

# Supplementary Departmental Disclosure Statement

---

|  |
|--|
| Local Government (Water Services) 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) Bill, dated 10 December 2024, which can be found at this link

<http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2024&no=108>

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 July 2025.

## Significant Legislative Features

The amendment paper contains an addition in the nature of a tax that requires disclosure.

### Offences, penalties and court jurisdictions

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

### Privacy issues

|   |           |
|---|-----------|
| <b>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?</b> | <b>NO</b> |
|---|-----------|

### Compulsory acquisition of private property

|  |           |
|--|-----------|
| <b>3. Do the proposed amendments contain any provisions that could result in the compulsory acquisition of private property?</b> | <b>NO</b> |
|--|-----------|

### Charges in the nature of a tax

|   |            |
|---|------------|
| <b>4. Do the proposed amendments create or amend a power to impose a fee, levy or charge in the nature of a tax?</b>  | <b>YES</b> |
| <p>In May 2025, Cabinet agreed to enable the Water Services Authority (the Authority) to shift to a majority levies-funded model. The Water Services (Levies on Water Services) Regulations 2025 came into force on 1 July 2025, but did not include a penalties regime for late payment. The power for levy regulations to provide for a penalty was added to the Bill during the select committee process, but not a provision to amend the regulations themselves to add a penalty for late payments.</p> <p>The new provision amends the regulations to provide for the Authority to charge penalties for late payments at five percent of the value of the invoice. The Chief Executive of the Authority may waive or refund levies.</p> |            |

### Retrospective effect

|   |           |
|---|-----------|
| <b>5. Do the proposed amendments affect rights, freedoms, or impose obligations, retrospectively?</b> | <b>NO</b> |
|---|-----------|

### Strict liability or reversal of the burden of proof for offences

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

### 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? | NO |
|--|----|

|  |    |
|--|----|
| 10. Do the proposed amendments create or amend any other powers to make delegated legislation? | NO |
|--|----|

### 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 |
|--|----|