

Immigration (International Visitor Conservation and Tourism Levy) Amendment Bill

This Bill amends the Immigration Act 2009 (the principal Act) to provide for the collection of an international visitor conservation and tourism levy (IVL).

Part	Clause	Title	Description of amendment
n/a	1	Title	The title of the Bill.
	2	Commencement	Provides for the Bill to come into force on 1 July 2019.
	3	Principal Act	Specifies that this Bill amends the Immigration Act 2009 (the principal Act).
1	4	Section 3 amended (Purpose)	Amends the purpose of the principal Act to include a sub-clause enabling a levy to be charged to fund, or contribute to the funding of, costs associated with conservation and tourism.
1	5	Section 4 amended (Interpretation)	<p>Inserts definition of:</p> <ul style="list-style-type: none"> - conservation – as per the Conservation Act 1987: <ul style="list-style-type: none"> o conservation means the preservation and protection of natural and historic resources for the purpose of maintaining their intrinsic values, providing for their appreciation and recreational enjoyment by the public, and safeguarding the options of future generations - international visitor conservation and tourism levy – a levy imposed by regulations made under the principal Act <p>Amends definition of Minister, to allow for different Ministers to be responsible for different sections of the principal Act. This will allow for a Minister other than the Minister of Immigration (such as the Minister of Tourism) to be responsible for different parts of the Act (for example, setting the IVL regulations).</p>
2	6	Section 28 amended (Automated decision making in relation to visas, etc)	<p>Amends section 28 to allow automated decision making in respect of ETA requests. It provides that requests may be processed, accepted, or refused by an automated electronic system. It also provides that the system's decisions are to be treated as though they were made by an immigration officer.</p> <p>Automated decision-making is already provided for in the principal Act in relation to visas, entry permission, expressions of interest, and invitations to apply for a visa. However, the principal Act does not currently allow for automated decisions about conditions on visa waivers (note: holding an ETA is to be a condition of visa-waiver travel to New Zealand, with some exceptions). This means that ETA decisions cannot currently be made by an automated system. This is problematic because around 1.5 million ETA requests are expected per year. That volume of requests is too great for Immigration New Zealand to process manually.</p> <p>Without the ETA, only visa holders would be liable for the IVL, as payment of the IVL is required as part of completing a request for an ETA or an application for a visa.</p>

2	7	New sections 399A and 399B inserted	<p>New clause 399A International visitor conservation and tourism levy</p> <ul style="list-style-type: none"> - Allows regulations to be made to charge the IVL to: <ul style="list-style-type: none"> o Applicants for temporary entry class visas (but not residence class visas or transit visas), and o Certain people seeking to rely on a waiver under section 69 of the principal Act of the requirement to hold a temporary entry class visa to travel to New Zealand (i.e., those applying for a Traveller ETA, with some exceptions that will be set out in the relevant regulations) - States the purpose of the levy is to fund: <ul style="list-style-type: none"> o Conservation o Infrastructure used for tourism (including the cost of operating the infrastructure), and o Other initiatives relating to tourism - Describes what the regulations may do: <ul style="list-style-type: none"> o specify what groups are required to pay or are exempt from paying o set the levy amount or calculation (including different amounts for different groups of people) o provide for the manner of collection of the levy - Provides the Minister with the power to, by special direction, exempt any person or persons from paying the IVL (or part thereof), or to refund all or part of the IVL - Requires that all levy money collected is paid into a Crown bank account
			<p>New clause 399B International visitor conservation and tourism levy: consultation and review</p> <ul style="list-style-type: none"> - Requires the Minister to consult with persons and organisations he or she considers appropriate before recommending the making of regulations under the amended Act <ul style="list-style-type: none"> o This requirement to consult does not apply to the first set of regulations, as the content has already been consulted on as part of the policy process in June and July 2018) - Requires the Department (MBIE) to review the amount (or calculation) of the levy every five years (or sooner).