

Subordinate Legislation (Confirmation and Validation) Bill (No 2)

9 September 2010

Attorney-General

LEGAL ADVICE

CONSISTENCY WITH THE NEW ZEALAND BILL OF RIGHTS ACT 1990:

SUBORDINATE LEGISLATION (CONFIRMATION AND VALIDATION) BILL (NO 2)

1. We have considered whether the Subordinate Legislation (Confirmation and Validation) Bill (No 2) (PCO 14696/1.1) ('the Bill') is consistent with the New Zealand Bill of Rights Act 1990 ('Bill of Rights Act'). We understand that the Bill is likely to be considered by the Cabinet Legislation Committee on Thursday, 16 September 2010.
2. The Bill confirms and validates certain subordinate legislation made under Acts that provide that subordinate legislation lapses at a stated time unless earlier confirmed or validated by an Act of Parliament, and repeals the Subordinate Legislation (Confirmation and Validation) Act 2009 (2009 No 67).
3. We note that cls 3 and 4 provide that validation of subordinate legislation under the 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.
4. 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.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed by the Bill of Rights Act. This advice has been prepared by the Public Law Group and the Office of Legal Counsel.

Jeff Orr

Chief Legal Counsel

Office of Legal Counsel

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