



Fire and Emergency New Zealand (Levy) Amendment Act 2019

Public Act 2019 No 16
Date of assent 7 May 2019
Commencement see section 2

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Fire and Emergency New Zealand (Levy) Amendment Act 2019.

2 Commencement

- (1) Section 8 comes into force on 1 July 2019.
- (2) The rest of this Act comes into force on the day after the date on which it receives the Royal assent.

3 Principal Act

This Act amends the Fire and Emergency New Zealand Act 2017 (the **principal Act**).

4 Section 2 amended (Commencement)

In section 2(6), replace “2019” with “2024”.

5 Section 141 amended (Levy regulations)

- (1) In section 141(1), after “Minister”, insert “in accordance with sections 142 and 143”.
- (2) After section 141(4), insert:
 - (4A) Regulations prescribing a rate of levy under subsection (2) or (3)(a) or prescribing a maximum amount of levy under subsection (3)(b) must not come into force earlier than 4 months after the date on which they are published.

6 Section 142 amended (Procedure for levy regulations)

- (1) In section 142(1), replace “the next period of 3 financial years” with “an upcoming period specified by the Minister”.
- (2) Replace section 142(4) and (5) with:
 - (4) In making a determination, the Minister must take into account the following (in addition to the purpose of this Part):
 - (a) an estimate of the total number of motor vehicles in respect of which the levy is payable and the likelihood of any change in that number:
 - (b) an estimate of the total amount insured for insured properties and the likelihood of any change in that amount:
 - (c) an estimate of the total amount of exemptions and waivers from the payment of the levy that are expected to apply in relation to the period:
 - (d) any amount by which actual levy income received in a preceding period exceeded FENZ’s actual net costs in a preceding period:
 - (e) any amount by which actual levy income received in a preceding period was less than FENZ’s actual net costs in a preceding period:
 - (f) the benefit of maintaining the stability of each rate of the levy in the long term.
 - (5) The Minister must then recommend the making of regulations under section 141 to recover, in each year of the period, the annual portion of FENZ’s net costs for the period that the Minister has determined are to be met by levies.

7 Section 143 amended (Consultation about levy regulations)

- (1) In section 143(1), replace “recommendation under section 142(4)” with “determination under section 142(3)”.
- (2) In section 143(5)(a), replace “recommended the making of the regulations” with “made a determination under section 142(3)”.

8 Schedule 1 amended

- (1) In Schedule 1, clause 24(1), insert in their appropriate alphabetical order:

archive has the meaning given in clause 25A(2)

cultural heritage body has the meaning given in clause 25A(2)

cultural heritage items has the meaning given in clause 25A(2)

(2) In Schedule 1, after clause 25, insert:

25A Art and items in collections exempt from levy

(1) Despite clause 25, a levy is not payable for art or items that—

- (a) are insured against fire under any contract of fire insurance made in New Zealand; and
- (b) are in a collection of a cultural heritage body (whether or not the art or items are currently present in or on that body's premises).

(2) In this clause,—

archive—

- (a) includes Archives New Zealand (Te Rua Mahara o te Kāwanatanga) and the National Library of New Zealand Te Puna Mātauranga o Aotearoa; and
- (b) includes specialist archival units (for example, an archival unit within a general university library such as the Hocken Collections—Uare Taoka o Hākena); but
- (c) does not include a library

cultural heritage body means a museum/whare taonga, archive, or art gallery that—

- (a) is a permanent non-profit-making body whose primary purpose is to exhibit or conserve cultural heritage items in perpetuity to enable public education, public enjoyment, or the preservation of those cultural heritage items; and
- (b) exhibits or conserves its collection or collections in or on premises that are not a private residence and that are usually open to the public or a class of the public

cultural heritage items means property (tangible or intangible) that is significant from a scientific, historical, artistic, or cultural perspective.

25B New Zealand Defence Force property exempt from levy

Despite clause 25, a levy is not payable for property that is insured—

- (a) against fire under any contract of fire insurance made in New Zealand; and
- (b) by, and for the purposes of, the New Zealand Defence Force.

Legislative history

31 October 2018	Introduction (Bill 110–1)
7 November 2018	First reading and referral to Governance and Administration Committee
28 March 2019	Reported from Governance and Administration Committee (Bill 110–2)
4 April 2019	Second reading
30 April 2019	Committee of the whole House (Bill 110–3)
2 May 2019	Third reading
7 May 2019	Royal assent

This Act is administered by the Department of Internal Affairs.