



NEW ZEALAND
LAW SOCIETY

NZLS EST 1869

THE SUBORDINATE LEGISLATION CONFIRMATION BILL

21/07/2015

Submission on the Subordinate Legislation Confirmation Bill

- 1 The New Zealand Law Society (Law Society) has been invited by the Regulations Review Committee to make a submission on the merits of the proposed changes in Part 2 of the Subordinate Legislation Confirmation Bill (Bill).
- 2 As stated in the explanatory note to the Bill, Part 2 amends the Legislation Act 2012 (Act) "to simplify and standardise the terms and operation of the many, and unhelpfully varying, existing confirmation provisions found in different statutes". It is a technical revision that will "update, and make more workable, the existing framework within which annual confirming bills must now be enacted".
- 3 The Law Society welcomes and supports the proposed changes in Part 2 of the Bill. As noted in the first reading debate, the simplification and standardisation to be introduced by the Part 2 amendments will benefit all departments that administer Acts containing confirmation and validation provisions, and make the preparation and enactment of every annual confirming bill a simpler process.
- 4 There is however an issue as to the timing of the proposed changes. The Committee will be aware of the work currently being done by the Parliamentary Counsel Office (PCO) to examine measures to improve access to tertiary instruments, including assessing the terminology used in legislation to describe the various categories of delegated instruments. It may be sensible to delay passage of the Part 2 amendments until the PCO work has concluded, otherwise the statutes to be amended as a result of Part 2 may need to be amended again.
- 5 The Law Society supports any measure, including this one, that helps reduce the turgidity of current terminology, which is arcane. With that in mind, the name of the Bill probably should be changed. "Subordinate" has the virtue of some clarity, but it is surprisingly rarely used in text as opposed to titles. If this Bill is to come into force (and that seems likely in view of Part 1, for at least some period), it probably should be renamed the "Confirmable Instruments Confirmation and Validation Bill".
- 6 The Law Society does not wish to be heard, but is happy to meet with the Committee or officials advising if that would be of assistance.



Chris Moore
President
21 July 2015