

Departmental Disclosure Statement

Land Transport (Clean Vehicles) Amendment Bill (No 2)

The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by Te Manatū Waka Ministry of Transport.

Te Manatū Waka 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.

10 November 2022.

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Part One: General Policy Statement

The Land Transport (Clean Vehicles) Amendment Bill (No 2) (the Bill) amends the Land Transport Act 1998 to support the Clean Vehicle Standard (the Standard) in Part 13. The Standard is a central policy in transitioning the light vehicle fleet to be low and ultimately zero emission. The Standard sets annual targets that require light vehicle importers to progressively reduce the CO₂ emissions of the vehicles they import. Charges will apply if those targets are not met. The Bill enhances legislation to achieve a successful and smooth implementation of the Standard with —

- A six-month phase-in to give vehicle importers time to adjust to the Standard's requirements and the online system run by Waka Kotahi
- A clarification to correct the inadvertent extension of the Standard's carbon dioxide (CO₂) account and vehicle emissions data recording requirements to motorcycles and mopeds
- A technical correction to enable the waiver or refund of charges imposed on Category 2 light vehicle importers, and for unpaid charges to be recoverable as a debt due to the Crown.

Part Two: Background Material and Policy Information

Published reviews or evaluations

2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?	NO
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Relevant international treaties

2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?	NO
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2.2.1. If so, was a National Interest Analysis report prepared to inform a Parliamentary examination of the proposed New Zealand action in relation to the treaty?	NOT APPLICABLE
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Regulatory impact analysis

2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?	YES
Moving to a low emissions light vehicle fleet – Ministry of Transport – 30 November 2019 https://www.transport.govt.nz/assets/Uploads/RISDemandsideoptionsinclAcceleratedFeebate.pdf	

2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?	NO
The Regulatory Impact Statements identified above did not meet the threshold for receiving an independent opinion on the quality of the Regulatory Impact Statement from the RIA Team based in the Treasury. A Quality Assurance Panel including a representative from the Treasury did provide opinions on each of the Regulatory Impact Statements, and these are provided in Appendix One.	

2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?	NO
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Extent of impact analysis available

2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?	YES
The Departmental Report for the Clean Vehicles Bill provides additional insights from stakeholders and analysis from the Ministry of Transport as at the end of 2021: https://www.parliament.nz/resource/en-NZ/53SCTI_ADV_115766_TI2141/4991366cce4a995a8fe638dd1fd104d8c2a1a4f8	

2.5. For the policy to be given effect by this Bill, is there analysis available on:	
(a) the size of the potential costs and benefits?	NO
(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?	NO

2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:	
(a) the level of effective compliance or non-compliance with applicable obligations or standards?	NO
(b) the nature and level of regulator effort put into encouraging or securing compliance?	NO

Part Three: Testing of Legislative Content

Consistency with New Zealand's international obligations

3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?

The Ministry of Foreign Affairs and Trade was consulted during the development of the policy proposals and provided advice on consistency with New Zealand's international obligations. This advice has been reflected in the Cabinet papers seeking policy approval for the original Bill.

Consistency with the government's Treaty of Waitangi obligations

3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?

No specific issues were identified in the policy process that may have implications on the rights and interests of Māori protected by the Treaty of Waitangi. Te Puni Kōkiri was consulted during the development of the original policy proposals.

Consistency with the New Zealand Bill of Rights Act 1990

3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?

NO

[If YES, indicate where a copy of the advice can (soon) be accessed, if the Attorney-General agrees to waive legal privilege.]

<https://www.treasury.govt.nz/publications/guide/disclosure-statements-government-legislation-technical-guide-departments-html#child-6>

Offences, penalties and court jurisdictions

3.4. Does this Bill create, amend, or remove:

(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?

NO

(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?

NO

3.4.1. Was the Ministry of Justice consulted about these provisions?

**NOT
APPLICABLE**

Privacy issues

3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?

YES

Part 2 of the Bill amends regulation 28 of the Land Transport (Clean Vehicle Standard) Regulations 2022 to delay the requirement for certain information to be publicly available to 1 June 2013.

3.5.1. Was the Privacy Commissioner consulted about these provisions?	NO
The Privacy Commissioner was not consulted because the amendment does not affect the substantive provision.	

External consultation

3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?	YES
We have not been able to undertake formal external consultation on the Bill given the urgent timeframes we are working under. However, the substantive elements of the Bill around phasing the implementation of the Clean Vehicle Standard and the exclusion of motorcycles have been included specifically to respond to feedback from the vehicle industry.	

Other testing of proposals

3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?	YES
Waka Kotahi has been involved in the drafting stages of the Bill to ensure the provisions are workable and can be administered effectively. The Motor Industry Association (representing new vehicle distributors) and the Vehicle Industry Association (representing used vehicle importers) have been engaged in relation to the issues giving rise to the Bill.	

Part Four: Significant Legislative Features

Compulsory acquisition of private property

4.1. Does this Bill 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

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	YES
The Bill does not create a power to impose a fee, levy or charge in the nature of a tax, but does change the timeframe in which to pay charges set out in section 182 of the Land Transport Act 1998.	

Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO
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Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO
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Significant decision-making powers

4.6. Does this Bill 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

4.7. Does this Bill 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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4.8. Does this Bill create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?	NO
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