

Subordinate Legislation (Confirmation and Validation) Bill (No 3)

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 12, 14, 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, 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 12, 14, and 15* 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 2006, which is now spent.

Part 2

Confirmations and validations

Clause 7 confirms regulations under the Animal Products Act 1999.

Clause 8 confirms orders under the Commodity Levies Act 1990.

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

Clause 10 confirms an order under the Fisheries Act 1996.

Clause 11 confirms regulations under the Gambling Act 2003.

Clause 12 validates and confirms an order under the following Acts:

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

Clause 13 confirms an order under the Road User Charges Act 1977.

Clause 14 validates and confirms an order under the Tariff Act 1988.

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

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 (No 3) **2007**.

2 Commencement

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

Part 1**General and technical provisions**

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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. 10
- (2) The validations effected by **sections 12, 14, and 15** are limited by **section 4** because their purpose is only to prevent the expiry of the enactments validated.

4 Validations to prevent expiry do not cure invalidity, etc 15

In the light of their purpose, the validations effected by **sections 12, 14, 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

This Act binds the Crown. 25

6 Repeal

The Subordinate Legislation (Confirmation and Validation) Act 2006 (2006 No 80) is repealed.

Part 2**Confirmations and validations**

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7 Animal Products Act 1999

The Animal Products (Fees, Charges, and Levies) Regulations 2007 (SR 2007/130) are confirmed.

- 8 Commodity Levies Act 1990**
The following orders are confirmed:
- (a) Commodity Levies (Pipfruit) Order 2006 (SR 2006/338):
 - (b) Commodity Levies (Fish) Amendment Order 2006 (SR 2006/374): 5
 - (c) Commodity Levies (Southern Scallops) Order 2007 (SR 2007/153):
 - (d) Commodity Levies (Vegetables and Fruit) Order 2007 (SR 2007/161): 10
 - (e) Commodity Levies (Avocados) Order 2007 (SR 2007/189):
 - (f) Commodity Levies (Mussel, Oyster, and Salmon) Order 2007 (SR 2007/212).
- 9 Customs and Excise Act 1996** 15
The following orders are confirmed:
- (a) Excise and Excise-Equivalent Duties (Tobacco Products Indexation) Amendment Order 2006 (SR 2006/351):
 - (b) Excise and Excise-Equivalent Duties (Motor Spirits Indexation) Amendment Order 2007 (SR 2007/44): 20
 - (c) Excise and Excise-equivalent Duties (Alcoholic Beverages Indexation) Amendment Order 2007 (SR 2007/123).
- 10 Fisheries Act 1996** 25
The Fisheries (Schedules 2, 5, 6, and 8) Order 2007 (SR 2007/31) is confirmed.
- 11 Gambling Act 2003**
The Gambling (Problem Gambling Levy) Regulations 2007 (SR 2007/106) are confirmed. 30
- 12 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2007 (SR 2007/60) is validated and confirmed.

13 Road User Charges Act 1977

The Road User Charges (Rates) Order (No 2) 2007 (SR 2007/82) is confirmed.

14 Tariff Act 1988

The Tariff (Concession) Amendment Order 2007 (SR 2007/224) is validated and confirmed. 5

15 War Pensions Act 1954

The War Pensions (Rates of Pensions, Lump Sum Payments, and Allowances) Order 2007 (SR 2007/53) is validated and confirmed. 10

