



# New Zealand Public Health and Disability Amendment Act 2012

Public Act 2012 No 41  
Date of assent 6 June 2012  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

- 1 Title**  
This Act is the New Zealand Public Health and Disability Amendment Act 2012.
- 2 Commencement**  
This Act comes into force on 1 July 2012.
- 3 Principal Act amended**  
This Act amends the New Zealand Public Health and Disability Act 2000.

*Amendments to principal Act*

- 4 Outline**  
Section 5 is amended by repealing subsection (7) and substituting the following subsection:  
“(7) A Crown entity called the Health Promotion Agency (**HPA**) is established (Part 4—sections 57 to 59).”
- 5 Interpretation**
  - (1) Section 6(1) is amended by repealing the definition of **CHFA**.
  - (2) The definition of **publicly-owned health and disability organisation** in section 6(1) is amended by omitting “CHFA” and substituting “HPA”.
  - (3) Section 6(1) is amended by inserting the following definition in its appropriate alphabetical order:

“**HPA** means the Health Promotion Agency established by section 57”.

**6 New headings and sections 57 to 59AA substituted**

Sections 57 to 59 and the heading above section 57 are repealed and the following headings and sections substituted:

*“Health Promotion Agency*

**“57 Health Promotion Agency established**

“(1) An organisation called the Health Promotion Agency (**HPA**) is established.

“(2) HPA is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.

“(3) The board of HPA consists of not fewer than 5 and not more than 7 members appointed under section 28 of the Crown Entities Act 2004.

“(4) The Crown Entities Act 2004 applies to HPA except to the extent that this Act expressly provides otherwise.

**“58 Functions, duties, and powers of HPA**

“(1) HPA must lead and support activities for the following purposes:

“(a) promoting health and wellbeing and encouraging healthy lifestyles:

“(b) preventing disease, illness, and injury:

“(c) enabling environments that support health and wellbeing and healthy lifestyles:

“(d) reducing personal, social, and economic harm.

“(2) HPA has the following alcohol-specific functions:

“(a) giving advice and making recommendations to government, government agencies, industry, non-government bodies, communities, health professionals, and others on the sale, supply, consumption, misuse, and harm of alcohol so far as those matters relate to HPA’s general functions:

“(b) undertaking or working with others to research the use of alcohol in New Zealand, public attitudes towards alcohol, and problems associated with, or consequent on, the misuse of alcohol.

- “(3) Section 103(1) of the Crown Entities Act 2004 does not apply to HPA’s functions under subsection (2), but HPA must have regard to any government policy that relates to those functions if so directed by the Minister.
- “(4) HPA must also—
- “(a) assume the property, rights, and liabilities of the Alcohol Advisory Council and the Health Sponsorship Council that are transferred to HPA by section 17 of the New Zealand Public Health and Disability Amendment Act 2012; and
  - “(b) undertake any other functions that it is for the time being authorised to perform by the Minister by written notice to the board of HPA after consultation with the board.
- “**59 Provisions relating to grants, sponsorship, and other matters**
- “(1) HPA may—
- “(a) make grants to any body, association, or person engaged in any activity in any field with which HPA is concerned;
  - “(b) make advances to any such body, association, or person, on any terms and conditions as to the payment of interest, the repayment of principal, the giving of security, and otherwise that HPA thinks fit;
  - “(c) charge any fees (if any) that it may from time to time think reasonable for any material published by it and made available to the public;
  - “(d) without further appropriation by Parliament, spend in any year any funds received by HPA in the previous year and not spent by HPA in the previous year;
  - “(e) commit itself to spend any money by way of sponsorship, subject to subsection (2).
- “(2) The power to spend money by way of sponsorship is subject to the following limitations:
- “(a) HPA must have the money in hand at the time; and
  - “(b) HPA must not, in any year (the **current year**), commit itself to spend by way of sponsorship in the next succeeding year more than 25% of the amount of the

money appropriated by Parliament for the purposes of HPA for the current year.

- “(3) In this section, **sponsorship** means, in broad terms, the provision of assistance by HPA to any person or organisation and, in return, the promotion by that person or organisation of health and wellbeing and healthy lifestyles in a manner agreed by HPA.
- “(4) For the purpose of subsection (3),—
- “(a) such assistance by HPA may (without limitation) take the form of—
    - “(i) money, whether by way of grant or otherwise; or
    - “(ii) goods and services; or
    - “(iii) trophies, prizes, awards, and scholarships:
  - “(b) such promotion by the person or organisation receiving assistance may (without limitation) take the form of—
    - “(i) publicising messages relating to health and wellbeing and healthy lifestyles; or
    - “(ii) publicising messages relating to ill-health and unhealthy lifestyles; or
    - “(iii) promoting HPA’s aims and objectives.
- “(5) This section (other than subsection (2)) does not limit sections 16 and 17 of the Crown Entities Act 2004.

#### *“Levies*

#### **“59AA Levies for alcohol-related purposes**

- “(1) Levies may be imposed for the purpose of enabling HPA to recover costs it incurs—
- “(a) in addressing alcohol-related harm; and
  - “(b) in its other alcohol-related activities.
- “(2) Schedules 4A and 4B apply for the purpose of this section.”

#### **7 Interpretation**

The definition of **organisation** in section 60 is amended by repealing paragraph (c) and substituting the following paragraph:

“(c) HPA:”.

**8 Pharmac, NZBS, CHFA to operate in financially responsible manner**

The heading to section 66 is amended by omitting “CHFA” and substituting “and HPA”.

**9 Further provisions**

Section 70 is amended by omitting “CHFA” and substituting “HPA”.

**10 Regulations**

Section 92 is amended by adding the following subsections:

“(5) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

“(a) providing for returns to be made by persons importing into or manufacturing in New Zealand any alcohol, or any class or kind of alcohol, for the purpose of ascertaining the amount of any levy payable under this Act, and providing for the verification of returns:

“(b) exempting any person or class of persons from paying any levy that would otherwise be payable under this Act in any case where the cost of assessing or collecting the levy exceeds the amount payable by way of the levy:

“(c) amending or replacing the table in Schedule 4B, and amending, omitting, or reinserting the description of the method for determining variable rates.

“(6) Regulations under subsection (5)(c) may be made only—

“(a) for the purpose of aligning the rates for classes of alcohol under this Act with the classification system applied to alcoholic beverages under Part B of the Excise and Excise-equivalent Duties Table (as defined in section 76A of the Customs and Excise Act 1996); and

“(b) after consultation with the Minister of Customs.”

**11 Amendments to Schedule 6**

(1) The heading to Schedule 6 is amended by omitting “CHFA” and substituting “HPA”.

- (2) The definition of **organisation** in clause 1 of Schedule 6 is amended by repealing paragraph (c) and substituting the following paragraph:  
“(c) HPA.”.

## **12 New Schedules 4A and 4B inserted**

The Schedules 4A and 4B set out in Schedules 1 and 2 are inserted after Schedule 4.

*Provisions relating to disestablishment  
of Alcohol Advisory Council and Health  
Sponsorship Council*

## **13 Repeal and revocations relating to Alcohol Advisory Council**

- (1) The Alcohol Advisory Council Act 1976 (1976 No 143) is repealed.
- (2) The Alcohol Advisory Council (Schedule Amendment) Order 2009 (SR 2009/142) is revoked.
- (3) The following orders and regulations continue to have effect and may be amended or revoked under the New Zealand Public Health and Disability Act 2000:
- (a) every Alcohol Advisory Council Levy Order made under section 27 of the Alcohol Advisory Council Act 1976 that is in force at the commencement of this Act:
  - (b) Alcohol Advisory Council Regulations 1978 (SR 1978/1).

## **14 Amendments to Smoke-free Environments Act 1990 relating to Health Sponsorship Council**

- (1) This section amends the Smoke-free Environments Act 1990.
- (2) The definition of **Council** in section 2(1) is repealed.
- (3) Part 3 is repealed.

## **15 Interpretation**

In sections 16 to 24, unless the context otherwise requires,—

**Alcohol Advisory Council** means the Alcohol Advisory Council of New Zealand established by section 3(1) of the Alcohol Advisory Council Act 1976

**Health Sponsorship Council** means the Health Sponsorship Council established by section 43(1) of the Smoke-free Environments Act 1990.

**16 Disestablishment of councils**

On the commencement of this section,—

- (a) the Alcohol Advisory Council and the Health Sponsorship Council are disestablished; and
- (b) the term of office of the members of those councils ends.

**17 Transfer of property and liabilities of councils**

On and from the commencement of this section,—

- (a) all real and personal property of the Alcohol Advisory Council and the Health Sponsorship Council vests in HPA free of all trusts; and
- (b) all rights of those councils vest in HPA; and
- (c) all money payable to either of those councils is payable to HPA; and
- (d) all liabilities of each of those councils vest in HPA; and
- (e) all proceedings pending by or against either of those councils may be continued, completed, or enforced by or against HPA.

**18 Transfer not gift, supply of goods and services, or disposition for certain purposes**

To avoid doubt, anything transferred to HPA by section 17 is not—

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968;
- (b) a supply of goods and services for the purposes of the Goods and Services Tax Act 1985;
- (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

**19 Compensation**

No member of the Alcohol Advisory Council or the Health Sponsorship Council is entitled to compensation for loss of office resulting from the disestablishment of the council.

**20 Restriction of compensation for technical redundancy**

- (1) An employee is not entitled to receive any payment or other benefit on the ground that his or her position in the Alcohol Advisory Council, the Health Sponsorship Council, or the Ministry of Health has ceased to exist if—
  - (a) the position ceases to exist as a result of a transfer of functions from the council to HPA; and
  - (b) in connection with that transfer of functions,—
    - (i) the employee is offered equivalent employment in HPA (whether or not the employee accepts the offer); or
    - (ii) the employee is offered, and accepts, other employment in HPA.
- (2) In this section, **equivalent employment** to the employee's employment in the Alcohol Advisory Council, the Health Sponsorship Council, or the Ministry of Health is employment in HPA—
  - (a) in substantially the same position; and
  - (b) in the same general locality; and
  - (c) on terms and conditions of employment that are no less favourable than those that apply to the employee immediately before the offer of equivalent employment (including any service-related, redundancy, and superannuation conditions); and
  - (d) on terms that treat the period of service with the council (and any other period of service recognised by the council as continuous service) as if it were continuous service with HPA.
- (3) This section overrides Part 6A of the Employment Relations Act 2000.

**21 Application of collective agreements to employees**

- (1) This section limits which employees may be bound by a collective agreement that binds the chief executive of the Alcohol

Advisory Council or of the Health Sponsorship Council before a transfer of functions from those councils to HPA and that, as a consequence of section 17, binds the chief executive of HPA after that transfer of functions.

- (2) After that transfer of functions, the only employees of HPA who are entitled to be bound by or enforce the collective agreement are those employees who are appointed to a position in HPA that has been established (whether or not previously existing in any of those councils) to enable HPA to perform the transferred functions.
- (3) Subsection (2) does not bind an employee to a collective agreement, or entitle an employee to be bound by or enforce a collective agreement, if the employee would not otherwise be bound by, or be entitled to be bound by or enforce, that agreement.
- (4) This section limits which employees may be bound by collective agreements (including collective employment contracts), and the coverage of those agreements, under sections 56(1), 57, 62(3), 63(3), and 243 of the Employment Relations Act 2000.
- (5) This section does not apply to a collective agreement to the extent that the parties agree otherwise.

## **22 Superannuation**

- (1) Any employee of the Alcohol Advisory Council, the Health Sponsorship Council, or the Ministry of Health who, immediately before becoming an employee of HPA, is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is deemed, for the purpose of that Act, to be employed in the Government service so long as he or she continues to be an employee of HPA.
- (2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of HPA were Government service.
- (3) Subsection (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.

- (4) For the purpose of applying the Government Superannuation Fund Act 1956, the chief executive of HPA is the controlling authority.

**23 Consequential changes to references to former councils**

If an enactment or other thing refers to the Alcohol Advisory Council or the Health Sponsorship Council and that reference is no longer appropriate because the council referred to has been disestablished, the reference must be read as a reference to HPA.

**24 Consequential changes to references to chief executives following reorganisations**

If an enactment or other thing refers to a chief executive of the Alcohol Advisory Council or of the Health Sponsorship Council and that reference is no longer appropriate because the council referred to has been disestablished, the reference must be read as a reference to the chief executive of HPA.

**25 Application of consequential changes to references**

- (1) Sections 23 and 24—
- (a) apply to things that are in force or existing at the time of the disestablishment of the council (whether coming into force, entered into, or created before or after the commencement of this section); and
  - (b) apply to references in anything, including (without limitation) deeds, agreements, proceedings, instruments, documents, and notices.
- (2) An Order in Council made under section 35 may apply sections 23 and 24 to things also coming into force, entered into, or created during a transitional period after the disestablishment of the council that is specified in the order.
- (3) Sections 23 and 24—
- (a) apply to collective employment agreements; but
  - (b) do not apply to individual employment agreements.

**26 Consequential amendments**

The Acts specified in Schedule 3 are amended in the manner indicated in that schedule.

*Provisions relating to disestablishment of  
Crown Health Financing Agency*

**27 Disestablishment of Crown Health Financing Agency**

On the commencement of this section, the Crown Health Financing Agency is disestablished.

**28 Transfer of property and liabilities of Crown Health Financing Agency**

On and from the commencement of this section,—

- (a) all real and personal property of the Crown Health Financing Agency (the **Agency**) vests in the Crown free of all trusts; and
- (b) all rights of the Agency vest in the Crown; and
- (c) all money payable to the Agency is payable to the Crown; and
- (d) all liabilities of the Agency vest in the Crown; and
- (e) all proceedings pending by or against the Agency may be continued, completed, or enforced by or against the Crown.

**29 Transfer not gift, supply of goods and services, or disposition for certain purposes**

To avoid doubt, anything transferred to the Crown by section 28 is not—

- (a) a dutiable gift for the purposes of the Estate and Gift Duties Act 1968;
- (b) a supply of goods and services for the purposes of the Goods and Services Tax Act 1985;
- (c) a sale, disposition, distribution, or transfer of property or liability for the purposes of the Income Tax Act 2007.

**30 Compensation**

No member of the Crown Health Financing Agency is entitled to compensation for loss of office resulting from the disestablishment of the Agency.

**31 Restriction of compensation for technical redundancy**

- (1) An employee is not entitled to receive any payment or other benefit on the ground that his or her position in the Crown Health Financing Agency has ceased to exist if—
  - (a) the position ceases to exist as a result of a transfer of functions from the Agency to a department; and
  - (b) in connection with that transfer of functions,—
    - (i) the employee is offered equivalent employment in the department (whether or not the employee accepts the offer); or
    - (ii) the employee is offered, and accepts, other employment in the department.
- (2) In this section, **equivalent employment** to the employee's employment in the Crown Health Financing Agency is employment in the department—
  - (a) in substantially the same position; and
  - (b) in the same general locality; and
  - (c) on terms and conditions of employment that are no less favourable than those that apply to the employee immediately before the offer of equivalent employment (including any service-related, redundancy, and superannuation conditions); and
  - (d) on terms that treat the period of service with the Agency (and any other period of service recognised by the Agency as continuous service) as if it were continuous service with the department.
- (3) This section overrides Part 6A of the Employment Relations Act 2000.

**32 Application of collective agreements to employees**

- (1) This section limits which employees may be bound by a collective agreement that bind the chief executive of the Crown Health Financing Agency before a transfer of functions from the Agency to a department and that, as a consequence of sec-

tion 28, binds the chief executive of the department after that transfer of functions.

- (2) After that transfer of functions, the only employees of the department who are entitled to be bound by or enforce the collective agreement are those employees who are appointed to a position in the department that has been established (whether or not previously existing in the Agency) to enable the department to perform the transferred functions.
- (3) Subsection (2) does not bind an employee to a collective agreement, or entitle an employee to be bound by or enforce a collective agreement, if the employee would not otherwise be bound by, or be entitled to be bound by or enforce, that agreement.
- (4) This section limits which employees may be bound by collective agreements (including collective employment contracts), and the coverage of those agreements, under sections 56(1), 57, 62(3), 63(3), and 243 of the Employment Relations Act 2000.
- (5) This section does not apply to a collective agreement to the extent that the parties agree otherwise.

### **33 Superannuation**

- (1) Any employee of the Crown Health Financing Agency who, immediately before becoming an employee of a department, is a contributor to the Government Superannuation Fund under Part 2 or 2A of the Government Superannuation Fund Act 1956 is deemed, for the purpose of that Act, to be employed in the Government service so long as he or she continues to be an employee of the department.
- (2) The Government Superannuation Fund Act 1956 applies to the person in all respects as if the person's service as an employee of the Agency were Government service.
- (3) Subsection (1) does not entitle a person to become a contributor to the Government Superannuation Fund if the person has ceased to be a contributor.
- (4) For the purpose of applying the Government Superannuation Fund Act 1956, the chief executive of the department is the controlling authority.

**34 Consequential amendments**

The Acts specified in Schedule 4 are amended in the manner indicated in that schedule.

*Other matters***35 Other savings and transitional matters**

The Governor-General may, by Order in Council, provide for savings and transitional matters connected with the disestablishment of an entity under this Part, including the transfer of functions formerly carried out by the entity.

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**Schedule 1**

s 12

**New Schedule 4A inserted****Schedule 4A**

s 59AA

**Provisions relating to imposition and  
payment of HPA levies****1 Interpretation**

(1) In this schedule, unless the context otherwise requires,—

**aggregate expenditure figure**, in relation to any financial year, means the aggregate expenditure figure assessed in respect of that year by the Minister under clause 2(1)

**aggregate levy figure**, in relation to any financial year, means the aggregate levy figure determined in respect of that year by the Minister under clause 2(2)

**beer** means the product of the alcoholic fermentation by yeast of liquid derived from a mash of drinking water and malt grains with hops or their extracts that on analysis is found to contain more than 1.15% volume of alcohol

**class of alcohol** means a class of alcohol as identified in the table in Schedule 4B

**HPA** means the Health Promotion Agency established by section 57

**preceding statistical year** means the latest complete period of 12 consecutive months in respect of which, at any material time, the following information is available to the Minister, that is, the total number of litres of each class of alcohol imported into, and manufactured in, New Zealand during that period

**spirits** means ethyl alcohol, whether denatured or not, and any spirituous beverages, including brandy, gin, rum, vodka, whisky, and every other description of spirituous alcohol derived from ethyl alcohol

**wine** means the product of the complete or partial fermentation of any fruit (including grapes), vegetable, or honey, and—

- (a) includes—
- (i) cider, perry, and mead; and
  - (ii) fortified wines such as sherry, port, and fruit or vegetable-based alcohols; but

Schedule 4A—*continued*

- (b) does not include—
- (i) beer or spirits; or
  - (ii) any alcohol containing no more than 1.15% volume of alcohol

**winemaker** has the same meaning as in the Wine Act 2003.

- (2) For the purposes of clauses 3 and 5, where any wine manufactured in New Zealand is sold to another winemaker for blending with other wine, the wine so sold is deemed to be manufactured by the person who blends it, and not by its original maker.
- (3) For the purposes of clause 3(2), the total number of litres of wine manufactured in New Zealand during any statistical year is deemed to be the same as the total number of litres of wine sold by winemakers during that year.
- (4) For the purposes of clauses 5 and 6, the total number of litres of wine sold in New Zealand during any financial year is deemed to be the same as the total number of litres of wine sold in New Zealand during the preceding statistical year.
- (5) For the purposes of clause 3(2) and Schedule 4B, alcohol that is exported from New Zealand during the preceding statistical year is not to be treated as alcohol that is imported into or manufactured in New Zealand.

**2 Minister to assess aggregate expenditure figure and determine aggregate levy figure**

- (1) For each financial year, the Minister, acting with the concurrence of the Minister of Finance, must assess the aggregate expenditure figure for that year that, in his or her opinion, would be reasonable for HPA to expend during that year—
  - (a) in addressing alcohol-related harm; and
  - (b) in meeting its operating costs that are attributable to alcohol-related activities.
- (2) Having assessed the aggregate expenditure figure for any financial year under subclause (1), the Minister must determine the aggregate levy figure for that year, being an amount equal to the aggregate expenditure figure less the amount that, in his

Schedule 4A—*continued*

or her opinion, is likely to be received by HPA during the financial year by way of interest on money invested by HPA or from third party or other revenue.

- (3) Nothing in this clause obliges HPA to expend in any financial year the whole of its income received in that year, and HPA may accumulate any part of its income in any financial year and expend it as it sees fit for any of its purposes in any subsequent financial year.
- (4) Despite subclause (2), if HPA carries forward any such amount to a subsequent financial year, the Minister may, in determining the aggregate levy figure for that year, take into account the whole or any part of that amount.

### **3 Minister to determine amounts of levy for each class of alcohol**

- (1) After assessing the aggregate levy figure for any financial year, the Minister must determine, in accordance with subclause (2), the amounts of the levies payable under clause 5, in respect of each class of alcohol, in order to yield an amount equivalent to the aggregate levy figure.
- (2) The process for determining the amounts of levy is as follows:
  - (a) *Step 1*—for each class of alcohol, determine the total number of litres of that class of alcohol that was imported into or manufactured in New Zealand during the preceding statistical year:
  - (b) *Step 2*—for each class of alcohol, multiply the result of step 1 by the appropriate rate, as set out in the table in Schedule 4B. This gives the (nominal) total number of litres of alcohol for each class of alcohol:
  - (c) *Step 3*—for each class of alcohol, divide the number of litres of alcohol for that class by the total number of litres of alcohol for all classes. This gives the proportion of the aggregate levy figure that is to be borne by that class of alcohol in the next financial year:
  - (d) *Step 4*—for each class of alcohol, multiply the result of step 3 by the aggregate levy figure. This gives the

Schedule 4A—*continued*

amount of levy to be borne by each class of alcohol in the next financial year:

- (e) *Step 5*—for each class of alcohol, divide the result of step 4 by the result of step 1. This gives the amount of levy payable on each litre of alcohol of that class in the next financial year.
- (3) If a rate for a class of alcohol is described in the table in Schedule 4B as a variable rate, the Minister must—
- (a) determine the rate to be applied to that class of alcohol; and
  - (b) in making that determination, use the method for determining variable rates that is described in Schedule 4B.

**4 Rate of levy fixed by Order in Council**

- (1) The Governor-General may, by Order in Council, fix for the next financial year, by reference to each class of alcohol, the amount of levy payable under clause 5.
- (2) The amount of levy for each class of alcohol must be as determined by the Minister in accordance with clause 3(2).
- (3) If a rate for a class of alcohol is described in the table in Schedule 4B as a variable rate, the Order in Council must identify the rate determined by the Minister under clause 3(3) and used for the purpose of clause 3(2).

**5 Levies payable by importers and manufacturers of alcohol**

- (1) In every financial year, a levy of the amount set by Order in Council made under clause 4 is payable by every person who—
  - (a) enters for home consumption (as that expression is used in the Customs and Excise Act 1996) any imported alcohol that contains more than 1.15% volume of alcohol; or
  - (b) manufactures in New Zealand any beer or spirits; or
  - (c) sells any wine manufactured by that person in New Zealand.

Schedule 4A—*continued*

- (2) No levy is payable under this Act in respect of any alcohol that is not subject to or is exempt from Customs duty under the Customs and Excise Act 1996.
- (3) If any person may be allowed, under the Customs and Excise Act 1996, any drawback in respect of any alcohol, that person may also be allowed a refund of any levy paid by that person under this Act in respect of that alcohol.
- (4) In this section, **Customs duty** has the meaning given to the term duty by section 2(1) of the Customs and Excise Act 1996.

**6 Payment and collection of levies in respect of beer, wine, and spirits**

- (1) All levies payable under this Act in respect of any beer, wine, or spirits are payable to the Customs in addition to any duty payable to the Customs in respect of the beer, wine, or spirits under the Customs and Excise Act 1996.
- (2) For the purposes of subclause (1), the levies are payable to the Customs at the same time as the excise duty or excise-equivalent duty is payable under the Customs and Excise Act 1996 in respect of the beer, wine, or spirits concerned.

**7 Powers of the Customs**

The powers and authorities of the Customs under the Customs and Excise Act 1996, with any necessary modifications, apply in the same manner to the collection of a levy under this Act as they apply to the collection of duty under that Act.

**8 All levies collected to be paid to HPA**

- (1) The Customs must pay to HPA all levies received under this Act by the Customs.
- (2) This clause is subject to clause 9.

**9 Crown may be reimbursed for collection of levies**

- (1) For the purpose of reimbursing the Crown for any expenses incurred by the Customs in collecting any levies under this Act, the Customs may retain any percentage of every levy collected

Schedule 4A—*continued*

by it that may be determined by the Minister of Finance after consultation with HPA.

- (2) The amount of any levy retained under subclause (1) must not exceed 5% of the amount of the levies collected by the Customs.
  - (3) The Crown is entitled in every financial year to recover from HPA out of the fund any sum in respect of the costs incurred by the Director-General of Health in administering this Act that may be determined by the Minister of Finance after consultation with HPA.
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**Schedule 2**  
**New Schedule 4B inserted**  
**Schedule 4B**

s 12

s 59AA

**Classes of alcohol and rates for each class**

<b>Class</b>	<b>Legal definition of class</b>	<b>Indicative description</b>	<b>Rate</b>
	<i>Alcohol which, if imported, would be classified within the following tariff items</i>	<i>Percentage of alcohol by volume in most items in class</i>	
A	2203.00.12, 2206.00.37, 2208.70.30, 2208.90.62	More than 1.15% but not more than 2.5%	1.5%
B	2203.00.22, 2203.00.31, 2203.00.39, 2206.00.47, 2208.70.40, 2208.90.68	More than 2.5% but not more than 6%	Variable
C	2206.00.57, 2208.70.50, 2208.90.72	More than 6% but not more than 9%	8%
D	2204.10.01, 2204.10.18, 2204.21.18, 2204.29.18, 2205.10.19, 2205.10.38, 2205.90.19, 2205.90.38, 2206.00.08, 2206.00.68, 2208.70.60, 2208.90.78	More than 9% but not more than 14%	10%
E	2204.21.13, 2204.29.13, 2205.10.12, 2205.10.33, 2205.90.12, 2205.90.33, 2206.00.17, 2206.00.78, 2208.70.71, 2208.90.06, 2208.90.85	More than 14% but not more than 23%	Variable
F	2206.00.28, 2206.00.89, 2208.20.04, 2208.20.08, 2208.20.19, 2208.20.29, 2208.30.04, 2208.30.08, 2208.30.19, 2208.40.04, 2208.40.08, 2208.40.19, 2208.50.04, 2208.50.08, 2208.50.19, 2208.60.19, 2208.60.29, 2208.60.99, 2208.70.80, 2208.90.08, 2208.90.48, 2208.90.97	More than 23%	Variable

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New Zealand Public Health and Disability  
Amendment Act 2012

Schedule 2

Schedule 4B—*continued***Method for determining variable rates**

For a given financial year, the variable rate for a class is the average alcohol content by volume of all the alcohol of that class that was imported into or manufactured in New Zealand in the preceding statistical year.

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**Schedule 3**

s 26

**Amendments to Acts relating to Alcohol  
Advisory Council, Health Sponsorship  
Council, or Health Promotion Agency****Crown Entities Act 2004 (2004 No 115)**

Item relating to the Health Sponsorship Council in Part 1 of Schedule 1: omit.

Part 1 of Schedule 1: insert in its appropriate alphabetical order “Health Promotion Agency”.

Item relating to the Alcohol Advisory Council of New Zealand in Part 2 of Schedule 1: omit.

**Health Sector (Transfers) Act 1993 (1993 No 23)**

Section 2(1): insert in its appropriate alphabetical order:

“**HPA** means the Health Promotion Agency established by section 57 of the New Zealand Public Health and Disability Act 2000”.

Definition of **publicly-owned health and disability organisation** in section 2(1): insert “the HPA,” after “any DHB,”.

**Official Information Act 1982 (1982 No 156)**

Item relating to the Alcohol Advisory Council of New Zealand in Schedule 1: omit.

**Ombudsmen Act 1975 (1975 No 9)**

Item relating to the Alcohol Advisory Council of New Zealand in Part 2 of Schedule 1: omit.

Item relating to the Health Sponsorship Council in Part 2 of Schedule 1: omit.

Part 2 of Schedule 1: insert in its appropriate alphabetical order “Health Promotion Agency”.

**Schedule 4**

s 34

**Amendments to Acts relating to Crown  
Health Financing Agency**

**Crown Entities Act 2004 (2004 No 115)**

Item relating to the Crown Health Financing Agency in Part 1 of Schedule 1: omit.

**Health Sector (Transfers) Act 1993 (1993 No 23)**

Definition of **CHFA** in section 2(1): repeal.

Definition of **publicly-owned health and disability organisation** in section 2(1): omit “the CHFA,”.

**Ombudsmen Act 1975 (1975 No 9)**

Item relating to the Crown Health Financing Agency in Part 2 of Schedule 1: omit.

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**Legislative history**

29 May 2012	Divided from Crown Entities Reform Bill (Bill 332–2) by committee of the whole House as Bill 332–3A
30 May 2012	Third reading
6 June 2012	Royal assent

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This Act is administered by the Ministry of Health.

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