Version
as at 1 July 2023

Energy (Fuels, Levies, and References) Act 1989

Public Act	1989 No 140
Date of assent	19 December 1989
Commencement	see section 1(2)

Act name: substituted, on 20 September 2007, by section 5(1)(a) of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

Contents

		Page
	Title *[Repealed]*	4
1	Title and commencement	4
1AAA	Transitional, savings, and related provisions	5
1A	Act binds the Crown	5
1B	Interpretation	5
	Part 1 **Abolition of Ministry of Energy**	
2	Interpretation	6
3	Abolition of Ministry of Energy	6
4	Consequential amendments to references to Minister of Energy, Secretary of Energy, and Ministry of Energy	7
5	Consequential amendments	7
6	Repeals	7
7	Consequential amendments to regulations	7
8	Revocations	7

Note

The Parliamentary Counsel Office has made editorial and format changes to this version using the powers under subpart 2 of Part 3 of the Legislation Act 2019.

Note 4 at the end of this version provides a list of the amendments included in it.

This Act is administered by the Ministry of Business, Innovation, and Employment.

Savings

9 Delegation of powers by Minister or Secretary 8
10 Existing proceedings 8
11 Existing consents, licences, permits, approvals, or remissions, etc 8

Part 2
Function of Minister in relation to price control

[Repealed]

12 Interpretation *[Repealed]* 8
13 Control of goods or services *[Repealed]* 8

Part 3
Levies

14 Purpose of levies 9
14A Energy Efficiency and Conservation Authority consultation about request for appropriation 10
15 Levies payable by owners of coal mines *[Repealed]* 10
16 Levies payable by owners of mineral mines *[Repealed]* 11
17 Levy payable by holders of prospecting licences *[Repealed]* 11
18 Levies payable by occupiers of quarries *[Repealed]* 11
19 Levies payable by occupiers of tunnels *[Repealed]* 11
20 Levies payable by owners of geothermal energy *[Repealed]* 11
21 Levies payable by holders of pipeline authorisations *[Repealed]* 11
22 Electricity levies 11
23 Gas levies 12
24 Petroleum or engine fuel monitoring levy 13
25 Supplementary levies *[Repealed]* 14
25A Administration charge *[Repealed]* 14
26 Rebates *[Repealed]* 14
27 Due dates for payment 14
28 Penalty for late payment 14
29 Recovery of levies 14
30 Payment of levy into Crown Bank Account 14
31 Power to inspect property, obtain information, and enter land 15
32 Offence to make incorrect statement, etc 15
33 Regulations prescribing levy rates 16
33A Levy regulations are confirmable instruments *[Repealed]* 17
34 Amount of goods and services tax excluded 17

Part 3A
Biofuel obligation

[Repealed]

34A Purpose of this Part *[Repealed]* 17
34B Outline of this Part *[Repealed]* 17
34C Status of examples *[Repealed]* 17

34D Interpretation *[Repealed]* 18
34E Definition of obliged person *[Repealed]* 18
34F Definition of obligation engine fuel *[Repealed]* 18
34G Definition of qualifying biofuel *[Repealed]* 18
34H Minister must recommend Order in Council under section 34G(2) providing qualifying biofuels must be sustainable biofuels *[Repealed]* 18
34I Definition of trigger point *[Repealed]* 18
34J Governor-General may revise biofuel percentage *[Repealed]* 18
34K Consultation and confirmation requirements for Orders in Council under section 34F, 34G, 34I, or 34J *[Repealed]* 18
34L Obliged person's required amount of qualifying biofuel *[Repealed]* 19
34M Calculating required amount of qualifying biofuel and actual amount of qualifying biofuel *[Repealed]* 19
34N Required amount of qualifying biofuels may be divided into proportions or amounts by Order in Council *[Repealed]* 19
34O Energy content values *[Repealed]* 19
34P Exclusion for engine fuel exported from New Zealand *[Repealed]* 19
34Q Deferring required amount of qualifying biofuel *[Repealed]* 19
34R Surplus and shortfall *[Repealed]* 19
34S Entitlement agreements: general rules *[Repealed]* 19
34T Entitlement agreements with biofuel owner who is not obliged person *[Repealed]* 20
34U Entitlement agreements with biofuel owner who is obliged person *[Repealed]* 20

Annual returns

[Repealed]

34V Annual returns *[Repealed]* 20
34W Auditing of annual returns *[Repealed]* 20

Civil penalty

[Repealed]

34X Civil penalty for breaching section 34L *[Repealed]* 20
34Y Civil penalty for breaching section 34N(2) *[Repealed]* 20
34Z Definition of *force majeure* event *[Repealed]* 20
34ZA Applicable rules, procedure, and standard of proof *[Repealed]* 21

Part 4
Miscellaneous provisions

35 Other regulations 21
35A Power of Minister to require selling of engine fuel to cease 24
35B Keeping of records 24
35C Power to inspect property, obtain information, and enter land to conduct compliance check 25

35D Offence to make incorrect statement 26
36 Power of Minister to require information 27
37 Offences 28
Search warrants
37A Issue of search warrants 29
37B Powers conferred by warrant 30
37C Form and content of search warrant 30
37D Warrant must be produced 31
37E Other duties of person who executes warrant 31
37F When alternative to list of seized things may be provided 32
37G Matters that must be stated in list of seized things 32
37H Duty to assist 32
37I Power to inspect and take copies of documents, etc, obtained under warrant 33
37J Disposal of things seized 33
37K Court order to be suspended on conviction 33
Savings and transitional provisions
38 Savings 34
39 Transitional provisions in relation to levies 34
Schedule 1AA 35
Transitional, savings, and related provisions
Schedule 1 36
Enactments amended
Schedule 2 38
Repeals
Schedule 3 39
Consequential amendments to regulations
Schedule 4 40
Orders revoked
Schedule 5 40
Biofuel percentage
[Repealed]

Title *[Repealed]*

Title: repealed, on 20 September 2007, by section 4 of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

1 Title and commencement

(1) This Act is the Energy (Fuels, Levies, and References) Act 1989.

(2) Except as provided in section 3(4), this Act shall come into force on 2 January 1990.

Section 1 heading: amended, on 20 September 2007, by section 5(2) of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

Section 1(1): amended, on 20 September 2007, by section 5(3) of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

1AAA Transitional, savings, and related provisions

The transitional, savings, and related provisions set out in Schedule 1AA have effect according to their terms.

Section 1AAA: inserted, on 1 July 2017, by section 10 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

1A Act binds the Crown

This Act binds the Crown.

Section 1A: inserted, on 20 September 2007, by section 6 of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

1B Interpretation

In this Act, unless the context otherwise requires,—

biofuel means any gaseous or liquid fuel produced from biomass that can be used as a fuel for engines

distribution includes sale

EECA means the Energy Efficiency and Conservation Authority established under section 20 of the Energy Efficiency and Conservation Act 2000

energy means work or heat that is or may be produced or derived from coal, electricity, gas, geothermal activity, petroleum, petroleum products, uranium, wind, biomass, sun, water, or any other fuel (including engine fuel) or any other source

engine fuel means any gaseous or liquid fuel that can be used as a fuel for engines, and includes biofuel, diesel, petrol (which is called motor spirit in the Excise and Excise-equivalent Duties Table (as defined in section 5(1) of the Customs and Excise Act 2018)), synthetic fuel, and blends of these

Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Ministry means the department of State that, with the authority of the Prime Minister, is for the time being responsible for the administration of this Act

Secretary means the chief executive of the Ministry

WorkSafe means WorkSafe New Zealand established by section 5 of the WorkSafe New Zealand Act 2013.

Section 1B: inserted, on 1 October 2008, by section 4 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 1B **EECA**: inserted, on 1 July 2017, by section 9 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 1B **engine fuel**: substituted, on 1 January 2010, by section 11(4) of the Customs and Excise Amendment Act 2009 (2009 No 61).

Section 1B **engine fuel**: amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

Section 1B **WorkSafe**: inserted, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Part 1
Abolition of Ministry of Energy

2 Interpretation

In this Part, unless the context otherwise requires,—

responsible department of State means, subject to any enactment, any department of State that has, with the authority of the Prime Minister, assumed responsibility for a function or matter to which any provision of this Part applies

responsible Minister of the Crown means, subject to any enactment, any Minister of the Crown who has, under the authority of any warrant or with the authority of the Prime Minister, assumed responsibility for a function or matter to which any provision of this Part applies.

3 Abolition of Ministry of Energy

(1) The Ministry of Energy is hereby abolished.

(2), (3) *Amendment(s) incorporated in the Act(s)*.

(4) This section shall come into force on a date to be appointed for the commencement thereof by the Governor-General by Order in Council.

(5) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 3(4): this section brought into force, on 31 December 1990, by clause 2 of the Ministry of Energy (Abolition) Act Commencement Order 1990 (SR 1990/355).

Section 3(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

4 Consequential amendments to references to Minister of Energy, Secretary of Energy, and Ministry of Energy

Unless in any case the context otherwise requires, and subject to the provisions of this Act, in any enactment or in any regulations or in any instrument or document,—

(a) every reference to the Minister of Energy shall be read as a reference to the responsible Minister of the Crown:

(b) every reference to the Secretary of Energy shall be read as a reference to the chief executive of the responsible department of State:

(c) every reference to the Ministry of Energy shall be read as a reference to the responsible department of State.

5 Consequential amendments

The enactments specified in Schedule 1 are hereby amended in the manner indicated in that schedule.

6 Repeals

The enactments specified in Schedule 2 are hereby repealed.

7 Consequential amendments to regulations

(1) The regulations specified in Schedule 3 are hereby amended in the manner indicated in that schedule.

(2) The amendment by this section of the regulations specified in Schedule 3 shall be without prejudice to any power of amending or revoking those regulations.

(3) The Governor-General may from time to time, by Order in Council, consequentially revoke Schedule 3 or any part of that schedule.

(4) An order under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 7(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

8 Revocations

The orders specified in Schedule 4 are hereby revoked.

Savings

9 Delegation of powers by Minister or Secretary

Every delegation under section 9 or section 10 of the Ministry of Energy Act 1977 that was in force immediately before the commencement of this section shall continue to have effect according to its tenor as if it had been made on that commencement under clauses 2 and 3 or 5 of Schedule 6 of the Public Service Act 2020.

Section 9: amended, on 7 August 2020, by section 135 of the Public Service Act 2020 (2020 No 40).

10 Existing proceedings

Where, before the commencement of section 3, the Ministry of Energy or any officer of the Ministry of Energy in relation to the conduct of the affairs of that Ministry, has—

(a) become a party to any proceedings whatever; or

(b) initiated any action under the authority of any statutory provision formerly administered by the Minister of Energy,—

such action or proceedings may be continued, completed, and enforced by or against the responsible Minister.

11 Existing consents, licences, permits, approvals, or remissions, etc

Any consent, licence, permit, approval, or remission, given or granted by the Minister of Energy or the Secretary of Energy and in force immediately before the commencement of this section shall, unless its terms or the context otherwise requires, continue in force until amended, transferred, modified, or revoked by the responsible Minister or the chief executive of the responsible department of State.

Part 2
Function of Minister in relation to price control

[Repealed]

Part 2: repealed, on 1 November 2010, by section 158 of the Electricity Industry Act 2010 (2010 No 116).

12 Interpretation

[Repealed]

Section 12: repealed, on 1 October 2008, by section 5 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

13 Control of goods or services

[Repealed]

Section 13: repealed, on 1 November 2010, by section 158 of the Electricity Industry Act 2010 (2010 No 116).

Part 3
Levies

14 Purpose of levies

(1) Levies recovered under this Part, except levies recovered under section 24, must be applied only for the purposes of meeting the reasonable costs and expenses of—

(a) the inspection, monitoring, and related services to which they relate and matters incidental to those services, being—

(i) services carried out by the Ministry under any Act or related arbitration services; or

(ii) *[Repealed]*

(iii) services carried out by WorkSafe under any Act or related arbitration services; and

(b) the dissemination of information concerning safety in relation to the industries to which the levies relate by the Ministry or by WorkSafe; and

(c) the dissemination by the Ministry of information to assist consumers to choose, and alternate, between competing electricity retailers (as defined in section 2(1) of the Electricity Act 1992) or gas retailers (as defined in section 2(1) of the Gas Act 1992); and

(d) the recovery of those levies.

(2) Levies recovered under section 24 must be applied only for the purposes of meeting the reasonable costs and expenses of—

(a) the inspection, monitoring, and related services to which they relate and matters incidental to those services, being services carried out by the Ministry under any Act or related arbitration services; and

(b) the dissemination of information concerning safety in relation to the industries to which the levies relate by the Ministry; and

(ba) compliance by the Crown with New Zealand's obligation, under Article 2 of the International Energy Agreement, to maintain the emergency reserve commitment set out in that Article; and

(c) the recovery of those levies.

(2A) Despite subsections (1) and (2), levies recovered under sections 23 and 24 may be applied for the purpose of meeting a portion of the costs of the EECA, in performing its functions and exercising its powers and duties under the Energy Efficiency and Conservation Act 2000, where the size of the portion to be met by each levy under this Act is determined by the Minister.

(2B) Levies recovered under section 24 may also be applied for the purpose of meeting the reasonable costs and expenses of the Crown in promoting resilience of engine fuel supplies in New Zealand.

(3) Levies recovered under section 24 may be applied for the purpose of meeting the reasonable costs and expenses incurred by the Crown for the purpose set out in subsection (2)(ba) on and from 1 July 2013, even though subsection (2)(ba) commences after that date.

(4) In this section, **International Energy Agreement** has the meaning given in section 2 of the International Energy Agreement Act 1976.

Section 14: substituted, on 5 December 2006, by section 4 of the Ministry of Energy (Abolition) Amendment Act 2006 (2006 No 73).

Section 14(1)(a)(ii): repealed, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 14(1)(a)(iii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 14(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Section 14(1)(c): amended, on 1 November 2010, by section 159 of the Electricity Industry Act 2010 (2010 No 116).

Section 14(2)(ba): inserted, on 24 February 2015, by section 4(1) of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 14(2A): inserted, on 1 July 2017, by section 11 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 14(2B): inserted, on 1 July 2023, by section 4 of the Energy (Fuels, Levies, and References) Amendment Act 2023 (2023 No 23).

Section 14(3): inserted, on 24 February 2015, by section 4(2) of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 14(4): inserted, on 24 February 2015, by section 4(2) of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

14A Energy Efficiency and Conservation Authority consultation about request for appropriation

(1) The EECA must, before submitting a request to the Minister seeking an appropriation of public money for the following year, or any change to an appropriation for the current year, that relates to costs that are intended to be recovered by way of a levy under section 23 or 24, consult about that request with—

(a) those persons who are liable to pay the levy; and

(b) any other representatives of persons whom the EECA believes to be significantly affected by the levy.

(2) The EECA must, at the time when the request is submitted, report to the Minister on the outcome of that consultation.

Section 14A: inserted, on 1 July 2017, by section 12 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

15 Levies payable by owners of coal mines

[Repealed]

Section 15: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

16 Levies payable by owners of mineral mines

[Repealed]

Section 16: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

17 Levy payable by holders of prospecting licences

[Repealed]

Section 17: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

18 Levies payable by occupiers of quarries

[Repealed]

Section 18: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

19 Levies payable by occupiers of tunnels

[Repealed]

Section 19: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

20 Levies payable by owners of geothermal energy

[Repealed]

Section 20: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

21 Levies payable by holders of pipeline authorisations

[Repealed]

Section 21: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

22 Electricity levies

(1) In this section, unless the context otherwise requires, expressions defined in the Electricity Act 1992 shall have the meanings so defined.

(2) Not later than 30 days after the last days of March, June, September, and December in each year, every person or body who or which generates electricity for sale (including the Electricity Corporation of New Zealand Limited) shall supply the Secretary with a true and accurate return of all electricity sold from such generation during the immediately preceding period of 3 months ended with the said last days of March, June, September, and December, respectively, together with the levy calculated in accordance with this section:

provided that any person or body who or which has sold from such generation less than 500 megawatt hours of electricity during any such period need not supply a return nor pay any levy.

(3) The levy payable on all such electricity that has been sold during the said periods of 3 months shall be 2 cents for each complete 100 kilowatt hours of such electricity or such lesser amount for each complete 100 kilowatt hours as may be prescribed.

(4) All electricity measurements made for the purpose of supplying a return and calculating the levy payable under this section shall be made in such manner and by the use of such methods as may be approved by the Secretary by notice.

(5) A notice under subsection (4) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Compare: 1977 No 33 s 15J; 1987 No 97 s 3(1); 1988 No 134 s 2

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
	The Ministry of Foreign Affairs and Trade considers that the secondary legislation may have international transparency obligations under the CPTPP. As a result the maker may also have to comply with s 75 of the Legislation Act 2019	LA19 ss 74(2), 75
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 22(1): amended, on 1 April 1993, by section 173(2) of the Electricity Act 1992 (1992 No 122).

Section 22(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 22(5): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

23 Gas levies

(1) A gas retailer who sells piped gas must, not later than 30 days after the last day of March, June, September, and December in each year,—

(a) supply the Secretary with a return of the energy content of all piped gas sold by the retailer during the preceding 3-month period ending with the last day of March, June, September, and December, respectively; and

(b) pay to the Secretary the levy for the relevant 3-month period calculated in accordance with this section and with regulations made under section 33.

(2) The levy for the relevant 3-month period is payable, for each complete gigajoule of piped gas sold, at the rate or amount calculated or ascertained in accordance with this section and with regulations made under section 33.

(3) However, the levy is not payable on, and a return is not required to include,—

(a) piped gas of a prescribed type; or

(b) piped gas that is to be used for a prescribed purpose.

(4) All gas measurements made for the purpose of supplying a return and calculating the levy payable under this section must be made by the use of methods approved by the Secretary by notice.

(5) In this section, unless the context otherwise requires, expressions defined in the Gas Act 1992 have the meanings so defined.

(6) A notice under subsection (4) is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	It is not required to be published	LA19 s 73(2)
	The Ministry of Foreign Affairs and Trade considers that the secondary legislation may have international transparency obligations under the CPTPP. As a result the maker may also have to comply with s 75 of the Legislation Act 2019	LA19 ss 74(2), 75
Presentation	It is not required to be presented to the House of Representatives because a transitional exemption applies under Schedule 1 of the Legislation Act 2019	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 23: replaced, on 1 July 2017, by section 13 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 23(4): amended, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 23(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

24 Petroleum or engine fuel monitoring levy

(1) A levy is payable at the rate prescribed under section 33 for each complete litre of petroleum or engine fuel of a type specified in regulations made under section 35(1)(fa).

(2) The levy must be paid to the New Zealand Customs Service—

(a) by the person who would be liable to pay any excise duty or excise-equivalent duty on the petroleum or engine fuel under the Customs and Excise Act 2018 if any were payable; and

(b) when any excise duty or excise-equivalent duty would be paid if any were payable.

(3) The New Zealand Customs Service must collect the levy on behalf of the Crown.

(4) Section 28 (which provides a penalty for late payment of a levy) does not apply in respect of the levy.

Section 24: replaced, on 23 February 2016, by section 5 of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 24(2)(a): amended, on 1 October 2018, by section 443(3) of the Customs and Excise Act 2018 (2018 No 4).

25 Supplementary levies

[Repealed]

Section 25: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

25A Administration charge

[Repealed]

Section 25A: repealed, on 1 July 1998, by section 3 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

26 Rebates

[Repealed]

Section 26: repealed, on 24 February 2015, by section 6 of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

27 Due dates for payment

Every levy payable under any of the provisions of sections 22, 23, and 24 shall be due and payable on the date specified in that behalf in the section under which the levy is payable.

Compare: 1977 No 33 s 15M; 1989 No 28 s 10(2)

Section 27: amended, on 1 July 1998, by section 5 of the Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68).

28 Penalty for late payment

If any levy is not paid on or before the date on which it is payable, the person liable to pay it shall pay to the Secretary an additional amount equal to 10% of the unpaid amount.

Compare: 1977 No 33 s 15N; 1987 No 97 s 3(1)

29 Recovery of levies

All money payable to the Secretary or the New Zealand Customs Service under this Part is—

(a) a debt due to the Crown; and

(b) recoverable by the Crown in a court of competent jurisdiction.

Section 29: replaced, on 24 February 2015, by section 7 of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

30 Payment of levy into Crown Bank Account

All money received by the Secretary or the New Zealand Customs Service under this Part must be paid into a Crown Bank Account.

Section 30: replaced, on 23 February 2016, by section 8 of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

31 Power to inspect property, obtain information, and enter land

(1) For the purpose of obtaining any information that may be required by the Secretary for the purposes of this Part, any person specifically or generally authorised in writing in that behalf by the Secretary may, from time to time—

(a) subject to subsection (3), at any reasonable time enter any land, building, or place, other than a dwellinghouse:

(b) inspect and examine any property and any books, accounts, vouchers, records, or documents:

(c) require any person to produce any books, accounts, vouchers, records, or documents in that person's possession or under that person's control, and allow copies of or extracts from any such books, accounts, vouchers, records, or documents to be made or taken:

(d) require any person to furnish any information or particulars that may be required by the Secretary.

(2) Every such written authorisation shall contain—

(a) a reference to this section; and

(b) the full name of the authorised person; and

(c) a statement of the powers conferred on the authorised person by subsection (1).

(3) Every person exercising any power of entry under subsection (1) shall be in possession of the appropriate written authorisation, and evidence of identity, and shall produce them to the occupier of the land, building, or place—

(a) if practicable, on first entering the land, building, or place; and

(b) whenever subsequently reasonably required to do so by the occupier.

(4) Every person shall have the same privileges in relation to—

(a) the production to any authorised person of any books, accounts, vouchers, records, or documents; and

(b) the furnishing to any authorised person of any information or particulars; and

(c) the answering of questions put by any authorised person—

under this section as witnesses have in courts of law.

Compare: 1977 No 33 s 15Q; 1987 No 97 s 3(1)

32 Offence to make incorrect statement, etc

(1) Every person commits an offence who,—

(a) in any information or particulars supplied under section 31,—

(i) makes a material statement knowing that it is incorrect; or

(ii) knowingly makes any material omission; or

(b) resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under section 31; or

(c) refuses or fails without reasonable excuse to comply with any requirement made under paragraph (c) or (d) of section 31(1).

(2) Any offence against this section committed by any employee or agent in the course of employment or agency shall be deemed to have been also committed by the employee's or agent's employer or principal if it is proved that the act or omission constituting the offence occurred with the employer's or principal's authority, permission, or consent.

Compare: 1977 No 33 s 15R; 1987 No 97 s 3(1)

Section 32(1): substituted, on 1 October 2008, by section 8 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

33 Regulations prescribing levy rates

(1) The Governor-General may, by Order in Council made on the recommendation of the Minister, make regulations prescribing, for levies that are payable under this Part,—

(a) amounts or rates of the levies; or

(b) methods of calculating or ascertaining amounts or rates of the levies.

(1A) Regulations made under subsection (1) may—

(a) specify the periods for which amounts or rates of the levies apply; and

(b) include, in any prescribed method of calculating or ascertaining amounts or rates of the levies, provisions relating to any shortfall in recovering, or over-recovery of, the actual costs of EECA from a previous levy period.

(2) However, an amount or rate prescribed, or calculated using a prescribed method, must not exceed any maximum amount or rate set out in this Part.

(3) Before recommending that regulations be made under this section, the Minister must consult persons or organisations considered by the Minister to represent the persons affected by the levy concerned.

(4) Regulations under this section—

(a) are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements); and

(b) must be confirmed by an Act (*see* subpart 3 of Part 5 of the Legislation Act 2019).

(4) *[Repealed]*

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)

Disallowance It may be disallowed by the House of Representatives LA19 ss 115, 116
This note is not part of the Act.

Section 33: replaced, on 24 February 2015, by section 9 of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 33(1)(b): amended, on 1 July 2017, by section 14(1) of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 33(1A): inserted, on 1 July 2017, by section 14(2) of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 33(2): amended, on 1 July 2017, by section 14(3) of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 33(4): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 33(4): repealed, on 1 January 2016, by section 14 of the Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120).

33A Levy regulations are confirmable instruments

[Repealed]

Section 33A: repealed, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

34 Amount of goods and services tax excluded

It is hereby declared that the levies payable under this Part are exclusive of goods and services tax under the Goods and Services Tax Act 1985.

Compare: 1977 No 33 s 15T; 1989 No 28 s 12

Part 3A
Biofuel obligation

[Repealed]

Part 3A: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34A Purpose of this Part

[Repealed]

Section 34A: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34B Outline of this Part

[Repealed]

Section 34B: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34C Status of examples

[Repealed]

Section 34C: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34D Interpretation

[Repealed]

Section 34D: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34E Definition of obliged person

[Repealed]

Section 34E: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34F Definition of obligation engine fuel

[Repealed]

Section 34F: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34G Definition of qualifying biofuel

[Repealed]

Section 34G: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34H Minister must recommend Order in Council under section 34G(2) providing qualifying biofuels must be sustainable biofuels

[Repealed]

Section 34H: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34I Definition of trigger point

[Repealed]

Section 34I: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34J Governor-General may revise biofuel percentage

[Repealed]

Section 34J: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34K Consultation and confirmation requirements for Orders in Council under section 34F, 34G, 34I, or 34J

[Repealed]

Section 34K: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34L Obliged person's required amount of qualifying biofuel

[Repealed]

Section 34L: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34M Calculating required amount of qualifying biofuel and actual amount of qualifying biofuel

[Repealed]

Section 34M: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34N Required amount of qualifying biofuels may be divided into proportions or amounts by Order in Council

[Repealed]

Section 34N: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34O Energy content values

[Repealed]

Section 34O: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34P Exclusion for engine fuel exported from New Zealand

[Repealed]

Section 34P: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34Q Deferring required amount of qualifying biofuel

[Repealed]

Section 34Q: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34R Surplus and shortfall

[Repealed]

Section 34R: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34S Entitlement agreements: general rules

[Repealed]

Section 34S: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34T Entitlement agreements with biofuel owner who is not obliged person

[Repealed]

Section 34T: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34U Entitlement agreements with biofuel owner who is obliged person

[Repealed]

Section 34U: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Annual returns

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34V Annual returns

[Repealed]

Section 34V: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34W Auditing of annual returns

[Repealed]

Section 34W: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Civil penalty

[Repealed]

Heading: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34X Civil penalty for breaching section 34L

[Repealed]

Section 34X: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34Y Civil penalty for breaching section 34N(2)

[Repealed]

Section 34Y: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34Z Definition of *force majeure* event

[Repealed]

Section 34Z: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

34ZA Applicable rules, procedure, and standard of proof

[Repealed]

Section 34ZA: repealed, on 23 December 2008, by section 4 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Part 4
Miscellaneous provisions

35 Other regulations

(1) The Governor-General may from time to time, by Order in Council, make regulations for all or any of the following purposes:

(a) requiring specified classes of users or intending users of energy or of sources of energy to supply to the Secretary prescribed information as to—

(i) the kinds, forms, and sources of energy used or to be used by them; and

(ii) the purposes for which they are so used or to be used; and

(iii) the means by which they are so used or to be used; and

(iv) changes or proposed changes in the kinds, forms, or sources of energy so used or to be used, or in the quantities so used or to be used:

(b) prescribing standards or specifications for equipment used in the dispensing of engine fuel or refined petroleum products to consumers:

(c) prescribing standards or specifications (including environmental or sustainability standards or specifications) to which engine fuel or refined petroleum products of the class or classes specified in the regulations must conform when supplied in New Zealand:

(d) requiring persons who sell engine fuel or refined petroleum products to consumers to display or provide information about the price, quality, sustainability, suitability, quantity, or nature of a class or classes of refined petroleum products or engine fuel:

(da) requiring persons who sell engine fuel to consumers not to promote or advertise that the engine fuel contains biofuel if the engine fuel comprises, by volume, a certain percentage of biofuel that is not more than 1%:

(e) prescribing standards or specifications for fuel tank inlets on motor vehicles:

(ea) providing for accreditation, certification, and verification for the purposes of regulations made under this Act:

(eb) *[Repealed]*

(ec) *[Repealed]*

(ed) *[Repealed]*

(ee) *[Repealed]*

(ef) *[Repealed]*

(eg) prescribing the records that are required to be kept under section 35B and the length of time they must be kept:

(eh) prescribing the form of search warrants issued under section 37A:

(f) prescribing offences in respect of the contravention of or non-compliance with any regulations made under this section, and the amounts of the fines that may be imposed in respect of any such offences, which fines shall be an amount not exceeding $10,000:

(faa) prescribing any matter that section 23(3) provides is to be prescribed:

(fa) prescribing, in respect of the levy that is payable under section 24, the types of petroleum or engine fuels for which the levy is payable:

(g) providing for such other matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

(1A) *[Repealed]*

(2) The following may be incorporated by reference into a regulation made under subsection (1):

(a) standards, procedures, or test methods of international organisations:

(b) any other written material or document that, in the opinion of the Minister, is too large or impractical to be printed as part of the regulation.

(3) Any material incorporated in a regulation by reference under subsection (2) is part of the regulation; and, unless otherwise provided in the regulations, every amendment made by the person or organisation originating the material is part of the regulation.

(4) The Secretary must make copies of all material and any amendments incorporated in regulations by reference under subsections (2) and (3) available for inspection, free of charge, at the head office of the Ministry.

(5) Any material incorporated by reference has no effect until it is made available for inspection in accordance with subsection (4).

(6) Regulations under this section are secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

(7) Subpart 1 of Part 3 and section 114 of the Legislation Act 2019 do not apply to material that is incorporated by reference in the regulations merely because it is incorporated.

Compare: 1977 No 33 s 28

Legislation Act 2019 requirements for secondary legislation made under this section		
Publication	PCO must publish it on the legislation website and notify it in the *Gazette*	LA19 s 69(1)(c)
Presentation	The Minister must present it to the House of Representatives	LA19 s 114, Sch 1 cl 32(1)(a)
Disallowance	It may be disallowed by the House of Representatives	LA19 ss 115, 116

This note is not part of the Act.

Section 35 heading: replaced, on 24 February 2015, by section 10(1) of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 35(1)(b): amended, on 20 September 2007, by section 8 of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

Section 35(1)(c): amended, on 1 October 2008, by section 10(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(c): amended, on 20 September 2007, by section 8 of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

Section 35(1)(d): substituted, on 1 October 2008, by section 10(2) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(da): inserted, on 1 October 2008, by section 10(2) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(ea): inserted, on 1 October 2008, by section 10(3) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(ea): amended, on 23 December 2008, by section 5(1) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(eb): repealed, on 23 December 2008, by section 5(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(ec): repealed, on 23 December 2008, by section 5(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(ed): repealed, on 23 December 2008, by section 5(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(ee): repealed, on 23 December 2008, by section 5(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(ef): repealed, on 23 December 2008, by section 5(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(1)(eg): inserted, on 1 October 2008, by section 10(3) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(eh): inserted, on 1 October 2008, by section 10(3) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35(1)(f): amended, on 28 July 1997, by section 2 of the Ministry of Energy (Abolition) Amendment Act 1997 (1997 No 50).

Section 35(1)(faa): inserted, on 1 July 2017, by section 15 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Section 35(1)(fa): inserted, on 24 February 2015, by section 10(2) of the Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2).

Section 35(1A): repealed, on 23 December 2008, by section 5(3) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(2): added, on 7 May 1999, by section 2 of the Ministry of Energy (Abolition) Amendment Act 1999 (1999 No 40).

Section 35(2): amended, on 23 December 2008, by section 5(4) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35(3): added, on 7 May 1999, by section 2 of the Ministry of Energy (Abolition) Amendment Act 1999 (1999 No 40).

Section 35(4): added, on 7 May 1999, by section 2 of the Ministry of Energy (Abolition) Amendment Act 1999 (1999 No 40).

Section 35(5): added, on 7 May 1999, by section 2 of the Ministry of Energy (Abolition) Amendment Act 1999 (1999 No 40).

Section 35(6): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

Section 35(7): inserted, on 28 October 2021, by section 3 of the Secondary Legislation Act 2021 (2021 No 7).

35A Power of Minister to require selling of engine fuel to cease

(1) If the Minister is satisfied that engine fuel does not comply with regulations, the Minister may, by written notice, require the seller or distributor to—

(a) cease selling the engine fuel or making it available; or

(b) cease selling the engine fuel for any particular end use or making it available for any particular end use.

(2) A seller or distributor who fails to comply with a Minister's notice described in subsection (1) commits an offence.

Section 35A: inserted, on 1 October 2008, by section 11 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

35B Keeping of records

(1) Every person described in subsection (2) must keep or cause to be kept in New Zealand prescribed records for the prescribed length of time not exceeding 7 years.

(2) The persons to whom subsection (1) applies are—

(a) *[Repealed]*

(b) *[Repealed]*

(c) *[Repealed]*

(d) any persons engaged in the importation, distribution, production, refining, blending, exportation, or selling of petroleum, refined petroleum products, or engine fuel or goods capable of being used to make engine fuel.

(3) A person who fails to keep the records that are required to be kept under subsection (1) commits an offence.

Compare: 1996 No 27 s 95

Section 35B: inserted, on 1 October 2008, by section 11 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35B(2)(a): repealed, on 23 December 2008, by section 6 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35B(2)(b): repealed, on 23 December 2008, by section 6 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35B(2)(c): repealed, on 23 December 2008, by section 6 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

35C Power to inspect property, obtain information, and enter land to conduct compliance check

(1) For the purposes of this section,—

compliance check means a check that seeks to ascertain any or all of the following:

(a) *[Repealed]*

(b) *[Repealed]*

(c) the extent to which records are being kept as required by section 35B:

(d) the type, nature, or class of any engine fuel or goods capable of being used to make engine fuel:

(e) compliance with regulations made under this Act:

(f) the extent to which information supplied or published under section 36 is correct and complete

person liable to be checked means—

(a) *[Repealed]*

(b) *[Repealed]*

(c) *[Repealed]*

(d) any persons engaged in the importation, distribution, production, refining, blending, exportation, or selling of petroleum, refined petroleum products, or engine fuel or goods capable of being used to make engine fuel.

(2) In order to conduct a compliance check of a person liable to be checked, any person specifically or generally authorised in writing by the Secretary may, using reasonable force,—

(a) subject to subsection (4), at any reasonable time enter any land, building, or place other than a dwellinghouse or marae:

(b) inspect and examine any property and any books, accounts, vouchers, records, or documents (including records or documents held in electronic or other form):

(c) require any person to produce any books, accounts, vouchers, records, or documents (including records or documents held in electronic or other form) in that person's possession or under that person's control, and allow copies of or extracts from those books, accounts, vouchers, records, or documents to be made or taken:

(d) require any person to supply any information or particulars that may be required by the Secretary:

(e) take samples of any petroleum, engine fuel, or goods capable of being used to make engine fuel.

(3) The written authorisation must contain—

(a) a reference to this section; and

(b) the full name of the authorised person; and

(c) a statement of the powers conferred on the authorised person by subsection (2).

(4) Every person exercising a power of entry under subsection (2) must be in possession of the written authorisation and evidence of identity, and must produce them to the occupier of the land, building, or place,—

(a) if practicable, on first entering the land, building, or place; and

(b) whenever subsequently reasonably required to do so by the occupier.

(5) Every person has the same privileges under this section as witnesses have in court in relation to—

(a) the production to an authorised person of any books, accounts, vouchers, records, or documents; and

(b) the supplying to an authorised person of any information or particulars; and

(c) the answering of questions put by an authorised person.

Section 35C: inserted, on 1 October 2008, by section 11 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 35C(1) **compliance check** paragraph (a): repealed, on 23 December 2008, by section 7(1)(a) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35C(1) **compliance check** paragraph (b): repealed, on 23 December 2008, by section 7(1)(a) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35C(1) **compliance check** paragraph (f): amended, on 23 December 2008, by section 7(1)(b) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35C(1) **person liable to be checked** paragraph (a): repealed, on 23 December 2008, by section 7(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35C(1) **person liable to be checked** paragraph (b): repealed, on 23 December 2008, by section 7(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 35C(1) **person liable to be checked** paragraph (c): repealed, on 23 December 2008, by section 7(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

35D Offence to make incorrect statement

Every person commits an offence who,—

(a) in any information or particulars supplied under section 35C,—

(i) makes a material statement knowing that it is incorrect; or

(ii) knowingly makes any material omission; or

(b) resists, obstructs, deceives, or attempts to deceive any person who is exercising or attempting to exercise any power or function under section 35C; or

(c) refuses or fails without reasonable excuse to comply with any requirement made under paragraph (c) or (d) of section 35C(2).

Section 35D: inserted, on 1 October 2008, by section 11 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

36 Power of Minister to require information

(1) The Minister may, by notice in writing to a person described in subsection (1B), require that person to supply to the Minister, by a date specified in the notice, any information specified in the notice in relation to the following:

(a) the price, suitability, quantity, or nature of petroleum, refined petroleum products, or engine fuel, or goods capable of being used to make engine fuel either in New Zealand or elsewhere:

(b) *[Repealed]*

(c) the importation, distribution, production, refining, blending, exportation, or selling of petroleum, refined petroleum products, or engine fuel, or goods capable of being used to make engine fuel either in New Zealand or elsewhere:

(d) *[Repealed]*

(e) *[Repealed]*

(f) the type, nature, or class of the person's engine fuel:

(g) the country of origin of the person's engine fuel:

(h) the particular type or source of biomass from which the person's biofuels were produced:

(i) the particular process the person's engine fuels were produced from or refined through:

(j) the qualities of the person's engine fuel:

(k) any standards or specifications (including environmental or sustainability standards or specifications) that the person's engine fuel meets:

(l) the particular end use or type of end use of the person's engine fuel.

(1A) The Minister may, by notice in writing to a person described in subsection (1B), require that person to publish (in any particular form and manner), by a date specified in the notice, any information that may be required to be supplied to the Minister in relation to subsection (1)(f) to (l).

(1B) The persons who may be the recipients of a notice under subsection (1) or (1A) are—

(a) *[Repealed]*

(b) *[Repealed]*

(c) *[Repealed]*

(d) any persons engaged in the importation, distribution, production, refining, blending, exportation, or selling of petroleum, refined petroleum products, or engine fuel or goods capable of being used to make engine fuel.

(2) All information and all particulars required by a notice under subsection (1) or (1A) shall be furnished in such form and manner as the Minister may require and, if the Minister so requires, shall be certified by the person supplying the same as being correct to the best of that person's knowledge and belief.

Section 36 heading: amended, on 20 September 2007, by section 9(1) of the Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54).

Section 36(1): substituted, on 1 October 2008, by section 12(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 36(1)(b): repealed, on 23 December 2008, by section 8(1) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1)(d): repealed, on 23 December 2008, by section 8(1) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1)(e): repealed, on 23 December 2008, by section 8(1) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1A): inserted, on 1 October 2008, by section 12(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 36(1A): amended, on 23 December 2008, by section 8(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1B): inserted, on 1 October 2008, by section 12(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 36(1B)(a): repealed, on 23 December 2008, by section 8(3) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1B)(b): repealed, on 23 December 2008, by section 8(3) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(1B)(c): repealed, on 23 December 2008, by section 8(3) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 36(2): amended, on 1 October 2008, by section 12(2)(a) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 36(2): amended, on 1 October 2008, by section 12(2)(b) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37 Offences

(1) Every person commits an offence against this Act who, without sufficient reason (the proof whereof shall be on that person),—

(a) fails to furnish, within the time specified in a notice given to that person under section 36(1) or (1A), the information or particulars required by that notice; or

(b) furnishes, in response to a notice given to that person under section 36(1) or (1A), any information or particulars that to that person's knowledge is false or misleading in any material particular; or

(c) refuses or fails to furnish any information or particulars in the form and manner in which it is required by a notice under section 36(1) or (1A).

(2) Every person who commits an offence against subsection (1), section 32, section 35A, or section 35D is liable on conviction,—

(a) in the case of a person other than a body corporate, to a fine not exceeding $20,000:

(b) in the case of a body corporate, to a fine not exceeding $200,000.

Section 37(1)(a): amended, on 1 October 2008, by section 13(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37(1)(b): amended, on 1 October 2008, by section 13(1) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37(1)(c): substituted, on 1 October 2008, by section 13(2) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37(2): substituted, on 1 October 2008, by section 13(3) of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Section 37(2): amended, on 23 December 2008, by section 9 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Search warrants

Heading: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37A Issue of search warrants

(1) Any High Court Judge, District Court Judge, Community Magistrate, Justice of the Peace, or Registrar of the District Court may issue a search warrant for any land, building, or place if satisfied, on application in writing made on oath, that there are reasonable grounds for believing that there is at that land, building, or place any thing that is evidence of 1 or more of the following:

(a) the commission of an offence under this Act by any person.

(b) *[Repealed]*

(2) The Judge, Community Magistrate, Justice, or Registrar may impose any reasonable conditions on the exercise of the warrant that he or she thinks fit.

(3) The Judge may authorise the search warrant to be executed on more than 1 occasion if he or she is satisfied that this is required for the purposes for which the warrant is being issued.

Section 37A: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37A: amended, on 1 March 2017, by section 261 of the District Court Act 2016 (2016 No 49).

Section 37A(1)(b): repealed, on 23 December 2008, by section 10 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

37B Powers conferred by warrant

(1) A warrant authorises the person named in it—

(a) to enter and search the land, building, or place specified in the warrant on 1 occasion within 14 days of the warrant's date of issue (or more than 1 occasion if authorised under section 37A(3)) at a time that is reasonable in the circumstances:

(b) to request any person to assist in the execution of the warrant:

(c) to use any force for gaining entry and for breaking open any article or thing that is reasonable in the circumstances:

(d) to search for and seize any thing that the warrant authorises the person who is executing the warrant to search for and seize:

(e) if necessary, to take copies of documents or extracts from documents that the warrant authorises the person who is executing the warrant to copy:

(f) if necessary, to require a person to reproduce, or assist any person executing the warrant to reproduce in usable form, information recorded or stored in a document.

(2) The powers in subsection (1) to enter and search the land, building, or place must not be exercised by a Ministry employee unless, when exercising the power, that employee is accompanied by a constable.

(3) The person executing the search warrant may also seize any thing that he or she, or any person assisting him or her, finds in the course of executing the warrant, if the person executing the warrant has reasonable grounds to believe that a search warrant could be obtained to search for that thing.

(4) A person assisting the person executing the warrant also has the powers referred to in subsection (1)(c) to (f) while in the company and under the direction of the person executing the warrant.

(5) The warrant must be executed in accordance with any conditions specified under section 37A(2).

Section 37B: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37B(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

37C Form and content of search warrant

A search warrant must—

(a) be in the prescribed form; and

(b) be directed to—

(i) a constable by name; or

(ii) any constable; or

(iii) any Ministry employee authorised by the Secretary; and

(c) contain all of the following particulars:

(i) the land, building, or place that may be searched in accordance with the warrant; and

(ii) the offence in respect of which the warrant is issued; and

(iii) the provision of this Act authorising the issue of the warrant; and

(iv) a description of things that are authorised to be searched for and seized; and

(v) the period during which the warrant may be executed, or, if the warrant may be executed on more than 1 occasion, the number of times or the period of time over which the warrant may be executed; and

(vi) any conditions specified under section 37A(2).

Section 37C: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37C(b)(i): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 37C(b)(ii): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

Section 37C(c)(ii): amended, on 23 December 2008, by section 11 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

37D Warrant must be produced

A person executing a warrant must—

(a) have the warrant with him or her; and

(b) produce it on initial entry and, if requested, at any subsequent time; and

(c) identify himself or herself to the owner or occupier or person in charge of the place if that person is present; and

(d) produce evidence of his or her identity.

Compare: 2003 No 12 s 133

Section 37D: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37E Other duties of person who executes warrant

A person who executes a warrant must, when the search is completed, leave in a prominent position at the place searched or give to the owner or occupier, a written notice stating—

(a) the date and time when the land, building, or place was searched; and

(b) the name of the person who executed the warrant; and

(c) for any seized thing, a list in accordance with section 37G.

Compare: 2003 No 12 s 134

Section 37E: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37F When alternative to list of seized things may be provided

If it is not practicable to prepare a list under section 37E in relation to seized things after completing the search, or if the owner or occupier of the place being searched consents, the person executing the warrant—

(a) may, instead of leaving a list, leave a notice stating that things have been seized during the search and that, within 7 days of the search, a list will be delivered, left, or sent stating what things have been seized; and

(b) must, within 7 days of the search,—

(i) deliver a list to the owner or occupier; or

(ii) leave a list in a prominent position at the place searched; or

(iii) send a list by post to the owner or occupier of the place searched.

Compare: 2003 No 12 s 135

Section 37F: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37G Matters that must be stated in list of seized things

A list under section 37E or 37F must state—

(a) the things that have been seized; and

(b) the location from where they were seized; and

(c) the location where they are being held; and

(d) that the things may be returned in accordance with sections 37J and 37K; and

(e) the extent to which a person from whom a thing was seized, or the owner of the thing, has a right to have access to any document relating to the application for a search warrant; and

(f) information about the right to bring a claim that any privileged or confidential information has been seized.

Compare: 2003 No 12 s 136

Section 37G: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37H Duty to assist

Section 198B of the Summary Proceedings Act 1957 applies with any necessary modifications to warrants issued under section 37A.

Section 37H: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37I Power to inspect and take copies of documents, etc, obtained under warrant

The Secretary, or any person authorised by the Secretary for the purpose, may inspect and take copies of any documents or extracts from them obtained under a warrant.

Compare: 2003 No 12 s 138

Section 37I: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

37J Disposal of things seized

(1) In any proceedings for an offence relating to any thing seized under warrant, a court may order, either at the trial or hearing or on an application, that the thing be delivered to the person appearing to the court to be entitled to it, or that it be otherwise disposed of in any manner that the court thinks fit.

(2) Any constable may, at any time, unless an order has been made under subsection (1), return the thing to the person from whom it was seized, or apply to a Judge for an order for its disposal.

(3) An application under subsection (2) must be made on notice to any person known to have an interest in the thing.

(4) On an application under subsection (2), the Judge may make any order that a court may make under subsection (1).

(5) If proceedings for an offence relating to the thing are not brought within 3 months of seizure, any person claiming to be entitled to the thing may, after the expiry of that period, apply to a Judge for an order that it be delivered to him or her.

(6) On any such application, the Judge may—

(a) adjourn the application, on any terms that he or she thinks fit, for proceedings to be brought; or

(b) make any order that a court may make under subsection (1).

Compare: 2003 No 12 s 139

Section 37J: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37J(1): amended, on 23 December 2008, by section 12 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 37J(2): amended, on 1 October 2008, pursuant to section 116(a)(ii) of the Policing Act 2008 (2008 No 72).

37K Court order to be suspended on conviction

(1) If any person is convicted in any proceedings for an offence relating to any thing for which a warrant has been issued, and any order is made under section 37J, the operation of the order is suspended,—

(a) in any case, until the expiration of the time for the filing of a notice of appeal or an application for leave to appeal; and

(b) if a notice of appeal is filed within the time so prescribed, until the determination of the appeal; and

(c) if an application for leave to appeal is filed within the time so prescribed, until the application is determined, and, if leave to appeal is granted, until the determination of the appeal.

(2) If the operation of an order under section 37J is suspended until the determination of the appeal, the court determining the appeal may, by order, cancel or vary the order.

Compare: 2003 No 12 s 140

Section 37K: inserted, on 1 October 2008, by section 14 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

Section 37K heading: amended, on 23 December 2008, by section 13(1) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Section 37K(1): amended, on 23 December 2008, by section 13(2) of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Savings and transitional provisions

Heading: inserted, on 1 October 2008, by section 15 of the Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60).

38 Savings

After the commencement of this section, all regulations made under the Ministry of Energy Act 1977 and in force immediately before the commencement of this section, shall have effect as if they had been made under this Act and may be amended or revoked accordingly, and the repeal of the Ministry of Energy Act 1977 shall not affect the validity of those regulations or any amendment to those regulations.

39 Transitional provisions in relation to levies

Notwithstanding the repeal of the Ministry of Energy Act 1977 effected by this Act, any levies that are, immediately before the commencement of this section, payable to the Secretary of Energy, shall from the commencement of this section, become payable to the Secretary as if they were payable under this Act.

Schedule 1AA
Transitional, savings, and related provisions

s 1AAA

Schedule 1AA: inserted, on 1 July 2017, by section 16 of the Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27).

Part 1
Provisions relating to Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017

1 Provision in relation to Energy Efficiency and Conservation Authority consultation about request for appropriation

Section 14A applies to requests in respect of the financial year beginning 1 July 2018 and later financial years.

2 Provision in relation to gas levies

(1) Section 23 (as in force immediately before commencement) continues to apply in respect of piped gas sold in the 3-month period ending with 30 June 2017.

(2) A person, body, or gas retailer referred to in subsection (3) of section 23 (as in force immediately before commencement) remains liable to supply the Secretary, not later than 30 days after 30 June 2017, with the return and levy referred to in that subsection.

(3) In this clause, **commencement** means 1 July 2017.

Schedule 1
Enactments amended

s 5

Atomic Energy Act 1945 (1945 No 41) (RS Vol 1, p 189)
Amendment(s) incorporated in the Act(s).

Coal Mines Act 1979 (1979 No 21)
Amendment(s) incorporated in the Act(s).

Construction Act 1959 (1959 No 32) (RS Vol 23, p 227)
Amendment(s) incorporated in the Act(s).

Electric Linemen Act 1959 (1959 No 46) (Reprinted 1976, Vol 4, p 3445)
Amendment(s) incorporated in the Act(s).

Electric Power Boards Act 1925 (1925 No 38) (Reprinted 1976, Vol 4, p 3465)
Amendment(s) incorporated in the Act(s).

Electrical Registration Act 1979 (1979 No 139)
Amendment(s) incorporated in the Act(s).

Electrical Supply Authorities Association Act 1930 (1930 No 42) (Reprinted 1976, Vol 5, p 3569)
Amendment(s) incorporated in the Act(s).

Electricity Act 1968 (1968 No 125) (RS Vol 6, p 271)
Amendment(s) incorporated in the Act(s).

Energy Resources Levy Act 1976 (1976 No 71)
Amendment(s) incorporated in the Act(s).

Finance Act 1950 (1950 No 93) (RS Vol 11, p 387)
Amendment(s) incorporated in the Act(s).

Gas Act 1982 (1982 No 27)
Amendment(s) incorporated in the Act(s).

Geothermal Energy Act 1953 (1953 No 102) (Reprinted 1975, Vol 3, p 2019)
Amendment(s) incorporated in the Act(s).

International Energy Agreement Act 1976 (1976 No 155)
Amendment(s) incorporated in the Act(s).

Iron and Steel Industry Act 1959 (1959 No 100) (RS Vol 9, p 187)
Amendment(s) incorporated in the Act(s).

Manapouri-Te Anau Development Act 1963 (1963 No 23) (RS Vol 16, p 389)
Amendment(s) incorporated in the Act(s).

Mining Act 1971 (1971 No 25) (RS Vol 17, p 355)
Amendment(s) incorporated in the Act(s).

Official Information Amendment Act 1987 (1987 No 88)
Amendment(s) incorporated in the Act(s).

Petroleum Act 1937 (1937 No 27) (RS Vol 7, p 649)
Amendment(s) incorporated in the Act(s).

Petroleum Demand Restraint Act 1981 (1981 No 12)
Amendment(s) incorporated in the Act(s).

Plumbers, Gasfitters, and Drainlayers Act 1976 (1976 No 69)
Amendment(s) incorporated in the Act(s).

Public Finance Act 1989 (1989 No 44)
Amendment(s) incorporated in the Act(s).

Quarries and Tunnels Act 1982 (1982 No 18)
Amendment(s) incorporated in the Act(s).

Southland Electric Power Supply Act 1936 (1936 No 25) (RS Vol 11, p 381)
Amendment(s) incorporated in the Act(s).

Schedule 2
Repeals

s 6

Ministry of Energy Act 1977 (1977 No 33) (RS Vol 21, p 517)

Ministry of Energy Amendment Act 1981 (1981 No 78) (RS Vol 21, p 553)

Ministry of Energy Amendment Act 1983 (1983 No 81) (RS Vol 21, p 553)

Ministry of Energy Amendment Act 1985 (1985 No 196) (RS Vol 21, p 554)

Ministry of Energy Amendment Act 1987 (1987 No 97) (RS Vol 21, p 554)

Ministry of Energy Amendment Act 1988 (1988 No 134)

Ministry of Energy Amendment Act 1989 (1989 No 28)

Schedule 3
Consequential amendments to regulations

s 7(1)

Coal Mines (Electrical) Regulations 1980 (SR 1980/51)

Amendment(s) incorporated in the regulations.

Coal Mines (Opencast Coal Mines) Regulations 1986 (SR 1986/277)

Amendment(s) incorporated in the regulations.

Electrical Registration Regulations 1980 (SR 1980/225)

Amendment(s) incorporated in the regulations.

Electrical Supply Regulations 1984 (SR 1984/167)

Amendment(s) incorporated in the regulations.

Electrical Wiring Regulations 1976 (SR 1976/38)

Amendment(s) incorporated in the regulations.

Electrical Wiring Regulations 1976, Amendment No 1 (SR 1976/184)

Amendment(s) incorporated in the regulations.

Geothermal Energy Regulations 1961 (SR 1961/124)

Amendment(s) incorporated in the regulations.

Mining Regulations 1981 (SR 1981/347)

Amendment(s) incorporated in the regulations.

Mining (Safety) Regulations 1973 (SR 1973/82)

Amendment(s) incorporated in the regulations.

Ministry of Energy (Petroleum Products Specifications) Regulations 1988 (SR 1988/303)

Amendment(s) incorporated in the regulations.

Petroleum Regulations 1978 (SR 1978/255)

Amendment(s) incorporated in the regulations.

Quarries Regulations 1983 (SR 1983/39)

Amendment(s) incorporated in the regulations.

Tunnels Regulations 1983 (SR 1983/40)

Amendment(s) incorporated in the regulations.

Schedule 4
Orders revoked

s 8

Ministry of Energy Act Commencement Order 1978 (SR 1978/66)

Ministry of Energy Act Commencement Order (No 2) 1978 (SR 1978/83)

Schedule 5
Biofuel percentage

[Repealed]

s 34J

Schedule 5: repealed, on 23 December 2008, by section 14 of the Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110).

Notes

1 General

This is a consolidation of the Energy (Fuels, Levies, and References) Act 1989 that incorporates the amendments made to the legislation so that it shows the law as at its stated date.

2 Legal status

A consolidation is taken to correctly state, as at its stated date, the law enacted or made by the legislation consolidated and by the amendments. This presumption applies unless the contrary is shown.

Section 78 of the Legislation Act 2019 provides that this consolidation, published as an electronic version, is an official version. A printed version of legislation that is produced directly from this official electronic version is also an official version.

3 Editorial and format changes

The Parliamentary Counsel Office makes editorial and format changes to consolidations using the powers under subpart 2 of Part 3 of the Legislation Act 2019. See also PCO editorial conventions for consolidations.

4 Amendments incorporated in this consolidation

Energy (Fuels, Levies, and References) Amendment Act 2023 (2023 No 23)

Secondary Legislation Act 2021 (2021 No 7): section 3

Public Service Act 2020 (2020 No 40): section 135

Customs and Excise Act 2018 (2018 No 4): section 443(3)

Energy Innovation (Electric Vehicles and Other Matters) Amendment Act 2017 (2017 No 27): Part 2

District Court Act 2016 (2016 No 49): section 261

Legislation (Confirmable Instruments) Amendment Act 2015 (2015 No 120): section 14

Energy (Fuels, Levies, and References) Amendment Act 2015 (2015 No 2)

WorkSafe New Zealand Act 2013 (2013 No 94): section 22

Criminal Procedure Act 2011 (2011 No 81): section 413

Electricity Industry Act 2010 (2010 No 116): sections 158, 159

Customs and Excise Amendment Act 2009 (2009 No 61): section 11(4)

Energy (Fuels, Levies, and References) Biofuel Obligation Repeal Act 2008 (2008 No 110)

Policing Act 2008 (2008 No 72): section 116(a)(ii)

Energy (Fuels, Levies, and References) Amendment Act 2008 (2008 No 60)

Energy (Fuels, Levies, and References) Amendment Act 2007 (2007 No 54)

Ministry of Energy (Abolition) Amendment Act 2006 (2006 No 73)

Ministry of Energy (Abolition) Amendment Act 1999 (1999 No 40)

Ministry of Energy (Abolition) Amendment Act 1998 (1998 No 68)

Ministry of Energy (Abolition) Amendment Act 1997 (1997 No 50)

Electricity Act 1992 (1992 No 122): section 173(2)

Ministry of Energy (Abolition) Act Commencement Order 1990 (SR 1990/355)

Wellington, New Zealand:

Published under the authority of the New Zealand Government—2023