



**REGULATIONS REVIEW COMMITTEE
KOMITI AROTAKE WAETURE**

26 March 2026

Katie Helme
Committee Secretary
Legal and Constitutional Affairs Committee
Darwin NT
Australia

Dear Secretary

Thank you for your request for a submission on the Northern Territory's Legal and Constitutional Affairs Committee's inquiry into the review of historical regulations.

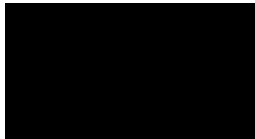
The Regulations Review Committee is not currently engaged in any review of historical regulations.

Our committee may report to the House of Representatives on any matter relating to secondary legislation.¹ The committee conducts briefings and inquiries into secondary legislation under this Standing Order. These could include matters relating to outdated or old secondary legislation, however, we are not currently conducting any such briefing or inquiry as a general review and update of older legislation; nor are we aware of anything recent on this specific topic.

We attach a response from our Parliamentary Counsel Office in support of our submission, which describes any relevant work that their agency is conducting.

Further, the recently passed Regulatory Standards Act 2025 has established a Ministry for Regulation in New Zealand. We understand that this Ministry may be doing work that is relevant to your project and we encourage you to reach out to that Ministry directly if that would be of assistance.

Yours sincerely



Arena Williams
Chairperson
Regulations Review Committee

¹ Standing Orders 326(4).

Appendix—Information provided by the Parliamentary Counsel Office

Mechanisms to encourage proactive management of legislation by agencies

In New Zealand, the Parliamentary Counsel Office (PCO) drafts and publishes all Acts (with few exceptions), as well as some secondary legislation. However, the majority of the secondary legislation that is made each year is drafted and published by agencies and people with delegated authority from Parliament.

Reflecting that split, our legislative framework is made up of approximately 1,900 principal Acts (primary legislation), 2,500 secondary legislation instruments drafted by the PCO, and an estimated 10,000 in force agency secondary legislation instruments.

Government agencies have responsibilities for regulatory stewardship

Agencies are primarily responsible for stewardship of the regulatory systems they administer under the Public Service Act 2020. This Act promotes regulatory stewardship as a core principle, requiring public service agencies to actively monitor, maintain, and improve the regulatory systems they administer. It places statutory responsibility on chief executives to ensure their agencies act as stewards of legislation (both primary and secondary), focusing on long-term fitness-for-purpose, system sustainability, and managing risks.

The recently passed Regulatory Standards Act 2025 brings this responsibility into sharper focus, with new requirements that formalise the responsibility of government agencies to monitor, review and report on regulatory systems. It also introduces principles for good law-making which proposals for new legislation need to be assessed against.

Targeted requirements for review are used in some cases, with varied results

Over the years, there have been calls for automatic ‘sunset’ clauses to be included in legislation to prompt the need for review. These clauses mean the legislation only remains in force for a limited period of time. While the proposal has merit, it also carries significant risks – generally, the time period can be rolled-over to avoid a substantive review, and requirements for review may skew priorities. Nevertheless, such clauses remain an option for inserting post-making safeguards.

These are most common in relation to bylaws made by local government, with many having a five-year limit. While this prompts regular review of this secondary legislation, it has led to issues where legislation lapsed due to lack of awareness of the need to review and remake.

Changes to the Legislation Act, aimed at improving access, will require agencies to review and assess stocks of secondary legislation

The Legislation Amendment Bill received its Royal assent on 16 March 2026 (now the Legislation Amendment Act 2026). Changes made by this Act will establish a new system for the publication of secondary legislation that is made by approximately 100 agencies. At present, there are no standardised requirements for how this type of secondary legislation is published, with some agencies publishing it on their website, some in the New Zealand Gazette, others in newspapers, and some appears to not have been published at all.

These fragmented arrangements create challenges in accessing the secondary legislation, making it harder for businesses and individuals to understand their obligations. It also increases compliance costs, works against the goal of a modern, digital government, and undermines effective parliamentary oversight.

In the new system under the Act, agencies that draft secondary legislation will be required to publish it (in line with detailed requirements set in regulations under the Act) on their agency website, or other prescribed website. This will support the use of a technology solution to identify, index and link that agency secondary legislation to a single point of access on the New Zealand legislation website.

At present, the website provides access to over 8,500 pieces of agency secondary legislation as a pilot service. This figure is expected to increase over time, as more agencies achieve compliance with the new requirements. Once fully operational, New Zealanders will only need to visit one website to search for, and gain access to, all of New Zealand's legislation.

Generally speaking, agencies will need to transition to the new system by November 2027 unless regulations under the Act give them more time. Transitioning requires agencies to:

- identify all of their in-force stocks of secondary legislation
- produce minimum legislative information for each instrument to be transitioned (this is key information about the secondary legislation, such as its title, when it was made, who made it, what Act and provision empowers its making, which agency is responsible for it)
- arrange their websites to provide a place for publication (or make arrangements with the New Zealand Gazette or others), and
- Re-publish (according to their choice) either or both of the current consolidation of the legislation or the as-made version and any amendments, on the website they choose.

Where agencies identify legislation that is not to be transitioned to the new system – for example, because it is identified as redundant or spent – it will need to be revoked. How the PCO can support this process is outlined below.

How the Parliamentary Counsel Office supports the review and, if necessary, revocation of secondary legislation

The Parliamentary Counsel Office is New Zealand's law drafting and publication office, and the Government's legislative adviser. Our statutory objective is to promote high quality legislation that is easy to find, use, and understand and, to that end, to exercise stewardship of New Zealand's legislation as a whole.

While agencies remain responsible for the care and maintenance of their legislation, in some circumstances we exercise our stewardship role by actively reviewing and/or repealing legislation. Outlined below are some examples of this work in action.

The Legislation Act provides powers to repeal spent and redundant legislation

Section 82 of the Legislation Act contains a power for the Governor-General, through an Order in Council and on the recommendation of the Attorney-General, to revoke any secondary legislation or other instrument. Before making a recommendation, the Attorney-

General must be satisfied that the secondary legislation or other instrument is redundant, spent or otherwise has ceased to have effect.

To support a smooth transition to the new publication regime, the PCO intends to seek approval for a revocation Order for legislation that agencies identify, in the course of reviewing their stock, as being spent or redundant.

This means that as agencies go about transitioning their in-force stocks of secondary legislation, where they identify a piece of secondary legislation that is spent or redundant, they will need to note that, with a brief reason as to why it is suitable for revocation. This information will then be provided to PCO to inform advice to the Attorney-General on a revocation Order for secondary legislation that is identified as spent or redundant.

This provides a more efficient process for revoking numerous instruments identified as spent, than if agencies were required to progress their own revocation Orders via the relevant portfolio Ministers separately.

The PCO has recently used this revocation power under section 82 of the Act

In 2025, the PCO supported the making of the Legislation (Revocations) Order 2025 which revoked 15 pieces of secondary legislation that had ceased to have effect, were no longer required, or both. The Order was made under section 82 of the Legislation Act. The revoked secondary legislation was identified during the PCO's work to link secondary legislation to its relevant empowering Act on the NZ Legislation Website.

The Order was made following consultation with the relevant administering agencies who confirmed their agreement that the instruments were spent and should be revoked. The consultation process involves an assessment by the PCO of secondary legislation against section 82 of the Legislation Act, to determine whether the secondary legislation has ceased to have effect or is no longer required.

Prior work to revoke spent secondary legislation

A revocations order was made in 2008 by the PCO under a power that was equivalent to section 82 of the Legislation Act. That power was later absorbed into the Legislation Act 2012.

The 2008 order was prompted by a report from the Regulations Review Committee on its *Inquiry into the Ongoing Requirement for Individual Regulations and their Impact*. The report recommended the revocation of a significant number of spent regulations.

PCO is leading work to review and, where appropriate repeal, historic primary legislation, with consequential impacts on secondary legislation

The PCO has recently initiated a project which aims to review around 900 public, private, local, and provincial Acts dating from 1840 through to the 1960s. This project involves review and assessment of the ongoing relevance of each Act, with a view to repeal any that are redundant, spent, or otherwise no longer required.

The purpose of repealing outdated legislation includes keeping New Zealand's legislation as a whole up-to-date. It improves the ability for users to find, use, and understand legislation that is relevant to them.

Through this review, there is potential where some Acts identified as spent are likely to include associated secondary legislation - which may also be proposed for revocation.

Legislation may no longer be required for a number of reasons, such as:

- the relevant bodies have ceased operating
- the legislation completed its work at some time in the past
- the legislation has been superseded by subsequent legislation
- the policy in the legislation has been overtaken by events.