

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

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 10, 12, and 13* 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 10, 12, and 13* 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 2005, which is now spent.

Part 2

Confirmations and validations

Clause 7 confirms orders under the Biosecurity Act 1993.

Clause 8 confirms orders under the Commodity Levies Act 1990.

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

Clause 10 validates and confirms an order under the following Acts:

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

Clause 11 confirms an order under the Road User Charges Act 1977.

Clause 12 validates and confirms orders under the Tariff Act 1988.

Clause 13 validates and confirms an order under the War Pensions Act 1954.

Hon Dr Michael Cullen

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Contents

	Page
1 Title	1
2 Commencement	1
Part 1	
General and technical 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 Biosecurity Act 1993	2
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	3
11 Road User Charges Act 1977	3
12 Tariff Act 1988	4
13 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 (No 2) **2006**.

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, lapses at a stated time unless earlier confirmed or validated by Act of Parliament. 5
- (2) The validations effected by **sections 10, 12, and 13** are limited by **section 4** because their purpose is only to prevent the expiry of the enactments validated. 10

4 Validations to prevent expiry do not cure invalidity, etc

In the light of their purpose, the validations effected by **sections 10, 12, and 13** do not—

- (a) express an intention to give legislative force to the provisions of the enactments validated; or 15
- (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. 20

5 Act binds the Crown

This Act binds the Crown.

6 Repeal

The Subordinate Legislation (Confirmation and Validation) Act 2005 (2005 No 125) is repealed. 25

Part 2

Confirmations and validations

7 Biosecurity Act 1993

The following orders are confirmed:

- (a) Biosecurity (Risk Screening Levy) Order 2006 (SR 2006/217): 30
- (b) Biosecurity (Shipping Container Levy) Order 2006 (SR 2006/218).

- 8 Commodity Levies Act 1990**
The following orders are confirmed:
- (a) Commodity Levies (Nashi Asian Pears) Order 2006 (SR 2006/26):
 - (b) Commodity Levies (Navel Oranges) Order 2006 (SR 2006/133): 5
 - (c) Commodity Levies (Asparagus) Order 2006 (SR 2006/156):
 - (d) Commodity Levies (Arable Crops) Order 2006 (SR 2006/205): 10
 - (e) Commodity Levies (Maize) Order 2006 (SR 2006/206):
 - (f) Commodity Levies (Nelson–Marlborough Dredge Oysters) Amendment Order 2006 (SR 2006/234).
- 9 Customs and Excise Act 1996**
The following orders are confirmed: 15
- (a) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2005 (SR 2005/296):
 - (b) Excise and Excise-Equivalent Duties (Motor Spirits Indexation) Amendment Order 2006 (SR 2006/33): 20
 - (c) Customs Export Prohibition (Toothfish) Order 2006 (2006/73):
 - (d) Customs Import Prohibition (Toothfish) Order 2006 (2006/74):
 - (e) Excise and Excise-Equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2006 (SR 2006/124). 25
- 10 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2006 (SR 2006/44) is validated and confirmed. 30
- 11 Road User Charges Act 1977**
The Road User Charges (Rates) Order 2006 (SR 2006/31) is confirmed.

12 Tariff Act 1988

The following orders are validated and confirmed:

- (a) Tariff (Concession) Amendment Order 2006 (SR 2006/101):
- (b) Tariff Amendment Order 2006 (SR 2006/104).

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13 War Pensions Act 1954

The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2006 (SR 2006/43) is validated and confirmed.

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