

**Reprint
as at 11 December 2015**



Biosecurity (System Entry Levy) Amendment Order 2015
(LI 2015/91)

Jerry Mateparae, Governor-General

Order in Council

At Wellington this 11th day of May 2015

Present:

The Right Hon John Key presiding in Council

Pursuant to section 137 of the Biosecurity Act 1993, His Excellency the Governor-General makes the following order, acting—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister for Primary Industries after being satisfied that the requirements of section 139 have been met.

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Note

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

*Provisions relating to levy year beginning with 1 July
2015*

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Order

1 Title

This order is the Biosecurity (System Entry Levy) Amendment Order 2015.

2 Commencement

This order comes into force on 1 July 2015.

Order: confirmed, on 11 December 2015, by section 9(b) of the Subordinate Legislation (Confirmation and Validation) Act 2015 (2015 No 119).

3 Principal order amended

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

4 New clause 6B and cross-heading inserted

After clause 6A, insert:

Provisions relating to levy year beginning with 1 July 2015

6B Levy rate for year beginning with 1 July 2015

- (1) The rate of the levy for the levy year beginning with 1 July 2015 for each leviable importation in that year is as follows:
 - (a) \$13.15 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;
 - (b) \$13.15 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;
 - (c) \$17.37 per importation for which an import entry transaction fee is payable under regulation 24A of those regulations.
- (2) The levy is exclusive of goods and services tax.

5 Cross-heading above clause 7 amended

In the cross-heading above clause 7, replace “2014” with “2016”.

6 Clause 7 amended (Basis of calculation of levy)

In clause 7(2), replace “2011” with “2016”.

7 Clause 8 amended (Maximum rate of levy)

In clause 8, replace “\$18.40 (inclusive of goods and services tax)” with “\$18.00 (exclusive of goods and services tax)”.

8 Clause 9 amended (Director-General must fix actual rate)

(1) In clause 9(1), replace “2014” with “2016”.

(2) In clause 9(2), replace “inclusive” with “exclusive”.

9 Clause 11 amended (Notification of rate of levy)

In clause 11(1), replace “2011” with “2016”.

10 Clause 14 amended (Consultation on how levy spent)

(1) In clause 14(1), replace “2011” with “2016”.

(2) In clause 14(2), replace “2012” with “2017”.

Michael Webster,
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 2015, amends the Biosecurity (System Entry Levy) Order 2010 (the **principal order**).

Clause 1 relates to the Title.

Clause 2 relates to the commencement of the order.

Clause 3 states the Title of the principal order amended by this order.

Clause 4 inserts *new clause 6B* into the principal order. *New clause 6B* prescribes new levy rates for leviable importations in the levy year beginning on 1 July 2015. The new rates are,—

- \$13.15 (GST exclusive) for each 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:

- \$13.15 (GST exclusive) for each 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;
- \$17.37 (GST exclusive) for each importation from 1 July 2015 for which an import entry transaction fee is payable under regulation 24A of those regulations.

Clause 5 amends a cross-heading in the principal order.

Clause 6 amends clause 7 of the principal order, which relates to the basis of calculation of the levy, to reflect that it now applies to levy years commencing after 30 June 2016.

Clause 7 amends clause 8 of the principal order, which prescribes a maximum rate of levy of \$18 (GST exclusive) per importation.

Clause 8 amends clause 9 of the principal order, which requires the Director-General to fix the actual rate of levies where the regulations do not prescribe the rate for a particular levy year. Clause 9 is updated to refer to the levy years beginning on or after 1 July 2016 and to reflect that levies are now GST exclusive.

Clause 9 amends clause 11 of the principal order, which relates to the notification of the rate of the levy, to provide that no notification is required for the levy year ending on 30 June 2016.

Clause 10 amends clause 14 of the principal order, which relates to consultation on how the levy is spent, by updating references to specific levy years.

Regulatory impact statement

The Ministry for Primary Industries produced a regulatory impact statement on 18 March 2015 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <http://mpi.govt.nz/law-and-policy/legal-overviews/regulatory-impact-statements/>
- <http://www.treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2012.

Date of notification in *Gazette*: 14 May 2015.

Reprints notes

1 *General*

This is a reprint of the Biosecurity (System Entry Levy) Amendment Order 2015 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, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

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 2015 (2015 No 119): section 9(b)