

7 November 2022

Hon David Parker, Attorney-General

Consistency with the New Zealand Bill of Rights Act 1990: Land Transport (Clean Vehicles) Amendment Bill (No 2)

Purpose

1. We have considered whether the Land Transport (Clean Vehicles) Amendment Bill (No 2) (the Bill) is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 (the Bill of Rights Act).
2. We have not yet received a final version of the Bill. This advice has been prepared in relation to the latest version of the Bill (PCO 25097/2.0). We will provide you with further advice if the final version includes amendments that affect the conclusions in this advice.
3. The Bill amends the Land Transport Act 1998 to support the implementation of the Clean Vehicle Standard established in Part 13 of that Act. The Clean Vehicle Standard is a target that regulates importers to reduce their carbon dioxide (CO₂) emissions to specific targets by encouraging a greater supply of low and no emission vehicle imports to New Zealand. Vehicles with a high CO₂ emission rating will incur a charge, the higher the CO₂ rating the greater the charge.
4. The Bill makes minor changes to support implementation of the Standard by legislating for:
 - a) 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:
 - b) a clarification to correct the inadvertent extension of the Standard's CO₂ account and vehicle emissions data recording requirements to motorcycles and mopeds:
 - c) a technical correction to enable the waiver or refund of charges imposed on Category 2 light vehicle importers, and to enable unpaid charges to be recoverable as a debt due to the Crown.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.



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