

9 October 2007

ATTORNEY-GENERAL

LEGAL ADVICE
CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:
Subordinate Legislation (Confirmation and Validation) Bill (No 3)

1. We have considered whether the Subordinate Legislation (Confirmation and Validation) Bill (No 3) 2007 (PCO 8232/2) ("the Bill") is consistent with the New Zealand Bill of Rights Act 1990 (the "Bill of Rights Act"). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee at its meeting on Thursday, 20 October 2007.
2. We have concluded that the Bill appears to be consistent with the Bill of Rights Act.
3. The Bill confirms and validates certain subordinate legislation made under Acts that provide that subordinate legislation lapses after a specified time unless confirmed or validated by an Act of Parliament, and repeals the Subordinate Legislation (Confirmation and Validation) Act 2006 (2006 No 80).
4. We note that clause 4 of the Bill expressly provides 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.
5. 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.

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