



LAW·COMMISSION

Report No 11

Legislation and its
Interpretation
Statutory Publications Bill

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September 1989
Wellington, New Zealand

The Law Commission was established by the Law Commission Act 1985 to promote the systematic review, reform and development of the law of New Zealand. It is also to advise on ways in which the law can be made as understandable and accessible as practicable.

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7 September 1989

Dear Minister

I am pleased to submit to you Report No 11 of the Law Commission, on the *Statutory Publications Bill*.

We have 2 main reasons for preparing this Report. The first is that we have a responsibility to advise you on ways of making the law of New Zealand as accessible as practicable. Secondly, your predecessor made a reference to us on Legislation and its Interpretation. That reference includes the review of the Acts Interpretation Act 1924 and related statutes. The Statutory Publications Bill is of course concerned with both those matters.

You will see that we propose

- that the Bill before the House should be divided into a Publication of Legislation Bill and a Regulations Bill, and
- that the Bills be redrafted, in large part to help make the law more accessible.

We are sending copies of this Report to the Regulations Review Committee which is considering the Statutory Publications Bill. That procedure was followed with our first Report, on *Imperial Legislation in Force in New Zealand*. As in that case, we are willing to help the Committee in its consideration of the Bill.

Yours sincerely

K J Keith
Deputy President

Hon Mr W P Jeffries MP
Minister of Justice
Parliament House
WELLINGTON

Report of the Law Commission on the Statutory Publications Bill

INTRODUCTION

1 The Law Commission has a responsibility for advising the Minister of Justice on the ways in which the law of New Zealand can be made as accessible as is practicable (Law Commission Act 1985 s5(1)(d)). In addition it received in 1986 a reference from the Minister of Justice on Legislation and its Interpretation. That reference includes the review of the Acts Interpretation Act 1924 and related legislation. One concern of that Act and the related legislation is the publication and proof of legislation.

2 The Statutory Publications Bill will among other things regulate the publication of legislation and its availability to the public, disestablish the Government Printing Office (the body with statutory responsibilities for the availability of the law), and amend the Acts Interpretation Act 1924 and other legislation which the Law Commission is considering in the course of its reference (see *Legislation and its Interpretation : The Acts Interpretation Act 1924 and Related Legislation* (June 1987)—NZLC PP1 and *Legislation and its Interpretation : Discussion and Seminar Papers* (December 1988)—NZLC PP8). Accordingly, the Law Commission has prepared this brief Report.

3 Accessibility to the law includes the meaning just indicated—that the law is published and made available to the public. Another meaning of accessibility relates to a further direction given to the Commission by

the Law Commission Act 1985—that the law is to be as understandable as practicable. In its Reports, the Commission in general includes draft Bills in which, in addition to setting out the substance of the reform it proposes, it also attempts to adopt a plainer and more direct style of drafting. We follow the same course in this Report.

THE STATUTORY PUBLICATIONS BILL

4 The Statutory Publications Bill provides for 3 principal matters: the publication of legislation (including regulations), the control by the House of Representatives over the making of regulations, and the disestablishment of the Government Printing Office. It also makes consequential changes to other legislation.

5 Our first proposal, made essentially for reasons of the accessibility of the law, is that the first and second matters should be the subject of separate Acts with titles which better indicate the real point of each of them—the Publication of Legislation Act and the Regulations Act. The latter is the current title for the analogous statute, and the former has Canadian parallels. (The third matter—relating to the Government Printing Office—simply involves, so far as the statute book is concerned, the removal of the references to that Office to be found in legislation. We include the relevant provisions in cl 10 of our draft Publication of Legislation Bill, set out in appendix A.) Those are positive reasons for the proposed division and the proposed titles for the 2 Bills. Furthermore, “Statutory Publications Bill” is a vague short title; too broad in suggesting that the Bill is concerned with all documents published under statute—it is not—and too narrow since it is not limited to the publication of statutes, but concerns regulations as well and extends beyond publication.

6 The Law Commission is particularly concerned to emphasise the provisions in the Bill about the publication of legislation (paras 7–24 below and appendix A). As a related matter, we also comment on the proposal to disestablish the Government Printing Office (paras 25–28). The proposals in the Statutory Publications Bill relating to the control by the House of Representatives over the making of regulations are mainly the result of the proposals by the Regulations Review Committee for a new Regulations Bill and the Government’s response (*AJHR* 1986 I 16 B and 1987 I 20). Our proposals principally concern the detail of those provisions (paras 29–30 and appendix B). We have not

addressed here the important issue of copyright in legislation and other major state papers. Certainly attention must be given to it, and in a fashion which will in no way inhibit the widest possible dissemination of and so understanding of the law and associated material.

THE DUTY TO PUBLISH THE LAW AND MAKE IT AVAILABLE

7 We begin with basic principle. According to Sir Richard Wild CJ, “People must be told what Parliament is doing and must be able to read the letter of the law”, *VUWSA v Government Printer* [1973] 2 NZLR 21, 23. We cannot have a moral obligation to obey a law which is actually withheld or kept secret from us. The State must make the law available.

8 The next question is how, if at all, that obligation is to be stated in the law. The obligation has in fact been stated in the law as to statutes since last century; and for regulations (in a general way) since 1936. And the present Bill carries forward such provisions. We see no reason to depart from that practice of a legislative statement of the obligations. The legislative statements about publication and availability have however taken different forms which in addition have been read in different ways. Accordingly, choices have to be made in preparing the legislation.

9 The Statutory Publications Bill, like the present legislation, addresses publication and availability as distinct matters. That appears to us to be the correct course: the duties of publication will usually be discharged at the moment the law is made, but it is critical that the State has as well a continuing obligation to make copies of the law available so long as it remains in force.

10 The present statutes, like the Bill, set out obligations in respect of both Acts and regulations. They also empower the publication of reprints of Acts and regulations, and the Bill would empower the publishing of Bills as well. The present legislation places a heavier obligation on the Government to make regulations available than to make Acts available (see PP1, paras 83–84). Not surprisingly, of the 30 who commented to us on that matter all but 3 thought there should be no difference. (We have adopted that position in a general sense and not dealt with Acts and regulations separately. The present separation, reflected in the Statutory Publications Bill, is essentially a result of history which need not continue to dictate the form of legislation regulating publication.) Moreover, 20 (including the Government Printing

Office) said that the obligation should be stated in more specific terms so that it might be enforceable in law; and only 6 said that should not be so. The Statutory Publications Bill adopts the minority position on this latter issue and accordingly reduces the obligation of the State in respect of regulations. The draft which we propose in appendix A takes the majority position which accords with principle and makes the obligation clear (cl 6).

11 Should the obligation to make state documents available extend beyond Acts and regulations? As noted, the Statutory Publications Bill *empowers* (but does not require) the publishing of Bills. The State Sector Act 1988 requires the tabling in the House of annual reports of departments which in practice leads to their publication in the *Appendices of the Journal of the House of Representatives*. Other reports—for instance of Commissions of Inquiry and Royal Commissions—also appear there, even if there is no obligation to publish. Many specific statutes require the publication of documents in the *Gazette* (an obligation sometimes met by publication in the regulations series, see cl 5(3) of the draft Bill in appendix A and the annotation to it). The question arises whether any further general provision might be made requiring or enabling publication and availability for sale. The Acts Interpretation Act 1924 s4 already requires in a general way that Proclamations are to be published in the *Gazette*. So far as an obligation to publish is concerned, the Commission is of the view that it is for the relevant statute to address that matter. To take an example, one matter arising in the review of the Commissions of Inquiry Act 1908 is whether the Government should be bound by law to publish the reports of Commissions, see eg, 13th Report of the Public and Administrative Law Reform Committee on *Commissions of Inquiry* (1980) para 84. The Government is of course free, independently of statutory power, to publish and make available for sale other documents such as those mentioned. And in the case of Bills, given the developed system for submissions and committee consideration, there will often be a practical and political imperative to make them available. We do not see that the statutory statement of a power (as opposed to a duty) makes a significant difference. Accordingly, we have not included empowering provisions.

12 Clause 6(2) of our draft recognises that the Attorney-General may arrange for the reprinting of Acts and regulations (which might include Imperial Acts and subordinate legislation which is part of New Zealand law). Such publications may be one means of meeting the obligation to make the law available; and published under authority, in accordance

with cl 8, they will be the subject of judicial notice under the Evidence Act 1908, the relevant provisions of which would be amended by cl 9.

THE CONSEQUENCE OF THE FAILURE TO MAKE THE LAW AVAILABLE

13 What should be the consequence—if any—of a failure by the State to meet its obligations to publish legislation and have it available? There cannot, we have already said, be a moral obligation to obey law which is actually withheld or kept secret from us. The Statutory Publications Bill cl 17 and the Crimes Bill cl 26(3) both give that principle a concrete application. The former excuses any person breaching regulations from criminal or other liability if the regulation was not published and publicly available or it was not otherwise reasonably made known to the public, and the person did not know of it. The latter is wider in that it extends to all instruments made under an Act (including for instance bylaws). But it is narrower than cl 17 in that it relieves the offender only of criminal responsibility. That limit arises directly from the scope of the Crimes Bill.

14 We understand the reasoning generally underlying these provisions. We have not however included a provision along the lines of cl 17 of the Statutory Publications Bill in our draft. Our reasons relate, first, to the substance of the issues arising from the clause and, second, to the best way of handling this matter.

15 So far as the second matter is concerned, the House of Representatives already has before 2 of its committees the overlapping provisions in the Statutory Publications Bill and the Crimes Bill and the issues may also (or instead) be addressed in local government or bylaws legislation and in interpretation statutes (as in Australia, for instance). In what part of the law is this issue best resolved? We come back to this matter in paras 18–19.

16 The first point to stress about the substance is the need to ensure that the law is published and is available by the time it takes effect and then throughout the time it is in effect. One established general practice which assists the availability of legislation at the outset is delaying its coming into operation for a month after its making. The large majority of those who commented on that matter in response to our discussion paper agreed that that should be the general rule. (If that general rule

were stated in an interpretation statute—as in the Australian and New South Wales interpretation statutes for instance—any particular statute or regulation could fix a different day.)

17 Allied to that practice and the practice of fixing dates even further into the future is the basic principle that the criminal law is to have only prospective effect. The Crimes Act 1961 s10A, consistently with article 15(1) of the International Covenant on Civil and Political Rights, already makes general provision to that effect and that provision is carried forward in the Crimes Bill cl 11 (see also Criminal Justice Act 1985 s4, in respect of sentencing, although note that it also allows offenders to have the retrospective *benefits* of changes in sentencing legislation).

18 The essence of that principle of the criminal law is also offended if the relevant law is kept secret. It is not enough that the law has been enacted and is technically in force. It must as well be capable of being known. To return to the question raised in para 15, in which part of the law is this particular matter best handled? We consider that it is best resolved in the review of the criminal law. Clause 26(3) of the Crimes Bill already provides the House with that opportunity. In that context this possible defence can be better related to other defences in the criminal law involving lack of knowledge. That process also enables consideration of types of legislation additional to regulations, such as Acts, bylaws and notices (the limitation to regulations in cl 17 of the Statutory Publications Bill arises from the particular scope of the work of the Regulations Review Committee). And it better allows the matter to be considered in the practical context of the day-to-day operation of the criminal law in the courts.

19 We accordingly propose that the legislation resulting from the Statutory Publications Bill should not deal with any excuse from criminal liability based on the non-availability of the relevant law. If any provision is to be enacted it should be included in the Crimes Act 1961.

20 The Statutory Publications Bill cl 17 does more than provide an excuse from criminal liability. It also excuses the person from any other liability arising under a regulation which is not available and not known by that person. That provision is consistent with the recommendations of the Regulations Review Committee—although the Government reply shows some caution (*AJHR* 1986 I 16B paras 28.1–28.3 and 44.11, and 1987 I 20 p14). We have considerable doubts about that aspect of cl 17.

These arise in part from our work on the retrospective effect of legislation in the context of the preparation of a new Interpretation Act and the responses we have had (see PP1 paras 26–79).

21 Legislation—primary and secondary—can have retrospective effect. It can apply to events which occurred before it was made. One commonplace example of secondary legislation with such an application is rules of court, especially on matters of procedure. Sometimes the legislation will go further and make clear an intent to alter existing substantive rights, eg, *Sharplin v Broadlands Finance Ltd* [1982] 2 NZLR 1 CA. The usual presumption of interpretation is of course to the contrary. In general, legislation is not to be read as applying to past facts or events in such a way as to confer, impose or otherwise affect rights or liabilities which the law had already defined by reference to the past events, eg, *Maxwell v Murphy* (1957) 96 CLR 261, 267, and Acts Interpretation Act 1924 s20(e)(iii). But the presumption is just that—a presumption—and it can be rebutted. Given that that is so, we can contemplate that civil rights and liabilities are to be affected not simply by legislation which is not available but even by legislation which does not yet exist. In principle, we cannot see how the non-availability of law at the relevant time should have a greater significance than its (as yet) non-making.

22 We recognise that for regulations to have retrospective effect in the way indicated requires both (1) that the regulations must be read as applying to prior events and as affecting rights and liabilities already established and (2) that the empowering provision must be read as permitting the making of regulations with such an effect. Given the basic approaches of the law in this area, neither reading is at all likely.

23 We note finally that we know of only one provision excusing civil liability by reference to non-availability, that enacted by the State of Victoria in 1980. The remaining non-publication and non-availability provisions relate only to criminal liability. Those provisions concerning civil liability relate to the distinct matter of non-retrospectivity, see Pearce, *Delegated Legislation in Australia and New Zealand* (1977) paras 644–650. That is to say, those provisions state that regulations are void if they purport to affect rights existing at the date of the notification of the regulations or to impose liability in respect of matters done or omitted before that date. That matter arises in the course of our preparation of draft provisions for an Interpretation Bill. But that matter of non-retroactivity is not relevant here. Accordingly, we propose

that no provision relating to the effect of non-publication or non-availability on civil liability be included in this legislation.

24 We conclude by reaffirming the great importance of having the law available to those who are governed by it and are to comply with it. The relevant obligations of the State should be clearly affirmed (see our draft Bill cl 6). We consider that that accessibility can be enhanced in a great variety of ways, including through new technology. (And indeed such developments will greatly lessen the prospect of anyone being able to argue that the law was not accessible at the relevant time were such a defence to be available.) We are not however persuaded that the proposed excuse from civil liability suggested in cl 17 is an appropriate means of enforcing the obligation to make the law available.

THE GOVERNMENT PRINTING OFFICE

25 In June 1988 the Law Commission wrote to the Minister of Justice about the possible impact of the proposal to sell the Government Printing Office on the responsibility of the Government to make the law available to the public. The Commission referred to its responsibility to advise the Minister on the accessibility of the law and continued:

One critical aspect of making the law accessible is the provision made for its printing, publication and distribution. For law to be effective it must be known, and for it to be known it must be widely available and read. The Government has an important constitutional responsibility to make it available.

The letter went on to note the relevant legislation and quoted the sentence from the judgment of Wild CJ referred to earlier (para 7).

26 The letter stressed that the sale of the Office should not affect the continuing obligation of the Government to make available to the public primary and subordinate legislation and other important state documents (such as Proclamations and warrants published in the *Gazette*). The Statutory Publications Bill cls 7 and 12 sets out that obligation, although we propose that the obligations be stated more strongly (our draft Bill cl 6 and para 10 above).

27 Our purpose here is to stress again the central constitutional function of the Government in making the law and other important state papers known to the public. The means by which that is done is of practical importance and we, with others, have supported the retention

of a core government and parliamentary printing service to fulfill that function. The proposed legislation is consistent with that.

28 On this matter all that our draft Bill does is to bring together the provisions consequential on the disestablishment of the Government Printing Office as a department of the public service (cl 10).

PARLIAMENTARY CONTROL OVER THE MAKING OF REGULATIONS

29 Clauses 18 to 28 and the amendments to other statutes included in cls 31–34, 36, 39, 45–46, 49–50 of the Statutory Publications Bill are the legislative response to the Report of the Regulations Review Committee on proposals for a new Regulations Bill and the Government answer of April 1987 to that Report, mentioned earlier (para 6). The Commission recognises the set of provisions as an important reassertion by Parliament of its control over lawmaking by the Executive. The provisions are to be seen along with related significant developments: the establishment by Standing Orders of the Regulations Review Committee (see Standing Order 388), the referral to it of all regulations for testing against principle (SO 388, 389), and the repeal of statutes which conferred very broad lawmaking powers on the Executive, National Development Act Repeal Act 1986, Economic Stabilisation Act Repeal Act 1987 and Public Safety Conservation Act Repeal Act 1987.

30 The Law Commission makes some suggestions about the detail of the provisions in appendix B.

RECOMMENDATION

31 The Law Commission recommends that the Statutory Publications Bill be divided into a Publication of Legislation Bill and a Regulations Bill and that those Bills take the form indicated in this Report and in particular in appendices A and B.

APPENDIX A

Draft Bill

PUBLICATION OF LEGISLATION (with annotations)

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1 Purpose

The purpose of this Act is to ensure that copies of Acts and of regulations are published and are available to the public.

Note: See para (a) of the (long) title to the Statutory Publications Bill; we have not included para (e). Report, para 7.

2 Entry into force

Except as provided in section 10(3), this Act comes into force on 1 January 1990.

Note: Clause 10 contains the provisions relating to the Government Printing Office.

3 Definition

In this Act, “Act” includes any Imperial Act which is part of the law of New Zealand.

Notes: (1) Imperial Acts which are part of New Zealand law are included so that the provisions about reprinting and proof are applicable to them. (The provisions of the Statutory Publications Bill do not in general extend to them.)

(2) “Regulations” is not defined here. Rather the definition proposed for the Acts Interpretation Act 1924 and the draft Regulations Bill would apply, see appendix B, para 3.

4 Act to bind the Crown

This Act binds the Crown.

Note: See Statutory Publications Bill cl 3.

5 Legislation to be published

(1) The Attorney-General shall arrange for the publication of copies of all Acts and of all regulations enacted or made after the coming into force of this Act.

(2) Any instrument which is not a regulation may be published in the annual series of regulations if the Attorney-General or Chief Parliamentary Counsel so directs on the ground that such publication is an appropriate method of making the instrument available; and an instrument so published is for the purposes of this Act a regulation.

(3) The publication of any instrument in accordance with subsection (2) satisfies any requirement that the instrument be published or notified in the *Gazette*.

Notes: (1) See Statutory Publications Bill cls 4, 9, 14 and 15, and Report, paras 7–12. The provisions of the Statutory Publications Bill would for the first time place the statutory obligation of publication on Chief Parliamentary Counsel. They recognise, as does the present law, that the duty to publish the law lies with the Executive. Parliament makes and empowers the making of legislation but it is a responsibility of the Executive—in the end of Ministers—to ensure that it is made known. Certainly it is a matter of practical importance which particular officer is responsible in a day-to-day sense but that arrangement need not be captured in legislation. We propose that the obligation be simply that of the Attorney-General.

(2) This provision and the following one expressly mention regulations as well as Acts. Like those responsible for the Statutory Publications Bill, we have thought it not appropriate to depend on the extended definition of “Act” provided in the Acts Interpretation Act 1924 s4.

(3) Over the years it has been found convenient to include in the statutory regulations series instruments which are not regulations within the definition in s2 of the Regulations Act 1936. This practice was partly recognised in 1970 by the enactment of s6A which permitted the publication of instruments which were not regulations but which were made under statute and were required to be published or notified in the *Gazette*. The practice of publication in the series has continued to outrun the legislation, for example with the inclusion of prerogative instruments or instruments the publication or notification of which in the *Gazette* is not required. The proposed cl 15 is wider in the 2 respects just mentioned but it is still possible to find instruments which run outside even its very capacious terms—the Cabinet Rules for the Conduct of Crown Legal Business for instance. The real control on the power is in the practice and wise discretion of Chief Parliamentary Counsel. Most of that which *could* be published within the proposed definition will not be published. We

propose in draft subs (2) above that a categorical limit not be included, but rather that a test to be applied by Chief Parliamentary Counsel be stated.

(4) Many statutes require that instruments be published or notified in the *Gazette*. (Some are listed in cl 11(3) and others are mentioned in the commentary to that provision.) The Regulations Act 1936 s6 in effect provides that publication in the regulation series satisfies that requirement. The proposed subs (3) states that more directly.

(5) The Regulations Act 1936 s3 provides for the numbering of regulations, in practice in annual series. The same practice is of course followed with Acts, but in that case without any specific statutory base. There does not appear to be any need for an express provision in respect of either category of legislation and accordingly we have included no such provision in the draft Bill. Clause 5(2) recognises the existence of the regulations series. We have also not included a provision concerning the citation of regulations. For the reasons we have already given, and widely supported by the submissions made to us, those provisions do not appear to be necessary (PP1, paras 86–89). We shall address this matter again when reporting on a new interpretation statute.

6 Legislation to be available for purchase

- (1) The Attorney-General shall make available for purchase, at places designated by *Gazette* notice, copies of those Acts and regulations which are in force.
- (2) The copies made available under subsection (1) may consist in whole or in part of reprints published at the direction of the Attorney-General.

Notes: (1) See Statutory Publications Bill cls 6, 7 and 12, and Report, paras 7–12.

(2) The Statutory Publications Bill cl 16 carries forward for regulations existing provisions about the form of reprints, including a power in the Attorney-General to certify the reprinted version. No such provisions exist for reprints of Acts; they appear to have no legal consequence for regulations, and, so far as they indicate what a reprint involves, they state the obvious. Accordingly, we have not included equivalent provisions. See further the following clause.

7 Form of publication

- (1) The published form of every Act and of every reprint of an Act shall include the date on which it was assented to and the date (if any) on which it was expressed to come into force.
- (2) The published form of all regulations and of every reprint of regulations shall include the date on which they were made and the date (if any) on which they were expressed to come into force, and refer to the Act or authority under which they were made.
- (3) The Attorney-General may give directions about the form in which copies and reprints of Acts and of regulations are to be published, and in particular may permit the omission of signatures and of formal or introductory parts.

Note: See Statutory Publications Bill cls 5 and 13.

8 Publication under authority

Every copy and every reprint of an Act or of regulations published under this Act shall state that it is published under the authority of the New Zealand Government.

Note: See Statutory Publications Bill cls 4(2) and 9(4) and Report, para 12. The “published under authority” notice relates to the provisions of the Evidence Act 1908; see the next draft clause.

9 Amendments to Evidence Act 1908

The Evidence Act 1908 is amended by repealing sections 28 to 30 and substituting the following sections:

28 Judicial notice of legislation

- (1) In this section and section 29, “enactment” means
 - (a) all Acts,
 - (b) all Imperial Acts which are part of the law of New Zealand, and
 - (c) all regulations (including instruments which have been published under section 6A of the Regulations Act 1936 or section 5 of the Publication of Legislation Act 1989).
- (2) All courts and persons acting judicially shall take judicial notice of all enactments.

29 Copies of legislation printed or reprinted under authority to be evidence

- (1) Every copy of any enactment or of any reprint of any enactment purporting to be printed or published under the authority of the New Zealand Government shall be presumed, unless the contrary is proved,
 - (a) to be a correct copy of that enactment,
 - (b) to have been so printed or published, and
 - (c) to be evidence of any information printed in that copy in addition to the text of the enactment.
- (2) Every copy of any Imperial Act or Imperial subordinate legislation which is part of the law of New Zealand or any reprint of any such Act or legislation being a copy or reprint purporting to be printed either 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 be presumed, unless the contrary is proved,
 - (a) to be a correct copy of that Act or legislation,
 - (b) to have been so printed, and
 - (c) to be evidence of any information printed in that copy or reprint in addition to the text of the Act or legislation.

30 Copies of Parliamentary Journals to be evidence

Every copy of the Journals of the Legislative Council or of the House of Representatives purporting to be printed by the Government Printer or published by order of the House of Representatives shall be presumed, unless the contrary is proved,

- (a) to be a correct copy of those Journals, and

(b) to have been so printed or published.

Notes: (1) The above draft is to the same general effect as cls 37 and 38 of the Statutory Publications Bill. It takes account of the responses we have had to our discussion paper (see PP1 paras 80–82) and it attempts to present the material more directly.

(2) The draft is wider than cl 37 in the significance it gives to information printed in addition to the enactment. The proposed s29(3)(c) includes the date of gazetting and s29A(a), the correctness of the reprinted Act including the amendments. The draft s29(1)(c) and (2)(c) goes further in including all the information in the copy or the reprint of both Acts and regulations. So it would include, for instance, information about the date of commencement of an Act when that is fixed by Order in Council and included in a reprint, or the indication given in instruments published in the regulations series of the statutory authority under which they are published.

(3) The draft s30 about the Parliamentary Journals follows the substance of the present and proposed s30 although para (a), following draft s29, may go further. The draft raises the question whether the Journal should also be evidence of the information contained in it (see eg, PP8, p 235). As written, the present provision and the 2 proposals do not have that effect. There is also the question whether the provision already applies or should apply to the Appendices to the Journals. The Appendices are much more likely to be used than the Journals themselves.

10 Disestablishment of Government Printing Office

(1) The following enactments (relating to the Government Printing Office) are amended:

- (a) the Acts Interpretation Act 1924: the definition of “Government Printer” in section 4 is repealed;
- (b) the Electoral Act 1956: section 20A(4) is repealed;
- (c) the Films Act 1983: the words “The Government Printing Office” in Part I of the Schedule are omitted;
- (d) the Ombudsmen Act 1975: the words “The Government Printing Office” in Part I of the First Schedule are omitted;
- (e) the State Sector Act 1988: the words “Government Printing Office” in the First Schedule are omitted.

(2) Although the Government Printing Office ceases to be a department of State under the State Sector Act 1988 on the coming into force of this section, both the agreement covering the employees of the Government Printing Office registered with the Arbitration Commission and the union coverage arrangement, in force and prevailing immediately before that date, continue to apply for 12 months to persons employed on work that was previously covered by that agreement or by that union coverage arrangement.

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

Note: See Statutory Publications Bill cls 29(3) and (4), 35, 43, 47, 48.

11 Repeal of provisions relating to gazetting of legislation

(1) Section 13 of the Acts Interpretation Act 1924 is repealed.

- (2) Nothing contained in any Act in force on the coming into force of this Act shall require any regulations to be published or notified in the *Gazette*.
- (3) The following enactments (requiring the gazetting of regulations) are amended:
 - (a) Licensing Act 1908 section 304 (3 RS 207, 229): by omitting the word “gazetted”;
 - (b) Margarine Act 1908 section 10 (8 RS 777, 780): by omitting the word “gazetted”;
 - (c) Incorporated Societies Act 1908 section 36 (7 RS 383, 399): by omitting the word “gazetted”;
 - (d) Tramways Amendment Act 1910 section 5(1)(11 RS 671, 674): by omitting the word “gazetted”;
 - (e) Military Manoeuvres Act 1915 section 8 (10 RS 137, 141): by omitting the word “gazetted”;
 - (f) Maori Purposes Fund Act 1934–35 section 15 (8 RS 595, 605): by repealing subsection (2).

Notes: (1) See Statutory Publications Bill cls 8, 14, and 30.

(2) The Acts Interpretation Act 1924 s13 provides in part that it is not necessary to gazette Acts of the General Assembly or of Parliament. This appears to be a case in which “Act” does not include regulations, given the express reference to the General Assembly and Parliament and the origins of the provision. There are also the special rules in the Regulations Act 1936 relating to the publication of regulations. Section 13 can be traced back to the Interpretation Act 1878 s13:

Section 60 of the Constitution Act is hereby repealed and it shall not be necessary to gazette the Acts passed by the General Assembly in any session thereof.

The provision went on to require that such Acts be procurable by purchase, a matter which under our draft would be dealt with in cl 6 above. Before 1878 the Constitution Act s60 read:

The Governor shall cause every Act ... which he shall have assented to ... to be printed in the Government Gazette for general information, and such publication ... shall be deemed in law the promulgation of the same.

As noted, the obligation to gazette new Acts was repealed in 1878, and it was replaced at that time by an obligation to have Acts available for purchase, an obligation which we propose should be stated in stronger terms than the law does at present. The repeal of a provision which had itself effected the repeal of an enactment does not revive that repealed enactment, Acts Interpretation Act 1924 s20(a). Accordingly, we see no reason to continue the substance of s13 and have simply provided for its repeal in the proposed subs (1).

(3) Before 1936, particular statutes often required that regulations made under them be published in the *Gazette*. Such specific requirements gave way after that to the general requirement of the Regulations Act 1936 s3 that regulations be published in the annual series of regulations. As mentioned in the commentary to cl 5 above, that Act provides in effect that the requirement of publication in the *Gazette* could be satisfied by publication in the new series (s6). Draft subs (2) and (3) are designed to remove that requirement. They relate only to “regulations” as defined in the proposed amendment to the Acts Interpretation Act 1924 and the proposed provisions of the Regulations Act 1936 (appendix B, para 3 below). Accordingly, those provisions which require the gazetting of instruments which are *not* regulations remain in effect. Draft cl 5(2) provides a possible alternative means of publication. On the model of the present provisions, it states that if such instruments are *allowed* to be published in the regulations series, that publication will satisfy a gazetting requirement. The statutes requiring the gazetting of instruments which

are *not* regulations are legion, eg, Land Drainage Amendment Act 1922 s22, District Railways Act 1908 s17, Disabled Persons Employment Promotion Act 1960 s3; Plant Variety Rights Act 1987 s28.

12 Amendments to Ombudsmen Act 1975

The Ombudsmen Act 1975 is amended

- (a) by repealing subsection (3) of section 15 and substituting the following subsection:
 - “(3) All rules made under this section are regulations for the purposes of the Publication of Legislation Act 1989.”
- (b) by omitting from subsection (3) of section 19 the words “within the meaning of the Regulations Act 1936 made by Order in Council”.

Note: See Statutory Publications Bill cls 41, 42. The Rules referred to in s15(3) of the 1975 Act are in fact made by the House. It would be inappropriate for the House to have powers of control and accordingly the rules are not regulations in the general sense. They are to be related to those instruments referred to in draft cl 5(2) above.

APPENDIX B

(Draft) Regulations Bill : A Note

1 As indicated in paras 6, 29 and 30 of the Report, our proposals relate mainly to matters of detail. The substance of cls 18 to 28 and of the associated provisions in Part III would, in our view, essentially remain. They give effect to the important proposals of the Regulations Review Committee as largely accepted by the Government.

2 The purpose of the new Regulations Act could be stated as follows:

The purpose of this Act is to enable the exercise of appropriate control by the House of Representatives over the making of regulations.

Such a provision could of course easily be adapted into the form of a (long) title.

3 The definition of “regulations”, we propose, should be somewhat altered from that suggested. The definition should also be included in the Acts Interpretation Act 1924 by way of an amendment to that Act:

“regulations” means

- (a) regulations, rules, and bylaws made under any Act by the Governor-General in Council or by any Minister of the Crown, and
- (b) Orders in Council, Proclamations, notices, warrants and instruments of authority made under any Act by

the Governor-General in Council or by any Minister of the Crown which extend or vary the scope or provisions of any Act, and

- (c) Orders in Council bringing into force, repealing, or suspending any Act or any provisions of any Act, and
- (d) instruments made under the prerogative rights of the Crown or under an Imperial Act and having effect as part of the law of New Zealand, and
- (e) instruments deemed by any Act to be regulations for the purposes of the Regulations Act 1989 or the Regulations Act 1936.

4 Compared with the provisions of cl 2 of the Statutory Publications Bill, the drafting of para (a) has been slightly adjusted to make it consistent with para (b). Paragraph (d) has been redrafted. The Bill's definition is limited to "rules or regulations" made under an Imperial Act or the prerogative. None of the instruments made under an Imperial Act which form part of New Zealand law at the moment is in fact called a regulation. Only 2 are called rules (see the schedule to the Imperial Laws Application Act 1988). The titles of those made under the prerogative and of legislative effect (at least as evidenced by inclusion in the SR series) include Letters Patent (eg, 1983/225 and 1987/8), Royal Proclamations (eg, 1953/79), Royal Warrants (eg, 1954/8), Statutes (eg, 1975/200, 1987/67), and Orders in Council and Proclamations (eg, 1940/4, 5, 172, 174, 175). "Having force in New Zealand" appears to mean "are part of the law of New Zealand". That is the formula now generally used in our legislation (eg, cl 25(1) of the present Bill).

5 There are 2 important differences relating to the definitions between the present law and the Bill. The present Act applies its whole regime, especially the requirement that the regulations be tabled in the House, to *all* instruments published in accordance with its terms. That is it extends to instruments which are *not* regulations and which accordingly are not *required* to be tabled, but which are tabled under the permissive provisions of s6A. The Standing Orders of the House are coextensive with the statutory provisions (SO 3, 388, 389). Accordingly, the Regulations Review Committee can exercise its powers to review in respect of instruments which are not regulations as defined. Under the Bill, as drafted, that would no longer be so (see cl 15(2)). The consequence of this new approach

would be that the mere inclusion of an instrument in the regulations series would not mean that it was automatically referred to the House under cl 18 and be subject to the disallowance powers proposed in cls 19–24; the reference and disallowance provisions apply only to “regulations” as defined. This approach appears to be the correct one: the voluntary action of publishing an instrument in the regulations series to make it more readily accessible should not make it subject to the regime for parliamentary control of the exercise of subordinate law-making power. It will however require judgments to be made by Parliamentary Counsel and by the Regulations Review Committee about whether certain instruments are or are not regulations. (A similar question arises at the moment in respect of instruments which do not come within the scope of s6A but which are nevertheless published in the series, a practice noted in para 3 of the commentary to draft Bill cl5 in appendix A.) This practical problem emphasises the importance of the checking of empowering provisions in Bills to determine whether the particular legislation should make it explicit that the instruments are regulations.

6 The second difference between the present and the proposed law arises from the extension of the definition of “regulations” to include prerogative instruments within the scope of the tabling and disallowance provisions. The basic theory of those provisions is that Parliament, through the House, should test against certain principles the exercise by the Executive of lawmaking powers which it, Parliament, has conferred. Furthermore, the principles for the most part are not appropriate in respect of prerogative powers, but given that those powers cannot in general be used to interfere with existing rights, the difficulty may be largely hypothetical.

7 Clauses 18–24 of the Statutory Publications Bill set out the essence of the 1986 Report and the 1987 Government reply. For consistency with our proposals about the publication of legislation the obligation in cl 24 should be placed on the Attorney-General. (See cls 5 and 6 of the draft Publication of Legislation Bill in Appendix A and the commentary to cl 5). Clause 24 should also take account of the specific provisions included in other Acts enabling the disallowance or amendment of regulations; see eg, cls 31, 33 and 49 of the Statutory Publications Bill. (See however para 9 below on whether those provisions are required.)

8 Several statutes make special provision for parliamentary supervision by way of confirmation and amendment of Orders in Council: see those listed in cl 27.

9 The Bill would amend several of these special provisions—Civil Defence Act 1983, Customs Act 1966, Road Users Act 1977, Tariff Act 1988 and Transport Act 1962 (cls 31–34, 45–46, and 49–50). The provisions, we think, can be simplified. Thus they all require that the relevant regulations and Orders in Council be laid before the House within 16 sitting days of their making. There appears to be no reason why the general automatic reference provision of cl 18 should not apply to all these instruments. That provides for immediate reference and removes any argument that a failure to table defeats the supervisory power. Next, 2 of the provisions empower the House to revoke or amend Orders in Council. That appears to duplicate the general powers included in the Bill (cls 19–24). Accordingly, we recommend that the relevant proposed subsections be deleted (Civil Defence Act 1983 s79(7A), Customs Act 1966 s131(2) and (5), Road User Charges Act 1977 s20(2), Tariff Act 1988 s11(1) and (4), and Transport Act 1962 s191(3)). It would also follow that cl 26(2) would not be needed and that the International Energy Agreement Act 1976 s5(3) and the United Nations Act 1946 s2(3) could be repealed.

10 Three (but not the fourth) of the provisions included in the Bill which provide for confirmation by Act provide that the repeal of a confirming Act does not affect the validity or the confirmation of the Order in Council in issue. That is already so under the general law, Acts Interpretation Act 1924 s20(e)(i). Those provisions should be deleted (Customs Act 1966 s131(6), Road User Charges Act 1977 s20(7), and Tariff Act 1988 s11(5)).

11 Four of the Acts require that the Orders in Council made under them be confirmed within prescribed periods. If the Orders are not confirmed, they expire on specified dates. It appears to be possible to simplify the relevant provisions. So, taking into account as well the suggestions made above, the proposed new s131 of the Customs Act 1966 could read as follows:

131 Parliamentary validation of orders imposing duties

- (1) Any Order in Council made under section 124A or section 125A expires,

- (a) if made before 1 July, on the close of 31 December in that year, or,
 - (b) if made on or after 1 July, on the close of 31 December in the following year,
- unless it is earlier validated by an Act of Parliament.
- (2) Any duty collected under an Order in Council which expires in accordance with subsection (1) shall be refunded to the extent that it exceeds the duty otherwise payable.

A NOTE ON DRAFTING

The draft legislative provisions included in appendices A and B build on the models used in our earlier reports. One purpose is to produce a draft which is clearer and more accessible (see para 3 of the Report). Accordingly

- (a) we have experimented with different settings of the words on the page (for instance by lifting the “marginal note” above the text of the clause),
- (b) we have removed capital letters which appear inappropriately in the present form in the middle of sentences (as in the amendment to the Customs Act 1966, just suggested),
- (c) we have dropped the phrases “of this section” and “of this Act”—phrases which go without saying in almost all circumstances (eg, in the same provision), and
- (d) we have written in the present tense.

In those respects we are following practices to be found often elsewhere, for instance in legislation enacted in Australia, New South Wales, British Columbia and the United Kingdom, and at times in New Zealand.

We have also proposed the inclusion of provisions setting out the purpose of the 2 measures. Such provisions are increasingly to be found in New Zealand legislation. Since the long title has essentially the same function we have not included one. Like several jurisdictions, including Victoria, British Columbia and Ontario, we have used the short title to head up the page on which the legislation appears and have not repeated it in the body of the draft. We realise

that such changes in respect of titles would have to be introduced in a general way. The drafts we propose could be easily amended to conform with current practice in those respects.

One consequence of the changes in drafting is usually (but not always) a shorter text with shorter sentences. We stress that we are not intending to make the draft less precise. On the contrary, such a presentation can draw attention more clearly to gaps and inconsistencies in proposed legislation, and result in better legislation (eg, PP8, pp 41–42, paras 118–123, and the Telecommunications Act 1987 ss 15C and 15D, as enacted in 1988, or the error in the Transport Act 1962 s191(3)(a) carried forward in the Transport Law Reform Bill (No 2) compared with the proposed amendment to the Customs Act in para 11 of appendix B.)

APPENDIX C

Process Being Followed, and Acknowledgements

As the letter of transmittal and paras 1–2 of the Report recall, the Law Commission has broad responsibilities in respect of legislation. Other bodies also have important responsibilities in the same and related areas. And there are important related developments elsewhere. The New Zealand developments affecting the reform of the law relating to legislation include

- the discussion paper and questionnaire on *The Acts Interpretation Act 1924 and Related Legislation* (June 1987) NZLC PP1 issued by the Law Commission; the Commission has had a number of valuable responses and some have influenced the proposals made in this Report
- the adoption by Cabinet of the Report of the Legislation Advisory Committee, *Legislative Change : Guidelines on Process and Content* (August 1987), setting out standards which are to be met in the preparation of Bills
- the enactment in July 1988 of the *Imperial Laws Application Act 1988* and related legislation; that Act provides a definitive list of English and Imperial Legislation which continues to be part of the law of New Zealand; the Law Commission's first report, *Imperial Legislation in Force in New Zealand* (1987) NZLC R1, proposed changes in the list of statutes included in the Bill then before Parliament (almost all of those proposals were accepted by Parliament), proposed a

more direct, clearer statute (a recommendation which was also largely accepted), and printed the texts of the relevant legislation

- the further development of the legislative work of *parliamentary select committees* (in part following the change in standing orders in 1985), including the *Regulations Review Committee*
- the holding by the Commission of a seminar on legislation and interpretation in March 1988 and the subsequent publication of its papers and related proposals about *methods of interpretation*, see *Legislation and its Interpretation: Discussion and Seminar Papers* (December 1988) NZLC PP8; the New Zealand Law Society held valuable related seminars presented by Professor John Burrows; again we have had very helpful responses to those proposals
- the distribution earlier this year by the Commission of a paper relating to the Crown and statutes (section 5(k) of the Acts Interpretation Act 1924); again the many responses are most helpful
- the preparation by the Legislation Advisory Committee of a Report, endorsed by Cabinet and accepted by Parliamentary practice, on *Departmental Statutes* (1989).

The next major step planned by the Commission is the publication of a report proposing a new Interpretation Act.

We have had a great deal of help in the work completed so far. Those who have made written submissions in response to the 2 discussion papers and the paper on the Crown and statutes mentioned above are:

Accident Compensation Corporation
Air New Zealand Limited
Barry Allen
Professor A H Angelo Victoria University
R M Beaupre Legislative Counsel (Ottawa)
Francis Bennion
Judge B E Buckton
Cabinet Office
G A Calcutt Acting Parliamentary Counsel (Western Australia)
Canterbury District Law Society
P Carroll
R S Chambers

J C D Corry
Customs Department
Sir William Dale University of London
K Davenport
Department of Conservation
Department of Education
Department of Labour
Department of Lands
Department of Scientific and Industrial Research
Department of Statistics
Department of Trade and Industry
C H de Waal Office of the Parliamentary Counsel, Whitehall, London
Disabled Persons Assembly (NZ) Inc
Earthquake and War Damage Commission
A J Edwards Law Librarian, University of Otago
Federated Mountain Clubs of NZ (Inc)
R T Fenton
J G Fogarty
Sylvia R L Fraser
R Glover University of Canterbury
Government Life
Government Printing Office
B M Grierson
Hon Mr Justice Hardie Boys
E J Haughey
Professor Peter Hogg
Hon Mr Justice Holland
Housing Corporation
Human Rights Commission
Information Authority
Inland Revenue Department
P J H Jenkin Q.C.
Justice Department
Professor G Kennedy VUW Linguistics Department
J S Kos
W A Laxon
G S MacAskill
A D McKenzie
Dr D G Mather
D L Mathieson Q.C.
D McGee Clerk of the House of Representatives
D M M McPhail
Ministry for the Environment
Ministry of Agriculture and Fisheries
Ministry of Commerce

Ministry of Defence
Ministry of Energy
Ministry of Forestry
Ministry of Transport
Ministry of Works and Development
Dennis Murphy Parliamentary Counsel (NSW)
NZ Law Society Legislation Committee
NZ Municipalities Association
New Zealand Police
New Zealand Security Intelligence Service
New Zealand Tourist and Publicity Department
Office of the Coordinator Domestic and External Security
Office of the Prime Minister
Reserve Bank of New Zealand
C L Riddet
Dennis Rose Attorney-General's Department, Canberra
Royal Federation of NZ Justices Assn (Inc)
State Insurance
The Treasury
Herbert Thornton Legislative Counsel (British Columbia)
Tourist Hotel Corporation of New Zealand
Valuation New Zealand
Dr David Williams University of Auckland
P W Williams

Others whom we have consulted include Mr Walter Iles QC, Chief Parliamentary Counsel and his colleagues, Professor Robert Eagleson of the University of Sydney, Professor John Burrows and members of the Legislation Advisory Committee.

As noted at the outset of the Report, there are good reasons for these and related processes: to ensure that the law is better understood and more accessible. The consequence should be that it is more effectively and efficiently given effect. Other steps can also help—for instance, the better design of forms (often required by legislation), the clearer presentation of legislation on the pages of the statute book, and computer access to legislation. These matters are all to be given attention.

APPENDIX D

STATUTORY PUBLICATIONS BILL

EXPLANATORY NOTE

THIS Bill—

- (a) Provides for the printing and publication of—
 - (i) Copies of Acts of Parliament and statutory regulations; and
 - (ii) Reprints of Acts of Parliament and statutory regulations:
- (b) Provides for the disallowance of statutory regulations:
- (c) Ensures that copies of Acts of Parliament, Bills, and statutory regulations are available to the public:
- (d) Repeals the Regulations Act 1936:
- (e) Provides for the Government Printing Office to cease to be a department of the Public Service.

Part II, which relates to regulations, is based on the proposals for a Regulations Bill contained in the Report of the Regulations Review Committee 1986 (I. 16B) and on the Government response of April 1987 to that Report (I. 20).

No. 164—1

Price
incl. GST \$2.00

STATUTORY PUBLICATIONS

ANALYSIS

Title

1. Short Title and commencement
2. Interpretation
3. Act to bind the Crown

PART I

ACTS OF PARLIAMENT AND BILLS

4. Publication of copies of Acts of Parliament and reprints of Acts of Parliament
5. Form of copies of Acts of Parliament and reprints of Acts of Parliament
6. Power to designate places where copies of Acts of Parliament, Bills, and regulations may be purchased
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23. Amendment or substitution of regulations by House of Representatives
24. Notice of resolution or motion
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31. Emergency regulations
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35. Indexes of streets and places
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<p><i>Amendment to Judicature Act 1908</i></p> <p>39. Publication of High Court Rules under Statutory Publications Act 1989</p> <p><i>Amendment to Medical Research Council Act 1950</i></p> <p>40. Annual report to Minister</p> <p><i>Amendments to Ombudsmen Act 1975</i></p> <p>41. House of Representatives may make rules for guidance of Ombudsmen</p> <p>42. Evidence</p> <p>43. Departments to which Ombudsmen Act 1975 applies</p> <p><i>Amendment to Public Finance Act 1977</i></p> <p>44. Revolving funds</p> <p><i>Amendments to Road User Charges Act 1977</i></p> <p>45. Power to alter rates of road user charges by Order in Council</p>	<p>46. Repeal</p> <p><i>Amendment to State Sector Act 1988</i></p> <p>47. Departments of the Public Service</p> <p>48. Transitional provision in relation to Government Printing Office</p> <p><i>Amendment to Tariff Act 1988</i></p> <p>49. Orders in Council relating to Tariff</p> <p><i>Amendment to Transport Act 1962</i></p> <p>50. Amount of excise duty credited to Consolidated Account, and refunds of such duty, may be altered by Order in Council</p> <p><i>Amendments to Veterinary Services Act 1946</i></p> <p>51. Annual report and statement of accounts</p> <p>52. Regulations Schedule</p>
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A BILL INTITULED

An Act—

- (a) To provide for the printing and publication of copies of Acts of Parliament and statutory regulations; and
- (b) To provide for the disallowance of statutory regulations; and
- (c) To ensure that copies of Acts of Parliament, Bills, and statutory regulations are available to the public; and
- (d) To repeal the Regulations Act 1936; and
- (e) To provide for the Government Printing Office to cease to be a department of the Public Service

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

1. Short Title and commencement—(1) This Act may be cited as the Statutory Publications Act 1989. 15

(2) Except as provided in sections 29 (4), 35 (2), 43 (2), 44 (2), and 47 (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,— 20

“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: 25

“Regulations” means—

(a) Regulations, rules, or bylaws made under the authority of any Act—

(i) By the Governor-General in Council; or

(ii) By any Minister of the Crown:

(b) Orders in Council, Proclamations, notices, Warrants, and instruments of authority made under any Act by the Governor-General in Council or by any Minister of the Crown which extend or vary the scope or provisions of any Act:

(c) Orders in Council bringing into force, or repealing, or suspending any Act or any provisions of any Act:

(d) Rules or regulations made under any Imperial Act or under the prerogative rights of the Crown and having force in New Zealand:

(e) Instruments deemed by any Act to be regulations for the purposes of the Regulations Act 1936 or this Act.

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

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

PART I

ACTS OF PARLIAMENT AND BILLS

4. Publication of copies of Acts of Parliament and reprints of Acts of Parliament—(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) Reprints of Acts of Parliament.

(2) Every copy of an Act printed and published pursuant to this section shall state that it is published under the authority of the New Zealand Government.

5. Form of copies of Acts of Parliament and reprints of Acts of Parliament—(1) The Attorney-General may from time to time give directions as to the form in which copies of Acts of Parliament and reprints of Acts of Parliament 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 Acts of Parliament and reprints of Acts of Parliament with the omission of such signatures and formal or introductory parts as the Attorney-General from time to time directs.

6. Power to designate places where copies of Acts of Parliament, Bills, 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 5

(b) Bills that, following their introduction into the House of Representatives, are under consideration by the House of Representatives; and

(c) Regulations,—

shall be available for purchase by members of the public. 10

(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.

7. Sale of copies of Acts of Parliament—(1) Copies of 15
Acts of Parliament shall be available for purchase by members of the public at the places designated from time to time by the Attorney-General under section 6 (1) of this Act.

(2) On the repeal or expiry of any Act of Parliament, subsection (1) of this section shall cease to apply in relation to 20
that Act of Parliament.

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

PART II

REGULATIONS 25

9. Publication of regulations—(1) All regulations made after the commencement of this Act shall, forthwith after they are made, be forwarded to the Chief Parliamentary Counsel.

(2) The Chief Parliamentary Counsel shall, under the control of the Attorney-General, arrange for the printing and 30
publication of copies of all regulations made after the commencement of this section.

(3) The Attorney-General may direct that copies of regulations made before the commencement of this Act shall be printed and published in accordance with this section. 35

(4) Every copy of regulations printed and published pursuant to this section shall state that it is published under the authority of the New Zealand Government.

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

10. Regulations series—(1) All copies of regulations printed and published pursuant to **section 9** 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)

11. Notice of making of regulations—The Chief Parliamentary Counsel shall, on each occasion on which copies of regulations are printed and published under **section 9** 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 10** 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.

12. Sale of copies of regulations—(1) Copies of regulations printed and published pursuant to **section 9** of this Act shall be available for purchase by members of the public at the places designated from time to time by the Attorney-General under **section 6 (1)** of this Act.

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

13. Form of regulations—(1) The Attorney-General may from time to time give directions as to the form in which regulations shall be printed and published under this Act.

(2) Directions given under this section may provide for the printing of all or any regulations with the omission of such signatures and formal or introductory parts as the Attorney-General from time to time directs.

(3) Notwithstanding anything in **subsection (2)** of this section, there shall, in every case, 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 (1), (2)

14. 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 11** of this Act which relates to those regulations shall be sufficient compliance with that requirement. 5 10

Cf. 1936, No. 17, s. 6

15. Printing and publication of certain Proclamations and other instruments—(1) Any instrument (being an Order in Council, Proclamation, notice, Warrant, or instrument of authority)— 15

- (a) Which is made under any Act of Parliament or any Imperial Act or any regulation or the prerogative rights of the Crown; but

- (b) Which is not a regulation as defined in **section 2** of this Act,— 20

may, if the Attorney-General or the Chief Parliamentary Counsel so directs, be printed and published in accordance with **section 9** of this Act, as if it were a regulation as so defined.

(2) An instrument shall not by virtue of its printing and publication under this section be a regulation for the purposes of this Act. 25

(3) The provisions of **sections 10, 13, 14, and 16** of this Act shall apply with respect to every instrument that is so printed and published as if it were a regulation as defined in **section 2** of this Act. 30

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

16. Incorporation of amendments in reprints—(1) Where any regulations have, whether before or after the commencement of this Act, been amended— 35

- (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 40

- (e) By the insertion of any words or figures,—

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

5 (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
10 this section.

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

17. Protection from criminal and civil liability—Every person shall be—

15 (a) Excused from criminal liability for anything done or omitted to be done in contravention of any regulation; or

(b) Excused from any other liability arising under any regulation,—

20 if, at the relevant time, the regulation had not been printed and published pursuant to the Regulations Act 1936 or this Act and made available for sale to the public or was not otherwise reasonably made known to the public or those likely to be affected by it, and the person did not know of it.

25 **18. Regulations to stand referred to House of Representatives, etc.**—All regulations made after the commencement of this Act shall, by virtue of this section, stand referred to—

(a) The House of Representatives; and

30 (b) Any committee of the House of Representatives responsible for the investigation of regulations.

19. Disallowance of regulations—(1) Where the House of Representatives passes a resolution disallowing any regulations or any provisions of any regulations, the regulations or provisions so disallowed shall cease to have effect on the later
35 of—

(a) The passing of the resolution; or

(b) Any date specified in the resolution as the date on which the regulations or provisions cease to have effect.

40 (2) This section does not apply in relation to any resolution to which section 23 of this Act applies.

20. Disallowance of regulations made after passing of Act where motion to disallow not disposed of—(1) If, at the expiration of the thirtieth sitting day after the giving of notice of a motion to disallow any regulations made after the passing of this Act, or any provisions of any such regulations, has been given in the House of Representatives,—

(a) The notice has not been withdrawn and the motion has not been moved; or

(b) The motion has been called on and moved and has not been withdrawn or otherwise disposed of,—
the regulations or provisions specified for disallowance in the motion shall thereupon be deemed to have been disallowed.

(2) Where any regulations or provisions specified in a motion are disallowed under **subsection (1)** of this section, the regulations or provisions so disallowed shall cease to have effect on the later of—

(a) The expiration of the thirtieth sitting day after the giving of notice of the motion; or

(b) Any date specified in the motion as the date on which the regulations or provisions cease to have effect.

21. Effect of disallowance—Where any regulations or any provisions of any regulations are disallowed under **section 19** of this Act, or are deemed to have been disallowed under **section 20** of this Act, the disallowance of the regulations or provisions shall have the same effect as a revocation of those regulations or provisions.

22. Restoration or revival of Acts or regulations—(1) Where any regulations or provisions of regulations (being regulations or provisions that amended any Act or any regulation or repealed any Act or revoked any regulation) are disallowed under **section 19** of this Act or are deemed to have been disallowed under **section 20** of this Act, the disallowance of the regulations or provisions has the effect of restoring or reviving the Act or regulation, as it was immediately before it was amended, repealed, or revoked, as if the regulations disallowed or provisions disallowed had not been made.

(2) The restoration or revival of an Act or regulation pursuant to **subsection (1)** of this section takes effect on the day on which the regulations or provisions by which it was amended or repealed or revoked ceased to have effect.

23. Amendment or substitution of regulations by House of Representatives—Where the House of

Representatives passes a resolution amending any regulations or revoking any regulations and substituting other regulations, the amendment or the revocation and substitution, as the case may be, shall take effect on the later of—

- 5 (a) The twenty-eighth day after the date of the publication of the notice required by **section 24** of this Act; or
 (b) Any date specified in the notice required by **section 24** of this Act as the date on which the amendment or the revocation and substitution, as the case may be, take
 10 effect.

24. Notice of resolution or motion—(1) Where—

- (a) A resolution of the kind described in **section 19** or **section 23** of this Act has been passed; or
 15 (b) Any circumstances of the kind described in **section 20 (1)** of this Act arise in relation to any notice of motion to disallow any regulations,—

the Clerk of the House of Representatives shall forward to the Chief Parliamentary Counsel forthwith a notice in relation to that resolution or notice of motion.

- 20 (2) The notice forwarded under **subsection (1)** of this section shall show,—

- (a) In the case of a resolution, the date on which it was passed; and
 (b) In the case of a notice of motion,—
 25 (i) The date of the sitting day on which the notice of motion was given; and
 (ii) The date of the thirtieth sitting day after the giving of the notice of motion.

- 30 (3) The Chief Parliamentary Counsel shall arrange for every notice forwarded under **subsection (1)** of this section to be printed and published under **section 9** of this Act as if it were a regulation.

25. Power to revoke spent regulations and other instruments—(1) The Governor-General may from time to
 35 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 law of New Zealand, if the Governor-General in Council is satisfied that they have ceased to have effect or are no longer required.

- 40 (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

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26. Abolition of requirement to lay regulations before House of Representatives—(1) Subject to **subsection (2)** of this section, nothing in any Act made before the passing of this Act shall require any regulations made after the passing of this Act to be laid before the House of Representatives.

15

(2) Nothing in **subsection (1)** of this section applies in relation to—

(a) Any regulations or Order in Council specified in **section 27** of this Act; or

(b) Any emergency regulations made under section 79 of the Civil Defence Act 1983; or

20

(c) Any regulations made under the United Nations Act 1946; or

(d) Any regulations made under the International Energy Agreement Act 1976.

25

27. Saving in respect of certain Acts—Nothing in **sections 19 to 23** of this Act shall apply in relation to—

(a) Any regulations made under—

(i) The Agriculture (Emergency Powers) Act 1934;

or

(ii) The Primary Products Marketing Act 1953; or

(iii) Section 38AM of the Reserve Bank of New Zealand Act 1964; or

(iv) The Petroleum Demand Restraint Act 1981; or

(b) Any Order in Council made under—

35

(i) The Customs Act 1966 and imposing, remitting, or altering duties of Customs; or

(ii) The Tariff Act 1988; or

(iii) Section 75c of the War Pensions Act 1954; or

(iv) Section 61H of the Social Security Act 1964; or

(v) **Section 20** of the Road User Charges Act 1977; or

(vi) Section 191 of the Transport Act 1962.

28. Repeals—The enactments specified in the Schedule to this Act are hereby repealed.

PART III

AMENDMENTS TO OTHER ACTS

5 *Amendments to Acts Interpretation Act 1924*

29. 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).

10 (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 Statutory Publications Act 1989.”

15 (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.

20 (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.

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

25 *Amendments to Civil Defence Act 1983*

31. 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:

30 “(7A) All regulations made under this section shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which they are made.

“(8) Where—

35 “(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

40

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.”

32. Consequential amendment—The Constitution Act 1986 is hereby consequentially amended by repealing so much of the First Schedule as relates to section 78 of the Civil Defence Act 1983. 5

Amendments to Customs Act 1966

33. Orders in Council relating to Customs duties—The Customs Act 1966 is hereby amended by repealing section 131, and substituting the following section: 10

“131. (1) Every Order in Council under this Act imposing, remitting, or altering duties of Customs shall have effect according to its tenor. 15

“(2) Every Order in Council to which **subsection (1)** of this section applies shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made.

“(3) Every Order in Council made under section 124A or section 125A of this Act shall,— 20

“(a) Where the Order in Council is made on or before the 30th day of June in any year, expire on the close of the 31st day of December of that year except so far as it is expressly validated or confirmed by Act of Parliament passed during that year; and 25

“(b) Where the Order in Council is made on or after the 1st day of July in any year, expire on the close of the 31st day of December in the following year except so far as it is expressly validated or confirmed by Act of Parliament passed before the end of that following year. 30

“(4) If any Order in Council or any provision of any Order in Council expires by virtue of **subsection (3)** of this section, any duty collected under that Order in Council or provision in excess of the duty otherwise payable shall, except so far as any other provision is made by an Act of Parliament in respect thereof, be refunded. 35

“(5) If the House of Representatives resolves that any Order in Council (other than an Order in Council made under section 124A or section 125A of this Act) laid before it pursuant to **subsection (2)** of this section should be revoked or varied, it shall 40

thereupon be revoked or varied in accordance with the terms of the resolution, and any duty collected thereunder in excess of the duty otherwise payable shall, so far as such resolution provides, be refunded.

5 “(6) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming any Orders in Council pursuant to **subsection (3)** of this section shall not, unless there is any express provision to the contrary, affect the validity or confirmation of those Orders in Council.”

10 **34. Repeals**—The following enactments are hereby consequentially repealed:

- (a) Section 5 of the Customs Amendment Act 1973:
- (b) Subsections (1) and (2) of section 26 of the Customs Acts Amendment Act (No. 2) 1977:
- 15 (c) Section 8 of the Customs Acts Amendment Act 1985:
- (d) So much of the First Schedule to the Constitution Act 1986 as relates to section 131 of the Customs Act 1966.

Amendments to Electoral Act 1956

20 **35. 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).

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

36. Regulations—Section 188 (3) of the Electoral Act 1956 is hereby repealed.

Amendments to Evidence Act 1908

30 **37. 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:

35 “**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’ has the same meaning as in section 2 of the Statutory Publications Act 1989; and includes any instrument that has, pursuant to section 6A of the Regulations Act 1936 or section 15 of the Statutory Regulations Act 1989, been printed or published as if it were a regulation. 5

“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— 10 15

“(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— 20 25

“(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— 30

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

“(b) To have been so printed or published; and 35

“(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 to be evidence—Every copy of a reprint of any Act, 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 40

production of the official volume of statutes in which the Act was 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 enacted by that Act 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.”

38. 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 Judicature Act 1908

39. Publication of High Court Rules under Statutory Publications 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 Statutory Publications 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 Statutory Publications 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 Statutory Publications 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 16** of the Statutory Publications 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

40. 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

41. 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 “Statutory Publications Act 1989”.

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

43. 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 1977

44. Revolving funds—(1) The Public Finance Act 1977 is hereby amended by omitting from the Fifth Schedule (as substituted by section 10 of the Public Finance Amendment Act 1986) the item relating to 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.

Amendments to Road User Charges Act 1977

45. Power to alter rates of road user charges by Order in Council—The Road User Charges Act 1977 is hereby amended by repealing section 20, and substituting the following section:

“20. (1) The Governor-General may from to time, by Order in Council, reduce or increase any or all of the rates of road user charges specified in the Third Schedule to this Act.

5 “(2) Every Order in Council made under this section shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made.

“(3) Every Order in Council made under this section shall,—

10 “(a) Where the Order in Council is made on or before the 30th day of June in any year, expire on the close of the 31st day of December of that year except so far as it is expressly validated or confirmed by Act of Parliament passed during that year; and

15 “(b) Where the Order in Council is made on or after the 1st day of July in any year, expire on the close of the 31st day of December in the following year except so far as it is expressly validated or confirmed by Act of Parliament passed before the end of that following year.

20 “(4) If any Order in Council or any provision of any Order in Council expires by virtue of **subsection (3)** of this section, the road user charge rate or rates altered by that Order in Council or provision shall, from the expiry of that Order in Council or provision and until it is or they are again altered, be the same as it was or they were immediately before that Order in Council or provision came into force.

25 “(5) If any Order in Council or any provision of any Order in Council expires by virtue of **subsection (3)** of this section, any charges collected under that Order in Council or provision in excess of the charges otherwise payable shall, except so far as any other provision is made by an Act of Parliament in respect thereof, be refunded upon application made to the chief executive.

30 “(6) Every application under **subsection (5)** of this section shall be in a form provided for the purpose by the chief executive, and shall contain such information as the chief executive considers necessary to enable the refund to be made in accordance with this section.

40 “(7) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming any Orders in Council pursuant to **subsection (3)** of this section shall not, unless there is any express provision to the contrary, affect the validity or confirmation of those Orders in Council.”

46. Repeal—Section 12 of the Road User Charges Amendment Act 1986 is hereby consequentially repealed.

Amendment to State Sector Act 1988

47. 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”. 5

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

48. Transitional provision in relation to Government Printing Office—Notwithstanding that the Government Printing Office will cease to be a department of the Public Service under the State Sector Act 1988 as from the date of the commencement of **section 47** of this Act,— 10

(a) The agreement covering the employees of the Government Printing Office registered with the Arbitration Commission and in effect immediately before that date; and 15

(b) The union coverage arrangement that prevailed immediately before that date,—
shall, for the period of 12 months beginning with the date of the commencement of **section 47** of this Act, continue to apply to persons employed on work that was previously covered by that agreement or by that union coverage arrangement. 20

Amendment to Tariff Act 1988

49. Orders in Council relating to Tariff—The Tariff Act 1988 is hereby amended by repealing section 11, and substituting the following section: 25

“11. (1) Every Order in Council made under this Act shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made. 30

“(2) Every Order in Council made under section 9 of this Act shall expire on the close of the 31st day of December in the year following the year during which it was laid pursuant to **subsection (1)** of this section, except so far as it is expressly validated and confirmed by an Act of Parliament passed before that date. 35

“(3) If any Order in Council or any provision of any Order in Council expires by virtue of **subsection (2)** of this section, any duty collected under that Order in Council shall, except so far as any other provision is made by an Act of Parliament in respect thereof, be refunded. 40

“(4) If the House of Representatives resolves that any Order in Council made under this Act (other than an Order in Council made under section 9 of this Act) laid before it pursuant to **subsection (1)** of this section should be revoked or varied it shall thereupon be revoked or varied in accordance with the terms of the resolution, and any duty payable shall, so far as such resolution provides, be refunded.

“(5) The repeal of any Act of Parliament passed for the purpose of expressly validating or confirming any Orders in Council pursuant to **subsection (2)** of this section shall not, unless there is any express provision to the contrary, affect the validity or confirmation of those Orders in Council.

“(6) Any Order in Council made under section 124 of the Customs Act 1966 may be validated and confirmed, as if that Order in Council had been made under section 9 of this Act.”

Amendment to Transport Act 1962

50. Amount of excise duty credited to Consolidated Account, and refunds of such duty, may be altered by Order in Council—The Transport Act 1962 is hereby amended by repealing subsections (3) and (4) of section 191 (as substituted by section 2 of the Transport Amendment Act 1986), and substituting the following subsections:

“(3) Every Order in Council made under this section shall be laid before the House of Representatives not later than the sixteenth sitting day of the House of Representatives after the day on which it is made.

“(4) Every Order in Council made under this section and laid before the House of Representatives pursuant to this section shall—

“(a) Where the Order in Council is made on or before the 30th day of June in any year, expire with the close of the 31st day of December of that year except so far as it is expressly validated or confirmed by an Act of Parliament passed during that year; and

“(b) Where the Order in Council is made on or after the 1st day of July in any year, expire on the close of the 31st day of December in the following year except so far as it is expressly validated or confirmed by an Act of Parliament passed before the end of that following year.

“(5) If any Order in Council or any provision of any Order in Council expires by virtue of **subsection (4)** of this section, the amount or amounts altered by that Order in Council or provision shall, from the expiry of that Order in Council or

provision and until it is or they are again altered, be the same as it was or they were immediately before the Order in Council or provision came into force.”

Amendments to Veterinary Services Act 1946

51. Annual report and statement of accounts—Section 5
30 (2) of the Veterinary Services Act 1946 is hereby amended
by omitting the word “Parliament”, and substituting the words
“the House of Representatives”.

52. Regulations—Section 31 (2) of the Veterinary Services
Act 1946 is hereby repealed. 10

Section 28

SCHEDULE

ENACTMENTS REPEALED

- 1908, No. 40—The Deeds Registration Act 1908: Section 53 (4). (R.S. Vol. 6, pp. 89, 108.)
- 1908, No. 81—The Industrial and Provident Societies Act 1908: Section 22 (2). (R.S. Vol. 7, pp. 407, 436.)
- 1928, No. 29—The Auctioneers Act 1928: Section 43 (2). (R.S. Vol. 1, pp. 245, 263.)
- 1934-35, No. 45—The Maori Purposes Fund Act 1934-35: Section 15 (2). (R.S. Vol. 8, pp. 595, 605.)
- 1936, No. 17—The Regulations Act 1936. (R.S. Vol. 10, p. 723.)
- 1936, No. 33—The Mortgagors and Lessees Rehabilitation Act 1936: Section 83 (3). (R.S. Vol. 10, pp. 171, 215.)
- 1941, No. 12—The Soil Conservation and Rivers Control Act 1941: Section 167. (R.S. Vol. 17, pp. 607, 735.)
- 1941, No. 25—The Rehabilitation Act 1941: Section 19 (4). (R.S. Vol. 10, pp. 729, 743.)
- 1944, No. 16—The Clerks of Works Act 1944: Section 47 (3). (R.S. Vol. 14, pp. 13, 32.)
- 1946, No. 3—The New Zealand Geographic Fund Board Act 1946: Section 19 (3). (R.S. Vol. 10, pp. 483, 490.)
- 1946, No. 6—The Stock Foods Act 1946: Section 24 (3). (R.S. Vol. 11, pp. 413, 425.)
- 1948, No. 36—The Tuberculosis Act 1948: Section 30 (3). (R.S. Vol. 11, pp. 693, 715.)
- 1948, No. 50—The Land Valuation Proceedings Act 1948: Section 40 (2). (R.S. Vol. 17, pp. 241, 259.)
- 1948, No. 63—The Valuers Act 1948: Section 44 (3). (R.S. Vol. 11, pp. 723, 744.)
- 1948, No. 64—The Land Act 1948: Section 184 (3). (R.S. Vol. 23, pp. 559, 709.)
- 1949, No. 19—The Forests Act 1949: Section 72 (2). (R.S. Vol. 23, pp. 473, 493.)
- 1950, No. 53—The Boilers, Lifts, and Cranes Act 1950: Section 58 (3). (R.S. Vol. 1, pp. 377, 405.)
- 1951, No. 22—The Births and Deaths Registration Act 1951: Section 45 (2). (R.S. Vol. 1, pp. 333, 364.)
- 1951, No. 79—The Fees and Travelling Allowances Act 1951: Section 9 (3). (R.S. Vol. 6, pp. 403, 406.)
- 1952, No. 34—The Land Settlement Promotion and Land Acquisition Act 1952: Section 42 (2). (R.S. Vol. 3, pp. 139, 180.)
- 1952, No. 49—The Shipping and Seamen Act 1952: Section 504 (2). (R.S. Vol. 4, pp. 275, 775.)
- 1952, No. 52—The Land Transfer Act 1952: Section 236 (2). (R.S. Vol. 22, pp. 531, 647.)
- 1953, No. 7—The Ministry of Agriculture and Fisheries Act 1953: Section 15 (3). (R.S. Vol. 18, pp. 509, 517.)
- 1953, No. 20—The Royal New Zealand Institute of Horticulture Act 1953: Section 7 (2). (R.S. Vol. 10, pp. 931, 934.)

SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1953, No. 31—The Wildlife Act 1953: Section 72 (5). (R.S. Vol. 7, pp. 819, 892.)
- 1953, No. 64—The Patents Act 1953: Section 114 (3). (R.S. Vol. 10, pp. 563, 659.)
- 1953, No. 65—The Designs Act 1953: Section 46 (3). (R.S. Vol. 6, pp. 111, 145.)
- 1953, No. 66—The Trade Marks Act 1953: Section 85 (3). (R.S. Vol. 11, pp. 563, 618.)
- 1953, No. 68—The Orchard Levy Act 1953: Section 9 (2). (R.S. Vol. 10, pp. 533, 536.)
- 1953, No. 95—The Maori Trustee Act 1953: Section 52 (2). (R.S. Vol. 3, pp. 393, 433.)
- 1954, No. 51—The Penal Institutions Act 1954: Section 45 (4). (R.S. Vol. 18, pp. 557, 589.)
- 1954, No. 54—The War Pensions Act 1954: Section 96 (3). (R.S. Vol. 15, pp. 725, 801.)
- 1954, No. 60—The Maori Vested Lands Administration Act 1954: Section 76 (2). (R.S. Vol. 8, pp. 725, 762.)
- 1955, No. 23—The Mutual Insurance Act 1955: Section 44 (4). (R.S. Vol. 10, pp. 247, 279.)
- 1955, No. 37—The Maori Trust Boards Act 1955: Section 56 (4). (R.S. Vol. 8, pp. 683, 716.)
- 1955, No. 51—The Housing Act 1955: Section 40 (3). (R.S. Vol. 7, pp. 297, 324.)
- 1955, No. 63—The Companies Act 1955: Section 470 (4). (R.S. Vol. 15, pp. 89, 432.)
- 1955, No. 93—The Adoption Act 1955: Section 28 (2). (R.S. Vol. 1, pp. 35, 61.)
- 1955, No. 108—The Impounding Act 1955: Section 67 (2). (R.S. Vol. 7, pp. 339, 367.)
- 1956, No. 22—The Veterinary Surgeons Act 1956: Section 34 (2). (R.S. Vol. 11, pp. 781, 802.)
- 1956, No. 47—The Government Superannuation Fund Act 1956: Section 97 (3). (R.S. Vol. 21, pp. 209, 416.)
- 1956, No. 65—The Health Act 1956: Section 122 (5). (R.S. Vol. 19, pp. 493, 588.)
- 1957, No. 13—The Archives Act 1957: Section 25 (3). (R.S. Vol. 1, pp. 127, 142.)
- 1957, No. 18—The Charitable Trusts Act 1957: Section 62 (2). (R.S. Vol. 1, pp. 441, 476.)
- 1957, No. 19—The Explosives Act 1957: Section 62 (3). (R.S. Vol. 6, pp. 361, 395.)
- 1957, No. 87—The Summary Proceedings Act 1957: Section 212 (3). (R.S. Vol. 9, pp. 583, 720.)
- 1957, No. 100—The Vegetables Levy Act 1957: Section 6 (2). (R.S. Vol. 11, pp. 749, 755.)
- 1958, No. 109—The Police Act 1958: Section 64 (4). (R.S. Vol. 17, pp. 537, 582.)

SCHEDULE—*continued*ENACTMENTS REPEALED—*continued*

- 1960, No. 30—The Animals Protection Act 1960: Section 20 (3). (R.S. Vol. 6, pp. 1, 17.)
- 1960, No. 33—The Fertilisers Act 1960: Section 36 (3). (R.S. Vol. 19, pp. 335, 354.)
- 1960, No. 99—The Unit Trusts Act 1960: Section 28 (3). (R.S. Vol. 10, pp. 953, 968.)
- 1961, No. 5—The Dairy Board Act 1961: Section 69 (5). (Reprinted 1976, Vol. 4, pp. 3337, 3383.)
- 1961, No. 43—The Crimes Act 1961: Section 410 (3). (R.S. Vol. 1, pp. 635, 818.)
- 1961, No. 70—The Engineering Associates Act 1961: Section 35 (3). (R.S. Vol. 6, pp. 325, 341.)
- 1966, No. 82—The Regulations Amendment Act 1966. (R.S. Vol. 10, p. 727.)
- 1970, No. 100—The Regulations Amendment Act 1970. (R.S. Vol. 10, p. 728.)

