

Secondary Legislation Confirmation Bill (No 2)

Government Bill

As reported from the Regulations Review Committee

Commentary

Recommendation

The Regulations Review Committee has examined the Secondary Legislation Confirmation Bill (No 2) and recommends that it be passed with the amendment shown.

Introduction

The purpose of this bill is to confirm certain secondary legislation that would be revoked if not confirmed by an Act of Parliament by a specified date. The bill relates to secondary legislation made between 1 July 2022 and 30 June 2023.

In passing this bill, the House would confirm the instruments set out in the bill, allowing them to continue in force.

Legislative scrutiny

As part of our consideration of the bill, we have examined its consistency with principles of legislative quality. We have no issues regarding the legislation's design to bring to the attention of the House.

Confirmation is warranted for most of the instruments

As introduced, the bill proposes confirmation of 15 legislative instruments. We support most of these but propose removing three of the instruments from the bill, which we discuss later.

Matters covered in the instruments are:¹

- introducing a new levy on the sale of arable crops

¹ Instruments covering similar matters are grouped under a single item.

- increasing the Biosecurity System Entry Levy on imports
- extending and amending levies on egg producers, and on owners of pāua and rock lobster quotas (3 instruments)
- continuing an export prohibition on green-lipped mussels under a certain shell size
- maintaining the indexation of excise and excise-equivalent duties² on alcoholic beverages and tobacco (2 instruments)
- temporarily reducing the excise duty on fuel (3 instruments)
- changing certain charges payable under the clean vehicle discount scheme
- increasing a range of benefits, allowances, asset limits, and superannuation entitlements to reflect mandatory adjustments and discretionary increases
- correcting some tariff drafting errors
- applying preferential tariff to specified countries to give effect to the Regional Comprehensive Economic Partnership (RCEP) agreement signed in Hanoi in November 2020.

We asked the government departments responsible for administering the instruments listed in this bill specific questions in relation to each confirmable instrument, to explain why the instruments should be confirmed. We wrote to the following departments:

- Ministry for Primary Industries
- Ministry of Transport
- New Zealand Customs Service.

After considering the responses, we found no reason why the orders and regulations should not be confirmed, except for three instruments as explained in the section below. We thank the departments for their responses and their cooperation with our processes for the bill.

We recommend not confirming three of the proposed orders

We recommend that clause 9(d) to (f) of the bill be amended to strike out the following confirmable secondary legislation:

- Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order (No 2) 2022
- Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order (No 3) 2022
- Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order 2023.

² Excise and excise-equivalent duties are duties imposed on alcohol, tobacco, and fuel.

The orders amended the Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 (the amendment order). The amendment order gave effect to the Government's decision to temporarily reduce the duty on fuel by 25 cents per litre to address rising costs for households in an inflationary context. The three orders above gave effect to the Government's decision to extend the 25 cent reduction on three occasions.

The amendment order was revoked on 5 July 2023 following the Government's decision to end the reduction in the duty as inflation eased. This means that the above orders are no longer in force, so confirmation of the orders is no longer necessary.

Appendix

Committee process

The Secondary Legislation Confirmation Bill (No 2) was referred to the Regulations Review Committee of the 53rd Parliament on 18 July 2023. It was reinstated with this committee in the 54th Parliament.

The previous committee invited written submissions from the government departments responsible for administering the orders and regulations confirmed by the bill. It received and considered three submissions.

The Parliamentary Counsel Office provided advice on the bill and assisted with legal drafting. The Office of the Clerk provided advice on the bill's legislative quality.

Committee membership

Hon Dr Duncan Webb (Chairperson)

Ryan Hamilton

James Meager

Joseph Mooney

Hon Jenny Salesa

Key to symbols used in reprinted bill

As reported from a select committee

text inserted unanimously

~~text deleted unanimously~~

Hon Chris Bishop

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Secondary Legislation Confirmation Act **2023**.

2 Commencement

This Act comes into force on the day after the date on which it receives the Royal assent.

Part 1
Preliminary provisions

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3 Purpose

The purpose of this Act is to confirm secondary legislation that, unless earlier confirmed by an Act of Parliament, will be—

- (a) revoked at the applicable deadline under section 123 of the Legislation Act 2019; or 10
- (b) taken after the applicable deadline to have been invalid for its past operation (because it has been revoked with effect before or on the deadline) under section 126 of the Legislation Act 2019.

4 Interpretation

In this Act, unless the context otherwise requires, **deadline** has the meaning given in section 121 of the Legislation Act 2019. 15

5 Act binds the Crown

This Act binds the Crown.

6 Repeal

The Secondary Legislation Confirmation Act 2022 (2022 No 82) is repealed. 20

Part 2
Confirmations

7 Biosecurity Act 1993

The following orders are confirmed:

- (a) Biosecurity (Response—Arable Crops Levy) Order 2023 (SL 2023/78): 25
- (b) Biosecurity (System Entry Levy) Amendment Order 2023 (SL 2023/98).

8 Commodity Levies Act 1990

The following orders are confirmed:

- (a) Commodity Levies (Eggs) Order 2022 (SL 2022/228):
- (b) Commodity Levies (Paua) Amendment Order 2022 (SL 2022/305): 30
- (c) Commodity Levies (Rock Lobster) Order 2023 (SL 2023/138).

9 Customs and Excise Act 2018

The following orders are confirmed:

- (a) Customs Export Prohibition (Green-lipped Mussel Spat) Order 2022 (SL 2022/248):
- (b) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2023: 5
- (c) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2022:
- ~~(d) Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order (No 2) 2022: 10~~
- ~~(e) Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order (No 3) 2022:~~
- ~~(f) Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order 2023: 15~~

10 Land Transport Act 1998

The Land Transport (Clean Vehicle Discount Scheme Charges) Amendment Regulations 2023 (SL 2023/93) are confirmed.

11 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 2018 20

The Social Security (Rates of Benefits and Allowances) Order 2023 (SL 2023/38) is confirmed.

12 Tariff Act 1988

The following orders are confirmed: 25

- (a) Tariff (Harmonised System Corrections) Amendment Order 2022:
- (b) Tariff (RCEP) Amendment Order 2023.

Legislative history

12 July 2023
18 July 2023

Introduction (Bill 269–1)
First reading and referral to Regulations Review Committee