

## SUBORDINATE LEGISLATION (CONFIRMATION AND VALIDATION) BILL

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### EXPLANATORY NOTE

THIS Bill has 2 effects. It validates and confirms certain regulations and orders in council that (by virtue of provisions contained in the enactments under which they are made) lapse at the end of the session of Parliament during which they are laid before the House of Representatives unless validated and confirmed by Act; and it validates a number of notices under the Fisheries Act 1983 that, in the light of a decision of the High Court, are now known to be invalid because they were given by the wrong official.

*Clause 1* relates to the Bill's Short Title.

*Clause 2* provides that the Bill binds the Crown.

### PART I

#### CONFIRMATIONS AND VALIDATIONS REQUIRED BY STATUTE

*Clause 3* validates and confirms certain regulations made under the Agriculture (Emergency Powers) Act 1934.

*Clause 4* confirms certain regulations made under the Primary Products Marketing Act 1953.

*Clause 5* validates and confirms an order under the Social Security Act 1964.

*Clause 6* confirms an order under the Road User Charges Act 1977.

### PART II

#### VALIDATION OF INVALID NOTICES

*Clause 7* validates certain notices given under the Fisheries Act 1983. The provisions under which the notices purport to have been made require such notices to be given by the Director-General of Agriculture and Fisheries. In fact the notices were given by an Assistant Secretary of Agriculture and Fisheries, in the belief that he was entitled to exercise powers of the Director-General. The High Court has now ruled that Assistant Secretaries are not empowered to give such notices.

Any validation of this kind has consequences that are, in effect, retroactive, so *subclause (2)* expressly preserves the effect of Court judgments given before 1 December 1989.

No. 229—1

Price  
incl. GST \$2.20

*Hon. Colin Moyle*

**SUBORDINATE LEGISLATION (CONFIRMATION AND  
VALIDATION)**

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ANALYSIS

Title	5. Order under Social Security Act 1964
1. Short Title	6. Order under Road User Charges Act 1977
2. Act binds the Crown	
<b>PART I</b>	<b>PART II</b>
<b>CONFIRMATIONS AND VALIDATIONS REQUIRED BY STATUTE</b>	<b>VALIDATION OF INVALID NOTICES</b>
3. Regulations under Agriculture (Emer- gency Powers) Act 1934	7. Validation of notices under Fisheries Act 1933 Schedule
4. Regulations under Primary Products Marketing Act 1953	

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A BILL INTITULED

**An Act to confirm and validate certain subordinate  
legislation**

BE IT ENACTED by the Parliament of New Zealand as follows:

- 5    **1. Short Title**—This Act may be cited as the Subordinate  
Legislation (Confirmation and Validation) Act 1989.
- 2. Act binds the Crown**—This Act binds the Crown.

**PART I**

**CONFIRMATIONS AND VALIDATIONS REQUIRED BY STATUTE**

- 10   **3. Regulations under Agriculture (Emergency Powers)  
Act 1934**—(1) The following regulations are hereby validated  
and confirmed:
- (a) The Milk Production and Supply Regulations 1973,  
          Amendment No. 4:
- 15   (b) The Milk Production and Supply Regulations 1973,  
          Amendment No. 5:
- (c) The Hop Marketing Regulations 1939, Amendment  
          No. 16:

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- (d) The Dairy Industry Regulations 1977, Amendment No. 5:
- (e) The Dairy Factory Supply Regulations 1936, Amendment No. 8:
- (f) The Dairy Factories (Licensing) Regulations 1936, Amendment No. 4: 5
- (g) The Revocation of the Dairy Industry Accounts Regulations.
- (2) The Agriculture (Emergency Regulations Confirmation) Act 1987 is hereby repealed.

**4. Regulations under Primary Products Marketing Act 1953**—(1) The following regulations are hereby confirmed: 10

- (a) The Kiwifruit Marketing Regulations 1977, Amendment No. 5:
- (b) The Berryfruit Marketing Licensing Regulations 1983, Amendment No. 3. 15
- (2) The Primary Products Marketing (Regulations Confirmation) Act 1988 is hereby repealed.

**5. Order under Social Security Act 1964**—(1) The Social Security (Miscellaneous Rates) Order 1989 is hereby validated and confirmed. 20

- (2) Section 9 of the Finance Act (No. 2) 1989 is hereby repealed.

**6. Order under Road User Charges Act 1977**—(1) The Road User Charges (Rates) Order 1989 is hereby confirmed.

- (2) The Road User Charges Orders Confirmation Act 1988 is hereby repealed. 25

PART II

VALIDATION OF INVALID NOTICES

**7. Validation of notices under Fisheries Act 1983**—

(1) Subject to subsection (2) of this section, the notices specified in the Schedule to this Act are hereby deemed to be, and at all times to have been, as valid and effectual as if they had been given by the Director-General of Agriculture and Fisheries. 30

(2) Nothing in subsection (1) of this section affects the rights of the parties under any judgment given in any Court before the 1st day of December 1989. 35



## Section 7 (1)

SCHEDULE  
NOTICES VALIDATED

Title	Statutory Regulation Serial Number
The Fisheries (Amateur Fishing) Notice 1983	1983/297
The Fisheries (Maori Eel Fisheries) Notice 1983	1983/298
The Fisheries (Double Cove Prohibition) Notice 1983	1983/299
The Fisheries (Manukau Harbour Prohibition) Notice 1983	1983/300
The Fisheries (Tawharanui Peninsula) Notice 1983	1983/301
The Fisheries (Maori Oyster Reserves) Notice 1983	1983/302
The Fisheries (Mimiwhangata Peninsula) Notice 1983	1983/303
The Fisheries (South Island Whitebait Conservation Areas) Notice 1983	1983/304
The Fisheries (Christchurch Amateur Fishing) Notice 1983	1983/305
The Fisheries (Chatham Islands Amateur Fishing) Notice 1983	1983/306
The Fisheries (Vessel Registration and Fishing Permit) Notice 1983	1983/307
The Fisheries (Fish Species Restrictions) Notice 1983	1983/308
The Fisheries (Vessel, Gear and Method) Notice 1983	1983/309
The Fisheries (Auckland Commercial Fishing Regulations) Notice 1983	1983/311
The Fisheries (Palmerston North Commercial Fishing Restrictions) Notice 1983	1983/312
The Fisheries (Hastings Commercial Fishing Restrictions) Notice 1983	1983/313
The Fisheries (Nelson Commercial Fishing Restrictions) Notice 1983	1983/314
The Fisheries (Christchurch Commercial Fishing Restrictions) Notice 1983	1983/315
The Fisheries (Dunedin Commercial Fishing Restrictions) Notice 1983	1983/316
The Fisheries (Nelson Commercial Fishing Restrictions) Notice 1984	1984/96
The Fisheries (West Coast Whitebait Fishing) Notice 1984	1984/210
The Fisheries (Nelson Commercial Fishing Restrictions) Notice (No. 2) 1984	1984/220
The Fisheries (West Coast Whitebait Fishing) Notice 1984, Amendment No. 1	1984/231

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SCHEDULE—*continued*

NOTICES VALIDATED—*continued*

Title	Statutory Regulation Serial Number
The Fisheries (Nelson Commercial Fishing Restrictions) Notice (No. 2) 1984, Amendment No. 1	1984/292
The Fisheries (Amateur Fishing) Notice 1984	1984/348
The Fisheries (Amateur Oyster Fishing) Notice 1984	1984/349
The Fisheries (Fish Species Restrictions) Notice 1984	1984/351
The Fisheries (Christchurch Commercial Fishing Restrictions) Notice 1985	1985/26
The Fisheries (Vessel, Gear and Method) Notice 1985, Amendment No. 1	1985/241