



CABINET OFFICE

1 February 2024



Ref: OIA-2023/24-0404

Dear [REDACTED]

Official Information Act request relating to the Secondary Legislation Confirmation Bill

Thank you for your Official Information Act 1982 request received on 10 January 2024. You requested:

[Regarding the Secondary Legislation Confirmation Bill] "I write to request all advice and information regarding the including the rationale for why that Act was necessary, its intended purpose and how it contributes to transparent democratic processes. I would also like information on the risks and potential adverse impacts."

I have interpreted your request as relating to the Secondary Legislation Confirmation Bill 2022 No 150-2. If instead you were referring to the Secondary Legislation Confirmation Bill (No 2) 2023 No 269-2, please let me know.

I can advise that some regulations are automatically revoked at the end of each year unless specifically confirmed before that time by an Act of Parliament. At the end of each year, the House passes a Secondary Legislation Confirmation Bill (the Bill) to confirm these regulations.

I have decided to release the attached Cabinet paper *Secondary Legislation Confirmation Bill: Approval for Introduction*, which sets out the policy as to why the Bill was necessary. The Bill confirmed 26 items of secondary legislation made in the year ending 30 June 2022.

Details of the legislative instruments confirmed by the Bill are set out in the Appendix on pages 4 – 13.

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DEPARTMENT OF THE PRIME MINISTER AND CABINET

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This response may be published on the Department of the Prime Minister and Cabinet's website during our regular publication cycle. Typically, information is released monthly, or as otherwise determined. Your personal information including name and contact details will be removed for publication.

Yours sincerely



Rachel Hayward
Secretary of Cabinet

Office of the Leader of the House

Chair
Cabinet Legislation Committee

Secondary Legislation Confirmation Bill: Approval for Introduction

Proposal

- 1 This paper seeks approval for the introduction of the Secondary Legislation Confirmation Bill (the Bill). The Bill holds a category 1 priority on the 2022 Legislation Programme (must be passed in 2022 as a matter of law).

Policy

- 2 Confirmation bills are required annually. They confirm items of subordinate/secondary legislation that are revoked at stated times unless confirmed by an Act of Parliament, in accordance with the provisions in the Acts under which the instruments are made.
- 3 The Bill confirms 26 items of subordinate/secondary legislation made in the year ending 30 June 2022. Details of the legislative instruments to be confirmed are set out in the Appendix on pages 4 - 13.
- 4 The new Legislation Act 2019 came into force on 28 October 2021. This means that confirmable instruments made between 1 July 2021 and 27 October 2021 will be confirmed under the Legislation Act 2012, and confirmable secondary legislation made between 28 October and 30 June 2022 will be confirmed under the Legislation Act 2019.

Compliance

- 5 The Bill complies with:
 - 5.1 the principles of the Treaty of Waitangi;
 - 5.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 5.3 the principles and guidelines set out in the Privacy Act 2020;
 - 5.4 relevant international standards and obligations; and
 - 5.5 the Legislation Design Advisory Committee's *Legislation Guidelines, 2021 Edition*

- 5.6 Disclosure statements are not required for confirmation bills [Cabinet Office Circular CO (13) 3].

Consultation

- 6 The following departments and agencies administer Acts that provide for subordinate/secondary legislation requiring confirmation: Ministry for Primary Industries; the New Zealand Customs Service; the Ministry of Business, Innovation and Employment; the Ministry of Education; the Ministry for the Environment; the Ministry of Foreign Affairs and Trade; the Inland Revenue Department; the Department of Internal Affairs; the Ministry of Justice; the Ministry of Social Development; the Ministry of Transport; the Reserve Bank of New Zealand; the New Zealand Police; and Veterans' Affairs New Zealand. Those departments and agencies were consulted to identify the specific items of secondary legislation that needed to be included in the Bill.
- 7 The Bill contains items relevant to the following departments and agencies: the Ministry for Primary Industries; the New Zealand Customs Service; the Department of Internal Affairs; the Ministry of Social Development; and the Ministry of Transport. Those departments and agencies were consulted on the draft Bill.

Binding on the Crown

- 8 The Bill states that the Act will bind the Crown.

New agencies or amending law relating to existing agencies

- 9 Not applicable.

Allocation of decision-making powers

- 10 Not applicable.

Associated regulations

- 11 Not applicable.

Definition of Minister/Department

- 12 Not applicable.

Commencement and timing of Parliamentary stages

- 13 The Bill comes into force on the day after the date on which it receives the Royal assent. It must be passed and enacted by 31 December 2022.
- 14 I propose that the Bill be introduced as soon as possible. Standing Order 333(2) provides that there is no amendment or debate on the question for the first reading and the Bill stands referred to the Regulations Review Committee for consideration.
- 15 The Bill will be the subject of discussion with the government caucus and with other parties represented in the Parliament.

Proactive release

16 This paper will be proactively released.

Recommendations

17 I recommend that the Committee:

17.1 note that the Secondary Legislation Confirmation Bill :

17.1.1 holds a category 1 priority on the 2022 Legislation Programme (must be passed in 2022 as a matter of law);

17.1.2 confirms 26 items of subordinate/secondary legislation that, in accordance with the provisions in the Acts under which the those items were made, are revoked at stated times unless confirmed by Act of Parliament;

17.2 approve the Secondary Legislation Confirmation Bill for introduction, subject to the final approval of government caucus and sufficient support in the House of Representatives;

17.3 agree that the Bill be introduced as soon as possible;

17.4 note that Standing Order 333(2) provides that:

17.4.1 there is no amendment or debate on the question for the first reading of confirmation bills;

17.4.2 confirmation bills stand referred to the Regulations Review Committee;

17.5 agree that the government propose that the Bill be enacted by 31 December 2022.

Authorised for lodgement

Hon Chris Hipkins
Leader of the House

Appendix: items to be confirmed by the Secondary Legislation Confirmation Bill

	Name of instrument	Date made	Commencement date	Description	Revocation date if not confirmed
1.	Animal Products (Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/285)	27 September 2021	1 November 2021	<p>These regulations amend the Animal Products (Fees, Charges, and Levies) Regulations 2007 to:</p> <ul style="list-style-type: none">• increase fees and introduce variable charging for certain applications, notifications, and approvals under the Animal Products Act 1999; and• increase the unit charges payable for the export of certain semen, embryos, and ova; and• increase the levy payable per bird for poultry that is processed for export or consumption within New Zealand.	31 December 2022
2.	Animal Products (Dairy Industry Fees, Charges, and Levies) Amendment Regulations 2021 (LI 2021/286)	27 September 2021	1 November 2021	<p>These regulations amend the Animal Products (Dairy Industry Fees, Charges, and Levies) Regulations 2015 to:</p> <ul style="list-style-type: none">• reduce the amount of 2 variables used to calculate certain levies payable under the Animal Products Act 1999; and• increase fixed fees and introduce variable charging for certain applications, notifications, and	31 December 2022

				approvals under the Animal Products Act 1999.	
3.	The Civil Aviation (Safety and Security) Levies Amendment Order 2021 (LI 2021/339)	26 October 2021	1 November 2021	This order amends the Civil Aviation (Safety and Security) Levies Order 2002 to reduce the level of the domestic passenger and international passenger security levies for the period from 1 November 2021 until 30 June 2022.	31 December 2022
4.	The Commodity Levies (Meat) Order 2021 (LI 2021/336)	26 October 2021	7 December 2021	This order replaces the Commodity Levies (Meat) Order 2015 and imposes a levy on meat (defined as beef and sheepmeat) produced by livestock farmers.	31 December 2022
5.	Customs Import Prohibition (Motor Vehicles) Order 2021 (LI 2021/213)	16 August 2021	1 October 2021	This order prohibits the importation of certain motor vehicles without the consent of the Minister of Customs. The prohibition covers motor vehicles with inaccurate odometers and motor vehicles with no odometers. This order continues the prohibition of the importation of motor vehicles in clause 4 of the Customs Import Prohibition Order 2017, which expired at the close of 30 September 2021.	31 December 2022
6.	Customs Export Prohibition (Pounamu) Order 2021 (LI 2021/214)	16 August 2021	1 October 2021	This order prohibits the exportation of certain New Zealand pounamu without the consent of the Minister of Customs. This order continues the prohibition of	31 December 2022

				the exportation of pounamu contained in clause 3 of the Customs Export Prohibition Order 2017, which expired at the close of 30 September 2021.	
7.	Customs Export Prohibition (Offensive Weapons) Order 2021 (LI 2021/215)	16 August 2021	1 October 2021	This order prohibits the importation of certain weapons without the consent of the Commissioner of Police. The prohibited weapons are those listed in Schedule 2. This order continues the prohibition in clause 3 and the Schedule of the Customs Import Prohibition Order 2017, which expired at the close of 30 September 2021.	31 December 2022
8.	Customs Export Prohibition (Strategic Goods) Order 2021 (LI 2021/216)	16 August 2021	1 October 2021	This order prohibits the export of certain strategic goods. The prohibited goods are those listed in Schedule 2 and include specified military goods, specified dual-use goods, items that may be destined for use in biological agents or chemical weapons, and related documents. This order continues the prohibition in clause 5 and the Schedule of the Customs Export Prohibition Order 2017, which expired at the close of 30 September 2021.	31 December 2022
9.	Customs Import Prohibition (Trout) Order 2021 (LI 2021/217)	16 August 2021	30 September 2021	This order prohibits the importation of trout and trout products in quantities of 10 kg or more, or less than 10 kg if the	31 December 2022

				goods are intended for sale, without the consent of the Minister of Conservation. However, this prohibition does not apply to the importation of manufactured pet food containing trout or trout products. This order continues the prohibition in the Customs Import Prohibition (Trout) Order 2018 in respect of the importation of some goods, but removes the prohibition in respect of the importation of manufactured pet food containing trout or trout products.	
10.	The Land Transport (Railway Track User Charges) Regulations 2021 (LI 2021/278)	27 September 2021	15 November 2021	These regulations establish a scheme of railway track user charges to be paid by rail operators who use the railway for operating freight services. Railway track user charges reflect these operators' use of the national rail network and are paid into the national land transport fund.	31 December 2022
11.	The Road User Charges (Rates) Amendment Regulations 2021 (LI 2021/306)	4 October 2021	10 December 2021	These regulations amend the Road User Charges (Rates) Regulations 2015 by prescribing a rate of road user charge for vehicles of RUC vehicle type H80. A charge of \$841 per 1,000 km of distance travelled applies to those vehicles.	31 December 2022
12.	The Wine (Non-grape Wine Levy) Order 2021 (LI 2021/273)	27 September 2021	9 November 2021	This order imposes a levy on all non-grape wine produced in New Zealand and either sold for consumption in New Zealand as a drink (or part of another	31 December 2022

				drink) or exported as a drink (or part of another drink). The winery that carries out the final production of non-grape wine is primarily responsible for paying the levy on the wine. The levy is set at \$0.001 per litre for the first levy year (which ends on 30 September 2022) but may be varied for subsequent levy years in certain circumstances. The minimum amount of levy payable per winery is \$100 per year, and this order increases the maximum amount of levy payable per winery to \$2,000 per year. The levy is payable to the Fruit Wine & Cider Makers Association of New Zealand Incorporated.	
13.	Animal Products (Fees, Charges, and Levies) Amendment Regulations 2022 (SL 2022/158)	23 May 2022	1 July 2022	<p>These regulations amend the Animal Products (Fees, Charges, and Levies) Regulations 2007 (the principal regulations). These regulations amend various fees and levies and make other changes, including amending:</p> <ul style="list-style-type: none">• regulation 8 to broaden the description of assistance dogs whose export is exempt from any fee, charge, or levy under the principal regulations:• Part 8 of Schedule 1 to make various amendments.	30 June 2023

14.	The Biosecurity (National Kiwifruit Pathway Management Plan—Kiwifruit Levy) Order 2022 (SL 2022/39)	21 February 2022	1 April 2022	This order imposes a levy on kiwifruit that is grown in New Zealand and that is exported. The levy must be paid by growers. A grower is defined in <i>clause 3</i> as a person whose business is, or includes, growing kiwifruit. The levy is payable to the management agency (which is defined in <i>clause 3</i> as meaning Kiwifruit Vine Health Incorporated and including any successors to that society).	30 June 2023
15.	Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2021	22 November 2021	1 January 2022	This order, adjusts the excise and excise-equivalent duties on tobacco products to reflect the movement in the Consumers Price Index All Groups (less credit services) over the 12-month period ending on 30 September 2021.	31 December 2022
16.	Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022	14 March 2022	15 March 2022	This order amends the Excise and Excise-equivalent Duties Table to effect a temporary reduction of motor spirits duty for a period of three months starting on the date of the commencement.	30 June 2023
17.	Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2022	23 May 2022	1 July 2022	This order, adjusts the excise and excise-equivalent duties on alcoholic beverages to reflect the movement in the Consumers Price Index (excluding credit services) over the 12-month period ending on 31 March 2022.	30 June 2023
18.	Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 Amendment Order 2022	13 June 2022	14 June 2022	This order amends the Excise and Excise-equivalent Duties Table (Temporary Reduction of Motor Spirits Duty) Amendment Order 2022 to extend the	30 June 2023

				temporary reduction of motor spirits duty until 15 August 2022.	
19.	The Commodity Levies (Winegrapes) Order 2022 (SL 2022/110)	11 April 2022	30 May 2022	This order revokes the Commodity Levies (Winegrapes) Order 2016 and imposes a levy on winegrapes that are grown in New Zealand to make wine, grape juice, or grape juice concentrate for sale or export. The levy is payable to New Zealand Winegrowers Incorporated (NZW), which is the industry body for both winegrapes and grape wine. The grower of the winegrapes is primarily responsible for paying the levy. However, in some circumstances, the buyer of the winegrapes may be required to pay the levy, but may recover it from the grower.	30 June 2023
20.	The Gambling (Problem Gambling Levy) Regulations 2022 (SL 2022/155)	23 May 2022	1 July 2022	These regulations,— <ul style="list-style-type: none">• specify the problem gambling levy rates payable by a casino operator, a gaming machine operator, the Lotteries Commission, and TAB NZ to the Commissioner of Inland Revenue (the Commissioner):• specify that the levy rates are payable for the period from 1 July 2022 to 30 June 2025 (both dates inclusive):• require casino operators, gaming machine operators, the Lotteries	30 June 2023

				<p>Commission, and TAB NZ to provide the Commissioner with a return of the levy payable and to pay the levy:</p> <ul style="list-style-type: none"> • provide that the prescribed levy rates are exclusive of goods and services tax: • provide that the levy payable is subject to goods and services tax: • revoke the Gambling (Problem Gambling Levy) Regulations 2019. 	
21.	The Land Transport (Clean Vehicle Discount Scheme Charges) Regulations 2022 (SL 2022/52)	28 February 2022	1 April 2022	These regulations prescribe matters for the purposes of the clean vehicle discount scheme administered by the New Zealand Transport Agency under the Land Transport Management Act 2003.	30 June 2023
22.	Social Security (Rates of Benefits and Allowances) Order 2022 (SL 2022/28)	21 February 2022	1 April 2022 <i>(Clauses 5, 6, and 7 came into force on 21 February 2022)</i>	This order increases a range of benefits, allowances, asset limits, and superannuation entitlements, etc, that are payable on and after 1 April 2022. The increases reflect both mandatory adjustments and discretionary increases.	30 June 2023
23.	Social Security (Rates of Benefits and Allowances) Order (No 2) 2022 (SL 2022/67)	14 March 2022	1 April 2022	This order amends Schedule 4 of the Act to increase the amount up to which a blind beneficiary who receives a supported living payment can earn to be paid an additional allowance (the subsidy	30 June 2023

				threshold). The increase in the subsidy threshold reflects both a mandatory adjustment under section 452A of the Act and a discretionary adjustment under section 452 of the Act.	
24.	Tariff (RCEP) Amendment Order 2021	13 December 2021	1 January 2022	This order amends the Working Tariff Document so that goods from the Regional Comprehensive Economic Partnership (RCEP) specified countries that meet the rules of origin and other applicable requirements have a Preferential Tariff rate as indicated in the Working Tariff Document. This order also sets out the phased reduction of preferential tariff rates for ratified parties to RCEP for the two years following ratification and entry into force. Unless indicated against the specified tariff item the Preferential Rate is Free. The amendments give effect to the RCEP done at Hanoi, Vietnam, on 15 November 2020.	31 December 2022
25.	The Wine (Grape Wine Levy) Order 2022 (SL 2022/111)	11 April 2022	30 May 2022	This order imposes a levy on grape wine (including the grape wine component of a grape wine product) that is sold by (or on behalf of) a winery in New Zealand. The levy is payable to New Zealand Winegrowers Incorporated (NZW), which is the industry body for both winegrapes and grape wine.	30 June 2023

				The winery that sells the grape wine (or on whose behalf the wine is sold) is responsible for paying the levy.	
26.	Wine Amendment Regulations 2022 (SL 2022/160)	23 May 2022	1 July 2022	These regulations amend the Wine Regulations 2021 (the principal regulations) so that, until a new levy rate is notified under regulation 126 of the principal regulations, the levy rate for the purposes of that regulation is \$0.005 per litre of wine exported. These regulations come into force on 1 July 2022. Before then, the levy rate is \$0.01 per litre of wine exported.	30 June 2023

Released Under the Official Information Act 1982