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BILLS DIGEST

Digest No. 1739

Regulatory Improvement Bill 2008 (2009 No 298-2)

Date of Introduction:	09 September 2008
Portfolio:	Regulatory Improvement
Select Committee:	Commerce
Date report presented:	27 October 2009
Published: 03 February 2009 Prepared by John McSoriley BA LL.B, Barrister Legislative Analyst P: (04) 471-9626 (Ext. 9626) F: (04) 471-1250	Caution: This Digest was prepared to assist consideration of the Bill by members of Parliament. It has no official status. Although every effort has been made to ensure accuracy, it should not be taken as a complete or authoritative guide to the Bill. Other sources should be consulted to determine the subsequent official status of the Bill.

Purpose

The aim of the Bill as introduced is to make amendments to nine Acts " ... with the broad policy objectives of improving the regulatory framework and reducing the compliance burden of business" ¹. The Acts to be amended are:

- the Companies Act 1993;
- the Conservation Act 1987;
- the Designs Act 1953;
- the Fisheries Act 1996;
- the Gas Act 1992;
- the Hazardous Substances and New Organisms Act 1996;

¹ Regulatory Improvement Bill, 2008 No 298-1, Explanatory note, General policy statement, p. 1.

- the Ministry of Agriculture and Fisheries (Restructuring) Act 1995;
- the Reserves Act 1977;
- the Weights and Measures Act 1987.

The Bill as introduced is described in [Bills Digest No 1676](#).

Main changes to the Bill

Designs Act 1953

The Select Committee has recommended that the provisions of the Bill (i.e. Part 3) relating to the Designs Act 1953 should come into effect on the earlier of the following:

- twelve months after the Bill receives the Royal Assent; or
- a date to be appointed by the Governor -General by Order in Council .

However Clause 14 (which enables regulations to be made) would come into effect on the day after the date on which the Bill receives the Royal assent along with the rest of the Bill (*Clause 2, substituting subsection (1)*).

The Select Committee has recommended that the Bill should give specific authorisation for the Commissioner to publish bibliographical details of design applications (new clause 12A, which inserts new section 30(5) into the Designs Act 1953 (*Part 3, inserting New Clause 12A into the Bill, inserting new subsection (5) into Section 30 of the Designs Act 1953*).

The Select Committee has also recommended that the Bill, as well as allowing the restoration of lapsed copyright in registered designs, should also allow the restoration of lapsed copyright in design applications (*Part 3, Clause 13, inserting New Sections 41G to 41J into the Act*).

Hazardous Substances and New Organisms Act 1996

The Select Committee has recommended that the provision in the Bill amending Section 141A of the Hazardous Substances and New Organisms Act 1996, which relates to incorporation by reference of material into regulations and other instruments, be amended to conform with new standard clauses prepared by the Parliamentary Counsel Office to give effect to principles established by the Regulations Review Committee in its inquiry into material incorporated by reference in 2004 (*Part 6, amending Clause 46 and inserting New Clause 46A, inserting New Sections 141B-141II into the Hazardous Substances and New Organisms Act 1996*).

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