



# Subordinate Legislation (Confirmation and Validation) Act 2004

Public Act 2004 No 110  
Date of assent 21 December 2004  
Commencement see section 2

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## The Parliament of New Zealand enacts as follows:

### 1 Title

This Act is the Subordinate Legislation (Confirmation and Validation) Act 2004.

### 2 Commencement

- (1) Section 3(3) and subpart 2 of Part 2 come into force on the first day of the month that immediately follows the month in which this Act receives the Royal assent.
- (2) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

## **Part 1**

### **General and technical provisions**

#### **3 Purpose of this Act**

- (1) The purpose of subpart 1 of Part 2 is to confirm and validate certain subordinate legislation made under Acts providing that it lapses after a time unless confirmed or validated by Act of Parliament.
- (2) The validations effected by sections 12 and 14 are for the purpose only of preventing the expiry of the enactments validated; and do not—
  - (a) express an intention to give legislative force to the provisions of those enactments; or
  - (b) apply to any reason for invalidating any of those enactments; or
  - (c) override any presumption that would otherwise apply to any of those enactments.
- (3) The purpose of subpart 2 of Part 2 is to validate payments made under levy notices issued under the Alcohol Advisory Council Act 1976.

#### **4 Act binds the Crown**

This Act binds the Crown.

#### **5 Repeal**

The Subordinate Legislation (Confirmation and Validation) Act 2003 (2003 No 120) is repealed.

## **Part 2**

### **Confirmations and validations**

#### Subpart 1—Formal confirmations and validations to prevent lapse

#### **6 Animal Products Act 1999**

The Animal Products (Fees, Charges, and Levies) Amendment Regulations (No 2) 2003 (SR 2003/338) are confirmed.

#### **7 Animal Welfare Act 1999**

The Animal Welfare (Codes of Welfare Extension) Order 2003 (SR 2003/372) is confirmed.

**8 Biosecurity Act 1993**

The following orders are confirmed:

- (a) Biosecurity (American Foulbrood – Apiary and Beekeeper Levy) Order 2003 (SR 2003/283):
- (b) Biosecurity (Bovine Tuberculosis—Otago Land Levy) Amendment Order 2004 (SR 2004/183):
- (c) Biosecurity (Bovine Tuberculosis—Cattle Levy) Amendment Order 2004 (SR 2004/266).

**9 Commodity Levies Act 1990**

The following orders are confirmed:

- (a) Commodity Levies (Tamarillos) Order 2003 (SR 2003/319):
- (b) Commodity Levies (Meat) Order 2004 (SR 2004/91):
- (c) Commodity Levies (Wool) Order 2004 (SR 2004/92):
- (d) Commodity Levies (Winegrapes) Order 2004 (SR 2004/249).

**10 Customs and Excise Act 1996**

The following orders are confirmed:

- (a) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2003 (SR 2003/320):
- (b) Excise and Excise-Equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2004 (SR 2004/118).

**11 Gambling Act 2003**

The Gambling (Problem Gambling Levy) Regulations 2004 (SR 2004/275) are confirmed.

**12 New Zealand Superannuation Act 2001 and Social Security Act 1964**

The Social Security (Rates of Benefits and Allowances) Order 2004 (SR 2004/52) is validated and confirmed.

**13 Primary Products Marketing Act 1953**

The Deer Industry New Zealand Regulations 2004 (SR 2004/323) are confirmed.

**14 War Pensions Act 1954**

The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2004 (SR 2004/58) is validated and confirmed.

**Subpart 2—Validation of payments under levy notices  
under Alcohol Advisory Council Act 1976****15 Interpretation**

In this subpart, unless the context otherwise requires,—

**Act** means the Alcohol Advisory Council Act 1976

**levy notice** means any notice specified in section 18

**liable person** means a person who, at any time during the application or purported application of a levy notice, was, or could have become, liable to pay a levy under the Act.

**16 Payments made in accordance with levy notices to be  
taken to comply with enactments**

(1) For the purposes of this section,—

(a) a reference to spirits in each of the levy notices specified in paragraphs (f) to (l) of section 18 must be taken to be a reference to spirits containing 23% or more alcohol by volume:

(b) a reference to spirits of less than 23% alcohol by volume in each of the levy notices specified in paragraphs (m) to (s) of section 18 must be taken to include spirits containing 23% alcohol by volume.

(2) If, at any time, during the application or purported application of a levy notice, a liable person paid or caused to be paid an amount purporting to have been payable under the levy notice, the amount is to be taken,—

(a) so far as it purported to have been paid as a levy, to have been payable under the Act; and

(b) so far as it purported to have been paid as goods and services tax, to have been payable under the Goods and Services Tax Act 1985.

**17 Rates at which levy payable for balance of 2004/05 year**

(1) On and after the commencement of this section and until the close of 30 June 2005, the rate at which the levy imposed by

section 28 of the Act is payable on each basic unit of liquor of each of the classes of liquor referred to in section 26 of the Act must be taken to be as follows:

- (a) beer—1.17 cents per litre:
  - (b) spirits containing more than 23% alcohol by volume—38.51 cents per litre of alcohol:
  - (c) spirits containing not more than 23% alcohol by volume—7.06 cents per litre:
  - (d) fortified wine—7.06 cents per litre:
  - (e) unfortified wine—4.32 cents per litre.
- (2) This section applies despite section 27 of the Act or the notice specified in section 18(u).
- (3) The Alcohol Advisory Council Levy Notice 2004 (*Gazette*, 2004, page 1841) is revoked.

## 18 Levy notices

The levy notices are—

- (a) Alcoholic Liquor Advisory Council Levy Notice 1983 (*Gazette*, 1983, page 933):
- (b) Alcoholic Liquor Advisory Council Levy Notice 1984 (*Gazette*, 1984, page 575):
- (c) Alcoholic Liquor Advisory Council Levy Notice 1985 (*Gazette*, 1985, page 1409):
- (d) Alcoholic Liquor Advisory Council Levy Notice 1986 (*Gazette*, 1986, page 1306):
- (e) Alcoholic Liquor Advisory Council Levy Notice 1987 (*Gazette*, 1987, page 1331):
- (f) Alcoholic Liquor Advisory Council Levy Notice 1989 (*Gazette*, 1989, page 1211):
- (g) Alcoholic Liquor Advisory Council Levy Notice 1990 (*Gazette*, 1990, page 1120):
- (h) Alcoholic Liquor Advisory Council Levy Notice 1991 (*Gazette*, 1991, page 1039):
- (i) Alcoholic Liquor Advisory Council Levy Notice 1992 (*Gazette*, 1992, page 961):
- (j) Alcoholic Liquor Advisory Council Levy Notice 1993 (*Gazette*, 1993, page 1851):
- (k) Alcoholic Liquor Advisory Council Levy Notice 1994 (*Gazette*, 1994, page 2288):
- (l) Alcoholic Liquor Advisory Council Levy Notice 1995 (*Gazette*, 1995, page 1731):

- (m) Alcoholic Liquor Advisory Council Levy Notice 1996  
(*Gazette*, 1996, page 1636):
- (n) Alcoholic Liquor Advisory Council Levy Notice 1997  
(*Gazette*, 1997, page 1507):
- (o) Alcoholic Liquor Advisory Council Levy Notice 1998  
(*Gazette*, 1998, page 1943):
- (p) Alcoholic Liquor Advisory Council Levy Notice 1999  
(*Gazette*, 1999, page 1683):
- (q) Alcoholic Liquor Advisory Council Levy Notice 2000  
(*Gazette*, 2000, page 1438):
- (r) Alcohol Advisory Council Levy Notice 2001  
(*Gazette*, 2001, page 1555):
- (s) Alcohol Advisory Council Levy Notice 2002  
(*Gazette*, 2002, page 1905):
- (t) Alcohol Advisory Council Levy Notice 2003  
(*Gazette*, 2003, page 1889):
- (u) Alcohol Advisory Council Levy Notice 2004  
(*Gazette*, 2004, page 1841).

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### Legislative history

22 September 2004	Introduction (Bill 204–1)
7 October 2004	First reading and referral to Regulations Review Committee
3 December 2004	Reported from Regulations Review Committee (Bill 204–2)
14 December 2004	Second reading, committee of the whole House, third reading
21 December 2004	Royal assent

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