

Subordinate Legislation Confirmation Bill

18 March 2015

Hon Christopher Finlayson QC, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Subordinate Legislation Confirmation Bill

1. We have considered whether the Subordinate Legislation Confirmation Bill ('the Bill') is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').

2. We have not yet received a final version of the Bill. This advice has been prepared with the latest version of the Bill (PCO 18794/5.0) and on the understanding that the Bill may be subject to minor amendments before it is submitted to the Cabinet Legislation Committee. We will provide you with further advice if the final version of the Bill includes amendments that affect the conclusions in this advice.

3. The Bill has two related purposes, which are to:

- a. Confirm and validate subordinate legislation (made before 1 July 2015 and not already confirmed) that will lapse at a specified time unless it is earlier confirmed or validated by an Act of Parliament; and
- b. Replace all existing confirmation provisions with one standard provision in the Legislation Act 2012, without altering the subordinate legislation covered by those confirmation provisions.

4. The Bill also repeals the Subordinate Legislation (Confirmation and Validation) Act 2014.

5. Clauses 3 and 4 of the Bill provide that validation of subordinate legislation under this Bill is for the purpose of preventing the expiry of the subordinate legislation only, and does not cure any invalidity or otherwise give legislative force to those provisions.

6. For the purposes of this advice, we have not considered the validity of the subordinate legislation itself or its consistency with the Bill of Rights Act.

7. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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