

# **Secondary Legislation Confirmation Bill**

Government Bill

As reported from the Regulations Review Committee

## **Commentary**

### **Recommendation**

The Regulations Review Committee has examined the Secondary Legislation Confirmation Bill and recommends that it be passed. We recommend all amendments unanimously.

### **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 2023 and 30 June 2024.

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**

As introduced, the bill includes 12 instruments for confirmation. (Below, we propose adding one further instrument.)

Matters covered in the instruments include:

- increasing the annual industry levy for agricultural compounds and veterinary medicines, and adjusting the fees and charges for services provided by the Ministry for Primary Industries

- imposing levies for agricultural commodities, including arable crops, cereal silage, kiwifruit, and maize
- adjusting the excise and excise-equivalent duties on alcoholic beverages and tobacco products
- establishing a new levy on food importers and food businesses, with exemptions made by the chief executive of the Ministry for Primary Industries
- increasing social security benefits and allowances, asset limits, and superannuation entitlements
- amending Part II of the New Zealand Tariff to clarify and revise the scope of when duty-free entry is available to certain passenger goods and household effects.

We asked the government departments responsible for administering the instruments to explain why each instrument should be confirmed. We wrote to chief executives of the following departments:

- Ministry of Business, Innovation and Employment
- Ministry for Primary Industries
- Ministry of Social Development
- New Zealand Customs Service.

After considering the responses, we found no reason why the orders and regulations should not be confirmed. We thank the departments for their responses and their cooperation with our processes for the bill.

### **Additional instrument to be confirmed**

We recommend amending clause 12 of the bill to also include the Tariff (Specified Tobacco Products) Amendment Order 2024.

Due to an oversight, this order was not included in the bill as introduced. The order states that it was made under section 10 of the Tariff Act 1988. However, it was actually made under section 9 of the Act which means that the order is a confirmable instrument that would be revoked if not confirmed before 30 June 2025.

The amendment order provides for a more granular classification of certain heated tobacco products in the Tariff Act 1988. The amendment order does not alter duties under the Act.

## **Appendix**

### **Committee process**

The Secondary Legislation Confirmation Bill was referred to the committee on 25 July 2024.

We invited written submissions from the chief executives of the ministries responsible for administering the regulations confirmed by the bill. We received and considered four submissions.

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

### **Committee membership**

Hon David Parker (Chairperson)

Ryan Hamilton

David MacLeod

Joseph Mooney

Hon Jenny Salesa

James Meager and Helen White also participated in our consideration of the bill.

### **Related resources**

The documents received as advice and evidence are available on the Parliament website.



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**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 **2024**.
- 2 Commencement**  
This Act comes into force on the day after Royal assent. 5

## Part 1

### Preliminary provisions

#### 3 Purpose

The purpose of this Act is to confirm secondary legislation that, unless earlier confirmed by an Act of Parliament, will be— 5

- (a) revoked at the applicable deadline under section 123 of the Legislation Act 2019; or
- (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. 10

#### 4 Interpretation

In this Act, **deadline** has the meaning given in section 121 of the Legislation Act 2019.

#### 5 Act binds the Crown

This Act binds the Crown. 15

#### 6 Repeal

The Secondary Legislation Confirmation Act 2023 (2023 No 67) is repealed.

## Part 2

### Confirmations

#### 7 Agricultural Compounds and Veterinary Medicines Act 1997 20

The Agricultural Compounds and Veterinary Medicines (Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/85) are confirmed.

#### 8 Commodity Levies Act 1990

The following orders are confirmed:

- (a) Commodity Levies (Arable Crops) Order 2024 (SL 2024/66): 25
- (b) Commodity Levies (Cereal Silage) Order 2024 (SL 2024/68):
- (c) Commodity Levies (Kiwifruit) Order 2024 (SL 2024/1):
- (d) Commodity Levies (Maize) Order 2024 (SL 2024/67):
- (e) Commodity Levies (Mussels, Oysters, and Salmon) Amendment Order 2024 (SL 2024/69). 30

#### 9 Customs and Excise Act 2018

The following orders are confirmed:

- (a) Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2024:
- (b) Excise and Excise-equivalent Duties Table (Reduction for Specified Tobacco Products) Amendment Order 2024:
- (c) Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2023. 5

#### 10 Food Act 2014

The Food (Fees, Charges, and Levies) Amendment Regulations 2024 (SL 2024/87) are confirmed.

#### 11 New Zealand Superannuation and Retirement Income Act 2001 and Social Security Act 2018 10

The Social Security (Rates of Benefits and Allowances) Order 2024 (SL 2024/11) is confirmed.

#### 12 Tariff Act 1988

~~The Tariff (Part II Concessions 80 and 81) Amendment Order 2023 is confirmed.~~ 15  
The following orders are confirmed:

- (a) Tariff (Part II Concessions 80 and 81) Amendment Order 2023:
- (b) Tariff (Specified Tobacco Products) Amendment Order 2024.

#### Legislative history

11 July 2024  
25 July 2024

Introduction (Bill 68-1)  
First reading and referral to Regulations Review Committee