. Emergency regulations—Section 79 of the Civil Defence Act 1983 is hereby amended by repealing subsection (8) (as substituted by section 27 of the Constitution Act 1986), and substituting the following subsections:

“(7A) All regulations made under this section shall be laid before the House of Representatives not later than the seventh sitting day of the House of Representatives after the day on which they are made.

“(8) Where—

“(a) Any regulations made under this section have been laid before the House of Representatives in accordance with subsection (7A) of this section; or

“(b) Parliament has met in accordance with section 49 (2) of this Act or the House of Representatives has met in accordance with section 49 (3) of this Act or the House of Representatives is otherwise sitting, and

any regulations made under this section are in force,—

the House of Representatives may, by resolution, amend or revoke any regulations made under this section.”

21. Consequential amendment—The Constitution Act 1986 is hereby consequentially amended by repealing so much of the First Schedule as relates to section 79 of the Civil Defence Act 1983.

Amendments to Electoral Act 1956

22. Indexes of streets and places—(1) Section 20A of the Electoral Act 1956 (as substituted by section 7 (1) of the Electoral Amendment Act 1981) is hereby amended by repealing subsection (4), and substituting the following subsection:

“(4) Copies of each index compiled under subsection (1) (b) of this section in respect of an electoral district shall be sold at every office of the Department of Survey and Land Information and at such other convenient places as the Chief Electoral Officer from time to time directs.”

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

Amendments to Evidence Act 1908

23. New sections substituted—The Evidence Act 1908 is hereby amended by repealing section 28 (as amended by section 2 of the Evidence Amendment Act 1972), section 29 (as substituted by section 3 of the Evidence Amendment Act 1988), and section 30, and substituting the following sections:

“28. **Judicial notice of Acts of Parliament**—Judicial notice shall be taken by all Courts and persons acting judicially of all Acts of Parliament.

“28A. **Judicial notice of regulations**—(1) Judicial notice shall be taken by all Courts and persons acting judicially of all regulations.

“(2) In subsection (1) of this section and in section 29 (3) of this Act, the term ‘regulations’—

“(a) Has the same meaning as in section 2 of the Acts and Regulations Publications Act 1989; and

“(b) Includes any instrument that has, pursuant to section 6A of the Regulations Act 1936 or section 14 of the Acts and Regulations Publications Act 1989, been printed or published as if it were a regulation.

“29. Copy of Act of Parliament, Imperial legislation, and regulations printed as prescribed to be evidence—

(1) Every copy of any Act of Parliament or of any Imperial enactment or any Imperial subordinate legislation (as defined in section 2 of the Imperial Laws Application Act 1988), being a copy purporting to be printed or published (whether before or after the commencement of this section) under the authority of the New Zealand Government shall, unless the contrary is proved, be deemed—

“(a) To be a correct copy of that Act of Parliament, enactment, or legislation; and

“(b) To have been so printed or published.

(2) Every copy of any Imperial enactment or Imperial subordinate legislation (as so defined), being a copy purporting to be printed (whether before or after the commencement of this section) by the Queen’s or King’s Printer or under the superintendence or authority of Her Majesty’s Stationery Office in the United Kingdom, shall, unless the contrary is proved, be deemed—

“(a) To be a correct copy of that enactment or legislation; and

“(b) To have been so printed.

(3) Every copy of any regulations (as defined in section 28A (2) of this Act) purporting to be printed whether before or after the commencement of this section under the authority of the New Zealand Government shall, unless the contrary is proved, be deemed—

“(a) To be a correct copy of those regulations; and

“(b) To have been so printed or published; and

“(c) To be evidence that the regulations were notified in the *Gazette* on the date printed on that copy as the date of their notification in the *Gazette*.

“29A. Copy of reprint of Act or regulations to be evidence—Every copy of a reprint of any Act or of any regulations, being a copy purporting to be printed or published (whether before or after the commencement of this section) under the authority of the New Zealand Government, shall, unless the contrary is proved, either by the production of the official volume of statutes in which the Act was originally contained or by the production of the official volume of regulations in which the regulations were originally contained or otherwise, be deemed—

“(a) To be a copy of a reprint that correctly expresses and sets forth, as at the date at which it is expressed to be reprinted, the law—

“(i) Enacted by that Act and the amendments thereof, if any; or

“(ii) Made by those regulations and the amendments thereof, if any; and

“(b) To have been so printed or published.

“30. Copies of Parliamentary Journals to be evidence—

All copies of the Journals of the Legislative Council or the House of Representatives, purporting to be printed by the Government Printer or published by order of the House of Representatives, shall be admitted as evidence thereof by all Courts and persons acting judicially, without proof being given that such copies were so printed or published.”

24. Repeals—The following enactments are hereby consequentially repealed:

(a) Section 2 of the Evidence Amendment Act 1972:

(b) Section 3 of the Evidence Amendment Act 1988.

Amendment to Films Act 1983

25. Departments and organisations to which section 10 of the Films Act 1983 applies—(1) The Films Act 1983 is hereby amended by omitting from Part I of the Schedule the words “The Government Printing Office”.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

Amendment to Judicature Act 1908

26. Publication of High Court Rules under Acts and Regulations Publication Act 1989—The Judicature Act 1908 is hereby amended by repealing section 51A (as enacted by section 4 of the Judicature Amendment Act (No. 2) 1985), and substituting the following section:

“51A. (1) The High Court Rules may be printed and published under the Acts and Regulations Publication Act 1989 as if they were regulations within the meaning of that Act.

“(2) The Attorney-General may give directions as to the form in which the High Court Rules may be printed and published under the Acts and Regulations Publication Act 1989.

“(3) Directions given under this section may provide for the printing of the High Court Rules with the omission of such

formal or introductory parts as the Attorney-General from time to time directs.

“(4) Every copy of the High Court Rules which is printed pursuant to the Acts and Regulations Publication Act 1989 shall be evidence of those rules and their contents; and every copy of those rules purporting to be so printed shall be deemed to be so printed unless the contrary is proved.

“(5) Section 15 of the Acts and Regulations Publication Act 1989 shall, with all necessary modifications, apply to the High Court Rules as if they were regulations within the meaning of that Act.”

Amendment to Medical Research Council Act 1950

27. Annual report to Minister—Section 23 of the Medical Research Council Act 1950 is hereby amended by repealing subsection (2), and substituting the following subsection:

“(2) A copy of the report and of the accounts so certified shall be laid before the House of Representatives within 28 days after the receipt thereof by the Minister if Parliament is then in session, and, if not, shall be laid before the House of Representatives within 28 days after the commencement of the next ensuing session.”

Amendments to Ombudsmen Act 1975

28. House of Representatives may make rules for guidance of Ombudsmen—Section 15 (3) of the Ombudsmen Act 1975 is hereby amended by omitting the words “Regulations Act 1936”, and substituting the words “Acts and Regulations Publication Act 1989”.

29. Evidence—Section 19 (3) of the Ombudsmen Act 1975 is hereby amended by omitting the words “Regulations Act 1936”, and substituting the words “Acts and Regulations Publication Act 1989”.

30. Departments to which Ombudsmen Act 1975 applies—(1) The Ombudsmen Act 1975 is hereby amended by omitting from Part I of the First Schedule the words “The Government Printing Office”.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

Amendment to Public Finance Act 1989

31. Revolving funds—(1) The Public Finance Act 1989 is hereby amended by omitting from section 88 (1) the words “the Government Printing Office,”.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

Amendment to State Sector Act 1988

32. Departments of the Public Service—(1) The State Sector Act 1988 is hereby amended by omitting from the First Schedule the words “Government Printing Office”.

(2) This section shall come into force on a date to be appointed by the Governor-General by Order in Council.

33. Transitional provision relating to Government Printing Office—Notwithstanding the sale of the business of the Government Printing Office,—

(a) The agreement covering the employees of the Government Printing Office registered with the Arbitration Commission and in effect immediately before a date to be appointed by Order in Council for the purposes of this section; and

(b) The union coverage arrangement that prevailed immediately before the date appointed for the purposes of this section—

shall, for a period of 12 months beginning on the date appointed for the purposes of this section, or for such shorter period as may be agreed to by the parties, continue to apply to persons employed on work that was previously covered by that agreement or by that union coverage agreement.

Amendments to Veterinary Services Act 1946

34. Annual report and statement of accounts—Section 30 (2) of the Veterinary Services Act 1946 is hereby amended by omitting the word “Parliament”, and substituting the words “the House of Representatives”.

35. Regulations—Section 31 (2) of the Veterinary Services Act 1946 is hereby repealed.