



Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017

Public Act 2017 No 27
Date of assent 28 June 2017
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017.

2 Commencement

This Act comes into force on 1 July 2017.

Part 1

Amendments to Electricity Industry Act 2010

3 Principal Act

This Part amends the Electricity Industry Act 2010 (the **principal Act**).

4 Section 128 amended (Levies)

- (1) In section 128(3)(c), delete “in relation to the encouragement, promotion, and support of electricity efficiency,”.
- (2) After section 128(5)(a), insert:
 - (aa) include, in the method of calculating or ascertaining the amount of the levy, provisions related to any shortfall in recovering, or over-recovery of, the actual costs from a previous year:

5 Section 129 amended (Consultation about request for appropriation)

- (1) In the heading to section 129, replace “**Consultation**” with “**Authority consultation**”.
- (2) In section 129(1), delete “and the Energy Efficiency and Conservation Authority”.
- (3) In section 129(2), replace “Each Authority” with “The Authority”.

6 New section 129A inserted (Energy Efficiency and Conservation Authority consultation about request for appropriation)

After section 129, insert:

129A Energy Efficiency and Conservation Authority consultation about request for appropriation

- (1) The Energy Efficiency and Conservation Authority must, before submitting a request to the Minister seeking an appropriation of public money for the following year, or any change to an appropriation for the current year, that relates to costs that are intended to be recovered by way of levies under section 128(3)(c), consult about that request with—
 - (a) those industry participants who are liable to pay a levy under that section; and
 - (b) any other representatives of persons whom the Energy Efficiency and Conservation Authority believes to be significantly affected by a levy.
- (2) The Energy Efficiency and Conservation Authority must, at the time when the request is submitted, report to the Minister on the outcome of that consultation.
- (3) This section applies to requests in respect of the financial year beginning 1 July 2018 and later financial years.

7 New subpart 2A inserted in Part 5

After section 131, insert:

Subpart 2A—Secondary networks**131A Application of electricity industry legislation to secondary networks**

- (1) This Act, the regulations, and the Electricity Industry Participation Code apply, with all necessary modifications, to a secondary network provider as if that provider were a distributor.
- (2) In this section,—
secondary network means equipment that—
 - (a) is used, designed, or intended for use in, or in connection with, the conveyance of electricity; and
 - (b) is indirectly connected to the national grid**secondary network provider** means a business that—
 - (a) is engaged in the conveyance of electricity on a secondary network; and
 - (b) provides services that are substantially similar to the services provided by a distributor.

Part 2**Amendments to Energy (Fuels, Levies, and References) Act 1989****8 Principal Act**

This Part amends the Energy (Fuels, Levies, and References) Act 1989 (the **principal Act**).

9 Section 1B amended (Interpretation)

In section 1B, insert in its appropriate alphabetical order:

EECA means the Energy Efficiency and Conservation Authority established under section 20 of the Energy Efficiency and Conservation Act 2000

10 New section 1AAA inserted (Transitional, savings, and related provisions)

After section 1, insert:

1AAA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

11 Section 14 amended (Purpose of levies)

After section 14(2), insert:

- (2A) Despite subsections (1) and (2), levies recovered under sections 23 and 24 may be applied for the purpose of meeting a portion of the costs of the EECA, in performing its functions and exercising its powers and duties under the Energy Efficiency and Conservation Act 2000, where the size of the portion to be met by each levy under this Act is determined by the Minister.

12 New section 14A inserted (Energy Efficiency and Conservation Authority consultation about request for appropriation)

After section 14, insert:

14A Energy Efficiency and Conservation Authority consultation about request for appropriation

- (1) The EECA must, before submitting a request to the Minister seeking an appropriation of public money for the following year, or any change to an appropriation for the current year, that relates to costs that are intended to be recovered by way of a levy under section 23 or 24, consult about that request with—
- (a) those persons who are liable to pay the levy; and
 - (b) any other representatives of persons whom the EECA believes to be significantly affected by the levy.
- (2) The EECA must, at the time when the request is submitted, report to the Minister on the outcome of that consultation.

13 Section 23 replaced (Gas levies)

Replace section 23 with:

23 Gas levies

- (1) A gas retailer who sells piped gas must, not later than 30 days after the last day of March, June, September, and December in each year,—
- (a) supply the Secretary with a return of the energy content of all piped gas sold by the retailer during the preceding 3-month period ending with the last day of March, June, September, and December, respectively; and
 - (b) pay to the Secretary the levy for the relevant 3-month period calculated in accordance with this section and with regulations made under section 33.
- (2) The levy for the relevant 3-month period is payable, for each complete gigajoule of piped gas sold, at the rate or amount calculated or ascertained in accordance with this section and with regulations made under section 33.
- (3) However, the levy is not payable on, and a return is not required to include,—
- (a) piped gas of a prescribed type; or
 - (b) piped gas that is to be used for a prescribed purpose.

- (4) All gas measurements made for the purpose of supplying a return and calculating the levy payable under this section must be made by the use of methods approved by the Secretary.
- (5) In this section, unless the context otherwise requires, expressions defined in the Gas Act 1992 have the meanings so defined.

14 Section 33 amended (Regulations prescribing levy rates)

- (1) In section 33(1)(b), replace “formulas for calculating” with “methods of calculating or ascertaining”.
- (2) After section 33(1), insert:
 - (1A) Regulations made under subsection (1) may—
 - (a) specify the periods for which amounts or rates of the levies apply; and
 - (b) include, in any prescribed method of calculating or ascertaining amounts or rates of the levies, provisions relating to any shortfall in recovering, or over-recovery of, the actual costs of EECA from a previous levy period.
- (3) In section 33(2), replace “formula” with “method”.

15 Section 35 amended (Other regulations)

After section 35(1)(f), insert:

- (faa) prescribing any matter that section 23(3) provides is to be prescribed:

16 New Schedule 1AA inserted

Insert the Schedule 1AA set out in the Schedule of this Act as the first schedule to appear after the last section of the principal Act.

Part 3 Amendments to Land Transport Act 1998

17 Principal Act

This Part amends the Land Transport Act 1998 (the **principal Act**).

18 Section 22AB amended (Road controlling authorities may make certain bylaws)

Replace section 22AB(1)(r) with:

- (r) prescribing, subject to the marking of lanes on the roadway, that on any road any traffic lane may be used or any turning movement may be made only by vehicles of specified classes or vehicles carrying specified classes of loads or no fewer than a specified number of occupants:

19 Section 145 amended (Evidence of approved vehicle surveillance equipment)

- (1) In section 145(1), after “moving vehicle offence”, insert “or a special vehicle lane offence”.
- (2) In section 145(2), replace “in proceedings for a moving vehicle offence” with “, in proceedings for a moving vehicle offence or a special vehicle lane offence,”.

Part 4**Amendments to Road User Charges Act 2012****20 Principal Act**

This Part amends the Road User Charges Act 2012 (the **principal Act**).

21 Section 5 amended (Interpretation)

- (1) In section 5(1), definition of **exempt vehicle**, after paragraph (b)(i), insert:
 - (ia) heavy electric RUC vehicles exempted by an Order in Council made under section 37A:
- (2) In section 5(1), insert in its appropriate alphabetical order:

heavy electric RUC vehicle means a RUC vehicle with—

 - (a) a gross vehicle mass of more than 3 500 kilograms; and
 - (b) motive power wholly or partly derived from an external source of electricity

22 New section 37A inserted (Exemption of heavy electric RUC vehicles by Order in Council)

After section 37, insert:

37A Exemption of heavy electric RUC vehicles by Order in Council

- (1) The Governor-General may, by Order in Council made on the recommendation of the Minister, specify the period during which road user charges are not payable in respect of heavy electric RUC vehicles.
- (2) The Minister must not recommend the making of an order under this section unless the Minister is satisfied that the purpose of the exemption is to encourage and support the uptake of heavy electric RUC vehicles.
- (3) An order made under this section must specify the date on which the period of exemption ends, and that date must be no later than,—
 - (a) in the case of the first order made under this section, 31 December 2025; and
 - (b) in the case of any subsequent order made under this section, the date that is 5 years after the date on which the period of exemption starts.

Schedule
New Schedule 1AA inserted

s 16

Schedule 1AA
Transitional, savings, and related provisions

s 1AAA

Part 1
**Provisions relating to Energy Innovation (Electric Vehicles and
Other Matters) Amendment Act 2017**

- 1 Provision in relation to Energy Efficiency and Conservation Authority consultation about request for appropriation**
Section 14A applies to requests in respect of the financial year beginning 1 July 2018 and later financial years.
- 2 Provision in relation to gas levies**
- (1) Section 23 (as in force immediately before commencement) continues to apply in respect of piped gas sold in the 3-month period ending with 30 June 2017.
- (2) A person, body, or gas retailer referred to in subsection (3) of section 23 (as in force immediately before commencement) remains liable to supply the Secretary, not later than 30 days after 30 June 2017, with the return and levy referred to in that subsection.
- (3) In this clause, **commencement** means 1 July 2017.

Legislative history

27 October 2016	Introduction (Bill 196–1)
8 November 2016	First reading and referral to Commerce Committee
9 May 2017	Reported from Commerce Committee (Bill 196–2)
30 May 2017	Second reading
21 June 2017	Committee of the whole House
27 June 2017	Third reading
28 June 2017	Royal assent

This Act is administered by the Ministry of Business, Innovation, and Employment and the Ministry of Transport.