

Subordinate Legislation Confirmation Bill (No 3)

Government Bill

As reported from the Regulations Review Committee

Commentary

Recommendation

The Regulations Review Committee has examined the Subordinate Legislation Confirmation Bill (No 3) and recommends that it be passed with the amendments shown.

Introduction

The purpose of this bill is to confirm certain subordinate legislation that is revoked at a specified date unless confirmed by an Act of Parliament. If not confirmed, certain confirmable instruments and annual confirmable instruments would be revoked, or taken to be invalid for their past operation.

In passing this bill, the House would approve the instruments in the bill, allowing them to continue in force.

Confirmation is warranted

The five government departments¹ responsible for administering the orders and regulations in the bill all considered confirmation necessary to prevent the instruments from being revoked in accordance with their statutory deadlines², and therefore ceasing to be legally enforceable.

The reasons for these confirmations include:

- changes to eligibility criteria for tuition subsidy funding

¹ The Ministry for Primary Industries, the Ministry of Business, Innovation and Employment, the Ministry of Education, the Ministry of Social Development, and the New Zealand Customs Service.

² See section 47C of the Legislation Act 2012.

- adjustments to maximum amounts of accommodation supplement and four accommodation supplement areas
- adjusting benefit and allowance rates, and duties, to reflect movements in CPI
- import prohibitions
- prescription and collection of levies.

Our consideration

After considering the responses that we received, we found no reason that the orders and regulations should not be confirmed.

Additional instruments to be confirmed

We recommend inserting new clause 8(d) to confirm the Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2017 before it is revoked at the close of 30 June 2018.

We recommend inserting new clause 9A to confirm the Energy (Petrol, Engine Fuel, and Gas) Levy Regulations 2017 (LI 2017/147) before they are revoked at the close of 30 June 2018.

We recommend inserting new clause 11 to confirm the Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133) before it is revoked at the close of 30 June 2018.

These items of subordinate legislation were all made after the bill as introduced was finalised, but before 1 July 2017.

Appendix

Committee process

The Subordinate Legislation Confirmation Bill (No 3) was referred to the committee on 30 May 2017. We invited written submissions from the government departments responsible for administering the subordinate legislation in the bill. We received and considered seven submissions from those government departments.

We received advice from the Parliamentary Counsel Office.

Committee membership

Hon David Parker (Chairperson)

Hon Craig Foss (Deputy Chairperson)

Chris Bishop

Hon Chester Borrows

Michael Wood

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

Hon Simon Bridges

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Subordinate Legislation Confirmation Act **2017**.

2 Commencement

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

**Part 1
Preliminary provisions**

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3 Purpose

The purpose of this Act is to confirm certain confirmable instruments and annual confirmable instruments that, unless earlier confirmed by an Act of Parliament, are—

- (a) revoked at the applicable deadline under section 47C(1)(a) or (b) of the Legislation Act 2012; or 10
- (b) 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.

4 Interpretation

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In this Act, unless the context otherwise requires, **confirmable instrument** and **annual confirmable instrument** have the same meanings as in section 47B of the Legislation Act 2012.

5 Act binds the Crown

This Act binds the Crown.

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6 Repeal

The Subordinate Legislation Confirmation Act 2016 (2016 No 103) is repealed.

**Part 2
Confirmations**

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7 Commodity Levies Act 1990

The Commodity Levies (Eggs) Order 2016 (LI 2016/210) is confirmed.

8 Customs and Excise Act 1996

The following orders are confirmed:

- (a) Customs Import Prohibition (Southern Bluefin Tuna) Order 2016 (LI 2016/198): 30
- (b) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation and Separate 10% Increase) Amendment Order 2016:

- (c) Customs Import Prohibition (High-power Laser Pointers) Order 2017 (LI 2017/15):
- (d) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2017.
- 9 Education Act 1989** 5
The Education (Tertiary Education—Criteria Permanent Residents Studying Overseas must Satisfy to be Domestic Students) Regulations 2016 (LI 2016/212) are confirmed.
- 9A Energy (Fuels, Levies, and References) Act 1989**
The Energy (Petrol, Engine Fuel, and Gas) Levy Regulations 2017 (LI 2017/147) are confirmed. 10
- 10 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964**
The Social Security (Rates of Benefits and Allowances) Order 2017 (LI 2017/30) is confirmed. 15
- 11 Social Security Act 1964**
The Social Security (Budget 2017—Rates of, and Areas for, Accommodation Supplement) Order 2017 (LI 2017/133) is confirmed.

Legislative history

10 May 2017
30 May 2017

Introduction (Bill 260–1)
First reading and referral to Regulations Review Committee