

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.

17/10/2024

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?	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

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?	YES
The proposed amendment restricts all regional councils' ability to notify freshwater planning instruments for a short period retrospectively from 22 October 2024	

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>The amendment restricts Regional Councils' ability to notify freshwater plans prior to the notification of a replacement National Policy Statement for Freshwater Management.</p> <p>Alongside this, the amendment creates an exemption regime, where certain freshwater plans can be exempted from the restriction created by the amendment at the discretion of the Minister for the Environment, with the following associated decision making criteria:</p> <p>if the plan or policy is:</p> <ul style="list-style-type: none">• required to progress flood protection or remediation or to prevent or mitigate natural hazard risk; or• required to address unintended consequences, unforeseen implications, or unworkable or inefficient plan provisions; or• required to address changes to national direction or the RMA [from Royal Assent of the Bill until the restriction ceases]• relates to the provision, operation or maintenance of regionally or nationally significant infrastructure, including large hydroelectric power schemes; or• required for the provision, operation or maintenance of municipal drinking water, stormwater or wastewater; or• required to progress housing development; or• required to give effect to Treaty Settlement obligations; or• required for any other reason the Minister deems appropriate.	
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