

Immigration (International Visitor Conservation and Tourism Levy) Amendment Bill

Government Bill

Explanatory note

General policy statement

The Immigration (International Visitor Conservation and Tourism Levy) Amendment Bill amends the Immigration Act 2009 (the **principal Act**) to provide for the collection of an international visitor conservation and tourism levy (the **IVL**).

The recent growth in visitors has put pressure on visitor infrastructure (including on facilities and public conservation lands and waters managed by the Department of Conservation). This visitor infrastructure is necessary to support tourism in New Zealand. In some instances, the organisations providing the infrastructure and/or managing public lands and waters have limited mechanisms to directly charge visitors for the use of these assets, resulting in under-investment or cross-subsidy from other groups. A suite of funding mechanisms is required to support investment and maintenance of the infrastructure visitors use and the natural environment they enjoy. The Bill provides for one mechanism—a revenue stream generated directly from international visitors that can be used to contribute to the funding of conservation, infrastructure used for tourism and other initiatives relating to tourism.

The IVL will be collected by Immigration New Zealand through the immigration system. The Bill allows for regulations to be made to require visitors to pay the IVL alongside fees for temporary entry class visa applications and electronic travel authority (**ETA**) requests. The Bill also allows for the regulations to determine who is required to pay, the amount they are required to pay, and any exemptions from the requirement to pay. The Bill also expands the section of the principal Act that allows for automated decision making to include automated decision making for the ETA, which is one mechanism by which the IVL is collected.

Departmental disclosure statement

The Ministry of Business, Innovation, and Employment is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=152>

Regulatory impact assessment

The Ministry of Business, Innovation, and Employment produced a regulatory impact assessment in September 2018 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- <https://www.mbie.govt.nz/assets/f8f36d475e/annex-2-regulatory-impact-statement-for-ivl.pdf>
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 provides that the Bill comes into force on 1 July 2019.

Clause 3 provides that the Bill amends the Immigration Act 2009 (the **principal Act**).

Part 1

Amendments to preliminary provisions

Clause 4 amends *section 3* of the principal Act (purpose). It adds a new item to the list of ways in which the principal Act achieves its purpose, to cover the changes made by the Bill.

Clause 5 amends the principal Act's definition of Minister to help enable responsibility for different provisions of the Act to be given to different Ministers. It also inserts definitions of conservation and international visitor conservation and tourism levy.

Part 2

Main amendments

Clause 6 makes provision about requests by people seeking to rely on a visa waiver to travel to New Zealand. It amends *section 28* of the principal Act to provide that—

- the requests may be processed, accepted, or refused by an automated electronic system; and
- the system's decisions on requests are to be treated as if made by an immigration officer.

Clause 7 amends the principal Act to insert *new sections 399A and 399B*. The inserted sections relate to a new international visitor conservation and tourism levy. *New section 399A* provides that regulations made under the principal Act may provide for the new levy to be imposed on people who—

- apply for a temporary entry class visa for travel to New Zealand; or
- seek to rely on a waiver of the requirement to hold a temporary entry class visa for travel to New Zealand.

The levy's purpose is, broadly, to fund conservation and tourism-related infrastructure and initiatives. The regulations may specify who must pay the levy and how it is to be collected, and may provide for exemptions from the levy. The Minister may also grant exemptions on a case-by-case basis. *New section 399B* requires the Minister to consult people and organisations before making the regulations. However, that requirement does not apply to the first set of regulations, or to any regulation that merely updates references to a class or category of people or cases that has been renamed. *New section 399B* also requires the Ministry of Business, Innovation, and Employment to carry out 5-yearly reviews of the amount or method of calculation of the levy.

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Immigration (International Visitor Conservation and Tourism Levy) Amendment Act **2019**.

2 Commencement

This Act comes into force on 1 July 2019.

3 Principal Act

This Act amends the Immigration Act 2009 (the **principal Act**).

Part 1

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Amendments to preliminary provisions

4 Section 3 amended (Purpose)

After section 3(2)(g), insert:

- (h) enables a levy to be charged to fund, or contribute to the funding of, costs associated with conservation or tourism.

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5 Section 4 amended (Interpretation)

- (1) In section 4, insert in their appropriate alphabetical order:

conservation has the meaning given to it in section 2(1) of the Conservation Act 1987

international visitor conservation and tourism levy means a levy imposed by regulations under section 400 for the purposes of **section 399A**

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- (2) In section 4, definition of **Minister**,—

(a) after “**Minister**”, insert “, in relation to a provision of, or made under, this Act (or to such a provision for particular purposes),”:

(b) replace “of this Act” with “of the provision (or for its administration for those purposes)”.

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Part 2

Main amendments

6 Section 28 amended (Automated decision making in relation to visas, etc)

After section 28(5), insert:

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- (6) An automated electronic system may be used by the Department to process, accept, or refuse a request by a person seeking to rely on a visa waiver.

- (7) Where a decision to accept or refuse a request is made under **subsection (6)** by way of an automated electronic system, that decision must for all purposes be treated as a decision of an immigration officer who is authorised to make the decision under this Act.

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7 New sections 399A and 399B inserted

After section 399, insert:

399A International visitor conservation and tourism levy

- (1) Regulations made under section 400 may provide for the imposition and collection of an international visitor conservation and tourism levy on—
- (a) applicants for a temporary entry class visa:
 - (b) persons seeking to rely on a waiver under section 69 of the requirement to hold a temporary entry class visa permitting travel to New Zealand. 5
- (2) The purpose of the levy is to fund, or contribute to the funding of,—
- (a) conservation:
 - (b) infrastructure used for tourism (including the cost of operating the infrastructure): 10
 - (c) other initiatives related to tourism.
- (3) Regulations made for the purposes of this section may—
- (a) specify the categories or classes of person who are liable to pay the levy:
 - (b) prescribe the amount or method of calculation of the levy:
 - (c) prescribe different amounts or methods of calculation of the levy in respect of different categories or classes of person: 15
 - (d) provide for exemptions from, or refunds of, all or part of the levy in any class of case:
 - (e) provide for the manner of collection of the levy, including provision for the relevant amount of levy to be deposited with the chief executive. 20
- (4) The Minister may, by special direction,—
- (a) exempt any person or persons from the obligation to pay all or part of the levy; or
 - (b) refund all or part of a levy paid.
- (5) All levy money collected under this section must be paid into a Crown Bank Account. 25

399B International visitor conservation and tourism levy: consultation and review

- (1) Before recommending the making of regulations for the purposes of **section 399A**, the Minister must consult any persons and organisations that the Minister considers appropriate. 30
- (2) However, the requirement to consult persons and organisations does not apply to the first regulations made for those purposes.
- (3) At intervals of no more than 5 years following the commencement of **section 399A**, the Department must review the amount or method of calculation of any international visitor conservation and tourism levy. 35

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