



Commerce (Levy on Suppliers of Regulated Goods and Services) Amendment Regulations 2014

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 26th day of May 2014

Present:

His Excellency the Governor-General in Council

Pursuant to section 53ZE of the Commerce Act 1986, His Excellency the Governor-General makes the following regulations, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Commerce made after consultation in accordance with section 53ZE(4) of that Act.

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Regulations

- 1 **Title**
These regulations are the Commerce (Levy on Suppliers of Regulated Goods and Services) Amendment Regulations 2014.

- 2 **Commencement**
These regulations come into force on 1 July 2014.

- 3 **Principal regulations**
These regulations amend the Commerce (Levy on Suppliers of Regulated Goods and Services) Regulations 2009 (the **principal regulations**).

- 4 **Regulation 4 amended (Interpretation)**
 - (1) In regulation 4, replace the definition of **actual Commission costs** with:
 - “**actual Commission costs**, for a financial year, means the amount—
 - “(a) identified in the Commission’s audited financial statements for that year as the costs to the Commission of the Part 4 functions; but
 - “(b) that does not exceed,—
 - “(i) in the case of an annual appropriation within Vote Commerce for a non-departmental output expense that relates to the Part 4 functions for the financial year, the total amount appropriated for that year (or the sum of those amounts, if there is more than 1 annual appropriation); or

- “(ii) in the case of a multi-year appropriation within Vote Commerce for a non-departmental output expense that relates to the Part 4 functions applying to that year, the total amount appropriated for the period to which the multi-year appropriation relates that, at the start of the financial year, remains authorised to be incurred (or the sum of those amounts, if there is more than 1 multi-year appropriation); or
- “(iii) in the case of both annual and multi-year appropriations, the sum of the amounts referred to in subparagraphs (i) and (ii)”.
- (2) In regulation 4, replace the definition of **estimated Commission costs** with:
- “**estimated Commission costs**, for a financial year, means,—
- “(a) in the case of an annual appropriation, the total amount appropriated, or proposed to be appropriated in the Estimates, at the time of the calculation (or recalculation) under regulation 7, for the financial year within Vote Commerce for a non-departmental output expense that relates to the Part 4 functions (or the sum of those amounts, if there is more than 1 annual appropriation); or
- “(b) in the case of a multi-year appropriation, the estimated annual amount, at the time of the calculation (or recalculation) under regulation 7, for the financial year within Vote Commerce for a non-departmental output expense that relates to the Part 4 functions (or the sum of those amounts, if there is more than 1 multi-year appropriation); or
- “(c) in the case of both annual and multi-year appropriations, the sum of the amounts referred to in paragraphs (a) and (b)”.
- (3) In regulation 4, insert in their appropriate alphabetical order:
- “**estimated annual amount** means, in relation to a financial year, the total amount included or proposed to be included in the Estimates relating to a multi-year appropriation as estimated to be incurred for the financial year

“**multi-year appropriation** means an appropriation authorised to apply for more than 1 financial year (*see* section 10 of the Public Finance Act 1989)”.

5 New regulation 4A and cross-heading inserted

After regulation 4, insert:

*“Transitional, savings, and related provisions
from 30 June 2014*

“4A Transitional, savings, and related provisions

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

6 New Schedule inserted

After regulation 13, insert the Schedule set out in the Schedule of these regulations.

Schedule

r 6

New Schedule inserted

Schedule

r 4A

**Transitional, savings, and related
provisions**

Provisions relating to Commerce (Levy on
Suppliers of Regulated Goods and Services)
Amendment Regulations 2014

1 Interpretation

In clause 2, **amendment regulations** means the Commerce (Levy on Suppliers of Regulated Goods and Services) Amendment Regulations 2014.

2 Transitional provisions

- (1) These regulations, as amended by regulation 4 of the amendment regulations, apply to the financial year beginning on 1 July 2014 and to subsequent financial years.
- (2) These regulations, as in force immediately before 1 July 2014, continue to apply in respect of the financial years ending on or

Schedule—*continued*

before 30 June 2014 as if the amendment regulations had not been made.

Michael Webster,
Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 1 July 2014, amend the Commerce (Levy on Suppliers of Regulated Goods and Services) Regulations 2009 (the **principal regulations**). In particular, they replace the definitions of the terms actual Commission costs and estimated Commission costs to take account of the possibility of funding the Commission's activities under Part 4 of the Commerce Act 1986 by multi-year appropriation, or a combination of annual and multi-year appropriations, within an annual levy framework.

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 29 May 2014.

These regulations are administered by the Ministry of Business, Innovation, and Employment.
