CHAPTER 24

Classification and Form of Legislation

Probably the most important business transacted by the House, and certainly the most significant in terms of the commitment of its time, is the process of passing legislation.

Supreme legislative power is vested in the Parliament of New Zealand, not in the House of Representatives alone. An Act of Parliament is a declaration of law made by the two constituent elements of Parliament—the Sovereign and the House of Representatives.¹ But the effective work of passing legislation is carried out in the House of Representatives and its committees.

The next series of chapters examines the procedures whereby a proposed law (a bill) is introduced into, considered, and passed by the House of Representatives, and, once passed, is submitted to the Sovereign or the Governor-General, upon whose concurrence (the Royal assent) it becomes law. This chapter deals with the form a bill takes, and how it is classified as one of the four different types of bill recognised by the House. A bill’s classification determines the procedure for its consideration. Some of the principal components of a bill are described, and some of the standard types of bill considered by the House are described.

BILLS

Some of the early English Parliaments, when they wished to correct an injustice of general interest, often employed the expedient of petitioning the King for action to remove the injustice. If the King and the King’s Council agreed to the petition, a reply to the petition was drafted. This reply came to be regarded as a statute with the force of law. As this procedure developed, Parliament increasingly became a legislative assembly. Gradually, the members of Parliament developed the practice of drafting the law themselves and sending the draft instead of a petition to the King, possibly because the statutes as framed by the King and Council sometimes did not adequately meet the cases raised in the petitions. All the King had to do then was to accede to the law or reject it, and there was no opportunity for it to be tampered with by the Royal officials after it had left the members’ hands. The draft law was called a “bill”. This is still the name for a draft or proposed law that is before the House.

A proposal to change or add to the body of statute law in force in New Zealand comes before the House in the form of a bill, which will take effect as law if the bill

¹ Constitution Act 1986, ss 15(1) and 16.
is passed. Once enacted by Parliament, the bill becomes an Act or statute and so part of the general law of New Zealand.

**CLASSIFICATION OF BILLS**

Until 1 November 1999, Acts of Parliament were categorised as either Public Acts or Private Acts. This dichotomy was followed by the House in classifying bills as either public bills or private bills (with further category subdivisions of public bills). In fact, it was doubtful whether there was any legal significance to the distinction between Public Acts and Private Acts.

The Interpretation Act 1999 does not make any distinction between types of Acts of Parliament. It no longer refers to Public Acts or Private Acts at all, though Acts are still numbered in Public, Local and Private Act series depending upon the classification of the bill that became each Act. This change to the law has been reflected in the House’s procedures, with the disappearance of the concept of a public bill and its subdivisions.

The House now categorises each bill that comes before it into one of four categories:

- Government bills
- Members’ bills
- local bills
- private bills.

All categories of bills are of equal status as proposed additions or amendments to the body of statute law in force in New Zealand. The differences between them are defined by two factors: the member in charge of the bill (Ministers for Government bills, non-Ministers for Members’ bills), and the extent of their application (confined to a locality in the case of local bills, for the benefit of a limited class in the case of private bills). Government and Members’ bills (and any Acts that result from them) may thus be regarded as bills of general application. Conversely, local and private bills are designed to be of limited application only. If they were not so limited they would not be local or private bills.

The consequence of classification in a particular category primarily affects the internal procedures of the House. Categorisation as one or other of the four types of bill determines the process the House will employ in considering the bill, and the procedures with which those promoting it must comply if it is to be introduced into the House. In particular, promoters of local and private bills must comply with a number of preliminary advertising and notice procedures before their bills may be introduced.

While as a formal instrument each bill is of equal status with each other, in practical terms Government bills are far more important than the other types of bills because of the political and procedural advantages that attach to them. These advantages allow Ministers to prepare, introduce and advance their legislative proposals far more readily than other members. Non-Government legislation, for example, is considered only at alternate Wednesday sittings. Consequently, far more Government bills are introduced into and passed by the House than any other kind. Besides their numerical superiority, Government bills are intrinsically more far-reaching in their effects than other bills.

The parliamentary procedures for a local bill or a private bill are more onerous than are those for a Government bill or a Member’s bill, so there is nothing inconsistent from a procedural point of view in an important matter being dealt with

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2 Acts Interpretation Act 1924, s 5(a).
4 SO 253(1).
by a local or private bill rather than a Government bill or a Member’s bill. However, there has been a pronounced movement away from legislation being promoted and enacted at the specific request of local authorities and individual suitors to the House, in favour of most legislation being promoted for general public effect. This is particularly the case where public funding or important governmental functions are involved. The fact that a bill affects the rights of the Crown does not prevent it proceeding as a local or a private bill, although the Government in such cases can prevent its passage, for such a bill needs to be consented to by the Crown before it can be passed, and if such consent is not forthcoming the bill will lapse.5

**Government bills**

A Government bill is a bill dealing with a matter of public policy introduced by a Minister.6 In 2013, 77 per cent of the bills introduced into the House were Government bills and 94 per cent of the bills passed started their lives as Government bills. Thus they are overwhelmingly the most numerous and important of the bills dealt with by the House. The vast bulk of the legislation in force today was introduced into the House as Government legislation. Indeed, a major function and expectation of Governments is the initiation and passing of legislation to implement their political programmes.

A member who is a Minister may introduce a private bill or a local bill, but only a Minister may introduce a Government bill (this also excludes Parliamentary Under-Secretaries).

**Members’ bills**

A Member’s bill is a bill dealing with a matter of public policy introduced by a member who is not a Minister.7 There is no difference in the potential substance of a Member’s bill and a Government bill. The essential distinction lies in the status of the member introducing the bill, the latter being a Minister. There is a difference, however, in their relative numbers and even more so in their prospects for success. While all but a handful of the Government bills are eventually passed, few Members’ bills make it into law. Before the end of the First World War the number of bills initiated by the Government was not much greater than the number initiated by other members. Since then Government legislation has become much more preponderant.

For a long time after the Second World War the prospects of a Member’s bill passing were extremely remote. In the 40 years up to the beginning of 1985 only three such bills were passed. Changes to the Standing Orders made in that year have redressed the balance somewhat in terms of Members’ bills being introduced, and increased the prospects for their becoming law. While there are still relatively few instances of this happening, important legislation has been enacted by this route.8 In 2013 10 Members’ bills were introduced, compared with 58 Government bills. Only six Members’ bills became law in that year.

Furthermore, ideas that were initially given a legislative airing as Members’ bills have been adopted as Government policy and subsequently enacted. The introduction of the Pardon for Soldiers of the Great War Bill in 1998 by Mark Peck led to a Government-commissioned report entitled *Review of Deaths by Execution in the First World War of 1914–1918* by Sir Edward Somers, a former Court of Appeal Judge, being presented to the House by the Minister of Defence. The bill

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5 SO 313.
6 SO 253(1)(a).
7 SO 253(1)(b).
was then formally adopted by the Government and assented to on 14 September 2000.\(^9\) The Hon Rex Mason’s campaign for the introduction of decimal currency, which he pursued by introducing a Member’s bill every year from 1950 to 1956, eventually came to fruition, though by means of a Government not a Member’s bill.\(^10\) Other Members’ bills have had their provisions adopted wholesale and incorporated into Government bills—among them a bill on the publication of names in cases of sexual offences, the provisions of which were enacted as part of a Government bill.\(^11\) A bill introduced by the Hon Lianne Dalziel to repeal the defence of provocation under the Crimes Act 1961 was discharged and a replacement Government bill introduced on the same day.\(^12\)

Apart from the more obvious examples, it is difficult to say to what extent Members’ bills have directly and indirectly influenced legislation eventually introduced by the Government and passed into law:\(^13\) An Opposition Member’s bill, for instance, may be produced in response to current Government policy in order to emphasise the contrast between the Government and the Opposition’s proposed approach to the subject. Some are the result of individual initiatives by members to highlight a perceived defect in the law and suggest a remedy. Still others are of a more speculative nature, designed to float an idea and gauge public reaction to it.\(^14\)

A Member’s bill may not deal with a matter that is properly the province of a private bill or a local bill.

**Local bills**

Until the abolition of provincial government in 1876, laws affecting only particular localities were dealt with by Provincial Councils. From 1876, these matters began to be brought before Parliament in Wellington, leading eventually to the recognition of local legislation as a separate category of bill.

Local bills are bills promoted by a local authority and are confined in their effects to a particular locality.\(^15\) They may be introduced by any member, Minister or non-Minister. This does not affect their treatment by the House.\(^16\)

**Purpose**

Local bills are intended to change or limit the effect of the general law in its application to the locality concerned. The need for local bills is thus closely connected with the provisions of the general law, particularly local government law.

A study by a select committee carried out in 1996 found that, while a number of local bills were promoted by local authorities to procure special powers to deal with unique situations (the opening of a community centre, the management of a museum, for example), most set out to validate irregularities that were inconsistent with local government legislation. Most of these irregularities were concerned with rating decisions made by local authorities.\(^17\) In 1996 local authorities were given a general power to replace invalid rates.\(^18\) This general power has largely obviated the need for local bills validating rates. The conferring of wider powers on local
authorities (the “power of general competence”) has also helped to limit the need for local authorities to seek special powers by way of local Act.

The promotion of ad hoc local legislation has led sometimes to amendments being made to the general law by a Government bill, so that all local authorities can take advantage of a well-conceived local reform. In 1982 enabling legislation permitted ratepayers to make lump-sum contributions to the capital costs of waterworks and drainage works. Schemes of this kind had been introduced by a few local authorities by means of separate local Acts. Their success led eventually to the Government introducing an amendment to the Local Government Act 1974 permitting all territorial authorities to levy charges for such works by lump-sum contributions without the need for special local legislation each time.\(^\text{20}\) In 1991 an amendment was made to the Rating Powers Act 1988 allowing councils to remit or postpone rates on property to be used for the construction of housing, or for industrial, commercial or administrative purposes. This general provision replaced a number of local Acts that had authorised individual local authorities to take this step. These local Acts inspired the general reform effected by the amendment.\(^\text{21}\)

**Promoter**

Only a local authority may promote a local bill. While a bill may, in substance, be a local bill, if there is no local authority promoter, a local bill cannot be promoted. A local authority is taken to be a body to which Parliament has given statutory authority to promote legislation affecting the inhabitants of its territory. Local authorities within the meaning of the Local Authorities Loans Act 1956 were expressly given this authority by statute.\(^\text{22}\) Since the repeal of that Act and the inclusion of local authority borrowing powers in the Local Government Act,\(^\text{23}\) a local authority that may promote a local bill is taken to be any local authority under general local government legislation such as the Local Government Act 2002 or the Local Electoral Act 2001—that is, essentially, a territorial authority or a regional council. It also includes certain special-purpose authorities such as licensing trusts, the administering bodies of reserves, and museum trust boards. However, the fact that a local authority is promoting a bill does not automatically make it a local bill; the bill must in substance be a local bill.

**Locality**

A local bill may affect a particular locality only. The “locality” takes its meaning from the context of the bill. A bill dealing with a function carried out by a regional council will obviously extend over a wider area than one promoted by a district council. The concept of “locality” is more extensive in respect of the former than the latter. A local authority may promote a local bill only for an area that is within its jurisdiction. Occasionally, local bills have been jointly promoted where contiguous geographic areas under different authorities were involved.\(^\text{24}\) A bill would not be regarded as relating to a locality if its effects were region-wide regarding a function that was not generally administered as a regional matter. This was the case with a bill designed to provide a site for Victoria University College, because the college was to serve all the middle districts of New Zealand. The bill was therefore held not to be a local bill.\(^\text{25}\)

\(^{19}\) Local Government Act 2002, s 12(2).
\(^{20}\) Local Government Amendment Act (No 2) 1982, s 11 (replacing four local Acts).
\(^{22}\) Finance Act 1978, s 2.
\(^{23}\) By the Local Government Amendment Act (No 3) 1996.
\(^{24}\) Waitakere Ranges Heritage Area Act 2008.
\(^{25}\) (1901) 119 NZPD 1184 Guinness (Deputy Speaker) (Victoria College Site Bill).
Amending other Acts

Bills with the objective of amending general Acts must be introduced as Government or Members’ bills and not local bills, even when they relate only to a particular district or locality.\(^{26}\) This is the case, too, with a bill whose sole purpose is to amend a Local Legislation Act. Such bills must be distinguished from bills that, while not amending a general Act, seek to create an exception to it in respect of a particular locality, because this is one of the principal reasons for promoting local bills. Also, local bills may make incidental or consequential amendments to a general Act without losing their status as local bills as a result.

Proposed amendments to a local Act must be brought forward in a local bill, regardless of whether the bill is introduced by a Minister or a non-Minister.\(^{27}\) Thus, when a Government bill contained a clause making a substantive (and not consequential) amendment to a local Act, the Speaker ordered that the clause be struck out of the bill as printed following its introduction.\(^{28}\) A Government bill to allow part of Riccarton Racecourse to be developed for housing was introduced in 2015 together with a local bill that proposed substantially amending the local Act dealing with the governance and reserve status of the racecourse. While both Government and local bills were required to implement this measure, each reading was taken as cognate Government orders of the day.\(^{29}\) Certain local matters, however, may be dealt with as matters of State policy and then proceed as Government bills (for example, legislation relating to the Auckland Harbour Bridge). A Government bill dealing with a matter of State policy can, incidentally, amend or repeal a local Act.\(^{30}\) Subject to these exceptions, local legislation must be introduced in a local bill or in a Local Legislation bill.\(^{31}\) While the power to introduce Local Legislation bills continues under Standing Orders, this provision has not been used since 1991.

Private bills

A private bill is a bill promoted by a person or body of persons for the particular interest of that person or body of persons.\(^{32}\) In 2013 two private bills were introduced. No private bills were passed that year.

Purpose

In a society in which governmental activity touches almost every facet of life, it is not immediately obvious why there is a category of private bills. To find its causes one must look back to a time when legislative intervention was considered a much more exceptional occurrence than it is today. When Parliament had not passed so many general laws it was necessary for people to come to Parliament as suitors seeking parliamentary assistance for a change in the law to benefit their own circumstances. That assistance was sought in the form of legislation affecting only the individual suitor and not affecting the general public, which a general Act does. Apart from the possibility of obtaining a Royal grant, it was consequently “private” legislation.

Private legislation was the only means of securing a divorce until a general divorce Act was passed in 1867 (although no one in New Zealand appears to have used this possible avenue to terminate marriage before the general Act was passed). Other than by obtaining a Royal grant, it was the only means by which inventors

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\(^{26}\) (1903) 124 NZPD 438 Guinness.

\(^{27}\) (1908) 145 NZPD 591 Guinness.

\(^{28}\) (1989) 504 NZPD 14723 (Taxation Reform Bill (No 7)).

\(^{29}\) (22 October 2015) 709 NZPD 7538; (1 June 2016) 714 NZPD 40; (14 June 2016) 715 NZPD 11943; (16 June 2016) 715 NZPD 12106 (Riccarton Racecourse Development Enabling Bill, Riccarton Racecourse Bill).

\(^{30}\) Land Transport Amendment Act 2009; (1885) 51 NZPD 446 O’Rorke.

\(^{31}\) SO 274(1).

\(^{32}\) SO 253(1)(d).
could protect the fruits of their ingenuity until a patents Act, passed in 1860, provided for the registration of inventions and their protection from exploitation without the patent-holder’s permission.

Private legislation fills in gaps left by the general law, for the benefit of individuals. Today there are fewer gaps to be filled. There are now general statutes dealing with divorce and patents, and other subjects that have been dealt with in the past by private bills. There is, on the face of it, less need for people to have resort to private legislation to deal with their own special circumstances, though the privatisation of some State activities has created a new demand for private legislation.

There remain, however, occasions when legislation for the benefit of an individual or a small number of people is necessary because there is no redress or remedy in any other way; and, in fact, the number of private bills that come before the House has not changed appreciably since the early days. Paradoxically, a demand for a private bill can arise to exempt an individual from the large volume of public legislation that has failed to take account of individual circumstances. In 1982, a private bill was passed to permit a marriage to take place because, under the relevant general legislation, the two people concerned were too closely related (through the adoption of one into the family of the other) to be able to marry legally. In 2014, a private bill was passed allowing the daughter of a same-sex couple to have both parents named on her birth certificate. This followed the passing of the Marriage (Definition of Marriage) Amendment Act 2013, which provided for same-sex marriage. Situations like this can give rise to applications to the House for private bills to alter the effect of general Acts on particular individuals.

Private bills commonly involve matters relating to private trusts—lands held on trust for community use, burial grounds or deeds of family arrangement. Matters such as changes of the trustees administering an estate or a private trust, and the validation of scholarships and allowances provided by a private trust board, are matters for private, not general, legislation. Some private bills relate to marriage within the degrees of relationship prohibited by the Marriage Act 1955. Bills relating to private schools are private bills. Bills dealing with the constitution of public schools are public bills unless they deal with matters relating to the school board peculiar to its personal capacity—for example, property rights under a trust or will—in which case they can proceed as private bills.

One of the most important uses to which private bills have been put is to facilitate reconstructions and amalgamations of banking corporations. These examples show that private bills need not be intrinsically unimportant or trivial. They will never appear to be so to the parties promoting them in any case, but they need not be devoid of wider public importance to retain their private bill status.

Bills designed to inject State funding into corporations or other activities are general (Government or Members’), not private, bills. Thus, a bank originally created by a private Act of Parliament became liable to be dealt with by a Government bill when it was proposed that a State guarantee be given to it in legislation.

In recent years a number of bodies have been restructured by legislation for sale or incorporation as private corporations. If the body being restructured is a public body (for example, a Crown entity or Crown-owned company) constituted by a general Act, then a Government or Member’s bill is required to effect the

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33 Papa Adoption Discharge Act 1982.
34 Sullivan Birth Registration Act 2014.
35 (1918) 183 NZPD 1007–1014.
36 (1940) 257 NZPD 1024–1025, 1029.
38 (1894) 83 NZPD 486 O’Rorke (Bank of New Zealand Share Guarantee Act 1894 Amendment Bill).
Classification and Form of Legislation

restructuring. But if the body is not of a public nature, its restructuring or dissolution may be effected by a private bill even though the body is constituted under general legislation such as the Companies Act and amendment of a general Act is required. Private bills have been used to reconstitute governance entities (rūnanga) that are to administer claims settlements made under public Acts, and to establish entities to hold and deal with settlement property. A public corporation restructured by general legislation may be dealt with subsequently in a private bill. A private bill can incidentally amend a general Act for the particular benefit of the person or body promoting the bill. It is a matter of policy for the House to decide whether to pass such a bill.

If entities seek particular exemption from the general law for their own benefit, this may be the subject of a private bill. However, where the intent of the bill is simply to vary the decision-makers’ rights or the criteria to allow an exemption, this is a matter of public policy and is properly the subject of a Government or Member’s bill. In 1981, a bill seeking to require the Licensing Commission to hear and, if it saw fit, grant an application for a liquor licence from a particular applicant that under the general law it would be obliged to reject, was held to be a Member’s bill. Although designed for the interest of one company, it affected the powers of a statutory body.

**Relationship to general law**

Private bills are required to have a preamble, which must address why the promoter prefers legislation if the objects of the bill could be attained by invoking the general law as it already exists. This is a reminder that Parliament is reluctant to grant special legislative rights to private persons, unless there is a proven necessity. For example, while Parliament has provided, in general legislation, the machinery for the variation or revocation of trusts, it is also possible for the terms of a trust to be varied by private legislation. The promotion of a private bill is not prohibitively expensive; it may even be less expensive than applying to the court. However, having established a judicial procedure to deal with variations of trusts, Parliament is reluctant to create legislative exceptions to it for the benefit of individuals or small groups unless compelling reasons can be advanced. In general, people such as trustees must apply to the court where the law provides avenues for them to attain their objectives, and not look to Parliament to play the role that has been given to the courts.

Usually, if machinery exists under the general law to accomplish what the party (whether a trustee or not) wishes to effect, this is the course that must be followed. Private legislation should be a last resort when what is intended is impossible to effect without it, or because to proceed under the general law would be not merely inconvenient but impracticable or manifestly unfair in some way. Promoters must address themselves to this question at the outset of their bill, in its preamble and in the petition they must present to the House seeking the introduction of the bill.

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40 See, for example: Royal Society of New Zealand Act 1997.
41 See, for example: Te Runanga o Ngai Tahu Act 1996; Te Runanga o Ngati Awa Act 2005; Maraeroa A and B Blocks Incorporation Act 2012.
43 (1882) 41 NZPD 410.
44 (1939) 255 NZPD 44–45 Barnard.
46 SO 258.
47 Trustee Act 1956, s 64A.
DETERMINING A BILL’S CLASSIFICATION

All bills must show on their face which type of bill they are. But this claim made by the promoter or the member introducing the bill is not conclusive; at best it allows the bill to proceed as if it were what it proclaims itself to be unless, or until, it is challenged. Formerly, if any doubt arose as to how a bill should be classified, it was referred to a committee for examination of the matter. Now the Speaker decides any question as to the character of a bill. This may require the deferral of further progress on the bill until the Speaker has reached a decision.

The Speaker may make a determination on a question as to a bill’s classification being raised on a point of order, on the Speaker’s own initiative or following a report from a select committee questioning the status of the bill or some of its provisions. But the Speaker does not intervene until a bill is introduced.

As the House has no concept of a “hybrid” bill falling into more than one of the four categories of bills, it may be necessary for the Speaker or the House to order that a bill be divided or that a clause be omitted from it to reflect its proper classification. In all cases the House can suspend its Standing Orders to permit a bill to proceed even though it contains provisions relating to more than one type of bill.

ADOPTION OF MEMBER’S BILL BY THE GOVERNMENT

As well as adopting the ideas set out in a Member’s bill for inclusion in its own legislation, the Government may formally take over a Member’s bill and convert it into a Government bill.

This can be done only with the consent of the member in charge of the bill. If this consent is forthcoming, the Speaker must be notified in writing by the Minister who is taking charge of the bill that it has been adopted by the Government. The Speaker announces this fact to the House. The bill is consequently listed among the Government orders of the day and treated thereafter as a Government bill.

FORM OF BILLS

Where there are provisions requiring the inclusion of particular provisions in a bill, they must be observed, otherwise the bill will not comply with the Standing Orders. The House requires that any bill presented to it conform to the prescribed standards. There are now a number of such requirements, which are examined below. They are effectively drafting instructions to those preparing bills. The fact that a bill must be introduced in conformity with these requirements does not necessarily mean that any resulting Act will also include them; the House may amend the bill by omitting them as the bill is being passed. But in fact this is quite

49 SO 253(1).
50 SO 253(2); (17 March 2010) 661 NZPD 9570–9585 (Christ’s College (Canterbury) Amendment Bill), a private bill introduced to amend a local bill of a predominantly private nature.
51 (1989) 504 NZPD 14723 (Taxation Reform Bill (No 7)).
52 (1929) 223 NZPD 1177–1178 Statham (Petone and Lower Hutt Gaslighting Amendment Bill).
54 Wellington Harbour Board Reclamation and Empowering Bill (report, 14 July 1908) ([1908] AJHR I.7 at 1); (15 July 1908) [1908] 1 JHR 46.
56 SO 272(1).
57 SO 272(2).
59 SO 272(3).
unlikely. The object of specifically requiring that bills contain a minimum set of provisions is designed to improve the utility of enacted legislation, as well as the process of legislation at the bill stage. However, there are relatively few formal rules requiring a bill to be drafted in any particular form.60

Nevertheless, although the specific Standing Orders requirements are few, bills are expected to conform to a certain form and style in their presentation. In 1997 a number of format and drafting changes were instituted by the Parliamentary Counsel Office and in successive Parliaments since then the House has given authority for these changes to be made to bills already before it as they are reprinted during their passage through the House.61 A more substantial revision to the format in which bills are produced was undertaken in 1999 to coincide with the new Interpretation Act and consequent Standing Orders changes, the first major change in the form of bills since 1956. In this case, too, the House has agreed that bills introduced before the 1999 format changes were introduced should be amended to conform to them as they are reprinted.62 More recently, in 2012 the Parliamentary Counsel Office revised its style for amending enactments. This revision, however, was not made retrospectively to bills already before the House.63

Electronic publication of legislation has had consequences for the form of bills before the House. Showing amendments to bills by revision tracking is now standard practice following the select committee and committee of the whole House stages. Also, amending Acts are now published in full text and the principal Acts they amend can be seen both in current form and as they were before amendment. The legislative history of an Act and the sources of amendments to it are thus easily accessible electronically. This has removed the need to divide most amending omnibus bills for third reading.

While a fairly wide latitude is given to those preparing legislation to decide what form it should take, its form can be taken into account by the presiding officers in exercising discretions given to them by the Standing Orders, for example in deciding whether to accept a closure motion.64

Preamble

A preamble recites the reasons for the legislative provisions proposed in the bill.

It has been said that there is a difference between the preamble and the subsequent substantive provisions of a bill (or Act): "Parliament ‘does’ only what is set out in the enactment. The preamble may explain and justify; it may ... outline a whole political philosophy, or ... accept as given vast novel assertions; but it can never record what parliament has done."65 Accordingly, if there is a preamble, it precedes the enacting words of the statute. But while a preamble may not enact law itself, it is one indication of the meaning of the enactment.66

Private bills are required to include a preamble setting out the facts on which the bill is founded, the circumstances that gave rise to it, and, if there is an alternative to legislation, why legislation is preferred.67 But in other types of bills preambles are not often employed. To a large extent the functions performed by the preamble have been taken over by the explanatory note. However, an Appropriation Bill always has a preamble in the form of an address from the House to the Crown,68 and bills effecting Treaty of Waitangi settlements almost invariably contain preambles with

64 (26 March 2003) 607 NZPD 4421.
66 Interpretation Act 1999, s 5(3).
67 SO 258.
extensive recitations of the background to the settlements.\textsuperscript{69} If a bill is introduced without a preamble, one cannot be inserted by way of amendment to the bill,\textsuperscript{70} but an existing preamble in a bill can be amended or omitted.

**Enacting words**

The preamble, if there is one, is followed by enacting words. This is a declaration testifying to the formal nature of the document as being intended by Parliament to have legislative effect. The formula, which was adopted in 1999, reads: \textit{“The Parliament of New Zealand enacts as follows:”}. If there is a preamble the words read: \textit{“The Parliament of New Zealand therefore enacts as follows:”}.\textsuperscript{71} The provisions of the bill follow this statement.

**Preliminary clauses—Title**

This is the name by which the bill is commonly known, and by which the resulting Act may be referred to in legal proceedings. The title of the bill (formerly known as the Short Title) is printed prominently across the top of the front page, and the first clause in the bill itself following the enacting words must be the provision giving the bill its title.\textsuperscript{72} A bill may have two titles, one in Te Reo Māori and the other in English.\textsuperscript{73} The decision as to what title to use is a drafting decision made by the member introducing the bill. The Speaker cannot intervene unless it were to contain something quite extraordinary, such as an obscenity.\textsuperscript{74}

A bill with the same title as another bill currently before the House or the same as that of a bill that has been before the House earlier in the same session is distinguished from the other bill by the addition of a number, “(No 2)”, as part of its title. This number immediately follows the word “Bill”. If “(No 2)” is not available because a bill has already been assigned that number, the next available number is used, and so on.

Bills have been regularly held over or reinstated from session to session and from Parliament to Parliament since the 1970s. Consequently, it is not possible to number similarly entitled bills in a consecutive series for each session or even each Parliament. Numbers assigned to the title therefore do not imply anything about the order in which similarly entitled bills were introduced; they merely distinguish the bills. Even so, distinguishing between bills with similar titles can be difficult. Therefore in recent years an attempt has been made to give bills unique descriptive titles, rather than ones that largely duplicate the titles of bills already before the House. Appropriation bills, Imprest Supply bills and Taxation bills setting annual tax rates are given titles that identify precisely the financial year, the subject (Estimates, Supplementary Estimates, confirmation and validation of appropriations) or the order (first, second and so on) of enactment in relation to the financial year in question. In the case of local bills the title or name of the local authority, and in the case of private bills the name of the person or organisation promoting the bill, should be included in the title of the bill, helping to avoid any duplication of title.

**Preliminary clauses—Commencement**

A bill must set out precisely when it is proposed that it come into force.\textsuperscript{75} This rule reflects the legal rule that an Act comes into force on the date stated or provided for

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\textsuperscript{69} See, for example: Waikato Raupatu Claims Settlement Act 1995; Ngai Tahu Claims Settlement Act 1998.


\textsuperscript{71} SO 254.

\textsuperscript{72} SO 255.

\textsuperscript{73} See, for example: Te Ture Whenua Māori Act 1993, s 1(1).

\textsuperscript{74} (2001) 597 NZPD 14010.

\textsuperscript{75} SO 256(1).
in the Act. In principle, the commencement provision should fix a precise date. But the commencement of legislation can be deferred for it to be brought into force by Order in Council if there are considered to be good reasons for doing so. In these circumstances the reasons for deferring the commencement of the legislation to an unspecified date are set out in the bill’s explanatory note. Any use of the power to defer the commencement of a bill’s provisions other than for the reasons given in the explanatory note is likely to attract criticism. The Parliamentary Counsel Office maintains a list of legislation waiting to be brought into force. The list is presented to the House each year as a non-parliamentary paper, and is published on the Parliamentary Counsel Office website. The list includes departmental notes updating progress on commencement.

Until 1999 the commencement of a bill was invariably dealt with in the first clause, along with the title. It must now be in a distinct clause devoted solely to the commencement. This is the second clause of the bill and, along with the title clause, it forms one of a bill’s preliminary clauses, which precede the first distinct part in the bill (if the bill is drafted in parts).

Different provisions in the bill may come into force at different times. This must be indicated in the commencement clause, with cross-references to the other clauses where the precise commencement details are set out.

**Preliminary clauses—Principal Act clause**

Many bills are designed to amend an Act already in force (known as the “principal Act”). A separate clause describing the principal Act being amended by a bill appears after the commencement provision. Until 2006, such provisions tended to be placed in a subclause of the title clause. A principal Act clause is now recognised as a preliminary clause and is defined as such.

**Temporary laws**

Bills sometimes contain “sunset” provisions whereby the enactment is to remain in force for a limited time and is then to be wholly repealed or to expire. Such a provision must be included as a distinct clause in the bill. It cannot be tagged on to another provision or annexed as a subclause in a clause dealing with other matters. An expiry provision is not a preliminary clause.

Where only a single provision in the bill is subject to a sunset provision, the latter may be included in a separate clause or in a subclause as is convenient. This requirement for a separate clause does not apply where a bill is inserting into another Act sections that are to be subject to a sunset clause.

**Clauses**

Clauses are the major building-blocks of a bill. Many older English bills and Acts set forth their provisions with little regard for the reader, with no punctuation or breaks in the text. This style of drafting was never employed in New Zealand.

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76 Interpretation Act 1999, s 8(1).
81 SO 256(1).
82 SO 3(1).
83 SO 256(2).
84 SO 3.
85 SO 259(1).
86 (23 February 2010) 660 NZPD 9268 Barker (Chairperson).
87 SO 259(2).
88 SO 259(3).
All bills are divided into clauses (numbered consecutively in arabic numerals\(^{89}\)) so that the subject matter of a bill can be arranged logically. A clause may in turn be subdivided into subclauses (marked by arabic numerals in brackets), subclauses into paragraphs (lower-case letters in brackets), and paragraphs into subparagraphs (small roman numerals in brackets).

While bills are drafted in clauses, these clauses become known as “sections” when the bill becomes an Act (and a subclause then becomes known as a subsection). For this reason a bill is drafted exactly as it would read if it became an Act. A reference in a clause to another clause in the same bill refers to that other clause as a section. Similarly the word “bill” is not used in a bill’s text; when it refers to itself, a bill calls itself an “Act”.

Printed above the text of each clause is a heading (formerly known as a marginal note when it was printed in the margin), which is really the title of each clause, describing as pithily as possible the clause’s provisions. These headings are collected together and printed at the front of the bill as the contents of the bill. The headings may be used as indications of the meaning of the enactment.\(^{90}\) They are subject to amendment as the bill is passing through the House in the same way as any other part of the text of the bill.\(^{91}\)

As well as the preliminary and temporary law clauses already discussed, a number of other types of clauses are commonly encountered.

If a bill needs to define words it uses to assist with its interpretation, this is often done in a distinct clause. Indeed sometimes there may be more than one clause dealing with interpretation issues.\(^{92}\) Other distinct clauses often found in bills include a purpose clause (declaring the objects that the bill is intended to achieve); an application clause (defining the persons or period or types of actions the bill’s provisions are to apply to); and a clause declaring that the Act is to bind the Crown (an Act does not bind the Crown unless it expressly states that it does\(^{93}\)). In larger bills increasing use is being made of overview clauses, which outline the structure and content of a bill in more detail than the table of contents.\(^{94}\) Bills often also contain provisions authorising the making of delegated legislation. Such provisions are subject to the special scrutiny of the Regulations Review Committee. (See Chapter 28.)

**Parts and other divisions**

Most bills are divided into parts consisting of groups of clauses. Parts are numbered consecutively in arabic numerals. Older Acts were sometimes divided into what used to be called divisions or titles, which are similar to parts. A part may be divided into subparts. Other headings and subheadings without a formal division into parts may also be used to group together similar clauses. Decisions on whether to employ parts and headings (and also exactly when to use clauses, subclauses and the like) are essentially drafting decisions, though they will be taken into account by chairpersons when deciding how long to allow for debate on the bill in committee.\(^{95}\)

**Schedules**

A schedule of a bill, which may be in tabular form, is often employed as a convenient way to set out provisions relating to repeals or amendments of previous Acts or

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89 Some tax bills use a different, alpha-numeric, system.
90 Interpretation Act 1999, s 5(3).
92 For example: in the Injury Prevention, Rehabilitation, and Compensation Act 2001, 13 sections deal with interpretation.
93 Interpretation Act 1999, s 27.
94 For example: Financial Markets Conduct Act 2013, s 5.
95 (26 March 2003) 607 NZPD 4421.
other provisions too detailed to include in the main body of the bill. Any schedules of the bill are placed after the clauses.

A schedule has been described as an appendix to the bill, to which effect is given by a preceding clause in the bill.\textsuperscript{96} This is almost invariably the case, but a schedule has been added to a bill without any preceding clause giving effect to it.\textsuperscript{97} A schedule of an Act is a full part of the Act and may contain very important provisions. Complaints have sometimes been made that matters included in a schedule should more appropriately have been included in the main body of the bill, but that is a matter for the House’s judgement in deciding whether to agree to the schedule.\textsuperscript{98}

**Explanatory note**

When it is introduced every bill must contain a memorandum, known as an explanatory note, stating the policy that the bill seeks to achieve.\textsuperscript{99} The explanatory note may also (and usually does) explain the individual provisions of the bill.\textsuperscript{100} An explanatory note is an attempt to set out in non-legal or less formal terms the purport of the bill that has been presented to the House. It is regarded as a very important indicator of the meaning of the language used in the bill and the subsequent Act,\textsuperscript{101} even though in New Zealand (unlike the United Kingdom)\textsuperscript{102} it is not amended to reflect changes made to the bill as the bill passes through the House. In this regard the commentary produced by the select committee following its consideration of the bill supersedes the explanatory note in parliamentary terms.

The explanatory note of a Government bill is prepared by the Parliamentary Counsel Office and the department principally responsible for promoting the legislation. In all cases an explanatory note must be drafted in factual, not argumentative, terms.\textsuperscript{103} While the note must not mislead the House, whether members agree with its assertions or accept them as correct is a matter for debate and is not something on which the Speaker can rule.\textsuperscript{104} If the Minister in charge of the bill becomes aware of a factual error in the explanatory note, the House should be informed and a correction tabled. An explanatory note that does not set out the policy of the bill or describe the nature of the changes to the law that the bill proposes to make has been criticised by the committee to which the bill was referred.\textsuperscript{105}

The explanatory note for a Government bill has also become the locus for departmental scrutiny information about the bill. Cabinet Office rules require regulatory impact analysis to be performed for a Government bill. Since November 2009 a URL link has replaced the full text of any departmental regulatory impact statement supplied in the explanatory note for the bill.\textsuperscript{106} The Government has also agreed to provide disclosure statements for most Government bills introduced.\textsuperscript{107} A URL link is provided in the explanatory note to material grouped into four areas: General Policy Statement; Background Material and Policy Information; Testing

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\textsuperscript{96} BC Wright *House of Representatives Practice* (6th ed, Department of the House of Representatives, Canberra, 2012) at 349.

\textsuperscript{97} Local Government Amendment Act (No. 2) 1989, sch 4; Maori Reserved Land Amendment Act 1997, sch 5.

\textsuperscript{98} (1998) 574 NZPD 14311 (Accident Insurance Bill).

\textsuperscript{99} SO 257.

\textsuperscript{100} SO 257.

\textsuperscript{101} Real Estate House (Broadtop) Ltd v Real Estate Agents Licensing Board [1987] 2 NZLR 593 (CA).


\textsuperscript{104} (2002) 598 NZPD 14825–14826 Hunt (Customs and Excise Amendment Bill (No 5)).

\textsuperscript{105} Survey Amendment Bill (173–2) (commentary, 17 June 1996) at vi.

\textsuperscript{106} Treasury Regulatory Impact Analysis Handbook (July 2013) at 4.7.

\textsuperscript{107} Cabinet Office Circular “Disclosure Requirements for Government Legislation” (4 July 2013) CO 13/3.
of Legislative Content; and Significant Legislative Features. Disclosure statements support the effective parliamentary scrutiny of legislation and the implementation of the legislative quality standards promoted in documents such as the Legislation Advisory Committee Guidelines. An explanatory note has also been used to convey the results of consultation carried out before legislation to amend the New Zealand Superannuation Act was introduced, though it is normal practice to do this in a separate report.

OMNIBUS BILLS

Early Royal instructions from the Sovereign enjoined Governors to take care, as far as was possible, to ensure that different matters were dealt with in different laws. However, there has been a huge development, especially since the 1970s, in the use of omnibus bills to “fast-track” legislation through Parliament. The earliest of such omnibus bills were Statutes Amendment bills, which made amendments to a large number of disparate statutory provisions of a minor or tidying-up nature. From the mid-1950s onwards Statutes Amendment bills have been divided into separate amending bills at the committee stage and passed into law as separate Acts. Statutes Amendment bills are still subject to strong conventions that ensure cross-party agreement to their provisions.

But, beginning in the late 1970s, a new type of omnibus bill, usually called a Law Reform (Miscellaneous Provisions) Bill, came into use. This bill also amended a number of disparate legislative provisions; but it was not confined to minor, non-controversial matters. It was used to introduce and pass highly important and controversial legislation, sometimes of an entirely different character from legislation already in force. Including a large number of provisions in the same bill meant that parliamentary consideration of the measure was severely truncated, and interested parties found it difficult to find the provisions affecting them since they were combined with other quite different provisions in the same bill.

In 1995 the Standing Orders Committee reacted to this development of defective legislative process by prohibiting Law Reform (Miscellaneous Provisions) bills and controlling the circumstances in which omnibus bills could be employed.

Bills to relate to a single subject area

The principle is now that a bill introduced into the House must relate to one subject area only, except insofar as the Standing Orders provide otherwise. This is a modern reaffirmation of the principles in the early Royal instructions. The Speaker is charged with the examination of each bill that is introduced to ensure compliance with this principle. The Speaker may order that a bill be discharged, or be amended as a condition of its proceeding, so that it complies with the rule. A Member’s bill introduced to enhance access to official information and to amend the secrecy provisions of the tax Acts has been amended under this rule by the deletion of the tax Acts provisions. In the case of an omnibus bill that can be saved by being amended, the Speaker will normally give the member the option of
choosing which provisions of the bill to excise so as to bring it within the Standing Orders, otherwise it will be entirely out of order.

The rule against omnibus bills is not automatically infringed by a bill amending more than one Act. A bill can make purely consequential amendments to a number of Acts affected by its provisions without thereby becoming an omnibus bill. But if a bill proposes to amend more than one Act substantively (that is, other than consequentially), it is inherently an omnibus bill. Even if a bill does not amend more than one Act it may still be an omnibus bill if it deals with more than one substantively distinct subject. In each case, a judgement must be made as to whether a bill is of an omnibus nature, and making this judgement is not obviated by the technicality that no amendment of an already existing Act is involved.

**Types of omnibus bills that are permitted**

There are a number of standard types of bills that, though they are omnibus in nature, have become established as acceptable for consideration by the House. These are Finance bills; confirmation and validation bills; Taxation bills; Local Legislation bills; Maori Purposes bills; Reserves and Other Lands Disposal bills; revision bills; and Statutes Amendment bills. These types of bills are described below. The permissible contents of Local Legislation bills, Maori Purposes bills, Reserves and Other Lands Disposal bills, and Taxation bills are regarded as better defined than those of Finance bills; consequently, matter more appropriate for inclusion in one of the former group is to be included in it, rather than in a Finance Bill.

Apart from these standard omnibus bills, it is possible to introduce omnibus bills in four sets of circumstances.

1. A bill dealing with an interrelated topic that can be regarded as implementing a single broad policy may be introduced even though it amends several Acts. This exception is intended to permit a single bill to be introduced to effect an overarching set of reforms. Instances given by the Standing Orders Committee in 1995 were the companies reform legislation of the early 1990s, occasional customs legislation and the very common taxation reform legislation. The majority of permissible omnibus bills that are introduced fall under this exception.

2. A bill effecting similar amendments to a number of different Acts may be introduced.

   Where, for example, statutory references need to be changed throughout the statute book, it is convenient to do this by a single bill even though it will technically be an omnibus bill.

3. An omnibus bill may be introduced if the Business Committee agrees to it being introduced.

   There are no criteria limiting the nature of a bill that may be introduced with the Business Committee’s agreement, but, because of the rule of unanimity or near-unanimity applying to that committee, a bill

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116 SO 260(2).
117 SO 262(1).
118 SO 262(2).
119 SO 263(a).
121 SO 263(b).
122 See, for example: Treasurer (Statutory References) Bill (15–2) (1 May 1997) amending references to the Minister of Finance to references to the Treasurer.
123 SO 263(c); see, for example: Infrastructure Bill (63–2) (5 August 2009) (introduction as an omnibus bill agreed to by the Business Committee on 28 July 2009).
124 SO 78.
containing controversial provisions is most unlikely to obtain its approval for introduction. As a condition of its agreement the committee may require a particular provision to be omitted from the draft bill submitted for its approval and insist on the provision’s introduction as a separate measure. Notwithstanding this, a select committee has criticised the Business Committee’s decision to allow a bill to proceed as an omnibus bill on the grounds that it contained substantial policy proposals that should have been introduced separately.125

Where the Business Committee agrees to an omnibus bill being introduced, this fact is mentioned in the bill’s explanatory note, thus making it explicit why it can proceed even though it is an omnibus bill.

4. The Standing Orders may be suspended to permit an omnibus bill to be introduced.

Where Business Committee agreement to the introduction of an omnibus bill cannot be obtained, it is always open to the House to suspend the Standing Orders to permit such a bill to proceed.126 This has been done on notice.127

Amendments of an omnibus nature

It is axiomatic that, since a bill cannot be introduced as an omnibus bill (subject to the exceptions already described), neither can a bill be turned into an omnibus bill by way of amendment as it is proceeding through the House, except by leave of the House or the suspension of Standing Orders.

In the case of a bill introduced as an omnibus bill, substantive amendments are permitted to Acts not proposed to be amended at introduction, provided that the amendments are relevant to the subject matter of the bill, are consistent with the principles and objects of the bill, and otherwise conform to the Standing Orders and practices of the House.128

PARTICULAR TYPES OF BILLS

There are several types of general bills that are introduced into the House on a regular basis. These bills may have particular parliamentary rules attaching to them, or be defined by their special contents. In practice, they are invariably introduced as Government bills. Some of them are omnibus bills proposing amendments to a number of different Acts already in force or dealing with a number of disparate subjects.

Appropriation bills

There may be three or more Appropriation bills relating to each financial year. The first or main Appropriation Bill is introduced on Budget day. The second reading of this bill constitutes the Budget debate. The bill contains the Government’s main expenditure plans, and consideration of the Estimates takes place at its committee stage. The bill must be passed within three months of the delivery of the Budget.129

There is also one or more Appropriation Bill containing Supplementary Estimates of expenditure that must be passed before the end of the financial year.

The Appropriation (Confirmation and Validation) Bill is a bill introduced after the end of the financial year, containing provisions confirming or validating financial matters in respect of that year, such as any unappropriated or emergency

126 SO 4.
129 SO 340(1).
expenditure that has been incurred. This bill is the vehicle by which the House debates the Government’s annual statements and holds its annual review debate.\footnote{SOs 346–348.}

Apart from an Appropriation (Confirmation and Validation) Bill, an Appropriation Bill must relate only to the current financial year. It supersedes all Imprest Supply Acts still in force at the time it is passed. Grants of imprest supply merge into the appropriations made under an Appropriation Act. The introduction of an Appropriation Bill is accompanied by the presentation of Estimates and other supporting information setting out how the amounts to be appropriated are to be charged to each vote.\footnote{Public Finance Act 1989, ss 13 and 16.} (See Chapters 31, 33 and 35.)

**Confirmation and validation bills**

A number of Orders in Council and other regulations have only temporary effect unless confirmed by Act of Parliament within a certain time. Therefore, there is usually at least one bill each year confirming subordinate legislation that has been made in the period since the last legislative confirmation. Such a bill may be an omnibus bill dealing with confirmation of a number of different instruments.\footnote{SO 262(1).} A confirmation and validation bill is not an appropriate legislative vehicle for amending legislation nor for making substantial validations of illegal regulations and related actions. The task of compiling the bill is co-ordinated by the Parliamentary Counsel Office.\footnote{Regulations Review Committee Inquiry into regulation-making powers that authorise international treaties to override any provisions of New Zealand enactments (12 March 2002) [1999–2002] AJHR I.16H at 24.}

**Customs Acts Amendment bills**

An omnibus bill called the Customs Acts Amendment Bill may be introduced to amend Acts dealing with customs and excise duties. Sometimes this bill has been divided up into separate amending Acts at the committee stage, and on other occasions it has been passed as a single Act.

**Finance bills**

Finance bills contain miscellaneous provisions that do not warrant enactment in separate legislation and do not conveniently fall into any other category of legislation. There is no significance in the title “Finance Bill”. The scope of debate on a Finance Bill is determined entirely by its contents.\footnote{(1987) 485 NZPD 1825 Terris (Chairman).} While such bills were once common, they are rarely introduced now.

A Finance Bill may contain one-off provisions, such as validations and authorisations and repeals of spent enactments, introduced as an omnibus bill.\footnote{SO 262(1).} It may not be used to make permanent amendments to legislation, which should be made in separate legislation or, if appropriate, in a Statutes Amendment Bill. Even in the case of validations and authorisations, there may be another more appropriate “washing-up” bill in which the provisions can be included. In either case, one of those bills should be used rather than a Finance Bill.\footnote{SO 262(2).} A Finance Bill may not contain clauses in the nature of a private Act, relating for example to private trusts.\footnote{(1940) 257 NZPD 1024–1025, 1029 Barnard.}

A Finance Bill is introduced by a Finance Minister.

**Imprest Supply bills**

There are two or three Imprest Supply bills each financial year. An Imprest Supply Bill authorises the expenditure of public money or the incurring of expenses or
capital expenditure in anticipation of a formal appropriation by an Appropriation Act. A grant of imprest supply is a vote by Parliament to the Government of funds to keep the machinery of State running until the Government’s detailed expenditure proposals have been examined and approved.

An Imprest Supply Bill is passed before the financial year opens on 1 July, to allow expenditure to continue until the main Appropriation Bill is enacted. Another Imprest Supply Bill is likely to be passed at the time of the passing of the main Appropriation Act, to authorise expenditure not appropriated in that Act that will be brought forward in an Appropriation Bill containing Supplementary Estimates to be passed before the end of the financial year. There may be a further Imprest Supply Bill depending upon the need for more interim appropriation during the financial year.

An Imprest Supply Bill may contain provisions dealing only with temporary financial authority to continue public services. Other material would alter the nature of the bill and it would not then be subject to the procedures prescribed in the Standing Orders\(^\text{138}\) for an Imprest Supply Bill. (See Chapters 31 and 33.)

**International treaty bills**

It has been estimated that a fifth of New Zealand’s legislation is designed to give effect to international obligations that have been, or are to be, entered into by the Government.\(^\text{139}\) The House now has procedures whereby multilateral treaties and some bilateral treaties are presented to it in draft and subjected to some parliamentary examination before they become binding.

There is no single form in which bills to give effect to treaty obligations are drafted.\(^\text{140}\) However, where the treaty text itself is annexed to the bill, it is well recognised that it is not for the House to seek to amend the text, which has its own independent origin.\(^\text{141}\) As the object of such a bill is to implement a treaty, committees have also accepted that it is not open to them to amend the bill in a way that is inconsistent with the treaty.\(^\text{142}\) It is for the House (as with Treaty of Waitangi settlement legislation) to decide whether to incorporate a treaty into New Zealand law and, if so, what form the incorporation will take.

**Local Legislation bills**

A Local Legislation Bill is a Government bill introduced by the Minister of Local Government, containing provisions that otherwise would have been required to be the subject of separate local bills.\(^\text{143}\) It is a permissive type of omnibus bill.\(^\text{144}\) It allows small amendments to local legislation, which might not in themselves have warranted the promotion of a special bill, to be effected. It is the local bill equivalent of the Statutes Amendment Bill, though the provisions in a Local Legislation Bill are not solely confined to amending local Acts already in force; they may validate a technical illegality or confer a power on a particular local authority without reference to a principal Act.

Clauses are included in the bill by the Minister of Local Government on the application of local authorities.\(^\text{145}\)

As well as local legislation clauses initiated by local authorities, a Local Legislation Bill can contain clauses repealing spent local Acts, spent Local

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138 SO 331.
143 SOs 274(1) and App C cls 18–23.
144 SO 262(1)(c).
145 SOs, App C el 18.
Legislation Acts or spent provisions in a Local Legislation Act.\textsuperscript{146} It is most unlikely that a local authority would wish to initiate a clause for any of these purposes (the local authority that promoted the legislation may no longer exist, though if it does, it is likely to be consulted about the proposed repeal), so in the interests of tidying up the statute book the Minister of Local Government may include such provisions in a Local Legislation Bill on the Minister’s own initiative.

A Local Legislation Bill is not divided into its constituent local bills at the committee stage; it is passed in a single enactment. Although once an annual item on the legislative calendar, Local Legislation bills are infrequent now.

\textbf{Māori Purposes bills}

A Māori Purposes Bill may be an omnibus bill.\textsuperscript{147} Such a bill makes tidying-up amendments to legislation relating to Māori affairs that do not warrant enactment as separate amending Acts. It can also effect miscellaneous authorisations, transfers and validations relating to Māori land and property. Provisions concerning Māori land and trusts that would otherwise require private legislation can be included in a Māori Purposes Bill.\textsuperscript{148} The Minister of Māori Development introduces the bill.

\textbf{Reserves and Other Lands Disposal bills}

Reserves and Other Lands Disposal bills are miscellaneous omnibus bills.\textsuperscript{149} They effect authorisations, transfers and validations of matters relating to Crown land and reserves, and other land held for public or private purposes. They may also amend previous Reserves and Other Lands Disposal Acts. A Reserves and Other Lands Disposal Bill may not give effect to a deed of family arrangement, which should be dealt with by a private bill.\textsuperscript{150}

Where legislation is necessary for a step to be taken in respect of land held for public purposes, a Reserves and Other Lands Disposal Bill is an appropriate vehicle. Thus, by law, land may be excluded from a national park only by Act of Parliament.\textsuperscript{151} A Reserves and Other Lands Disposal Bill is the appropriate means by which such exclusions are effected.

In general, a Reserves and Other Lands Disposal Bill makes only the minimum provisions necessary for effecting the authorisation, transfer or validation concerned. Where more elaborate provision is necessary, separate legislation should be employed.\textsuperscript{152} Land Information New Zealand assumes responsibility for liaising with local bodies, statutory authorities and Government departments about items for inclusion in such a bill. Matters are only included if they are determined to be non-controversial and have the consent of all parties involved.\textsuperscript{153}

\textbf{Revision bills}

A revision bill re-enacts laws in an up-to-date and accessible form, but without changing their effect except in two limited respects. While restating the existing law, a revision bill may make minor amendments to clarify Parliament’s intent or to reconcile inconsistencies between provisions; and it may make CPI adjustments to any monetary amount (apart from an amount that specifies a jurisdiction, offence or penalty) or provide for the amount to be prescribed by Order in Council.\textsuperscript{154} Bills certified as revision bills are given truncated passage through the House.

\begin{itemize}
\item \textsuperscript{146} SOs, App C cl 21.
\item \textsuperscript{147} SO 262(1)(d).
\item \textsuperscript{148} (1918) 183 NZPD 1007–1014.
\item \textsuperscript{149} SO 262(1)(e).
\item \textsuperscript{150} (1918) 183 NZPD 1008 Lang.
\item \textsuperscript{151} National Parks Act 1980, s 11.
\item \textsuperscript{152} Reserves and Other Lands Disposal Bill (168–2) (commentary, 9 November 1998) at i ([1996–1999] AJHR I.23 at 892).
\item \textsuperscript{154} Legislation Act 2012, s 31.
\end{itemize}
There is no debate or amendment on the question for first and third reading, and there is no committee of the whole House stage unless required by the Business Committee or the Minister in charge of the bill. The Parliamentary Counsel Office is responsible for the revision process, and the Attorney-General is required to present a draft three-yearly revision programme at the beginning of each new Parliament. Revision bills may be omnibus bills.

**Settlement bills**

Bills to effect settlements of claims under the Treaty of Waitangi have become recognised as a distinct type of bill. Such bills embody conditions in deeds of settlement between the Crown and Māori. They almost invariably have preambles setting out the background to the settlement. It has been accepted that it is not the House’s task to amend settlement terms agreed by other parties unless those parties themselves agree. Like the texts of international treaties, such provisions have an independent origin. Any amendment to the bill must also be consistent with its object—that is, the implementation of the settlement. It is for the House to decide whether to give effect to the settlement and, if so, in what form.

Some settlement bills have been introduced as omnibus bills that deal with multiple settlements. Omnibus bills have been used where the settlements have been negotiated in parallel processes mandated by iwi. Such bills have been divided at the committee of the whole House stage. Another mechanism used to progress multiple settlements or settlements involving both public and private bills has been to use cognate bills. (See pp 401–402.)

**Statutes Amendment bills**

The Statutes Amendment Bill is the archetypal omnibus bill. It was the first type of bill, in 1955, to be divided up at the committee stage into separate bills that were then passed as individual enactments. Until then Statutes Amendment bills had been passed as single Acts. The practice is now invariably to divide Statutes Amendment bills.

A Statutes Amendment Bill consists entirely of amendments to other Acts of Parliament (including provisions repealing other Acts). Unlike other bills, provisions are included in a Statutes Amendment Bill only with the prior agreement of all other party spokespersons on a subject. This does not mean that the provision will inevitably be passed. Any member still has the right to object to a clause in a Statutes Amendment Bill at the committee stage. In such a case the clause is struck out of the bill. There is a long-standing convention that a clause in a Statutes Amendment Bill that is objected to will be withdrawn.

A select committee considering a Statutes Amendment Bill can, with unanimous agreement, add clauses to the bill amending Acts not already amended by the bill as introduced. However, a committee has complained about requests...
from departments for additions to the bill. Cross-party support must always be demonstrated in the case of a provision in a Statutes Amendment Bill, and late requests for amendment can undermine the goodwill that such a bill requires.\textsuperscript{166} The Minister in charge of the bill co-ordinates the cross-party support process.\textsuperscript{167}

While amendments effected by Statutes Amendment bills must, by definition, be non-controversial, they can be far-reaching. But provisions with significant policy implications should not be promoted by way of Statutes Amendment bills.\textsuperscript{168}

Statutes Amendment bills are introduced throughout the parliamentary term. More than one such bill may be dealt with in the same year.

\textbf{Taxation bills}

Taxation bills are another type of permissible omnibus bill.\textsuperscript{169} Taxation bills are acceptable for introduction as an omnibus bill provided that they are confined to amendments to Inland Revenue Acts (as currently defined by section 3(1) of the Tax Administration Act 1994).\textsuperscript{170} Other legislation (such as accident compensation and social security) may be amended as part of the package where the Commissioner of Inland Revenue performs a collection or enforcement role in respect of it. Such tax bills are usually, but not invariably, divided up into their component amendment bills at the committee stage. There are often several taxation bills in a year.

\begin{footnotesize}
\begin{enumerate}
\item Statutes Amendment Bill (No 4) (102–2) (commentary, 10 August 2004) at 9 ([2002–2005] AJHR I.22C at 611).
\item Cabinet Office Circular “Statutes Amendment Bill for 2015” (20 March 2015) CO 15/2.
\item Statutes Amendment Bill (No 5) (185–2) (commentary, 1 April 1999) at ii and vi ([1996–1999] AJHR I.24 at 193 and 197).
\item SO 262(1)(b).
\end{enumerate}
\end{footnotesize}