

Supplementary Departmental Disclosure Statement

Local Government (Water Services Preliminary Arrangements) 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 Local Government (Water Services Preliminary Arrangements) Bill, dated 15 May 2024, which can be found at this link <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=52>

This supplementary disclosure statement was prepared by the Department of Internal Affairs.

The Department of Internal Affairs certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

28 May 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

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
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Compulsory acquisition of private property

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

5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?	NO
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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
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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
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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>The proposed amendments contain a provision that authorises the repeal of the new sections 138A, 138(3A) and (3B) in the Water Services Act 2021 through an Order in Council. New sections 138(3A) and (3B) require Taumata Arowai to disapply the hierarchy of obligations of the National Policy Statement for Freshwater Management (NPS-FM) when making wastewater environmental performance standards.</p> <p>The power enables the sections to be repealed if the Minister for the Environment recommends replacing, reviewing, changing or revoking the NPS-FM. It is appropriate to do so through an Order in Council because the amendments are intended to be temporary and to provide a transition to an updated NPS-FM. The power to repeal by Order in Council is an efficient way to realign the Water Services Act 2021 with an updated NPS-FM under the Resource Management Act 1991 for consistency.</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?	NO
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