

**Reprint
as at 18 December 2013**



**Biosecurity (System Entry Levy)
Amendment Order 2013
(SR 2013/273)**

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 17th day of June 2013

Present:
His Excellency the Governor-General in Council

Pursuant to section 137 of the Biosecurity Act 1993, His Excellency the Governor-General, acting on the advice and with the consent of the Executive Council and on the recommendation of the Minister for Primary Industries in accordance with section 139 of that Act, makes the following order.

Contents

		Page
1	Title	2
2	Commencement	2

Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this reprint.

Note 4 at the end of this reprint provides a list of the amendments incorporated.

This order is administered by the Ministry for Primary Industries.

3	Principal order	2
4	New clause 6A and cross-headings inserted	2
	<i>Provisions relating to levy year beginning with 1 July 2013</i>	
	6A Levy rate for year beginning with 1 July 2013	2
	<i>Provisions relating to levy for levy year beginning with 1 July 2014 and subsequent years</i>	
5	Clause 8 amended (Maximum rate of levy)	3
6	Clause 9 replaced (Director-General must fix actual rate)	3
	9 Director-General must fix actual rate	3
7	New cross-heading above clause 12 inserted	4
8	Clause 12 amended (When and how levy payable)	4

Order

- 1 Title**
This order is the Biosecurity (System Entry Levy) Amendment Order 2013.
- 2 Commencement**
This order comes into force on the day after the date of its notification in the *Gazette*.

Order: confirmed, on 18 December 2013, by section 7(d) of the Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142).
- 3 Principal order**
This order amends the Biosecurity (System Entry Levy) Order 2010 (the **principal order**).
- 4 New clause 6A and cross-headings inserted**
After clause 6, insert:

“Provisions relating to levy year beginning with 1 July 2013
- “6A Levy rate for year beginning with 1 July 2013**
“(1) The rate of the levy for the year beginning with 1 July 2013 is as follows:

- “(a) \$12.77 per leviable importation in the period beginning with 1 July 2013 and ending on the close of 31 July 2013; and
- “(b) for each leviable importation in the period beginning with 1 August 2013 and ending with the close of 30 June 2014,—
 - “(i) \$12.77 per importation for which an inward cargo transaction fee is payable under regulation 13A(2)(a) of the Customs and Excise Regulations 1996 in respect of cargo or goods carried on a ship or boat:
 - “(ii) \$12.77 per importation for which an inward cargo transaction fee is payable under regulation 13A(2)(b) of those regulations in respect of goods or cargo carried on an aircraft:
 - “(iii) \$17.63 per importation for which an import entry transaction fee is payable under regulation 24A of those regulations.
- “(2) The levy is inclusive of goods and services tax.
- “(3) Clauses 7 to 11 and 14 do not apply to the levy for which the rate is fixed in this clause.

“Provisions relating to levy for levy year beginning with 1 July 2014 and subsequent years”.

5 Clause 8 amended (Maximum rate of levy)

In clause 8, replace “\$18” with “\$18.40”.

6 Clause 9 replaced (Director-General must fix actual rate)

Replace clause 9 with:

“9 Director-General must fix actual rate

- “(1) The Director-General must fix the actual rate of levy for each levy year beginning on or after 1 July 2014 after consulting, if he or she proposes to increase the rate of levy, those persons whom he or she considers to be representatives of importers likely to be substantially affected by the levy.
- “(2) The levy is inclusive of goods and services tax.”

7 New cross-heading above clause 12 inserted

After clause 11, insert:

“General provisions”.

8 Clause 12 amended (When and how levy payable)

Replace clause 12(3) with:

“(3) The levy is payable at the same time as—

“(a) the inward cargo transaction fee is payable, in the case of leviable importations for which that fee is payable under regulation 13A(2)(a) of the Customs and Excise Regulations 1996 in respect of cargo or goods carried on a ship or boat:

“(b) the inward cargo transaction fee is payable, in the case of leviable importations for which that fee is payable under regulation 13A(2)(b) of those regulations in respect of goods or cargo carried on an aircraft:

“(c) the import entry transaction fee is payable, in the case of leviable importations for which that fee is payable under regulation 24A of those regulations.”

Rebecca Kitteridge,
Clerk of the Executive Council.

Explanatory note

This note is not part of the order, but is intended to indicate its general effect.

This order, which comes into force on the day after the date of its notification in the *Gazette*, amends the Biosecurity (System Entry Levy) Order 2010 (the **principal order**). That levy is imposed under section 137 of the Biosecurity Act 1993 for the purpose of wholly or partially funding a service provided or function performed by the Ministry for Primary Industries under that Act. The changes relate to the cost recovery of the industry share of costs of Tranche 1 of the Joint Border Management System.

This order sets the rates of biosecurity levy for the year beginning on 1 July 2013 to allow for staggered increases in line with the introduction of increased functionality as the Joint Border Management System goes live. The new rate of \$12.77 is the same as the existing rate for all importations during the period between 1 July 2013 and 31 July 2013. After that period, the rate increases from \$12.77 to \$17.63 for importations in respect of which an import entry transaction fee is payable to Customs, but stays the same as the existing rate for other importations.

The order also amends the maximum rate of the levy that can be set by the Director-General in respect of future years from \$18 per leviable importation to \$18.40. This change reflects the increase in goods and services tax from 12.5% to 15% that took effect from 1 October 2010. The change is consistent with section 78(3) of the Goods and Services Tax Act 1985 (which has the effect of automatically applying tax increases to fees, charges, or other amounts prescribed by an Act or regulations).

All rates are inclusive of goods and services tax.

This order is subject to confirmation under section 138 of the Biosecurity Act 1993. This means that the order will be deemed to have been revoked with the close of 30 June 2014 unless it has been confirmed by an Act of Parliament passed on or before that day.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 20 June 2013.

Reprints notes

1 *General*

This is a reprint of the Biosecurity (System Entry Levy) Amendment Order 2013 that incorporates all the amendments to that order as at the date of the last amendment to it.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, will have the status of an official version once issued by the Chief Parliamentary Counsel under section 17(1) of that Act.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Subordinate Legislation (Confirmation and Validation) Act 2013 (2013 No 142): section 7(d)
