

Subordinate Legislation (Confirmation and Validation) Bill

Government Bill

Explanatory note

General policy statement

This Bill's purpose is to prevent the lapse (expiry or deemed revocation) of certain subordinate legislation that, by virtue of the Acts under which it is made, lapses at a stated time unless earlier confirmed or validated by Act of Parliament.

Clause by clause analysis

Clause 1 states the Title the Bill will have when enacted.

Clause 2 provides that the Bill, when enacted, comes into force on the day after the date on which it receives the Royal assent.

Part 1

General and technical provisions

Clause 3 states the purpose of the Bill when enacted. Most subordinate legislation is confirmed, but the orders in *clauses 10 and 12* are validated and confirmed because the Acts under which they are made provide that they expire at a stated time unless earlier validated and confirmed. However, in the light of their purpose (to prevent expiry), the effect of the validations is limited by *clause 4*.

Clause 4 ensures, in the light of their purpose, which is only to prevent expiry of the orders validated, that the validations effected by *clauses 10 and 12* do not also cure any invalidity.

Clause 5 ensures that the Bill, when enacted, binds the Crown.

Clause 6 repeals the Subordinate Legislation (Confirmation and Validation) Act 2011, which is now spent.

Part 2 Confirmations and validations

Clause 7 confirms regulations under the Animal Products Act 1999.

Clause 8 confirms 7 orders under the Commodity Levies Act 1990.

Clause 9 confirms 5 orders under the Customs and Excise Act 1996.

Clause 10 validates and confirms an order made under the New Zealand Superannuation and Retirement Income Act 2001 and the Social Security Act 1964.

Clause 11 confirms regulations under the Road User Charges Act 2012.

Clause 12 validates and confirms an order under the War Pensions Act 1954.

Hon Gerry Brownlee

Subordinate Legislation (Confirmation and Validation) Bill

Government Bill

Contents

		Page
1	Title	2
2	Commencement	2
Part 1		
Preliminary provisions		
3	Purpose of this Act	2
4	Validations to prevent expiry do not cure invalidity, etc	2
5	Act binds the Crown	2
6	Repeal	2
Part 2		
Confirmations and validations		
7	Animal Products Act 1999	3
8	Commodity Levies Act 1990	3
9	Customs and Excise Act 1996	3
10	New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964	4
11	Road User Charges Act 2012	4
12	War Pensions Act 1954	4

The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Subordinate Legislation (Confirmation and Validation) Act **2012**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- Part 1
Preliminary provisions**
- 3 Purpose of this Act** 10
The purpose of this Act is to prevent the lapse (expiry or deemed revocation) of certain subordinate legislation that, by virtue of the Acts under which it is made, lapses at a stated time unless earlier confirmed or validated by Act of Parliament.
- 4 Validations to prevent expiry do not cure invalidity, etc** 15
In the light of their purpose, the validations effected by **sections 10 and 12** do not—
- (a) express an intention to give legislative force to the provisions of the enactments validated; or
 - (b) apply to any reason for invalidating any of those enactments; or 20
 - (c) override any presumption that would otherwise apply to any of those enactments.
- 5 Act binds the Crown** 25
This Act binds the Crown.
- 6 Repeal**
The Subordinate Legislation (Confirmation and Validation) Act 2011 (2011 No 96) is repealed.

Part 2
Confirmations and validations

- 7 Animal Products Act 1999**
The Animal Products (Fees, Charges, and Levies) Amendment Regulations 2011 (SR 2011/270) are confirmed. 5
- 8 Commodity Levies Act 1990**
The following orders are confirmed:
- (a) Commodity Levies (Navel Oranges) Order 2012 (SR 2012/12):
 - (b) Commodity Levies (Kiwifruit) Order 2012 (SR 2012/24): 10
 - (c) Commodity Levies (Nashi Pears) Order 2012 (SR 2012/89):
 - (d) Commodity Levies (Arable Crops) Order 2012 (SR 2012/161): 15
 - (e) Commodity Levies (Cereal Silage) Order 2012 (SR 2012/162):
 - (f) Commodity Levies (Maize) Order 2012 (SR 2012/163):
 - (g) Commodity Levies (Asparagus) Order 2012 (SR 2012/186). 20
- 9 Customs and Excise Act 1996**
The following orders are confirmed:
- (a) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation and Separate 10% Increase) Amendment Order 2011: 25
 - (b) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2012:
 - (c) Excise and Excise-equivalent Duties Table (Motor Spirits) Amendment Order 2012 (SR 2012/135):
 - (d) Customs Export Prohibition (Toothfish) Amendment Order 2012 (SR 2012/64): 30
 - (e) Customs Import Prohibition (Toothfish) Amendment Order 2012 (SR 2012/65).

- 10 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2012 (SR 2012/21) is validated and confirmed.
- 11 Road User Charges Act 2012** 5
The Road User Charges (Rates) Regulations 2012 (SR 2012/142) are confirmed.
- 12 War Pensions Act 1954**
The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2012 (SR 2012/26) is validated and 10 confirmed.
-