

Version
as at 23 December 2023



Biosecurity (System Entry Levy) Amendment Order 2023 (SL 2023/98)

Cindy Kiro, Governor-General

Order in Council

At Wellington this 22nd day of May 2023

Present:

Her Excellency the Governor-General in Council

This order is made under section 137 of the Biosecurity Act 1993—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Biosecurity made after being satisfied of the matters set out in section 139 of that Act.

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Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This order is administered by the Ministry for Primary Industries.

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Order

1 Title

This order is the Biosecurity (System Entry Levy) Amendment Order 2023.

2 Commencement

This order comes into force on 1 July 2023.

Order: confirmed, on 23 December 2023, by section 7(b) of the Secondary Legislation Confirmation Act 2023 (2023 No 67).

3 Principal order

This order amends the Biosecurity (System Entry Levy) Order 2010.

4 Clause 3 amended (Interpretation)

- (1) In clause 3(1), revoke the definition of **levy year**.
- (2) In clause 3(1), insert in its appropriate alphabetical order:

levy period—

- (a) means a period that—
 - (i) begins on the day that immediately follows the end of a levy period; and
 - (ii) ends on the day notified by the Director-General under clause 11(2) that is not more than 36 months after the levy period begins; and
- (b) includes the period beginning on 1 July 2023 and ending on 30 June 2026

5 Clause 5 amended (Importers primarily responsible for paying levy)

In clause 5, replace “levy year” with “levy period”.

6 Clause 7 amended (Basis of calculation of levy)

- (1) In clause 7(1)(a), replace “estimated annual costs incurred by the Ministry” with “estimated costs incurred by the Ministry in the levy period”.
- (2) In clause 7(1)(b), replace “estimated total number of annual leviable importations” with “estimated total number of leviable importations in the levy period”.
- (3) In clause 7(2), replace—
 - (a) “any levy year” with “any levy period”; and
 - (b) “after 30 June 2016” with “on or after 1 July 2026”; and
 - (c) “**new levy year**” with “**new levy period**”.
- (4) In clause 7(2)(a) and (b), replace “levy year” with “levy period” in each place.
- (5) In clause 7(2)(a) and (b), delete “annual”.
- (6) In clause 7(3), delete “**annual**”.

7 Clause 8 amended (Maximum rate of levy)

In clause 8, replace “\$23” with “\$50”.

8 Clause 8A revoked (Levy rate for year beginning 1 July 2018)

Revoke clause 8A.

9 New clause 8B inserted (Levy rate for period beginning on 1 July 2023)

Before clause 9, insert:

8B Levy rate for levy period beginning on 1 July 2023

- (1) The levy rate for the levy period beginning on 1 July 2023 is—
 - (a) \$41.28 per leviable 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;
 - (b) \$41.28 per leviable 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;
 - (c) \$46.40 per leviable importation for which an import entry transaction fee is payable under regulation 24A of those regulations.
- (2) The levy rates in subclause (1) are exclusive of goods and services tax.

10 Clause 9 amended (Director-General must fix levy rate for subsequent years)

- (1) In the heading to clause 9, replace “years” with “levy periods”.

- (2) In clause 9(1), replace “levy year beginning on or after 1 July 2019” with “levy period beginning on or after 1 July 2026”.

11 Clause 10 revoked (Rate if no rate fixed before beginning of levy year)

Revoke clause 10.

12 Clause 11 replaced (Notification of rate of levy)

Replace clause 11 with:

11 Notification of levy period and rate of levy

- (1) No notification of the rate of levy is required for the levy period beginning on 1 July 2023.
- (2) For each subsequent levy period, the Director-General must, before the beginning of a levy period, notify by notice in the *Gazette*—
- (a) the duration of the levy period; and
 - (b) the rate of levy for the levy period.

13 Clause 14 amended (Consultation on how levy spent)

- (1) In clause 14(1), replace—
- (a) “each levy year” with “each levy period”; and
 - (b) “levy year ending on 30 June 2016” with “levy period beginning on 1 July 2023”.
- (2) In clause 14(2), replace—
- (a) “levy years ending on or after 30 June 2017” with “levy periods beginning on or after 1 July 2026”; and
 - (b) “those years” with “those periods”.
- (3) In clause 14(3)(a), replace “levy year’s” with “levy period’s”.

14 Clause 15 amended (Records)

In clause 15(1), (2), and (3), replace “levy year” with “levy period”.

Rachel Hayward,
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 1 July 2023, amends the Biosecurity (System Entry Levy) Order 2010.

These amendments—

- increase the levy rate for the period beginning on 1 July 2023 and ending on 30 June 2026; and
- increase the maximum levy rate from \$23 to \$50; and
- replace a levy year with a levy period, which can be a period up to 36 months.

This order must be confirmed by an Act before the close of 30 June 2024. If it is not confirmed, it will be revoked on the close of that date. *See* subpart 3 of Part 5 of the Legislation Act 2019.

Issued under the authority of the Legislation Act 2019.
Date of notification in *Gazette*: 25 May 2023.

Notes

1 *General*

This is a consolidation of the Biosecurity (System Entry Levy) Amendment Order 2023 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 *Legal status*

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 *Editorial and format changes*

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 *Amendments incorporated in this consolidation*

Secondary Legislation Confirmation Act 2023 (2023 No 67): section 7(b)