

Subordinate Legislation (Confirmation and Validation) Bill

Government Bill

Explanatory note

General policy statement

This Bill confirms and validates certain subordinate legislation that, in accordance with confirmation and validation provisions in 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 Act's Title.

Clause 2 provides that the Act comes into force on the day after the date on which it receives the Royal assent.

Part 1

General and technical provisions

Clause 3(1) states the purpose of the Act. Most subordinate legislation is confirmed, but the orders in *clauses 13, 15, and 16* 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, the effect of the validations is limited by *clause 4* because, as *clause 3(2)* provides, their purpose is only to prevent the expiry of those orders.

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, 15, and 16* do not also cure any invalidity.

Clause 5 provides that the Act binds the Crown.

Clause 6 repeals the Subordinate Legislation (Confirmation and Validation) Act 2004, which is now spent.

Clause 7 ensures that the repeal of the Subordinate Legislation (Confirmation and Validation) Act 2004 does not affect the validation effected by subpart 2 of Part 2 of that Act.

Part 2

Confirmations and validations

Clause 8 confirms regulations under the Animal Products Act 1999.

Clause 9 confirms orders under the Biosecurity Act 1993.

Clause 10 confirms an order under the Civil Aviation Act 1990.

Clause 11 confirms orders under the Commodity Levies Act 1990.

Clause 12 confirms orders under the Customs and Excise Act 1996.

Clause 13 validates and confirms an order under the following Acts:

- New Zealand Superannuation and Retirement Income Act 2001;
- Social Security Act 1964.

Clause 14 confirms an order under the Road User Charges Act 1977.

Clause 15 validates and confirms orders under the Tariff Act 1988.

Clause 16 validates and confirms an order under the War Pensions Act 1954.

Clause 17 confirms an order under the Wine Act 2003.

Hon Dr Michael Cullen

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Subordinate Legislation (Confirmation and Validation) Act **2005**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent. 5

Part 1

General and technical provisions

3 Purpose of this Act

- (1) The purpose of this Act is to confirm and validate certain subordinate legislation that, in accordance with confirmation and validation provisions in the Acts under which it is made, 10

- lapses at a stated time unless earlier confirmed or validated by Act of Parliament.
- (2) The validations effected by **sections 13, 15, and 16** are limited by **section 4** because their purpose is only to prevent the expiry of the enactments validated. 5
- 4 Validations to prevent expiry do not cure invalidity, etc**
In the light of their purpose, the validations effected by **sections 13, 15, and 16** do not—
- (a) express an intention to give legislative force to the provisions of the enactments validated; or 10
 - (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.
- 5 Act binds the Crown** 15
This Act binds the Crown.
- 6 Repeal**
The Subordinate Legislation (Confirmation and Validation) Act 2004 (2004 No 110) is repealed.
- 7 Saving** 20
The repeal of the Subordinate Legislation (Confirmation and Validation) Act 2004 does not affect the validation effected by subpart 2 of Part 2 of that Act.
- Part 2**
- Confirmations and validations** 25
- 8 Animal Products Act 1999**
The Animal Products (Fees, Charges, and Levies) Amendment Regulations 2004 (SR 2004/415) are confirmed.
- 9 Biosecurity Act 1993** 30
The following orders are confirmed:
- (a) Biosecurity (Gypsy Moth Levy) Order 2004 (SR 2004/352);
 - (b) Biosecurity (Varroa (South Island) Beekeeper Levy) Order 2005 (SR 2005/49).

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- 10 Civil Aviation Act 1990**
The Civil Aviation (Safety) Levies Amendment Order 2005 (SR 2005/157) is confirmed.
- 11 Commodity Levies Act 1990**
The following orders are confirmed: 5
- (a) Commodity Levies (Green-lipped Mussels) Amendment Order 2004 (SR 2004/442):
 - (b) Commodity Levies (Eggs) Order 2004 (SR 2004/469).
- 12 Customs and Excise Act 1996**
The following orders are confirmed: 10
- (a) Customs Import Prohibition (Trout) Amendment Order 2004 (SR 2004/368):
 - (b) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2004 (SR 2004/390): 15
 - (c) Excise and Excise-Equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2005 (SR 2005/122):
 - (d) Customs Export Prohibition Order 2005 (2005/158):
 - (e) Customs Import Prohibition Order 2005 (2005/159). 20
- 13 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2005 (SR 2005/42) is validated and confirmed.
- 14 Road User Charges Act 1977** 25
The Road User Charges (Rates) Order 2005 (SR 2005/39) is confirmed.
- 15 Tariff Act 1988**
The following orders are validated and confirmed:
- (a) Tariff (Concessions) Amendment Order 2004 (SR 2004/421): 30
 - (b) Tariff Amendment Order 2004 (SR 2004/425):
 - (c) Tariff Amendment Order 2005 (SR 2005/177):
 - (d) Tariff Amendment Order (No 2) 2005 (SR 2005/257).

16 War Pensions Act 1954

The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2005 (SR 2005/50) is validated and confirmed.

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17 Wine Act 2003

The Wine (Grape Wine Levy) Order 2005 (SR 2005/27) is confirmed.

