

Short-Form Supplementary Departmental Disclosure Statement

Resource Management (Freshwater and Other Matters) Amendment Bill

A short form supplementary disclosure statement for proposed government amendments to a Bill seeks to bring together in one place some selected information to support and enhance the Parliamentary and public scrutiny of those proposed amendments.

It highlights certain significant powers or features in the proposed amendments that might be of particular Parliamentary or public interest and warrant an explanation.

It provides a limited supplement to the original disclosure statement for the Resource Management (Freshwater and Other Matters) Amendment Bill, dated 14 May 2024 which can be found at this link:

<http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=47>

This supplementary disclosure statement was prepared by the Ministry for the Environment.

The Ministry for the Environment certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

18/09/2024

Significant Legislative Features

Offences, penalties and court jurisdictions

1. Do the proposed amendments create, amend, or remove:	
(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalties)?	NO
(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?	NO

1.1. Was the Ministry of Justice consulted about these provisions?	YES
The Ministry of Justice was consulted and confirmed that no significant human rights implications appear to be created by the proposed amendments to the Bill.	

Privacy issues

2. Do the proposed amendments create, amend, or remove any provisions relating to the collection storage, access to, correction of, use or disclosure of personal information?	NO

Compulsory acquisition of private property

3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?	NO

Charges in the nature of a tax

4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

Retrospective effect

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	NO

Strict liability or reversal of the burden of proof for offences

6. Do the proposed amendments:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for any offence or civil pecuniary penalty proceeding?	NO

Civil or criminal immunity

7. Do the proposed amendments create or amend a civil or criminal immunity for any person?	NO

Significant decision-making powers

8. Do the proposed amendments create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

Powers to make delegated legislation

9. Do the proposed amendments create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	YES
<p>This amendment paper enables Part 9A of the RMA to be 'switched off' by Order in Council (a form of delegated legislation).</p> <p>Currently Part 9A of the RMA does not allow for the Order in Council which applies Part 9A (Freshwater Farm Plan Regulations) to an area to be amended or removed once the Order in Council has commenced. Part 9A has already been applied in several areas.</p> <p>This power is required to ensure that farmers and growers in areas where Part 9A already applies are not unduly disadvantaged while changes to regulatory requirements made under Part 9A are underway.</p> <p>Before recommending the use of this power, the Minister for the Environment needs to be satisfied that the regulations are no longer necessary to achieve the purpose of Part 9A of the RMA in the specified district, regions, or part of New Zealand and to consult with the Minister for Agriculture.</p> <p>The power can also only be used to 'switch off' the application of Part 9A of the RMA – it can not be used to make more people subject to regulatory requirements under Part 9A.</p>	

10. Do the proposed amendments create or amend any other powers to make delegated legislation?	NO
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Any other unusual provisions or features

11. Do the proposed amendments contain any provisions (other than those noted above) that are unusual or call for special comment?	YES
<p>Along with creating a power to cease the application of Part 9A in regions where it applies due to an Order in Council, this amendment paper also provides that Part 9A ceases to apply in the areas in the Order in Council. The purpose of this is to achieve the "switching off" of the Part in the most efficient way possible, via legislation, rather than by using an Order in Council (a second instrument).</p>	