

Subordinate Legislation Confirmation Bill

Government Bill

As reported from the Regulations Review Committee

Commentary

Recommendation

The Regulations Review Committee has examined the Subordinate Legislation Confirmation Bill and recommends that it be passed with the amendments shown.

Introduction

There is bipartisan support for this bill to proceed. As the bill is split into two parts, the committee initially considered progressing Part 1 only, so it could consider the issues found with Part 2. However, after constructive collaboration with the Attorney-General and the Parliamentary Counsel Office, the committee is satisfied that the bill can proceed as a whole.

We extend our gratitude to the Attorney-General and the Parliamentary Counsel Office for working with us to progress the bill.

Bill's purpose

The main purpose of the bill is to confirm, or confirm and validate, subordinate legislation made before 1 July 2015 and not already confirmed by Act. In passing the bill, the House would approve the subordinate legislation made under the specified Acts and allow it to continue in force.

Clauses 7 to 15 would confirm, or confirm and validate, certain subordinate legislation that, by virtue of the Acts under which it is made, would lapse unless confirmed, or confirmed and validated, by an Act of Parliament.

The subordinate legislation referred to in clauses 7 to 11A, 13, and 15 would be confirmed. The subordinate legislation referred to in clauses 12, 14, and 14A would be confirmed and validated, as required under the respective empowering Acts.

Under clause 4, these validations are to prevent the legislation from lapsing only, and do not cure any invalidity. Clause 6 would repeal the Subordinate Legislation (Confirmation and Validation) Act 2014 (2014 No 70).

Of the 24 instruments that would be confirmed and, in three instances, also validated by the bill, one would lapse at the close of 6 December 2015, 14 at the close of 31 December 2015, one at the close of 1 March 2016, and eight at the close of 30 June 2016 if they are not earlier confirmed, or confirmed and validated, by an Act of Parliament.

Amendments

We recommend inserting new clause 11A to confirm the National Animal Identification and Tracing (Levies) Amendment Regulations 2015 before they expire on 1 July 2016. Because these regulations were made on 2 June 2015, they should be included in Part 1 of this bill.

We recommend inserting new clause 14A to confirm and validate the Veterans' Support (Rates of War Pensions Act 1954 Allowances) Order 2015 before it expires on 6 December 2015.

Because the order is transitional, the order revokes itself at the close of 6 December 2015 and then becomes redundant. If section 75C(4) of the War Pensions Act 1954 applies to the order, then it is confirmed and validated by the bill.

We recommend some technical amendments and minor drafting changes to Part 2 of the bill to improve clarity and readability.

Confirmation and validation is warranted

The six government departments responsible for administering the orders and regulations in the bill all considered confirmation, and, in some instances, confirmation and validation, necessary to prevent the orders and regulations from lapsing and thus ceasing to be legally enforceable.

The reasons for these confirmations, and, in some instances, confirmations and validations, included adjustment of benefits and duties, import and export prohibition, tariff removal, and the prescription and collection of fees, charges, and levies.

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

We are satisfied with the confirmation and validation provisions in Part 1. We consider that after the bill's second reading, Part 1 could proceed under the truncated procedure set out in Standing Order 325.

Our consideration

We have longstanding concerns about the terminology that describes the different categories of delegated legislation in the Legislation Act 2012, accessibility to some delegated legislation, and the need for a more streamlined process for presentation to the House.

The current terminology is not plain and the categories are difficult to navigate. Moreover, the lack of a publicly available register of disallowable instruments that are not legislative instruments or non-disallowable documents that are not legislative instruments hinders accessibility. These concerns were foremost in our minds when we considered the bill.

We had reservations about one aspect of Part 2, which would replace all existing confirmation provisions in the Legislation Act 2012 with standard provisions. Clause 18 in Part 2 introduces the new term “confirmable instrument” into the existing terminology in the Legislation Act 2012. We support the intent of simplifying and clarifying procedures. However, we are concerned about introducing yet another term into the Legislation Act 2012. Our reservations were such that we considered dividing the bill under Standing Order 294. This would have enabled Part 1 of the bill to progress expeditiously under Standing Order 325 while we retained Part 2 for further consideration.

Ultimately, we decided not to divide the bill. We had a fruitful discussion about our concerns and reservations with the Attorney-General and the Chief Parliamentary Counsel, both of whom acknowledge and share our concerns about terminology, presentation processes, and access to the law. We are satisfied that the Parliamentary Counsel Office intends to address all three of these concerns.

We support the Parliamentary Counsel Office’s intent to streamline and clarify the categories and terminology describing delegated legislation. We agree with Parliamentary Counsel Office that this is a precondition to improving electronic access to these documents. We acknowledge that there is considerable work involved. We note that this work will include our input on the terminology needed. We look forward to working with the Parliamentary Counsel Office on this matter.

We support the recently announced Access to Subordinate Instruments project in the Parliamentary Counsel Office. This project aims to develop the office’s systems so that all delegated legislation is available on the New Zealand Legislation website. This is a considerable project that will improve accessibility to the law. We look forward to receiving updates as the project progresses and providing our own input and expertise where necessary.

Appendix

Committee process

The Subordinate Legislation Confirmation Bill was referred to the committee on 2 July 2015. We invited written submissions from the government departments responsible for the relevant subordinate legislation in the bill. We wrote to specific organisations inviting them to comment on the proposed changes in Part 2 of the bill.

We received advice from Parliamentary Counsel Office and the Office of the Clerk of the House of Representatives.

Committee membership

Hon David Cunliffe (Chairperson)

Andrew Bayly

Christopher Bishop

Hon Chester Borrows

Hon David Parker

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Gerry Brownlee

Subordinate Legislation Confirmation Bill

Government Bill

Contents

		Page
1	Title	2
2	Commencement	3
Part 1		
Confirmation and validation provisions		
Subpart 1—General and technical provisions		
3	Purpose of this Part	3
4	Validations to prevent expiry do not cure invalidity, etc	3
5	Part binds the Crown	3
6	Repeal	3
Subpart 2—Confirmations and validations		
7	Agricultural Compounds and Veterinary Medicines Act 1997	3
8	Animal Products Act 1999	3
9	Biosecurity Act 1993	4
10	Commodity Levies Act 1990	4
11	Customs and Excise Act 1996	4
<u>11A</u>	<u>National Animal Identification and Tracing Act 2012</u>	<u>4</u>
12	New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 1964	4
13	Road User Charges Act 2012	5
14	Tariff Act 1988	5
<u>14A</u>	<u>Veterans' Support Act 2014 and War Pensions Act 1954</u>	<u>5</u>
15	Wine Act 2003	5

Part 2 Amendments to Legislation Act 2012

16	Principal Act	5
17	Section 3 amended (Purposes)	5
18	Section 4 amended (Interpretation)	5
19	New section 4A inserted (Transitional, savings, and related provisions)	5
	4A Transitional, savings, and related provisions	5
20	Part 3 heading amended	5
21	Section 37 amended (Interpretation)	5
22	Section 39 amended (Instruments that have significant legislative effect)	6
23	Section 45 replaced (Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument)	6
	45 Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument	6
24	New subpart 1A of Part 3 inserted	6
	Subpart 1A—Confirmable instruments	
	47A Overview	6
	47B Confirmable instruments, etc, defined	7
	47C Instruments revoked unless confirmed	7
	47D Operation of annual instruments invalid if revoked before, and not confirmed by, deadline	8
	47E How instrument is confirmed by Act	8
	47F Effect of revocation: general	8
	47G Effect of revocation: amendments, etc	9
	47H Effect of revocation: duties, levies, or charges	9
	47I Effect of revocation: exceptions to section 47H	9
25	New Schedule 1AA inserted	10
26	New Schedule 2 inserted	10
27	Consequential amendments to other Acts	10
	Schedule 1	11
	New Schedule 1AA inserted	
	Schedule 2	12
	New Schedule 2 inserted	
	Schedule 3	14
	Consequential amendments	

The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Subordinate Legislation Confirmation Act **2015**.

2 Commencement

- (1) **Part 2 and Schedules 1 to 3** come into force on **1 January 2016**.
- (2) The rest of this Act comes into force on the day after the date on which this Act receives the Royal assent.

Part 1

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Confirmation and validation provisions

Subpart 1—General and technical provisions

3 Purpose of this Part

- (1) The purpose of **this Part** is to prevent the lapse (~~expiry or deemed revocation~~) of certain subordinate legislation that, by virtue of the Acts under which it is made, lapses at a stated time unless earlier confirmed or validated by an Act of Parliament. 10
- (2) **Lapse**, in this section, means expiry or deemed revocation.

4 Validations to prevent expiry do not cure invalidity, etc

In the light of ~~its~~their purpose, the validations effected by **sections 12 and 14**~~12, 14, and 14A~~ do not— 15

- (a) express an intention to give legislative force to the provisions of the enactments validated; or
- (b) apply to any reason for invalidating the enactments; or
- (c) override any presumption that would otherwise apply to the enactments. 20

5 Part binds the Crown

This **Part** binds the Crown.

6 Repeal

The Subordinate Legislation (Confirmation and Validation) Act 2014 (2014 No 70) is repealed. 25

Subpart 2—Confirmations and validations

7 Agricultural Compounds and Veterinary Medicines Act 1997

The Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Regulations 2015 (LI 2015/93) are confirmed.

8 Animal Products Act 1999

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The following regulations are confirmed:

- (a) Animal Products (Fees, Charges, and Levies) Amendment Regulations 2015 (LI 2015/94):

- (b) Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015 (LI 2015/95).

9 Biosecurity Act 1993

The following orders are confirmed:

- (a) Biosecurity (Readiness and Response—Kiwifruit Levy) Order 2015 (LI 2015/12): 5
- (b) Biosecurity (System Entry Levy) Amendment Order 2015 (LI 2015/91).

10 Commodity Levies Act 1990

The following orders are confirmed:

- (a) Commodity Levies (Feijoas) Order 2014 (LI 2014/261): 10
- (b) Commodity Levies (Passionfruit) Order 2014 (LI 2014/271):
- (c) Commodity Levies (Wheat Grain) Order 2014 (LI 2014/272):
- (d) Commodity Levies (Summerfruit) Order 2014 (LI 2014/278):
- (e) Commodity Levies (Milk solids) Order 2014 (LI 2014/363):
- (f) Commodity Levies (Non-proprietary and Uncertified Herbage Seeds) Order 2014 (LI 2014/389): 15
- (g) Commodity Levies (Passionfruit) Amendment Order 2015 (LI 2015/56).

11 Customs and Excise Act 1996

The following orders are confirmed:

- (a) Customs Import Prohibition Order 2014 (LI 2014/255): 20
- (b) Customs Export Prohibition Order 2014 (LI 2014/256):
- (c) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation and Separate 10% Increase) Amendment Order 2014:
- (d) Customs Import Prohibition (Toothfish) Order 2015 (LI 2015/64):
- (e) Customs Export Prohibition (Toothfish) Order 2015 (LI 2015/65): 25
- (f) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2015.

11A National Animal Identification and Tracing Act 2012

The National Animal Identification and Tracing (Levies) Amendment Regulations 2015 (LI 2015/130) 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 2015 (LI 2015/33) is validated and confirmed.

- 13 Road User Charges Act 2012**
The Road User Charges (Rates) Regulations 2015 (LI 2015/87) are confirmed.
- 14 Tariff Act 1988**
The Tariff (Concessions) Amendment Order 2014 is validated and confirmed.
- 14A Veterans' Support Act 2014 and War Pensions Act 1954** 5
The Veterans' Support (Rates of War Pensions Act 1954 Allowances) Order 2015 (LI 2015/51), if section 75C(4) of the War Pensions Act 1954 applies to it, is validated and confirmed.
- 15 Wine Act 2003**
The Wine Amendment Regulations 2015 (LI 2015/97) are confirmed. 10

Part 2

Amendments to Legislation Act 2012

- 16 Principal Act**
This **Part** amends the Legislation Act 2012 (the **principal Act**).
- 17 Section 3 amended (Purposes)** 15
In section 3(a), after “disallowing”, insert “and confirming”.
- 18 Section 4 amended (Interpretation)**
In section 4, insert in their appropriate alphabetical order:
confirmable instrument has the meaning given to it by **section 47B**
deadline, for a confirmable instrument, means the time when (if no exception in **section 47C(2)** applies) the instrument is revoked by **section 47C(1)(a) or (b)** 20
- 19 New section 4A inserted (Transitional, savings, and related provisions)**
After section 4, insert:
4A Transitional, savings, and related provisions 25
The transitional, savings, and related provisions set out in **Schedule 1AA** have effect according to their terms.
- 20 Part 3 heading amended**
In the Part 3 heading, after “Disallowable instruments”, insert “, confirmable instruments,”. 30
- 21 Section 37 amended (Interpretation)**
In section 37, repeal the definition of **confirmation provision**.

22 Section 39 amended (Instruments that have significant legislative effect)

Replace section 39(3)(b) with:

- (b) whether all or a portion of the instrument makes it a confirmable instrument:

23 Section 45 replaced (Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument) 5

Replace section 45 with:

45 Effect of disallowance on enactment amended, repealed, or revoked by disallowed instrument

- (1) This section applies if some or all provisions of a disallowable instrument— 10
- (a) amend an Act or instrument, repeal an Act, or revoke an instrument; and
- (b) are provisions that are later disallowed under section 42 or 43.
- (2) The Act or instrument is restored or revived—
- (a) as it was immediately before it was amended, repealed, or revoked by ~~these the~~ disallowed provisions; ~~but and~~ 15
- (b) with effect from when ~~these the~~ disallowed provisions cease to have effect.
- (3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act). 20
- Compare: 1989 No 143 s 8

24 New subpart 1A of Part 3 inserted

After section 47, insert:

Subpart 1A—Confirmable instruments

47A Overview

- (1) This subpart ensures some instruments are revoked by this Act at a deadline unless earlier confirmed by an Act of Parliament. 25
- (2) These ~~confirmable~~ instruments are made under the section or sections listed in **Schedule 2** (*see* **section 47B**). 30
- (3) The deadline differs depending on whether the instrument is made in the first or second half of a year (*see* **section 47C**). 30
- (4) If the instrument is one of a small-subset of confirmable instruments called annual confirmable instruments, and has been revoked before the deadline, then it is invalid for its past operation unless confirmed by an Act (*see* **sections 47B and 47D**). 35
- (5) Revocation by this Act of the instrument generally does not affect the validity of acts done under it before it is revoked (*see* **section 47F**). 35

- (6) Amendments, revocations, or repeals effected by the instrument are undone with effect from when the instrument is revoked by this Act (*see **section 47G***).
- (7) Any ~~duty, levy, duties, levies, or road user charges~~ collected under the instrument ~~after it imposed or varied the duty, levy, or charges~~ must, with some exceptions, be refunded if the instrument is later revoked by this Act (*see **sections 47H and 47I***). 5
- (8) This section is only a general guide to this subpart, which replaces and standardises former inconsistent confirmation provisions in the Acts listed in **Schedule 2**. 10
- 47B Confirmable instruments, etc, defined**
- (1) An instrument made under an enactment is a **confirmable instrument** for the purposes of this Act if all or a portion of the instrument—
- (a) is made under the empowering section or sections in a row of the table in **Schedule 2**; and 15
- (b) complies with any restriction in that row.
- (2) A confirmable instrument is an **annual confirmable instrument** for the purposes of this Act if all or a portion of the instrument is made under all or any of the following sections:
- (a) section 15(2) of the New Zealand Superannuation and Retirement Income Act 2001: 20
- (b) section 30(2) of the New Zealand Superannuation and Retirement Income Act 2001:
- (c) section 61H(1) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964: 25
- (d) section 61HA(2) (apart from, or with, clause 3(6) of Schedule 32) of the Social Security Act 1964:
- (e) section 61I(1) of the Social Security Act 1964:
- (f) section 190(2) of the Veterans' Support Act 2014.
- 47C Instruments revoked unless confirmed** 30
- (1) A confirmable instrument is revoked at the following applicable deadline:
- (a) if it is made during the first half of a year, it is revoked at the middle of the next year:
- (b) if it is made during the second half of a year, it is revoked at the end of the next year. 35
- (2) However, a confirmable instrument is not revoked by **subsection (1)(a) or (b)** so far as it—
- (a) has been revoked, or expires, with effect before or on the deadline; or

	(b) has ceased, or will cease, to have effect before or on the deadline by virtue of subpart 1 of Part 3 (disallowable instruments); or (c) has before or on the deadline been confirmed by an Act of Parliament.	
(3)	In this section,—	
	(a) the first half of a year means the period that starts on 1 January and ends with the close of 30 June in the year; and	5
	(b) the second half of a year means the period that starts on 1 July and ends with the close of 31 December in the year; and	
	(c) the middle of the next year means the close of 30 June in the next year; and	10
	(d) the end of the next year means the close of 31 December in the next year.	
	Compare: 1990 No 127 s 12; 1993 No 95 ss 100S, 100ZH, 138, 151; 2011 No 81 s 387(3); 2012 No 1 s 85(4); 2014 No 32 s 214	
47D	Operation of annual instruments invalid if revoked before, and not confirmed by, deadline	15
(1)	This section applies to an annual confirmable instrument so far as it—	
	(a) has been revoked with effect before or on the deadline; and	
	(b) is therefore under section 47C(2)(a) not revoked by section 47C(1)(a) or (b) .	20
(2)	The instrument is, after the deadline, taken to have been invalid in respect of the period for which it purported to have effect.	
(3)	Subsection (2) does not apply so far as the instrument has before or on the deadline been confirmed by an Act of Parliament.	
	Compare: 1964 No 136 ss 61H(4), 61HA(6), 61I(2); 2001 No 84 ss 15(5), 30(5); 2014 No 56 s 190(5)	25
47E	How instrument is confirmed by Act	
(1)	A confirmable instrument is for the purposes of this subpart confirmed by an Act of Parliament—	
	(a) only if the Act contains a provision to the effect that the instrument is confirmed; and	30
	(b) only on and after that provision's commencement.	
(2)	The later repeal of the Act or provision does not affect the confirmation of the instrument (in line with section 17(1)(c) of the Interpretation Act 1999).	
	Compare: 1964 No 136 s 61H(6); 1996 No 27 s 286B(2); 2012 No 1 s 85(6)	35
47F	Effect of revocation: general	
(1)	This section applies to the revocation by section 47C(1)(a) or (b) of an instrument.	

(2) That revocation does not affect the previous operation of the instrument or anything done or suffered under it (in line with section 17(1)(e) of the Interpretation Act 1999).

(3) This section is subject to **section 47H**.

47G Effect of revocation: amendments, etc

(1) This section applies if a confirmable instrument—

- (a) amends an Act or instrument, repeals an Act, or revokes an instrument; and
- (b) is later revoked by **section 47C(1)(a) or (b)**.

(2) The Act or instrument is restored or revived—

- (a) as it was immediately before it was amended, repealed, or revoked by the confirmable instrument; ~~but~~ and
- (b) with effect from when the confirmable instrument is later revoked by **section 47C(1)(a) or (b)**.

(3) This section alters an outcome under section 17(1)(d) of the Interpretation Act 1999 (*see* section 4(1)(a) of that Act).

47H Effect of revocation: duties, levies, or charges

(1) This section applies if the effect of the instrument revoked by **section 47C(1)(a) or (b)** is to impose, or vary, any ~~duty, levy, duties, levies,~~ or road user charges.

(2) Any ~~duty, levy, duties, levies,~~ or road user charges collected under the instrument (or, if the effect of the instrument is to vary any ~~duty, levy, duties, levies,~~ or road user charges, any ~~duty, levy, duties, levies,~~ or road user charges collected after the variation takes effect) must, unless an Act of Parliament provides otherwise, be refunded.

(3) This section is subject to **section 47I**.

Compare: 1988 No 155 s 11(2); 1996 No 27 s 80(2); 2012 No 1 s 85(5)

47I Effect of revocation: exceptions to section 47H

(1) **Section 47H(2)** does not limit or affect section 42C(3) and (4) of the Civil Aviation Act 1990 (which indicates how levies imposed or increased or decreased by civil aviation safety levy orders are affected by those orders being revoked by **section 47C(1)(a) or (b)** of this Act).

(2) **Section 47H(2)** does not apply to energy resources levy rate orders revoked, and the levy rate specified in those orders remains valid in respect of the period before their revocation, by **section 47C(1)(a) or (b)**.

(3) **Section 47H(2)** does not limit or affect section 270(4) to (6) of the Land Transport Act 1998 (which indicates how fees or charges prescribed by land

- transport fees or charges regulations are affected by those regulations being revoked by **section 47C(1)(a) or (b)** of this Act).
- (4) **Section 47H(2)** does not apply to waste minimisation levy rate regulations revoked, and the levy rate specified in those regulations remains valid in respect of the period before their revocation, by **section 47C(1)(a) or (b)**. 5
- (5) In this section,—
- civil aviation safety levy orders** means orders under section 42A of the Civil Aviation Act 1990
- energy resources levy rate orders** means orders under section 5(1) of the Energy Resources Levy Act 1976 10
- land transport fees or charges regulations** means regulations—
- (a) made under section 269 or 269A of the Land Transport Act 1998; and
- (b) prescribing fees or charges
- waste minimisation levy rate regulations** means regulations made under section 41(1)(e) of the Waste Minimisation Act 2008. 15
- 25 New Schedule 1AA inserted**
- Before the Schedule, insert as **Schedule 1AA** the schedule set out in **Schedule 1 of this Act**.
- 26 New Schedule 2 inserted**
- After the Schedule, insert as **Schedule 2** the schedule set out in **Schedule 2 of this Act**. 20
- 27 Consequential amendments to other Acts**
- Amend the Acts specified in **Schedule 3** of this Act in the manner set out in that schedule.

Schedule 1

New Schedule 1AA inserted

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Schedule 1AA

Transitional, savings, and related provisions

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s 4A

- 1 Confirmable instruments made or presented 1 July 2015 to 31 December 2015**
- (1) **Sections 47C and 47D** apply to a confirmable instrument (as defined in **section 47B**) that—
- (a) is made, or presented to the House of Representatives, after **30 June 2015** and before **1 January 2016**; and
- (b) is an instrument of a kind covered by a former confirmation provision; and
- (c) would if that provision were not repealed on **1 January 2016** have under that provision lapsed at a time (being a time after **31 December 2015** and stated in that provision) if not earlier confirmed by an Act of Parliament.
- (2) In this clause,—
- confirmation provision**, in relation to an instrument made under an enactment, means an enactment that provides that the instrument lapses, expires, is revoked, or is deemed to have been revoked at a stated time unless the instrument is confirmed by an Act passed or enacted before that time
- confirmed** includes ~~confirmed and validated, or validated~~—
- (a) confirmed and validated; or
- (b) validated
- former confirmation provision** means a confirmation provision that is repealed or replaced—
- (a) on **1 January 2016**; and
- (b) by **section 27 and Schedule 3 of the Subordinate Legislation Confirmation Act 2015**
- lapsed** means lapsed, expired, been revoked, or been deemed to have been revoked.

Schedule 2

New Schedule 2 inserted

s 26

Schedule 2

Confirmable instruments

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ss 4, 47A, 47B

Act	Empowering section(s) and restriction (if any)
Agricultural Compounds and Veterinary Medicines Act 1997	81E
Animal Products Act 1999	118
Antarctica (Environmental Protection) Act 1994	55(2)
Arms Act 1983	74A(b)
Arms Act 1983	74A(c)
Arms Act 1983	74A(d)
Biosecurity Act 1993	100L
Biosecurity Act 1993	100ZB
Biosecurity Act 1993	137
Biosecurity Act 1993	150
Civil Aviation Act 1990	42A
Climate Change Response Act 2002	162(1)
Climate Change Response Act 2002	202(1)
Commodity Levies Act 1990	4 (apart from, or with, section 305 of the Fisheries Act 1996, or section 111 of the Wine Act 2003)
Criminal Procedure Act 2011	387(1)(i)
Criminal Procedure Act 2011	387(1)(j)
Customs and Excise Act 1996	54(2)
Customs and Excise Act 1996	56(2)
Customs and Excise Act 1996	77(1)
Customs and Excise Act 1996	79(1)
Customs and Excise Act 1996	79A(1)—restriction: only if the order has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2))
Customs and Excise Act 1996	286A
Education Act 1989	2(4)
Education Act 1989	159(4)
Electronic Transactions Act 2002	14(3)—restriction: only if the order makes an addition to the Schedule
Energy (Fuels, Levies, and References) Act 1989	33(1)
Energy Resources Levy Act 1976	5(1)
Fisheries Act 1996	74(7)
Food Act 2014	207

Act	Empowering section(s) and restriction (if any)
Forests Act 1949	67ZM
Gambling Act 2003	319(1)
Industry Training and Apprenticeships Act 1992	26(1)
KiwiSaver Act 2006	65(1)
Land Transport Act 1998	269 and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Land Transport Act 1998	269A and 270—restriction: only if the regulations prescribe fees or charges that are identified or to be treated as land transport revenue for the purposes of the Land Transport Management Act 2003
Maritime Security Act 2004	78(4)(b)
National Animal Identification and Tracing Act 2012	62
National Animal Identification and Tracing Act 2012	67(2)
New Zealand Superannuation and Retirement Income Act 2001	15(2)
New Zealand Superannuation and Retirement Income Act 2001	30(2)
Parental Leave and Employment Protection Act 1987	71O and 73(1)(ad)
Parental Leave and Employment Protection Act 1987	73(1)(ae)
Petroleum Demand Restraint Act 1981	4(1)
Policing Act 2008	27(1)
Primary Products Marketing Act 1953	3(1)
Reserve Bank of New Zealand Act 1989	152 and 173—restriction: only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5
Road User Charges Act 2012	85(1)
Social Security Act 1964	61H(1) (apart from, or with, cl 3(6) of Schedule 32)
Social Security Act 1964	61HA(2) (apart from, or with, cl 3(6) of Schedule 32)
Social Security Act 1964	61I(1)
Tariff Act 1988	9
Tax Administration Act 1994	225B(1)(a)
Tax Administration Act 1994	225B(1)(b)
Veterans' Support Act 2014	190(2)
Waste Minimisation Act 2008	41(1)(e)
Wine Act 2003	89

Schedule 3

Consequential amendments

s 27

Agricultural Compounds and Veterinary Medicines Act 1997 (1997 No 87)

Replace section 81L with:

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81L Levy regulations are confirmable instruments

The explanatory note of regulations made under section 81E must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Animal Products Act 1999 (1999 No 93)

Replace section 125 with:

125 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 118 must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Antarctica (Environmental Protection) Act 1994 (1994 No 119)

Repeal section 55(3).

After section 55, insert:

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55A Regulations under section 55(2) are confirmable instruments

The explanatory note of regulations made under section 55(2) must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and

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Antarctica (Environmental Protection) Act 1994 (1994 No 119)—*continued*

- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Arms Act 1983 (1983 No 44)

Replace section 74B with:

74B Certain orders relating to military style semi-automatic firearms are confirmable instruments

The explanatory note of an order made under section 74A(b), (c), or (d) must indicate that—

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- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Biosecurity Act 1993 (1993 No 95)

Replace section 100S with:

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100S Orders are confirmable instruments

The explanatory note of a levy order made under section 100L must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Replace section 100ZH with:

100ZH Orders are confirmable instruments

The explanatory note of a readiness or response levy order made under section 100ZB must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and

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Biosecurity Act 1993 (1993 No 95)—continued

- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Replace section 138 with:

138 Orders are confirmable instruments

The explanatory note of a levy order made under section 137 must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Replace section 151 with:

151 Emergency regulations are confirmable instruments

The explanatory note of regulations made under section 150 must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Civil Aviation Act 1990 (1990 No 98)

In the heading to section 42C, replace “**to be confirmed**” with “**are confirmable instruments**”.

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Replace section 42C(2) with:

- (2) The explanatory note of every such Order in Council must indicate that—
 - (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and

Civil Aviation Act 1990 (1990 No 98)—continued

- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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In section 42C(3), replace “expires by virtue of subsection (2)” with “is revoked by **section 47C(1)(a) or (b)** of the Legislation Act 2012”.

In section 42C(3)(b), replace “expiry” with “revocation”.

Repeal section 42C(5).

Climate Change Response Act 2002 (2002 No 40)

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Replace section 162(4) with:

- (4) An Order in Council made under subsection (1) takes effect for the removal activity or activities concerned on and from—
 - (a) 1 January of the next year, if made on or before 30 June in any year; or
 - (b) 1 July of the next year, if made on or after 1 July in any year.

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After section 162, insert:

162A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 162(1) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Replace section 202(3) with:

- (3) An Order in Council made under subsection (1) takes effect for the removal activity or activities concerned on and from—
 - (a) 1 January of the next year, if made on or before 30 June in any year; or
 - (b) 1 July of the next year, if made on or after 1 July in any year.

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After section 202, insert:

202A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 202(1) must indicate that—

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Climate Change Response Act 2002 (2002 No 40)—continued

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Commodity Levies Act 1990 (1990 No 127)

In the heading to section 12, replace “to be confirmed” with “are confirmable instruments”.

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Replace section 12(1) and (2) with:

- (1) The explanatory note of a levy order made under section 4 must indicate that—
 - (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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In section 12(3), replace “the day with the close of which the order may (under subsection (1) or subsection (2)) be deemed to have been revoked” with “the time at which the order may be revoked by **section 47C(1)(a) or (b)** of the Legislation Act 2012”.

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Criminal Procedure Act 2011 (2011 No 81)

Repeal section 387(3) and (4).

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After section 387, insert:

387A Regulations under section 387(1)(i) or (j) are confirmable instruments

The explanatory note of regulations made under section 387(1)(i) or (j) must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Customs and Excise Act 1996 (1996 No 27)

Repeal section 54(5) and (6).

After section 54, insert:

54A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 54(2) must indicate that— 5

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and 10
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 15

Repeal section 56(5) and (6).

After section 56, insert:

56A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 56(2) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and 20
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 25

Replace section 80 with:

80 Orders are confirmable instruments

(1) This section applies to—

- (a) an Order in Council made under section 77(1); and
- (b) an Order in Council made under section 79(1); and 30
- (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)).

(2) The explanatory note of an Order in Council to which this section applies must indicate that— 35

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and

Customs and Excise Act 1996 (1996 No 27)—continued

- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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80A Orders may be revoked or varied by resolution of House of Representatives

- (1) This section applies to—
 - (a) an Order in Council made under section 77(1); and
 - (b) an Order in Council made under section 79(1); and
 - (c) an Order in Council made under section 79A(1) that has the effect of increasing the rates of excise duty or excise-equivalent duty on motor spirits (as defined in section 79A(2)).
- (2) If the House of Representatives resolves that an order to which this section applies should be revoked or varied,—
 - (a) the order must be treated as having been revoked or varied in accordance with the terms of the resolution; and
 - (b) any duty collected under the order in excess of the duty otherwise payable must, so far as that resolution provides, be refunded.

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Replace section 286B with:

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286B Regulations are confirmable instruments

The explanatory note of regulations made under section 286A must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Education Act 1989 (1989 No 80)

Replace section 2(5) and (6) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that—
 - (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and

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Education Act 1989 (1989 No 80)—continued

- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Replace section 159(5) and (6) with:

- (5) The explanatory note of regulations made under subsection (4) must indicate that—
 - (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
 - (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Electronic Transactions Act 2002 (2002 No 35)

Repeal section 14(4) and (5).

After section 14, insert:

14A Orders making additions to Schedule are confirmable instruments

- (1) This section applies to an Order in Council made under section 14(3) that makes an addition to the Schedule.
- (2) The explanatory note of the Order in Council must indicate that—
 - (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
 - (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
 - (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)

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Repeal section 33(4).

After section 33, insert:

33A Levy regulations are confirmable instruments

- The explanatory note of regulations made under section 33(1) must indicate that—

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Energy (Fuels, Levies, and References) Act 1989 (1989 No 140)—*continued*

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Energy Resources Levy Act 1976 (1976 No 71)

Repeal section 5(2) and (3).

After section 5, insert:

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5A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 5(1) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Fisheries Act 1996 (1996 No 88)

Repeal section 74(10).

After section 74, insert:

74A Orders under section 74(7) are confirmable instruments

The explanatory note of an Order in Council made under section 74(7) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Food Act 2014 (2014 No 32)

Replace section 214 with:

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Food Act 2014 (2014 No 32)—continued**214 Levy regulations are confirmable instruments**

The explanatory note of regulations made under section 207 must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Forests Act 1949 (1949 No 19)

Replace section 67ZT with:

67ZT Levy orders are confirmable instruments

The explanatory note of a levy order made under section 67ZM must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Gambling Act 2003 (2003 No 51)

Repeal section 319(4) and (5).

After section 319, insert:

319A Problem gambling levy regulations are confirmable instrument

The explanatory note of regulations made under section 319(1) must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Industry Training and Apprenticeships Act 1992 (1992 No 55)

In the heading to section 51, replace “**must be confirmed**” with “**are confirmable instruments**”.

Replace section 51(1), (2), (3), and (4) with:

- | | | |
|-----|---|----|
| (1) | The explanatory note of a levy order made under section 26(1) must indicate that— | 5 |
| (a) | it is a confirmable instrument under section 47B of the Legislation Act 2012; and | |
| (b) | it is revoked at a time stated in the note and that is the applicable deadline under section 47C(1)(a) or (b) of that Act, unless earlier confirmed by <u>an</u> Act of Parliament; and | 10 |
| (c) | <u>the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.</u> | |

In section 51(5), replace “the day with the close of which the order may (under subsection (2) or subsection (4)) be deemed to have been revoked” with “the time at which the order may be revoked by **section 47C(1)(a) or (b)** of the Legislation Act 2012”.

KiwiSaver Act 2006 (2006 No 40)

Repeal section 65(4) and (6).

After section 65, insert:

65A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 65 must indicate that—

- | | | |
|-----|---|----|
| (a) | it is a confirmable instrument under section 47B of the Legislation Act 2012; and | 25 |
| (b) | it is revoked at a time stated in the note and that is the applicable deadline under section 47C(1)(a) or (b) of that Act, unless earlier confirmed by <u>an</u> Act of Parliament; and | |
| (c) | <u>the stated time is the applicable deadline under section 47C(1)(a) or (b) of that Act.</u> | 30 |

Land Transport Act 1998 (1998 No 110)

Replace section 270(2) and (3) with:

- | | | |
|-----|---|----|
| (2) | The explanatory note of relevant regulations must indicate that— | |
| (a) | they are a confirmable instrument under section 47B of the Legislation Act 2012; and | 35 |

Land Transport Act 1998 (1998 No 110)—continued

- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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In section 270(4), replace “expire by virtue of subsection (2) or (3)” with “are revoked by **section 47C(1)(a) or (b)** of the Legislation Act 2012”.

In section 270(4), replace “expiry” with “revocation”.

In section 270(6), replace “expire by virtue of subsection (2) or (3)” with “are revoked by **section 47C(1)(a) or (b)** of the Legislation Act 2012”.

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Repeal section 270(8).

Maritime Security Act 2004 (2004 No 16)

Repeal section 78(8).

After section 78, insert:

78A Orders are confirmable instruments

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The explanatory note of an Order in Council made under section 78(4)(b) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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National Animal Identification and Tracing Act 2012 (2012 No 2)

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Replace section 64 with:

64 Levy regulations are confirmable instruments

The explanatory note of regulations made under section 62 must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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National Animal Identification and Tracing Act 2012 (2012 No 2)—continued

Replace section 68 with:

68 Orders are confirmable instruments

The explanatory note of an Order in Council made under section 67(2) must indicate that—

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and 5
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 10

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)

In section 15(5), replace “Subsections (3) to (6) of section 61H of the Social Security Act 1964 apply” with “Section 61H(5) of the Social Security Act 1964 applies”.

After section 15, insert:

15A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 15(2) must indicate that—

- (a) it is a confirmable instrument, and an annual confirmable instrument, under **section 47B** of the Legislation Act 2012; and 20
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 25

In section 30(5), replace “Section 61H(3) to (6)” with “Section 61H(5)”.

After section 30, insert:

30A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 30(2) must indicate that— 30

- (a) it is a confirmable instrument, and an annual confirmable instrument, under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note ~~and that is the applicable deadline under **sec-**~~ 35

New Zealand Superannuation and Retirement Income Act 2001 (2001 No 84)—
continued

~~tion 47C(1)(a) or (b)~~ of that Act, unless earlier confirmed by an Act of Parliament; and

- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

Parental Leave and Employment Protection Act 1987 (1987 No 129)

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Repeal section 73(4) and (5).

After section 73, insert:

73A Regulations are confirmable instruments

- (1) This section applies to regulations if they are—

- (a) regulations made under sections 71O and 73(1)(ad); or
 (b) regulations made under section 73(1)(ae).

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- (2) The explanatory note of the regulations must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
 (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
 (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Petroleum Demand Restraint Act 1981 (1981 No 12)

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In the heading to section 6, replace “**expire unless confirmed by Act**” with “**have force of law**”.

Repeal section 6(1) and (3).

After section 6, insert:

6A Regulations are confirmable instruments

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The explanatory note of regulations made under section 4(1) must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
 (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
 (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Policing Act 2008 (2008 No 72)

Repeal section 27(3) and (4).

After section 27, insert:

27A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 27(1) must indicate that— 5

- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and 10
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

Primary Products Marketing Act 1953 (1953 No 10)

Replace section 4 with: 15

4 Regulations are confirmable instruments

The explanatory note of regulations made under section 3(1) must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and 20
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 25

Reserve Bank of New Zealand Act 1989 (1989 No 157)

Repeal section 152(3) and (4).

After section 152, insert:

152A Regulations are confirmable instruments

- (1) This section applies to regulations made under both of sections 152 and 173, but only if the regulations confer on the Bank, or a statutory manager of a registered bank, ancillary or additional powers necessary or desirable for the purposes of Part 5. 30
- (2) The explanatory note of the regulations must indicate that—
 - (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and 35

Reserve Bank of New Zealand Act 1989 (1989 No 157)—continued

- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Road User Charges Act 2012 (2012 No 1)

Repeal section 85(4), (5), and (6).

After section 85, insert:

85A Regulations are confirmable instruments

The explanatory note of regulations made under section 85(1) must indicate that—

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- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Social Security Act 1964 (1964 No 136)

Repeal section 61H(3), (4), and (6).

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In section 61HA(6), replace “Section 61H(3) to (6) apply” with “Section 61H(2) and (5) applies”.

In section 61I(2), replace “The provisions of section 61H(2) to (6) shall apply,” with “Section 61H(2) and (5) applies,”.

After section 61I, insert:

25

61IA Orders are confirmable instruments

- (1) This section applies to an Order in Council made under section 61H, 61HA(2), or 61I(1) (including section 61H or 61HA(2) apart from, or with, clause 3(6) of Schedule 32).
- (2) The explanatory note of the Order in Council must indicate that—
 - (a) it is a confirmable instrument, and an annual confirmable instrument, under **section 47B** of the Legislation Act 2012; and
 - (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and

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35

Social Security Act 1964 (1964 No 136)—continued

- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

Tariff Act 1988 (1988 No 155)

Replace section 11 with:

- 11 Orders in Council relating to Tariff are confirmable instruments** 5
- The explanatory note of an Order in Council made under section 9 must indicate that—
- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act,~~ unless earlier confirmed by an Act of Parliament; and 10
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.
- 11A Orders in Council may be revoked or varied by resolution of House of Representatives** 15
- If the House of Representatives resolves that any Order in Council made under this Act (other than an Order in Council made under section 9) should be revoked or varied,—
- (a) the order must be treated as having been revoked or varied in accordance with the terms of the resolution; and 20
- (b) any duty payable must, so far as that resolution provides, be refunded.

Tax Administration Act 1994 (1994 No 166)

Repeal section 225B(2).

After section 225B, insert:

- 225BA Order under section 225B is confirmable instrument** 25
- The explanatory note of an Order in Council made under section 225B(1)(a) or (b) must indicate that—
- (a) it is a confirmable instrument under **section 47B** of the Legislation Act 2012; and 30
- (b) it is revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act,~~ unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 35

Veterans' Support Act 2014 (2014 No 56)

In section 190(5), replace “Section 61H(3) to (6)” with “Section 61H(5)”.

After section 190, insert:

190A Orders are confirmable instruments

The explanatory note of an Order in Council made under section 190(2) must indicate that— 5

- (a) it is a confirmable instrument, and an annual confirmable instrument, under **section 47B** of the Legislation Act 2012; and
- (b) it is revoked, or taken to have been invalid for past operation, at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and 10
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 15

Waste Minimisation Act 2008 (2008 No 89)

15

Repeal section 41(4) and (5).

After section 41, insert:

41A Regulations under section 41(1)(e) are confirmable instruments

The explanatory note of regulations made under section 41(1)(e) must indicate that— 20

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and
- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and 25
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act. 30

Wine Act 2003 (2003 No 114)

Replace section 96 with:

96 Levy regulations are confirmable instruments

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The explanatory note of regulations made under section 89 must indicate that—

- (a) they are a confirmable instrument under **section 47B** of the Legislation Act 2012; and

Wine Act 2003 (2003 No 114)—*continued*

- (b) they are revoked at a time stated in the note ~~and that is the applicable deadline under **section 47C(1)(a) or (b)** of that Act~~, unless earlier confirmed by an Act of Parliament; and
- (c) the stated time is the applicable deadline under **section 47C(1)(a) or (b)** of that Act.

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Legislative history

25 June 2015
2 July 2015

Introduction (Bill 28–1)
First reading and referral to Regulations Review Committee