

Hon David Parker, Minister of Revenue

Information Release

Regular Dataset Collection from Payment Service Providers and Tax Administration (Regular Collection of Bulk Data) Regulations 2022

December 2022

Availability

This information release is available on Inland Revenue's tax policy website at <https://taxpolicy.ird.govt.nz/publications/2022/2022/ir-cab-dev-22-sub-0229>

Documents in this information release

#	Reference	Type	Title	Date
1	DEV-22-SUB-0229	Cabinet paper	Regular dataset collection from payment service providers	28 September 2022
2	RIS	Regulatory impact statement	Regular dataset collection from payment service providers	28 September 2022
3	DEV-22-MIN-0229	Minute	Regular dataset collection from payment service providers	28 September 2022
4	LEG-22-SUB-0185	Cabinet paper	Regular dataset collection from payment service providers	10 November 2022
5	LEG-22-MIN-0185	Minute	Tax Administration (Regular Collection of Bulk Data) Regulations 2022	10 November 2022

Additional information

Cabinet paper [DEV-22-SUB-0229] was considered by the Cabinet Economic Development Committee on 28 September 2022 and confirmed by Cabinet on 3 October 2022.

Cabinet paper [LEG-22-SUB-0185] was considered by the Cabinet Legislation Committee on 10 November 2022 and confirmed by Cabinet on 14 November 2022.

One attachment to the Cabinet paper is not included in this information release as it is publicly available:

- Order in Council: Tax Administration (Regular Collection of Bulk Data) Regulations 2022¹

Information withheld

Some parts of this information release would not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act). Where this is the case, the relevant sections of the Act that would apply are identified. Where information is withheld, no public interest was identified that would outweigh the reasons for withholding it.

Sections of the Act under which information was withheld:

- 9(2)(a) to protect the privacy of natural persons, including deceased people

¹ <https://www.legislation.govt.nz/regulation/public/2022/0295/latest/whole.html>

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In Confidence

Office of the Minister of Revenue
Chair, Cabinet Economic Development Committee

Regular dataset collection from payment service providers

Proposal

- 1 This paper seeks the Cabinet Economic Development Committee's agreement to the final policy recommendations in relation to the Order in Council for the Regular dataset collection from payment service providers.

Relation to Government Priorities

- 2 This proposal is part of the information collection and use workstream on the Government's current tax policy work programme. The efficient and effective collection and use of information helps to support voluntary compliance with tax obligations and ensures that compliance and administration costs are minimised. The proposal also supports wider Government priorities of minimising opportunities for avoidance and evasion.

Executive Summary

- 3 In this Cabinet paper, I am seeking agreement on the final policy recommendations in relation to the Order in Council for the Regular dataset collection from payment service providers (PSPs). Changes to the draft Order in Council will ensure the scheme works as intended and reduces the compliance costs to PSPs where appropriate.
- 4 The final policy recommendations are based on the feedback that was provided to Inland Revenue on the discussion document and the draft Order in Council that was released for consultation between 6 July 2021 and 20 August 2021 and the recommendations of officials.
- 5 If Cabinet agrees to these final policy recommendations, the appropriate amendments will be made to the draft Order in Council that was released for consultation. The final draft Order in Council will then be taken to the Cabinet Legislation Committee later in 2022.

Background

- 6 New legislation was enacted in 2019 to address the need for the regular dataset collection of large datasets. On 10 March 2021, Cabinet authorised the drafting of the Order in Council for the Regular dataset collection from payment service providers by Parliamentary Counsel Office and agreed to the release of a discussion document and the draft Order in Council for consultation (refer DEV-21-MIN-0020).
- 7 Consultation took place between 6 July 2021 and 20 August 2021 and officials have considered the feedback that was submitted. This paper outlines the final policy decisions that are recommended by officials to be made to the draft Order in Council that was prepared by Parliamentary Counsel Office for the consultation on the proposal.
- 8 It is expected that the Order in Council will come into force December 2022, but the first reporting period is set to commence on 1 April 2023.

Next steps

- 9 If Cabinet agrees with the recommendations in this paper, I will instruct the Parliamentary Counsel Office to make the appropriate amendments to the draft Order in Council for the Regular dataset collection from payment service providers.
- 10 A Cabinet paper will then be presented at the Cabinet Legislation Committee with the amended Order in Council which will then be sent to Cabinet for final approval.

Feedback from consultation and final policy recommendations

Income threshold of merchants

- 11 To reduce compliance costs for PSPs, it was initially proposed that reporting would only be required from PSPs on merchants whose income was below \$30 million. The \$30 million threshold falls in line with international requirements set by International Financial Reporting Standards (IFRS).
- 12 Feedback from consultation was that this threshold would increase the compliance costs of PSPs, with many of the submitters suggesting the threshold be removed. I recommend that the \$30 million threshold be removed as it will have the opposite impact on the compliance costs of PSPs than what was intended.

Format of the datasets reported to Inland Revenue

- 13 The datasets that PSPs are to provide to Inland Revenue can be in either a raw (for example, each transaction), or an aggregated (for example, total electronic sales), format. This was not specified in the draft Order in Council. The feedback from stakeholders was mixed regarding which format would reduce compliance costs of PSPs.

- 14 I recommend that PSPs must provide the outlined datasets in an aggregated format to Inland Revenue. Officials consider that the best way for Inland Revenue to receive the data is in an aggregate format as it reduces the costs involved to process and store the data.

Frequency of reporting the data to Inland Revenue

- 15 It was initially proposed that PSPs would be required to supply merchants' data every quarter, with the datasets being due to be reported to Inland Revenue 20 working days after the final day of the reporting period.
- 16 The general consensus from submitters was that supplying the data quarterly was too frequent and the due date of reporting the data to Inland Revenue 20 working days after the end of the reporting period was not enough time.
- 17 One benefit from the introduction of the regular dataset collection is early intervention such as education and identifying non-compliance earlier. To secure these, the datasets need to be provided soon enough for Inland Revenue to act on any potential non-compliance.
- 18 Australia has annual reporting requirements for PSPs, but officials consider that this will be too infrequent for Inland Revenue to effectively capture and act on any potential non-compliance. I recommend that the reporting period be six months and that the datasets are to be provided to Inland Revenue one month and seven days after the end of the reporting period.
- 19 I recommend that the six-monthly reporting periods align with the end of the financial year. The reporting periods should be 1 April to 30 September and 1 October to 31 March. The subsequent dates the datasets would be required to be reported to Inland Revenue is proposed to be 7 November and 7 May.

Application date of the Order in Council

- 20 I recommend that the application date of the Order in Council is 1 April 2023 with the first of the six-month datasets due to Inland Revenue on 7 November 2023. This should give PSPs enough time to amend their systems to collect and report the required datasets.
- 21 I recommend that the PSPs who require more time to amend their systems to collect and provide the datasets to Inland Revenue should be able to apply to the Commissioner for an extension to the first required reporting date of 7 November 2023. The PSP will need to provide adequate reasoning to why they require the extension.
- 22 Although an extension is available to the PSPs that absolutely need it, I recommend that all PSPs must comply with the 7 May 2024 reporting date as this should provide sufficient time for all PSPs to implement any necessary systems changes.

The supply of merchant identifying data by PSPs

- 23 It was proposed that PSPs would be required to report merchants' IRD numbers because this information is the best way for Inland Revenue to correctly identify merchants. Some of the submitters stated that the identification information of merchants is infrequently captured, and when it is captured, it may be incorrect.
- 24 I recommend that the IRD numbers and NZBN of merchants are to be reported by PSPs if they hold the information. However, there will be no sanctions imposed if the PSP does not hold this information or supplies incorrect information that has been provided to them by a merchant without their knowledge.

Definitions included in the Order in Council

- 25 The draft Order in Council currently includes definitions for merchant, payment, and payment service provider.
- 26 The proposed definition of a PSP was wide to allow for future changes in the market and the state of payment system technology. Submitters were concerned that the definition was too broad and ambiguous, which could lead to Inland Revenue receiving duplicate information when there is more than one PSP involved in the same transaction.
- 27 I recommend that the definition of a PSP should remain broad to account for future changes in the market and the state of payment system technology. To support PSPs, on the introduction of these rules, Inland Revenue will advise each PSP on whether they are required to report or not.
- 28 In response to feedback, it is suggested that inserting new and amending existing definitions in the draft Order will increase clarity and to ensure the scheme will work as intended. I recommend that amendments are made to the definitions of "merchant" and "payment" and that a definition of "acquirer" is added to the Order in Council.

Exemption of PSPs

- 29 The initial proposal allowed an exemption to be granted to a PSP who had subcontracted another PSP to undertake payments processing where the required information is held by the contracted provider. Submitters were concerned that the exemption provision was too ambiguous as it could refer to an exemption applying to a specific merchant rather than to a PSP or part of the PSPs business.
- 30 I recommend the exemption provision be amended to clearly reflect that it applies to all of or some of a PSP's business only and does not apply to specific merchants. I also recommend that the exemption should be applied for through a prescribed form and that the Commissioner may revoke and exemption at any time if there are changes in the payment system or the PSP's business.

Penalties that apply to non-compliance

- 31 It was initially proposed that criminal sanctions, ranging from fines to imprisonment, for failure to provide information would apply to PSPs compliance with the obligations in the Order in Council.
- 32 The feedback from submitters was that criminal penalties for non-compliance with reporting obligations was unduly harsh.
- 33 I recommend that the steps that Inland Revenue will take before criminal penalties are imposed on PSPs be clearly outlined in the Order in Council so PSPs have certainty of the process that will be taken before criminal penalties are considered or imposed.
- 34 These steps include:
 - 34.1 notify the payment service provider of the due date for the provision or the information; and
 - 34.2 communicate with the payment service provider to find out why the information has not been provided, and in particular if there are impediments delaying or preventing its provision; and
 - 34.3 advise the payment service provider of the consequences of not providing the information to the Commissioner.
- 35 I recommend that criminal sanctions should apply for the failure to provide information. However, on the enactment of the Order in Council, Inland Revenue will advise all existing PSPs whether they are required to report. New PSPs that enter the market will be able to ask Inland Revenue to confirm whether they are required to report, which should provide certainty to the PSPs.
- 36 Any substantial change to the penalties regime would require changes to primary legislation.

The publication of PSP's names

- 37 Originally, it was proposed that the names of the PSPs that were required to report were to be publicised. Submitters were concerned that the publication of names could potentially create unfair market competition, especially with international providers that are not captured by these reporting rules.
- 38 I recommend that the names of PSPs that will be captured under the reporting rules not be publicised.

Future information requests

- 39 Inland Revenue can request information under the proposed Order in Council and under existing production order powers under the *Tax Administration Act 1994* (TAA).

- 40 Submitters raised concerns that they may be required to provide the same information repeatedly to Inland Revenue, once as part of this PSP initiative, and as part of a production order issued by the Commissioner. The submitters sought assurance that production orders would not be used in the future for the same PSP information.
- 41 I recommend that Inland Revenue may continue to request information from PSPs using a production order as allowed under the TAA for any further information that is not captured under the Order in Council. To provide assurance to PSPs, Inland Revenue will provide an operational understanding that the information already collected under this Order in Council will not subsequently be requested under a production order under the TAA.

Who is required to report

- 42 If the PSP meets Inland Revenue's definition of being a third-party business who facilitates payment for goods and services between customers and merchants, they may be required to report. Inland Revenue wants to ensure that there is no double-up reporting of data, but also need to ensure that all merchant data is reported by a PSP.
- 43 I recommend that a PSP may apply to the Commissioner for an exemption from reporting the datasets required under the Order in Council. The PSP would need to provide evidence supporting their application that another PSP captures the same data and would be more suitable to report the required datasets. The Commissioner will determine whether the PSP will be captured under the Order in Council.
- 44 I recommend that if a PSP is the sole facilitator and data holder, they will be required to report the datasets holding the merchant's transactions to Inland Revenue.

Fiscal Implications

- 45 It is expected that the financial impacts of the implementation of this Order in Council to be fiscally neutral. This is because the implementation will simply change the legislative mechanism through which this information is collected.
- 46 The Order in Council is allowing for the regular collection of the datasets Inland Revenue currently collect on an ad hoc basis from some of the largest PSPs. This means the Order in Council is not collecting new datasets or facilitating the detection and collection of new revenue from the hidden economy.
- 47 From a previous production order request, as allowed under the TAA, Inland Revenue were able to collect datasets from some of the large PSPs. The information gathered from former measurement systems on the benefits from using PSP data showed better targeting of Inland Revenue resources, an increased strike rate (identifying non-compliant taxpayers), increased tax revenue for the Government of \$37.5M, a 20% reduction in staff hours being spent on each case, and an 11% increase on return on investment.

Legislative Implications

- 48 An Order in Council will be necessary to give effect to the regular collection of payment service provider data.

Impact Analysis

Regulatory Impact Assessment

- 49 The Quality Assurance panel at Inland Revenue has reviewed the *Regular dataset collection from payment service providers* Regulatory Impact Assessment prepared by Inland Revenue and considers that the information and analysis summarised in the Regulatory Impact Assessment **meets** the quality assurance criteria.

Climate Implications of Policy Assessment

- 50 The Ministry for the Environment has been consulted and confirms that the Climate Implications of Policy Assessment (CIPA) requirements do not apply to this proposal, as the threshold for significance is not met.

Population Implications

- 51 This proposal has no population implications.

Human Rights

- 52 I consider that the proposals contained in the discussion document are consistent with the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993.

Consultation

- 53 The Treasury and the Department of the Prime Minister and Cabinet have been consulted and agree with the contents of this paper.
- 54 The Parliamentary Counsel Office, the Office of the Privacy Commissioner and the Ministry of Business, Innovation and Employment were consulted on these issues.
- 55 A public discussion document was released for consultation alongside the draft Order in Council. Inland Revenue received responses from 12 stakeholders.

Communications

- 56 I will make an announcement on the enactment of the Order in Council advising that information can now be collected from payment service providers. Also, Inland Revenue will be releasing information on their website and will be engaging with affected payment service providers.

Proactive Release

- 57 I propose to proactively release this Cabinet paper, associated minutes, and key advice papers with appropriate redactions within 30 working days of Cabinet making final decisions.

Recommendations

I recommend that the Cabinet Economic Development Committee:

- 1 invite the Minister of Revenue to instruct the Parliamentary Counsel Office to make the appropriate amendments to the draft Order in Council.
- 2 agree that the reporting threshold of \$30 million be removed and that PSPs are required to report on the transactions of all merchants.
- 3 agree that PSPs must report the datasets on each merchant in an aggregated format to Inland Revenue.
- 4 agree that the reporting frequency is to be set at six-monthly periods of 1 April to 30 September and 1 October to 31 March.
- 5 agree that the due date for reporting the datasets to Inland Revenue be one month and seven days after the end of the reporting period being 7 November and 7 May.
- 6 agree that the application date of the Order in Council will be 1 April 2023 with the first datasets to be reported by PSPs to Inland Revenue by 7 November 2023.
- 7 agree that a PSP can apply for an extension to the Commissioner with sufficient reasoning to the first reporting date but must comply with the 7 May 2024 reporting date.
- 8 agree that if the PSP holds the specified merchant data, such as the IRD number, it must be provided to Inland Revenue.
- 9 note that sanctions will not be imposed if the PSP does not hold the merchant identifying information or supplies incorrect merchant identifying information that was provided to them by a merchant without their knowledge.
- 10 agree that the definition of PSP should remain broad.

- 11 agree that definitions in the Order in Council are amended or added to ensure the scheme works as intended.
- 12 agree that PSPs are required to apply for an exemption that applies to some of, or all of, the PSPs business using a form prescribed by the Commissioner.
- 13 agree that the Commissioner may revoke an exemption at any time.
- 14 note that criminal sanctions will be used as a last resort and will continue to apply to PSPs.
- 15 agree that the steps that will be taken by Inland Revenue before criminal sanctions are considered be clearly outlined in the Order in Council.
- 16 agree that Inland Revenue will advise all existing PSPs on whether they are required to report.
- 17 agree that the names of PSPs are not to be published.
- 18 note that Inland Revenue can use production orders under the TAA for any further information that is required from PSPs that is not captured under the repeat dataset collection.
- 19 agree that if the PSP is the sole facilitator and data holder, they will be required to report the datasets holding the merchant's transactions to Inland Revenue.
- 20 agree that a PSP can apply through a prescribed form for an exemption from the reporting requirements by providing sufficient evidence that another PSP is more suitable to provide the required datasets to the Commissioner.

Authorised for lodgement

Hon David Parker

Minister of Revenue

Regulatory Impact Statement: Regular dataset collection from payment service providers

Coversheet

Purpose of Document	
Decision sought:	Analysis produced for the purpose of informing: final Cabinet decisions on the collection of information from payment service providers on a recurrent basis.
Advising agencies:	Inland Revenue
Proposing Ministers:	Minister of Revenue
Date finalised:	29 July 2022
Problem Definition	
<p>Inland Revenue's ability to access good quality, accurate information is essential to the smooth running of the tax system. Inland Revenue currently cannot easily access information on merchants' sales on a regular basis to ensure merchants comply with their tax obligations. Previous limited information received regarding merchant sales in the hospitality industry has identified significant non-compliance.</p>	
Executive Summary	
<p>Prior to 2019, Inland Revenue's legislative information collection provision was not intended for repeat collection of the same information from the same person or organisation and therefore only infrequent information was collected. This constrained Inland Revenue's ability to collect information on merchant sales data to ensure merchants comply with their tax obligations. In 2019, legislative changes were made to enable Inland Revenue to collect information on an ongoing basis from groups of entities. In order to collect information, the legislation requires an Order in Council be promulgated outlining what information is required and which groups of entities are required to report this information.</p> <p>To date, Inland Revenue's access to information held by payment service providers (PSPs) has only occurred in relation to some PSPs. It has also been sporadic, and enabled only one sector's compliance to be verified, namely the hospitality industry. This has resulted in an inconsistent approach to compliance and information being requested only from some PSPs and not a wider group.</p> <p>The preferred option should:</p> <ul style="list-style-type: none"> • Provide the ability for Inland Revenue to access information on an ongoing basis to ensure merchant compliance • Remove any perceived competitive disadvantage for PSPs who comply with the information request. <p>The preferred option is to use the new information gathering power to collect aggregated merchant sales information from a wider group of PSPs on an ongoing basis (option 2).</p>	

Limitations and Constraints on Analysis

Legislation was introduced in 2019 to enable the collection of bulk datasets by way of regulation. A Regulatory Impact Statement (RIS) [Making Tax Simpler: Proposals for modernising the Tax Administration Act – collection, use and disclosure of information](#) was developed at that time and dealt with the policy and legislative options for the collection of bulk datasets. Whether or not Inland Revenue should generally be able to collect bulk information from third parties is therefore not part of this RIS. This RIS is focussed on the specific collection of information from PSPs.

This RIS deals with a proposal to collect merchant sales data from Payment Service Providers (PSPs) through an Order in Council under the enabling legislation. This has limited the options outlined in this RIS to either the status quo of not collecting information and the other two proposals to collect merchant sales information from PSPs.

The proposed collection of data from PSPs is evaluated against a set of criteria and objectives. These are outlined in this RIS.

Responsible Manager(s) (completed by relevant manager)

s 9(2)(a)

Carolyn Elliott

Policy Lead

Policy and Regulatory Stewardship

Inland Revenue

29 July 2022

Quality Assurance (completed by QA panel)

Reviewing Agency:	Inland Revenue
Panel Assessment & Comment:	The Quality Assurance Panel at Inland Revenue has reviewed the Regulatory Impact Assessment Regular dataset collection from payment service providers, prepared by Inland Revenue, and considers that the information and analysis summarised in the Regulatory Impact Assessment meets the quality assurance criteria.

Section 1: Diagnosing the policy problem

What is the context behind the policy problem and how is the status quo expected to develop?

Electronic payments have grown exponentially in New Zealand, and it is now the main payment mechanism for merchants selling goods and services. All electronic transactions flow through the hands of PSPs who facilitate these electronic transactions between merchants and their customers. Therefore, PSPs are a good source of information to assist Inland Revenue to identify whether merchants are complying with their obligations or whether merchants need assistance in order to comply with their tax obligations. Macro analysis of this information is also used in research and to inform policy. Access to this information will contribute to the effective administration and ensure the integrity of the tax system.

Previously Inland Revenue could only practically access information from a small number of PSPs using the information gathering power in the Tax Administration Act 1994. This information gathering power provided for one-off requests to PSPs but not ongoing provision of information. The data collected related to approximately 16,000 merchants in the hospitality industry. This data identified 1,825 high risk merchants which were investigated and resulted in 1,200 merchants being assessed for under reporting their income for both Income tax and GST.

The information gathered from former measurement systems on the benefits from using PSP data showed better targeting of Inland Revenue resources, an increased strike rate (identifying non-compliant taxpayers), increased tax revenue for the Government of \$37.5M, a 20% reduction in staff hours being spent on each case, and an 11% increase on return on investment.

What is the policy problem or opportunity?

Inland Revenue's ability to access good quality, accurate information is essential to the smooth running of the tax system. Such information allows Inland Revenue to see whether the correct amount of tax has been paid and provide quicker, simpler, and more accurate services to taxpayers.

Unlike taxpayers who have tax deducted at source, such as employees or recipients of interest income, merchants who sell goods and services receive income prior to it being taxed. This gives them the ability to decide whether to declare this income for tax purposes.

Also, information obtained from a small number of PSPs in the past on a subset of merchants has demonstrated non-compliance by some merchants and this is expected to be the case when compliance by all merchants is checked.

The policy problem is that information is not collected on all merchants in a consistent and ongoing basis to enable Inland Revenue to ensure compliance by all merchants. The opportunity is that accessing this information would increase the integrity of the tax system by ensuring merchants comply with their obligations and increased perception of fairness and equity between taxpayers.

Inland Revenue considers there are around 50 organisations in the financial service market providing services to an estimated 180,000 merchants.

What objectives are sought in relation to the policy problem?

The objective is to protect the integrity of the tax system by identifying merchants who are not complying with their tax obligations as well as identifying merchants who need assistance to enable them to comply.

Section 2: Deciding upon an option to address the policy problem

What criteria will be used to compare options to the status quo?

The criteria used to assess the proposal to collect information against the status quo are as follows:

- Administration costs – the effort required to administer the proposal should be kept to a minimum to maximise the benefits to the Government.
- Compliance costs – The costs in complying with this intervention for PSPs and merchants should be kept to a minimum.
- Fairness or equity – all taxpayers should comply with their tax obligations. Those businesses who do not comply enjoy a competitive advantage over those businesses who do.
- Integrity of the tax system or perceptions of integrity – Inland Revenue should have access to information necessary to ensure taxpayer compliance and taxpayers are incentivised to voluntarily comply with their obligations.

In general, these criteria work together and do not require significant trade-offs. However, the criterion of integrity, as defined in section 6 of the Tax Administration Act, includes the “rights of taxpayers to have their affairs kept confidential”. When it comes to exceptions to confidentiality,

including information sharing, there is an inherent trade-off between confidentiality and fairness or equity. It should be noted however, particularly in relation to disclosures for tax-related purposes, that the statutory concept of integrity also includes the responsibility of taxpayers to comply with the law.

What scope will options be considered within?

The existing legislative settings provide the scope that the options will be considered within. These settings enable Inland Revenue to collect information more regularly from groups of people by way of a regulation.

What options are being considered?

There are three options being considered in this RIS. The first is the status quo of not collecting the information. The other two options are to collect merchant sales information from PSPs by way of a regulation either collecting aggregated merchant data (option 2) or raw merchant data (option 3).

Not all PSPs will be required to report as some of their information is held by other associated PSPs and some do not provide the services that this policy is targeting, for example, those who provide software services to PSPs. Inland Revenue will be discussing with PSPs what services they provide and therefore whether they will be required to report on or not.

Consultation was undertaken with the industry and other interested parties on the detailed features of the proposals to collect information from PSPs. Those who submitted on the discussion document generally wanted changes to the proposal to reduce the compliance costs that PSPs would face. Officials consider that most of the changes suggested by submitters would reduce compliance costs while ensuring the objective is met. These include removing the threshold on which merchants need to be reported on, extending the reporting period, and filing date, clarifying the exemption process and the definitions. Appendix 1 outlines the feedback from submitters and officials' response to the issues raised.

The following table compares the three options against the criteria and provides an overall assessment of the options.

Criteria	Status quo	Collection of aggregated merchant data from PSPs	Collection of raw merchant data from PSPs
Administration costs	There are some administrative costs for Inland Revenue in trying to identify non-compliant merchants and in issuing ad hoc information requests to some PSPs -	Administration costs of processing and analysing information increase - Reduction in current costs of identifying non-compliant merchants + Overall assessment is neutral	Receiving a very large number of transactions for all merchants in NZ would impose high administration costs in storing and using the information and poses risks to Inland Revenue's IT systems. -
Compliance costs	No additional compliance costs +	Compliance costs are imposed on PSPs (-) For those PSPs that favoured the collection of aggregated data, compliance costs would be kept to a minimum. (+) For those PSPs that favoured the collection of raw data, compliance costs would not be reduced. (-) Overall assessment is (-)	Collection costs are imposed on PSPs. (-) For those PSPs that favoured the collection of raw data, compliance costs would be kept to a minimum. (+) Other PSPs that favour the collection of aggregated data, compliance costs would not be reduced. (-) Overall assessment is (-)
Fairness and Equity	Compliant merchants face higher costs (Revenue and compliance) than non-compliant merchants. -	Greater merchant compliance increases actual and perceived fairness and equity of the tax system. Collecting information on all merchants and from a wider group of PSPs will increase perceptions of fairness and equity +	Greater merchant compliance increases actual and perceived fairness and equity. +
Integrity of the tax system	Undermines the integrity of the tax system Pressure on other sources of revenue to provide funds for public services -	Improved merchant compliance improves the integrity of the tax system +	Improved merchant compliance improves the integrity of the tax system +
Overall score	--	+	Neutral

What option is likely to best address the problem, meet the policy objectives, and deliver the highest net benefits?

The proposal to collect aggregate merchant sales information from PSPs, option 2, is the preferred option. It achieves the objective of increased compliance with tax obligations, whilst the incorporation of a lot of the suggestions from submitters during the consultation process should keep compliance costs for PSPs to a minimum.

What are the marginal costs and benefits of the option?

The preferred option for improved compliance by businesses improves tax revenue collected, increases the fairness and equity of the tax system, and contributes to maintaining the integrity of the tax system.

The preferred option will impose some compliance costs on PSPs. PSPs have not given an indication of the quantum of these costs, and this was not unexpected as these costs are commercially sensitive. PSPs may pass these costs onto merchants by way of increased charges. However, in Inland Revenue's consultations with the industry on the features of the proposal, many of the suggested changes proposed by submitters to reduce compliance costs have been included in the design of the proposal and this should keep compliance costs to a minimum.

Although the administration costs of processing and the evaluation of merchant information will increase, the existing administrative costs associated with identifying struggling or non-compliant merchants is likely to reduce.

Benefits of proposal to PSP

Levels the playing field which increases fairness: information will be collected from a greater number of PSPs thereby increasing fairness. Due to legislative constraints and resource demands in the past, information was only requested from a small number of PSPs, resulting in unequal obligations across the industry and potentially placing reporting PSPs at a competitive disadvantage.

Certainty of legal authority which reduces compliance costs: The proposed regulation will provide greater detail and certainty to PSPs around what information is required, the due date for reporting information, and the format for providing the information to Inland Revenue. Certainty enables PSPs to automate what used to be an ad hoc manual reporting process, thereby reducing compliance costs.

Benefits to the tax system

Obtaining data and having the ability to analyse it more regularly benefits both Inland Revenue and merchants. It allows Inland Revenue to identify and provide support to merchants earlier where they are at risk of non-compliance. It also allows Inland Revenue to identify and understand the signs/triggers of non-compliant behaviour so that it can develop effective solutions more easily.

There should be positive effects on merchants' compliance as they understand how the changes will close opportunities for under-reporting.

Inland Revenue will benefit from a more extensive and timelier source of data to support its role of administering the Revenue Acts and protecting the integrity of the tax system.

The public will benefit through improved tax compliance. More of the tax collected that should be increases the Government's options to improve public services for New Zealanders and reduces the pressure on other parts of the tax system to fund these public services.

Examples of the benefits of the proposed collection of merchant sales information for both merchants and the integrity of the tax system were included in the [discussion document](#)

What are the marginal costs and benefits of the preferred option (Option 2).

Affected groups (identify)	Comment <i>nature of cost or benefit (eg, ongoing, one-off), evidence and assumption (eg, compliance rates), risks.</i>	Impact <i>\$m present value where appropriate, for monetised impacts; high, medium or low for non-monetised impacts.</i>	Evidence Certainty <i>High, medium, or low, and explain reasoning in comment column.</i>
Additional costs of the preferred option compared to taking no action			
Regulated groups (Payment Service Providers)	<p>PSPs have not given an indication of the quantum of these costs. This is not unexpected as they are commercially sensitive. These costs will be ongoing.</p> <p>Feedback from consultation with PSPs has been incorporated into the design of the proposal to keep compliance costs to a minimum.</p>	<p>Low</p> <p>Low</p>	Low
Regulators (Inland Revenue)	<p><u>Implementation</u> Cost of system and process changes.</p> <p><u>Ongoing</u> Costs of processing and evaluating merchant information will increase costs. However, these costs will be reduced by savings in the costs of identifying non-compliant merchants and enabling better targeting of compliance interventions.</p>	<p>Low. This cost will be absorbed as part of baseline costs.</p> <p>Low. This cost will be absorbed as part of baseline costs.</p>	<p>High</p> <p>High</p>
Others (Merchants)	Information will be obtained from PSPs. Merchants will not be required to provide any more information than they are required to provide now.	Low	Medium.

	However, costs may increase for non-compliant merchants due to penalties imposed, thereby removing the current competitive advantage they have over compliant merchants.		
Total monetised costs		N/A	N/A
Non-monetised costs		Low	Medium
Additional benefits of the preferred option compared to taking no action			
Regulated groups (Payment Service Providers)	All PSPs will be subject to the same reporting requirements which increases equity and removes any perceived market disadvantage. The change would also provide certainty of obligations and requirements. Previous ad hoc requests did not provide certainty of obligations and allow for costs to be reduced by automation.	Low Low	Medium, as raised by submitters in submissions. Medium, as raised by submitters in their submissions.
Regulators (Inland Revenue)	Better use of resources by moving from identifying non-compliance to assisting merchants to get it right from the start.	Low	High
Others (Merchants)	Assisting merchants to comply with their obligations will reduce the costs of Inland Revenue imposed sanctions and use of money interest for merchants.	Low	Medium
(Tax system)	Electronic transaction data provides visibility of businesses that are potentially unregistered and/or operating	Medium	High information gathered from former measurement

	<p>outside the tax system. It also improves verification of reported GST taxable supplies. Increased compliance by businesses improves the fairness and equity of the tax system and relieves the pressure elsewhere in the tax system to collect the revenue required by the Government.</p> <p>Previous evidence from obtaining information from PSPs shows benefits to the tax system.</p>		<p>systems on the benefits from using PSP information showed a 20% reduction in audit case hours, an 11% increase in audit return on investment and overall increase of \$37.5M in revenue.</p>
Total monetised benefits		N/A	N/A
Non-monetised benefits		Low	Medium

Section 3: Delivering an option

How will the new arrangements be implemented?

Consultation with PSPs

The outcome from consultation with PSPs will be considered by Ministers prior to the proposal being considered by Cabinet. The issues raised and officials' responses are outlined in appendix 1.

Feedback from submitters was that to assist them to comply with their obligations PSPs would like certainty on whether they would be required to report. Officials agree and propose that submitters be able to seek clarification from Inland Revenue on whether they are required to report.

Submitters felt that the imposition of only criminal penalties for a PSPs non-compliance with reporting obligations was harsh. Instead, they suggested that either the legislation be amended to provide for both civil and criminal sanctions or provide clarity on when criminal sanctions would be applied. Additionally, submitters stated that PSPs should not be penalised for inaccurate information provided by the merchant that was subsequently reported to Inland Revenue.

Other taxpayers who do not comply with tax obligations may face criminal penalties. The ability to alter the tax penalties regime to also impose civil penalties on PSPs would require changes to primary legislation and involves a fundamental review of how non-compliance by taxpayers is penalised and is not considered further in this RIS.

However, Inland Revenue's existing administrative practice and processes around penalising non-compliance generally reserves criminal penalties for the most serious cases of non-compliance. Communicating this administrative practice when implementing the collection proposal should address submitters' concerns. Officials are also considering whether the Order in Council could be amended to outline this practice and processes.

Regulation

The Tax Administration Act enables regulations to be enacted specifying a person or class of person who are required to provide information for tax administration purposes. If Ministers agree with the preferred proposal, a regulation will be enacted to provide for the collection of information. The

regulation will also specify the type of information requested, the reporting method, the frequency of collection, and the form the information is required in.

Implementing the proposal

An Inland Revenue manager is responsible for this proposal and has a project team currently in place to develop and deliver the implementation of the proposed regulation. As well as the policy process, there are several streams of work that need to be undertaken:

- (1) Engagement with the PSPs,
- (2) Data specifications and requirements,
- (3) Ingesting the data,
- (4) Matching and analysis of the data,
- (5) Insights and use of the data to inform interventions,
- (6) Ongoing operational and compliance support.

The areas within Inland Revenue that have responsibility to deliver the above streams of work are part of the project. Once implemented these streams of work will become part of each area's business as usual work. For example, the data matching will be part of the existing data matching programme and the engagement with PSPs will be incorporated into the external relationship area to manage. The insights gained from collecting this information will inform and be used in the compliance programme.

Managing the external data will follow Inland Revenue's existing processes.

The Inland Revenue manager responsible for delivering this stream of work and the technical specialists have oversight of the project and are responsible for it being implemented and then utilised.

How will the new arrangements be monitored, evaluated, and reviewed?

This data and insights will inform a stream of work sitting within the compliance programme. The data on merchant sales will be a significant source of information and insights that will be used to support the achievement of the vision for addressing income suppression. There will be a lead person with responsibility and oversight, with a planned approach for utilising this data and information. Both the business owner and the lead person will have oversight of monitoring the regulation, ensuring compliance with it, and ultimately seeking an evaluation of the outcomes being achieved with the use of the data.

Appendix 1 the outcome of consultation with PSPs and other submitters and officials' responses.

Proposed	Feedback from submitters	Officials recommend
Threshold It was proposed that reporting would be required on merchants whose income was below \$30m.	There was an overwhelming amount of feedback from submitters that the threshold would create compliance costs in identifying which merchants to report on.	To remove the threshold, therefore requiring PSPs to report on the transactions of all merchants.
Data Merchant data provided to Inland Revenue is either raw (each transaction) or aggregated.	There was a mixed response from submitters as to which option would reduce compliance costs. Some submitters consider it is easier to provide the raw data to IR or that the raw data would enable Inland Revenue to identify duplicate information which it receives from two PSPs.	Aggregate data is currently the best way for Inland Revenue to receive data due to the costs involved with processing and storing raw data. In identifying which PSPs are required to report, consideration is given to reducing duplicate information. Officials recommend that PSPs provide aggregate data on each merchant to Inland Revenue.
Frequency of reporting Data to be provided to Inland Revenue every 3 months.	There was overwhelming feedback from submitters for the frequency to be extended to reduce compliance costs.	Although Australia has annual reporting, officials recommend 6-monthly reporting to maximise benefits from early intervention initiatives. For example, education and assistance initiatives as well as identifying non-compliance earlier. The 6-monthly reporting periods would be 1 April to 30 September and 1 October to 31 March to align with the end of the tax year.
Due date for reporting Due date to be 20 working days following the end of the reporting period.	Some submitters wanted more time to file the information after the reporting period.	There is a trade-off between providing more time for PSPs to report and Inland Revenue being able to act on the information sooner. Officials recommend moving the due date for reporting to a month and seven days from the end of the reporting period, namely, 7 November and 7 May.
Merchant identifying data A merchant's IRD number is required to identify the merchant.	Submitters commented that merchant IRD numbers were infrequently captured and could not be relied on to be correct.	Merchant IRD numbers or NZBN remain the best way to correctly identify merchants. Officials recommend that PSPs be required to provide merchant IRD number/NZBN where the information is available. No

		<p>sanction will apply if information is not provided or is incorrect.</p> <p>PSPs will be encouraged to capture and supply the IRD number/NZBN.</p>
<p>Publication of PSPs' names</p> <p>Inland Revenue to publish the names of those PSPs required to report and the types of information reported.</p>	<p>Submitters were concerned that publication could create unfair market competition, especially with international providers who are not captured by these rules.</p>	<p>Officials agree that the names of PSPs should not be published.</p> <p>Note that the publication of the types of information being reported is set out in the regulation and no further publication is necessary.</p>
<p>Definition of PSP</p> <p>The current definition of a PSP is wide to take account of market and technology changes in the future.</p>	<p>Submitters were concerned that the definition is too broad and ambiguous, and Inland Revenue would receive duplicate information where multiple PSPs are involved in the same transaction. Also, submitters wanted certainty regarding whether a PSP is required to report or not.</p>	<p>Officials recommend that the definition of a PSP remain broad to cater for future changes in the payments industry.</p> <p>Also, if requested, Inland Revenue will confirm whether a PSP is required to report as well as notifying those PSPs that are exempt from the reporting requirements. This should reduce duplication of information where multiple PSPs are involved in the same transaction and provide certainty to PSPs of their obligations.</p>
<p>Exemption of PSPs</p> <p>PSPs be exempt from requirement to provide information about a merchant if the information is gathered by another PSP.</p>	<p>Submitters suggested that the current exemption provision is ambiguous as it could refer to an exemption applying to a specific merchant rather than to a PSP or part of the PSPs business.</p>	<p>Officials agree and recommend that the exemption provision be amended so that the exemption applies to a PSP only and not to certain merchants. The exemption can apply to all or some of the PSP's business.</p> <p>Officials also recommend that the exemption application should be on a prescribed form to ensure all the relevant information is provided to the Commissioner to assist in deciding whether to exempt a PSP.</p> <p>The Commissioner may revoke an exemption at any time if there are changes in payments system or with the PSP's business.</p>
<p>Penalties that apply to non-compliance.</p> <p>The standard penalties regime applies to PSPs compliance</p>	<p>Submitters felt that criminal penalties being imposed on PSPs for non-compliance with reporting obligations was harsh.</p>	<p>Officials consider that criminal penalties would apply to PSP non-compliance. A criminal sanction would only be imposed as a last</p>

<p>with the obligations in the regulation.</p>	<p>They wanted certainty on whether they were required to report.</p> <p>Also, PSPs should not be penalised for inaccurate information provided by the merchant that was subsequently reported to Inland Revenue.</p>	<p>resort when all other avenues have been exhausted or where the severity of the offence warrants it.</p> <p>Also, on commencement of the regulation, all existing PSPs will be advised whether they are required to report. New PSPs will be able to ask Inland Revenue to confirm whether they are required to report. This should provide certainty.</p> <p>Where merchant information is available PSPs are required to report that information. However, PSPs will not be penalised for reporting inaccurate information that was provided to them by a merchant.</p>
<p>Future information requests</p> <p>Inland Revenue can request information under the proposed regulation and under existing production order section 17B of the Tax Administration Act 1994.</p>	<p>Submitters raised concerns that they may be required to provide the same information repeatedly to Inland Revenue, once as part of this PSP initiative, and as part of a production order issued by the Commissioner. Submitters sought assurance that production orders would not be used in the future for the same PSP information.</p>	<p>Inland Revenue will provide an operational understanding to PSPs that information already requested under the regulation will not subsequently be requested under a production order.</p> <p>However, Inland Revenue may need further information than provided under this Order and therefore a production order may be used.</p>
<p>Definitions</p> <p>The regulation defines a merchant, and a payment service provider.</p>	<p>Submitters and officials have suggested inserting new or amending existing definitions in the Order to ensure the scheme will work as intended.</p>	<p>Officials recommend minor changes to the definitions for clarity.</p>



Cabinet Economic Development Committee

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

Regular Dataset Collection from Payment Service Providers

Portfolio	Revenue
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On 28 September 2022, the Cabinet Economic Development Committee (DEV):

Background

1 **noted** that on 10 March 2021, DEV:

- 1.1 agreed that the regular collection of information from payment service providers be provided for by way of an Order in Council under the Tax Administration Act 1994;
- 1.2 agreed to the release of a discussion document and draft Order in Council that would give effect to the above proposal;
- 1.3 invited the Minister of Revenue to report back on the outcome of consultation and with final recommendations;

[DEV-21-MIN-0020]

Proposed changes

- 2 **agreed** that the reporting threshold of \$30 million be removed and that payment service providers be required to report on the transactions of all merchants;
- 3 **agreed** that payment service providers must report the datasets on each merchant in an aggregated format to Inland Revenue;
- 4 **agreed** that the reporting frequency is to be set at six-monthly periods of 1 April to 30 September, and 1 October to 31 March;
- 5 **agreed** that the due date for reporting the datasets to Inland Revenue be one month and seven days after the end of the reporting period, being 7 November and 7 May;
- 6 **agreed** that the application date of the Order in Council be 1 April 2023, with the first datasets to be reported by payment service providers to Inland Revenue by 7 November 2023;
- 7 **agreed** that a payment service provider can apply for an extension to the Commissioner of Inland Revenue (the Commissioner) with sufficient reasoning to the first reporting date, but must comply with the 7 May 2024 reporting date;

- 8 **agreed** that if the payment service provider holds the specified merchant data, such as the IRD number, it must be provided to Inland Revenue;
- 9 **noted** that sanctions will not be imposed if the payment service provider does not hold the merchant identifying information or supplies incorrect merchant identifying information that was provided to them by a merchant without their knowledge;
- 10 **agreed** that the definition of payment service provider should remain broad;
- 11 **agreed** that definitions in the Order in Council be amended or added to ensure the scheme works as intended;
- 12 **agreed** that payment service providers be required to apply for an exemption that applies to some, or all, of the payment service provider's business using a form prescribed by the Commissioner;
- 13 **agreed** that the Commissioner may revoke an exemption at any time;
- 14 **noted** that criminal sanctions will be used as a last resort and will continue to apply to payment service providers;
- 15 **agreed** that the steps that will be taken by Inland Revenue before criminal sanctions are considered be clearly outlined in the Order in Council;
- 16 **agreed** that Inland Revenue will advise all existing payment service providers on whether they are required to report;
- 17 **agreed** that the names of payment service providers are not to be published;
- 18 **noted** that Inland Revenue can use production orders under the Tax Administration Act 1994 for any further information that is required from payment service providers that is not captured under the repeat dataset collection;
- 19 **agreed** that if the payment service provider is the sole facilitator and data holder, they will be required to report the datasets holding the merchant's transactions to Inland Revenue;
- 20 **agreed** that a payment service provider can apply through a prescribed form for an exemption from the reporting requirements by providing sufficient evidence that another payment service provider is more suitable to provide the required datasets to the Commissioner;

Legislative implications

- 21 **invited** the Minister of Revenue to issue drafting instructions to the Parliamentary Counsel Office to give effect to the above paragraphs.

Janine Harvey
Committee Secretary

Distribution: (see over)

Present:

Hon Grant Robertson (Chair)
Hon David Parker
Hon Michael Wood
Hon Kiri Allan
Hon Dr Ayesha Verrall
Hon Priyanca Radhakrishnan
Hon Meka Whaitiri
Hon Phil Twyford
Hon Kieran McAnulty
Rino Tirikatene, MP
Dr Deborah Russell, MP

Officials present from:

Office of the Prime Minister
Officials Committee for DEV

In Confidence

Office of the Minister of Revenue
Chair, Cabinet Legislation Committee

REGULAR DATASET COLLECTION FROM PAYMENT SERVICE PROVIDERS (LEGISLATIVE APPROVAL)

Proposal

- 1 This paper seeks the Cabinet Legislation Committee's agreement to submit the Tax Administration (Regular Collection of Bulk Data) Regulations 2022 to the Executive Council.
- 2 The Order in Council will allow for the regular collection of datasets from payment service providers.

Policy

- 3 Inland Revenue has been periodically collecting large datasets on merchant sales data from a few major payment service providers operating in New Zealand for risk analysis and to facilitate taxpayer compliance. There were concerns that the legislation granting the power for this dataset collection was not intended to allow repeat collection of datasets.
- 4 In 2019, new legislation was enacted to address the need for the regular collection of large datasets. On 10 March 2021, Cabinet authorised the drafting of the Order in Council for the regular dataset collection from payment service providers by Parliamentary Counsel Office and agreed to the release of a discussion document and the draft Order in Council for consultation (DEV-21-MIN-0020 refers).
- 5 The Order will enable Inland Revenue to collect datasets from payment service providers on a regular basis. The datasets consist of aggregated data of merchants' sales and are used to detect non-compliance including hidden economy activity. The datasets are used for risk analysis and to ensure compliance through education, marketing and targeted campaigns including investigation of high-risk cases. Macro-analysis of this information is also used in research and to inform policy.
- 6 Consultation took place between 6 July 2021 and 20 August 2021 with feedback received from 12 stakeholders (including the Privacy Commissioner). Final policy recommendations were made by officials based on this feedback with attempts to reduce the compliance costs for payment service providers where appropriate.

- 7 On 28 September 2022, the Cabinet Economic Development Committee (DEV-22-MIN-0229 refers):
 - 7.1 invited the Minister of Revenue to instruct the Parliamentary Counsel Office to make the appropriate amendments to the draft Order in Council; and
 - 7.2 agreed to all recommended final policy changes to be made to the draft Order in Council.
- 8 The Parliamentary Counsel Office have amended the draft Order in Council that was released for consultation with the final policy changes.
- 9 This paper seeks authorisation to submit the Order in Council to Cabinet and the Executive Council.

Financial Implications

- 10 It is expected that the financial impacts of the implementation of this Order in Council will be fiscally neutral. This is because the implementation only changes the legislative mechanism through which this information is collected.

Timing and 28-Day Rule

- 11 I propose that the Tax Administration (Regular Collection of Bulk Data) Regulations 2022 applies 28 days after the gazetting date. The Order would then be made in accordance with the rule that a regulation must not come into force, until at least 28 days after the public have been notified in the New Zealand Gazette.

Compliance

- 12 The Order complies with:
 - 12.1 the principles of the Treaty of Waitangi;
 - 12.2 the rights and freedoms contained in the New Zealand Bill of Rights Act 1990 and the Human Rights Act 1993;
 - 12.3 the principles and guidelines set out in the Privacy Act 2020;
 - 12.4 relevant international standards and obligations; and
 - 12.5 the Legislation Guidelines, which are maintained by the Legislation Design and Advisory Committee.
- 13 Section 17L of the *Tax Administration Act 1994* (TAA) provides the ability to make regulations that authorise the Commissioner to collect bulk information in the form of datasets, if the collection of the information is considered necessary or relevant for a purpose relating to the administration or enforcement of a matter.

- 14 I consider that the proposed Order in Council meets the requirements of section 17L of the TAA because the efficient and effective collection and use of information helps to support voluntary compliance with tax obligations. The regulations also ensure that compliance and administration costs are minimised. The proposal will also minimise the opportunities for avoidance and evasion.
- 15 The quantity of information that will be collected under this Order is no more than necessary for the administration of the Inland Revenue Acts. The information that will be collected will not impinge on the privacy of individuals as no individual transaction data will be collected, only aggregated data of all merchant sales within a monthly timeframe.
- 16 Consultation has taken place in accordance with the *Tax Administration Act 1994* including consultation with the Office of the Privacy Commissioner.

Regulations Review Committee

- 17 There are no anticipated grounds for the Regulations Review Committee to draw the Order to the attention of the House.

Certification by Parliamentary Counsel

- 18 The Parliamentary Counsel Office has certified that the Order in Council is in order for submission to Cabinet.

Impact Analysis

- 19 The Quality Assurance panel at Inland Revenue has reviewed the *Regular dataset collection from payment service providers* Regulatory Impact Assessment (RIA) prepared by Inland Revenue and considers that the information and analysis summarised in the Regulatory Impact Assessment meets the quality assurance criteria.

Communications

- 20 I will make an announcement on the enactment of the Order in Council advising that information can now be collected from payment service providers.
- 21 Inland Revenue will update their website to outline the details of the Order in Council and its application. The update will outline how a PSP can apply for an exemption from the reporting requirements that are outlined in the Order.
- 22 Inland Revenue will also publish an article about these changes in its *Tax Information Bulletin* following enactment and will be engaging with affected payment service providers.

Proactive Release

- 23 I propose to proactively release this Cabinet paper, associated minutes, and key advice papers with appropriate redactions within 30 working days of Cabinet making final decisions.

Consultation

- 24 The Treasury, the Parliamentary Counsel Office, and the Department of the Prime Minister and Cabinet have been informed of the contents of this paper.

Recommendations

I recommend that the Cabinet Legislation Committee:

- 1 **note** that on 28 September 2022 the Cabinet Economic Development Committee (DEV-22-MIN-0229 refers):
 - 1.1 **agreed** to the final policy changes to be made to the draft Order in Council;
 - 1.2 **invited** the Minister of Revenue to instruct the Parliamentary Counsel Office to amend the draft Order in Council to align with the final policy decisions that had been agreed to by the Committee.
- 2 **note** that the requirements for making the regulation in the Tax Administration Act 1994 have been met.
- 3 **authorise** the submission to the Executive Council of the Tax Administration (Regular Collection of Bulk Data) Regulations 2022.
- 4 **note** that this Order in Council will come into force 28 days after the Order is notified in the Gazette.

Authorised for lodgement

Hon David Parker

Minister of Revenue



Cabinet Legislation Committee

Minute of Decision

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Tax Administration (Regular Collection of Bulk Data) Regulations 2022

Portfolio	Revenue
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On 10 November 2022, the Cabinet Legislation Committee:

- 1 **noted** that in September 2022, the Cabinet Economic Development Committee:
 - 1.1 agreed to the final policy changes to be included in an Order in Council under the Tax Administration Act 1994, to facilitate Inland Revenue's (IRD) regular collection of merchant sales datasets from major service payment providers;
 - 1.2 invited the Minister of Revenue to instruct the Parliamentary Counsel Office to amend the draft Order in Council to align with the final policy decisions that had been agreed to by the Committee;
- [DEV-22-MIN-0229]
- 2 **noted** that the Tax Administration (Regular Collection of Bulk Data) Regulations 2022 (the Regulations) gives effect to the decisions above;
 - 3 **noted** that the requirements for making regulations under the Tax Administration Act 1994 have been met;
 - 4 **authorised** the submission to the Executive Council of the Tax Administration (Regular Collection of Bulk Data) Regulations 2022 [PCO 23665/8.0];
 - 5 **noted** that the Regulations come into force 28 days after being notified in the Gazette.

Rebecca Davies
Committee Secretary

Present:

Hon Megan Woods
Hon Chris Hipkins (Chair)
Hon Andrew Little
Hon David Parker
Hon Nanaia Mahuta
Hon Michael Wood
Hon Kiri Allan
Hon Dr David Clark
Hon Priyanka Radhakrishnan
Hon Kieran McAnulty
Dr Duncan Webb, MP

Officials present from:

Office of the Prime Minister
Officials Committee for LEG