

Short-Form Supplementary Departmental Disclosure Statement

Regulatory Systems (Transport) Amendment Bill

A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Regulatory Systems (Transport) Amendment Bill, dated 3 December 2019, which can be found at this link <http://disclosure.legislation.govt.nz/bill/government/2020/196/>

This supplementary disclosure statement was prepared by the Ministry of Transport.

The Ministry of Transport certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

24 February 2021.

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

Privacy issues

2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?	NO
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Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO
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Charges in the nature of a tax

4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO
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Retrospective effect

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the burden of proof for offences

6. Do the proposed amendments:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Do the proposed amendments create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO
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Powers to make delegated legislation

9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO
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10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>The proposed amendments do not fall within scope of the Bill as introduced. However, due to the nature of the amendments, the Bill is an appropriate legislative vehicle to make these amendments. The proposed amendments:</p> <p>(a) Amend section 191 of the Maritime Transport Act 1994 (MTA) to enable the use of maritime levies to facilitate seafarer welfare services in accordance with New Zealand's obligations as a party to the Maritime Labour Convention 2006</p> <p>(b) Amend section 9(1) of the Land Transport Management Act 2003 (LTMA) to enable fuel excise duty paid on petrol used by recreational aircraft to be used for recreational aviation safety purposes.</p> <p>The Bill is an omnibus bill that contains amendments to legislation administered by the Ministry of Transport. The objective of the Bill is to maintain the effectiveness and efficiency of the regulatory system established by transport legislation, and to reduce the chance of regulatory failure. The Bill will achieve this objective by addressing transport regulatory duplication, gaps, errors, and inconsistencies within transport legislation, ensuring that regulators have the effective tools needed to keep the transport regulatory system up to date and relevant, and removing unnecessary compliance costs from the transport system.</p> <p>The MTA amendment supports regulatory stewardship by addressing a legislative gap that hinders the ability to meet international obligations. New Zealand has obligations under the Maritime Labour Convention to ensure seafarers working on board a ship have access to shore-based facilities to ensure their health and wellbeing. Maritime levies are intended to fund shipping-related activities and services under international maritime conventions. However, the purposes for which Maritime New Zealand may apply the levies do not include seafarer welfare services. The proposed amendment will allow maritime levies to be used to support welfare services provided in New Zealand to seafarers.</p> <p>The LTMA amendment addresses an inconsistency in the legislation's treatment of fuel excise duty revenue from petrol used by aircraft in recreational aviation, compared with its treatment of fuel excise duty from petrol used by recreational maritime vessels (pleasure craft). Fuel excise duty is land transport revenue, and must be used to pay for land transport activities under the LTMA. Section 9(1) of the LTMA was established as an alternative to a refund system, to ensure users of pleasure craft receive a benefit from the fuel excise duty estimated to have been paid on fuel for use on pleasure craft, and which would otherwise be used for land transport purposes. Section 9(1) enables the estimated amount of fuel excise duty paid on fuel used by pleasure craft to be used to fund search and rescue and boating safety-related activities. The proposed amendment will extend the appropriation cap in section 9(1) to include the amount of fuel excise duty estimated to have been paid by users of recreational aircraft, and will expand the purposes for which the estimated fuel excise duty may be appropriated to include recreational aviation safety and safety awareness activities and services and aviation safety services that benefit recreational aviation.</p> <p>Cabinet has agreed to the policy of the proposed amendments [CBC-21-MIN-0021 refers].</p>	