



Proactive Release

The following documents have been proactively released by the Department of the Prime Minister and Cabinet (DPMC), on behalf of (Hon Chris Hipkins), Leader of the House:

Subordinate Legislation Confirmation Bill (No.6): Approval for Introduction

The following documents have been included in this release:

***Title of paper: Subordinate Legislation Confirmation Bill (No.6):
Approval for Introduction (LEG-21-SUB-0108 refers)***

***Title of minute: Subordinate Legislation Confirmation Bill (No.6):
Approval for Introduction (LEG-21-MIN-0108 refers)***

***Title of minute: Report of the Cabinet Legislation Committee
(CAB-21-MIN-0271 refers)***

Chair
Cabinet Legislation Committee

Subordinate Legislation Confirmation Bill (No 6): Approval for Introduction

Proposal

- 1 Cabinet is asked to approve for introduction the Subordinate Legislation Confirmation Bill (No 6) (the Bill). The Bill holds a category 1 priority on the 2021 Legislation Programme (must be passed in 2021 as a matter of law).

Policy

- 2 Confirmation bills are required annually. They confirm items of subordinate 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 16 items of delegated legislation made in the year ending 30 June 2021. Details of the legislative instruments to be confirmed are set out in the Appendix on pages 4–9.

Compliance

- 4 The Bill complies with:
 - 4.1 the principles of the Treaty of Waitangi;
 - 4.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 4.3 the principles and guidelines set out in the Privacy Act 1993;
 - 4.4 relevant international standards and obligations; and
 - 4.5 the Legislation Design Advisory Committee's *Guidelines on Process and Content of Legislation*.
- 5 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 legislation requiring confirmation: the 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 subordinate 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 Ministry for the Environment, the Ministry of Business, Innovation and Employment; and the Ministry of Social Development. 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.

Regulations and deemed 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 2021.
- 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 Subordinate Legislation Confirmation Bill (No 6):

17.1.1 holds a category 1 priority on the 2021 Legislation Programme (must be passed in 2021 as a matter of law);

17.1.2 confirms 16 items of subordinate 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 for introduction the Subordinate Legislation Confirmation Bill (No 6), 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 2021.

Authorised for lodgement

Hon Chris Hipkins
Leader of the House

Appendix: items to be confirmed by the Subordinate Legislation Confirmation Bill (No 6)

	Name of instrument	Date made	Commencement date	Description	Revocation date if not confirmed
1.	Biosecurity (Readiness and Response-Fresh Vegetables Levy) Order 2020	6 July 2020	10 August 2020	This order imposes a levy on all fresh vegetables grown in New Zealand by fresh vegetable growers for commercial purposes, excluding any vegetables that are grown for commercial processing. Growers are responsible for paying the levy.	31 December 2021
2.	Biosecurity (Readiness and Response-Process Vegetables Levy) Order 2020	6 July 2020	10 August 2020	This order imposes a levy on all process vegetables (including hybrids of those vegetables) grown in New Zealand for commercial processing. Growers are responsible for paying the levy. The levy must be collected by collection agents unless a grower pays the levy to the Director-General.	31 December 2021
3.	Biosecurity (Response-Apples and Pears Levy) Order 2020	6 July 2020	10 August 2020	This order imposes a levy on apples and pears grown in New Zealand by growers for commercial purposes, including for domestic supply, processing, and export. Growers are responsible for paying the levy.	31 December 2021

4.	Biosecurity (American Foulbrood-Beekeeper Levy) Amendment Order (No 2) 2020	6 July 2020	10 July 2020	<p>This order amends the Biosecurity (American Foulbrood—Beekeeper Levy) Order 2003 (the principal order). The principal order imposes a levy on beekeepers to fund the implementation of the National American Foulbrood Pest Management Plan.</p> <p>This order corrects errors that were introduced into the principal order on 16 April 2020 by certain amendments made by the Biosecurity (American Foulbrood—Beekeeper Levy) Amendment Order 2020. Those amendments changed the requirements for when certain things had to occur under the principal order.</p>	31 December 2021
5.	Biosecurity (Response-Winegrapes and Grape Wine Levy) Order 2020	10 August 2020	11 September 2020	<p>This order imposes a levy on winegrapes grown in New Zealand by growers, including for processing and export, and 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. Growers and wineries are responsible for paying the levy to New Zealand Winegrowers Incorporated or the Director-General.</p>	31 December 2021

IN CONFIDENCE

6.	Biosecurity (Readiness and Response-Horses and Horse Germplasm Levy) Order 2020	10 August 2021	11 September 2021	This order imposes a levy on horses and horse germplasm imported into, and exported from, New Zealand. Owners of imported or exported horses or horse germplasm are primarily responsible for paying the levy. Collection agents, who are primarily responsible for collecting the levy money, pay it to the New Zealand Equine Health Association Incorporated, unless the owner or a collection agent pays the levy money directly to the Director-General.	31 December 2021
7.	Commodity Levies (Milksolids) Order 2020	3 August 2020	1 December 2020	This order imposes a levy on bovine milksolids produced in New Zealand by dairy farmers and supplied to dairy processors. Dairy farmers are primarily responsible for paying the levy, but collection agents who buy milksolids from dairy farmers must pay the levy. Collection agents may recover the levy from dairy farmers. The levy is payable to DairyNZ Incorporated.	31 December 2021

8.	Commodity Levies (Feijoas) Order 2020	7 December 2020	7 January 2021	This order imposes a levy on feijoas produced in New Zealand by commercial growers for commercial purposes. Commercial growers are primarily responsible for the payment of the levy. However, if a commercial grower sells feijoas to a collection agent, the collection agent must pay the levy and recover it from the commercial grower. The levy is payable to New Zealand Feijoa Growers Association Incorporated.	31 December 2021
9.	Tariff (PACER Plus) Amendment Order 2020	23 November 2020	13 December 2020	This order amends the Working Tariff Document so that goods from the Pacific Agreement on Closer Economic Relations Plus (PACER Plus) specified countries that meet the rules of origin and other applicable requirements have a Preferential Tariff rate of Free. The amendments give effect to the PACER Plus done at Nuku'alofa, Tonga, on 14 June 2017.	31 December 2021
10.	Excise and Excise-equivalent Duties Table (Tobacco Products Indexation) Amendment Order 2020	30 November 2020	1 January 2021	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 2020.	31 December 2021

IN CONFIDENCE

11.	Excise and Excise-equivalent Duties Table (Alcoholic Beverages Indexation) Amendment Order 2021	24 May 2021	1 July 2021	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 2021.	30 June 2022
12.	Fisheries (Alteration of Quota Management Area-Paua Kaikōura Coast) Order 2021	14 June 2021	1 October 2021	This order relevantly amends Schedule 8 (minimum annual holdings of annual catch entitlement for specified stocks) of the Fisheries Act 1996 to reflect the division of the quota management area for paua in the Kaikōura Coast.	30 June 2022
13.	Social Security (Rates of Benefits and Allowances) Order 2021	22 February 2021	1 April 2021	This order increases a range of benefits, allowances, asset limits, and superannuation entitlements, etc, that are payable on and after 1 April 2021. The increases reflect both mandatory adjustments and discretionary increases.	30 June 2022
14.	Social Security (Definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4) Order 2021	22 February 2021	1 April 2021	The order amends the definitions of Income Test 1, Income Test 2, Income Test 3, and Income Test 4 in Schedule 2 of the Social Security Act 2018 to increase the abatement threshold for main beneficiaries and non-qualified spouses and partners of superannuitants. The abatement threshold is the level of income per week that a person receiving a main benefit or their spouse or partner can earn before the person's benefit begins to reduce.	30 June 2022

15.	Social Security (Rates of Main Benefits) Order 2021	24 May 2021	1 July 2021	<p>This order makes discretionary increases to the following main benefits:</p> <ul style="list-style-type: none"> • jobseeker support: • sole parent support: • a supported living payment: • a youth payment: • a young parent payment: • a former widow's benefit: • a former DPB for solo parents. <p>The increases also affect the maximum rate at which the Ministry of Social Development may grant an emergency benefit.</p>	30 June 2022
16.	Waste Minimisation (Calculation and Payment of Waste Disposal Levy) Amendment Regulations 2021	12 April 2021	13 May 2021	<p>These regulations prescribe new classes of disposal facilities and the rate of levy that is payable on the amount of waste disposed of at each class of disposal facility.</p>	30 June 2022



Cabinet Legislation Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Subordinate Legislation Confirmation Bill (No 6): Approval for Introduction

Portfolio **Leader of the House**

On 8 July 2021, the Cabinet Legislation Committee:

- 1 **noted** that the Subordinate Legislation Confirmation Bill (No 6):
 - 1.1 holds a category 1 priority on the 2021 Legislation Programme (must be passed in 2021 as a matter of law);
 - 1.2 confirms 16 items of subordinate legislation that, in accordance with the provisions in the Acts under which those items were made, are revoked at stated times unless confirmed by Act of Parliament;
- 2 **approved** for introduction the Subordinate Legislation Confirmation Bill (No 6) [PCO 23570/5.0], subject to the final approval of the government caucus and sufficient support in the House of Representatives;
- 3 **agreed** that the Bill be introduced as soon as possible;
- 4 **noted** that Standing Order 333(2) provides that:
 - 4.1 there is no amendment or debate on the question for the first reading of confirmation bills;
 - 4.2 confirmation bills stand referred to the Regulations Review Committee;
- 5 **agreed** that the government propose that the Bill be enacted by 31 December 2021.

Rebecca Davies
Committee Secretary

Present:

Hon Andrew Little
Hon Poto Williams
Hon Michael Wood
Hon Kiri Allan
Kieran McAnulty MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG



Cabinet

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Report of the Cabinet Legislation Committee: Period Ended 9 July 2021

On 12 July 2021, Cabinet made the following decisions on the work of the Cabinet Legislation Committee for the period ended 9 July 2021:

LEG-21-MIN-0108 **Subordinate Legislation Confirmation Bill (No 6):** CONFIRMED
Approval for Introduction
Portfolio: Leader of the House

Michael Webster
Secretary of the Cabinet