

**Subordinate Legislation
(Confirmation and Validation)
Bill (No 2)**

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 13 and 15* 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 13 and 15* 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 2012, which is now spent.

Part 2

Confirmations and validations

Clause 7 confirms 4 orders under the Biosecurity Act 1993.

Clause 8 confirms an order under the Civil Aviation Act 1990.

Clause 9 confirms 10 orders under the Commodity Levies Act 1990.

Clause 10 confirms 3 orders under the Customs and Excise Act 1996.

Clause 11 confirms regulations under the Gambling Act 2003.

Clause 12 confirms regulations under the Land Transport Act 1998.

Clause 13 validates and confirms—

- an order under the Social Security Act 1964; and
- an order under the New Zealand Superannuation and Retirement Income Act 2001 and the Social Security Act 1964.

Clause 14 confirms regulations under the Road User Charges Act 2012.

Clause 15 validates and confirms an order under the War Pensions Act 1954.

Hon Gerry Brownlee

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The Parliament of New Zealand enacts as follows:

- 1 Title**
This Act is the Subordinate Legislation (Confirmation and Validation) Act (No 2) **2013**.
- 2 Commencement** 5
This Act comes into force on the day after the date on which it receives the Royal assent.
- Part 1**
General and technical 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 13 and 15** 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 2012 (2012 No 97) is repealed.

Part 2
Confirmations and validations

7 Biosecurity Act 1993

The following orders are confirmed:

- (a) Biosecurity (Psa-V—Kiwifruit Levy) Order 2013 (SR 2013/140): 5
- (b) Biosecurity (Bovine Tuberculosis—Cattle Levy) Amendment Order 2013 (SR 2013/200):
- (c) Biosecurity (Bovine Tuberculosis—Otago Land Levy) Amendment Order 2013 (SR 2013/201): 10
- (d) Biosecurity (System Entry Levy) Amendment Order 2013 (SR 2013/273).

8 Civil Aviation Act 1990

The Civil Aviation (Safety) Levies Amendment Order 2012 (SR 2012/306) is confirmed. 15

9 Commodity Levies Act 1990

The following orders are confirmed:

- (a) Commodity Levies (Paeonies) Order 2012 (SR 2012/273):
- (b) Commodity Levies (Pipfruit) Order 2012 (SR 2012/330): 20
- (c) Commodity Levies (Foveaux Strait Dredge Oysters) Order 2013 (SR 2013/25):
- (d) Commodity Levies (Paua) Order 2013 (SR 2013/26):
- (e) Commodity Levies (Rock Lobster) Order 2013 (SR 2013/27): 25
- (f) Commodity Levies (Onions) Order 2013 (SR 2013/141):
- (g) Commodity Levies (Potatoes) Order 2013 (SR 2013/142): 30
- (h) Commodity Levies (Vegetables and Fruit) Order 2013 (SR 2013/143):
- (i) Commodity Levies (Avocados) Order 2013 (SR 2013/258):
- (j) Commodity Levies (Mussels, Oysters, and Salmon) Order 2013 (SR 2013/274). 35

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- 10 Customs and Excise Act 1996**
The following orders are confirmed:
- (a) Customs Import Prohibition (Trout) Amendment Order 2012 (SR 2012/311):
 - (b) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation and Separate 10% Increase) Amendment Order 2012: 5
 - (c) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2013.
- 11 Gambling Act 2003** 10
The Gambling (Problem Gambling Levy) Regulations 2013 (SR 2013/190) are confirmed.
- 12 Land Transport Act 1998**
The Land Transport (Motor Vehicle Registration and Licensing) Amendment Regulations 2012 (SR 2012/227) are confirmed. 15
- 13 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The following orders are validated and confirmed:
- (a) Social Security (Rate of Young Parent Payment) Order 2012 (SR 2012/418): 20
 - (b) Social Security (Rates of Benefits and Allowances) Order 2013 (SR 2013/19).
- 14 Road User Charges Act 2012**
The Road User Charges (Rates) Regulations 2013 (SR 2013/135) are confirmed. 25

15 War Pensions Act 1954

The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2013 (SR 2013/30) is validated and confirmed.
