

# **Secondary Legislation Confirmation Bill**

Government Bill

## **Explanatory note**

### **General policy statement**

This Bill's purpose is to prevent the revocation of certain instruments that, by virtue of the Act under which they are made, are revoked at a stated time unless earlier confirmed by an Act of Parliament.

When the Legislation Act 2012 (the **2012 Act**) applies, these instruments are called confirmable instruments. When the Legislation Act 2019 (the **2019 Act**) applies, they are called confirmable secondary legislation. The Bill refers to both simply as instruments.

This Bill confirms instruments under both the 2012 Act and the 2019 Act (even though the 2012 Act is repealed). This is because clause 34 of Schedule 1 of the 2019 Act continues to apply the confirmation provisions of the 2012 Act to instruments made before 28 October 2021 (the main commencement date of the 2019 Act).

This Bill confirms instruments made in the period starting on 1 July 2021 and ending with the close of 30 June 2022.

### **Departmental disclosure statement**

A departmental disclosure statement is not required for this Bill.

### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* provides that the Bill, when enacted, comes into force on the day after the date on which it receives Royal assent.

## **Part 1**

### **Preliminary provisions**

*Clause 3* states that the Bill's purpose is to confirm instruments that, unless confirmed by an Act of Parliament, are—

- revoked at the applicable deadline under—
  - section 47C(1)(a) or (b) of the 2012 Act and clause 34 of Schedule 1 of the 2019 Act; or
  - section 123 of the 2019 Act; or
- taken after the applicable deadline to have been invalid for their past operation (because they have been revoked with effect before or on the deadline) under—
  - section 47D of the 2012 Act and clause 34 of Schedule 1 of the 2019 Act; or
  - section 126 of the 2019 Act.

Confirmation by Act is only to prevent those outcomes under those sections. It therefore does not generally—

- authorise, cure invalidities in, or validate defects in the instruments or the processes followed in making them; or
- affect or limit judicial review, or complaints processes, in respect of the instruments or the processes followed in making them.

*Clause 4* is the interpretation clause.

*Clause 5* ensures that the Bill, when enacted, binds the Crown.

*Clause 6* repeals the Subordinate Legislation Confirmation Act 2021, which is now spent.

## **Part 2**

### **Confirmations under Legislation Act 2012**

*Clause 7* confirms regulations under the Animal Products Act 1999.

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

*Clause 9* confirms an order under the Commodity Levies Act 1990.

*Clause 10* confirms 5 orders under the Customs and Excise Act 2018.

*Clause 11* confirms regulations under the Land Transport Act 1998.

*Clause 12* confirms regulations under the Road User Charges Act 2012.

*Clause 13* confirms an order under the Wine Act 2003.

## **Part 3**

### **Confirmations under Legislation Act 2019**

*Clause 14* confirms regulations under the Animal Products Act 1999.

*Clause 15* confirms an order under the Biosecurity Act 1993.

*Clause 16* confirms 4 orders under the Customs and Excise Act 2018.

*Clause 17* confirms an order under the Commodity Levies Act 1990.

*Clause 18* confirms regulations under the Gambling Act 2003.

*Clause 19* confirms regulations under the Land Transport Act 1998.

*Clause 20* confirms an order under the New Zealand Superannuation and Retirement Income Act 2001 and the Social Security Act 2018.

*Clause 21* confirms an order under the Social Security Act 2018.

*Clause 22* confirms an order under the Tariff Act 1988.

*Clause 23* confirms an order and regulations under the Wine Act 2003.



*Hon Chris Hipkins*

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Secondary Legislation Confirmation Act **2022**.

**2 Commencement**

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

**Part 1  
Preliminary provisions**

**3 Purpose**

The purpose of this Act is to confirm— 10

- (a) instruments that, unless earlier confirmed by an Act of Parliament, are—
  - (i) revoked at the applicable deadline under section 47C(1)(a) or (b) of the Legislation Act 2012; or
  - (ii) taken after the applicable deadline to have been invalid for their past operation (because they have been revoked with effect before or on the deadline) under section 47D of the Legislation Act 2012; and 15
- (b) instruments that, unless earlier confirmed by an Act of Parliament, are—
  - (i) revoked at the applicable deadline under section 123 of the Legislation Act 2019; or 20
  - (ii) taken after the applicable deadline to have been invalid for their past operation (because they have been revoked with effect before or on the deadline) under section 126 of the Legislation Act 2019.

**4 Interpretation**

In this Act, unless the context otherwise requires,— 25

**deadline,—**

- (a) in relation to confirmation under the Legislation Act 2012, has the meaning given in section 4 of that Act; and
- (b) in relation to confirmation under the Legislation Act 2019, has the meaning given in section 121 of that Act 30

**instrument** means,—

- (a) in relation to confirmation under the Legislation Act 2012, a confirmable instrument or an annual confirmable instrument as defined in section 47B of that Act; and
- (b) in relation to confirmation under the Legislation Act 2019, secondary legislation that must be confirmed under subpart 3 of Part 5 of that Act. 5

## **5 Act binds the Crown**

This Act binds the Crown.

## **6 Repeal**

The Subordinate Legislation Confirmation Act 2021 (2021 No 56) is repealed. 10

## **Part 2**

### **Confirmations under Legislation Act 2012**

## **7 Animal Products Act 1999**

The following regulations are confirmed:

- (a) Animal Products (Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/285): 15
- (b) Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286).

## **8 Civil Aviation Act 1990**

The Civil Aviation (Safety and Security) Levies Amendment Order 2021 (LI 2021/339) is confirmed. 20

## **9 Commodity Levies Act 1990**

The Commodity Levies (Meat) Order 2021 (LI 2021/336) is confirmed.

## **10 Customs and Excise Act 2018**

The following orders are confirmed: 25

- (a) Customs Import Prohibition (Motor Vehicles) Order 2021 (LI 2021/213):
- (b) Customs Export Prohibition (Pounamu) Order 2021 (LI 2021/214):
- (c) Customs Import Prohibition (Offensive Weapons) Order 2021 (LI 2021/215):
- (d) Customs Export Prohibition (Strategic Goods) Order 2021 (LI 2021/216): 30
- (e) Customs Import Prohibition (Trout) Order 2021 (LI 2021/217).

- 11 Land Transport Act 1998**  
The Land Transport (Railway Track User Charges) Regulations 2021 (LI 2021/278) are confirmed.
- 12 Road User Charges Act 2012**  
The Road User Charges (Rates) Amendment Regulations 2021 (LI 2021/306) are confirmed. 5
- 13 Wine Act 2003**  
The Wine (Non-grape Wine Levy) Order 2021 (LI 2021/273) is confirmed.
- Part 3**
- Confirmations under Legislation Act 2019** 10
- 14 Animal Products Act 1999**  
The Animal Products (Fees, Charges, and Levies) Amendment Regulations 2022 (SL 2022/158) are confirmed.
- 15 Biosecurity Act 1993**  
The Biosecurity (National Kiwifruit Pathway Management Plan—Kiwifruit Levy) Order 2022 (SL 2022/39) is confirmed. 15
- 16 Customs and Excise Act 2018**  
The following orders are confirmed:
- (a) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2021: 20
  - (b) Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022:
  - (c) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2022:
  - (d) Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order 2022. 25
- 17 Commodity Levies Act 1990**  
The Commodity Levies (Winegrapes) Order 2022 (SL 2022/110) is confirmed.
- 18 Gambling Act 2003**  
The Gambling (Problem Gambling Levy) Regulations 2022 (SL 2022/155) are confirmed. 30



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- 19 Land Transport Act 1998**  
The Land Transport (Clean Vehicle Discount Scheme Charges) Regulations 2022 (SL 2022/52) are confirmed.
- 20 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 2018** 5  
The Social Security (Rates of Benefits and Allowances Order 2022 (SL 2022/28) is confirmed.
- 21 Social Security Act 2018**  
The Social Security (Rates of Benefits and Allowances) Order (No 2) 2022 (SL 2022/67) is confirmed. 10
- 22 Tariff Act 1988**  
The Tariff (RCEP) Amendment Order 2021 is confirmed.
- 23 Wine Act 2003**  
The following are confirmed:
- (a) Wine (Grape Wine Levy) Order 2022 (SL 2022/111): 15
  - (b) Wine Amendment Regulations 2022 (SL 2022/160).