

Short-Form Supplementary Departmental Disclosure Statement

Point England Development Enabling 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 Point England Development Enabling Bill, dated 21 October 2016, which can be found at this link <http://disclosure.legislation.govt.nz/assets/disclosures/bill-government-2016-223.pdf>

This supplementary disclosure statement was prepared by the Ministry of Business, Innovation and Employment.

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

17 May 2017

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

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?	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?	YES
<p>The Supplementary Order Paper (SOP) deems the reserve management plan for the Point England Reserve to include –</p> <ul style="list-style-type: none"> - a prohibition on farming or grazing, and - a requirement that a minimum specified area of sports fields be provided. <p>These deemed terms must remain in the reserve management plan for 10 years from the date the Act commences. The Auckland Council is then required to amend its reserve management plan for the Point England Reserve, in accordance with the Reserves Act, to both prohibit farming and grazing and to provide for at least 5.3 hectares sports fields, increasing to 8.4 hectares in time.</p> <p>These amendments are unusual in that, although the Crown through the Minister of Conservation has certain powers under the Reserves Act 1977, and can oversee certain administering body decisions, these deemed conditions are subject specific and are being done through primary legislation.</p> <p><i>Purpose of grazing prohibition provisions</i></p> <p>The Reserves Act 1977 permits grazing on recreation reserves. However, the Bill enables 11.69 hectares of the Point England Reserve to be developed for housing. This increases the importance of the approximately 18 hectares of the reserve currently grazed by cattle and horses. The purpose of the amendment is to make the grazed part of the reserve more available for passive recreation by the local community. Apart from these new requirements on Auckland Council, interests in or affecting the remaining reserve land are not affected.</p>	

Purpose of sports fields provisions

The Reserves Act 1977 provides for administering bodies to prescribe activities such as games or sports on recreation reserves. The current reserve management plan provides for sports fields on the reserve but does not specify an area. 8.4 hectares of the Point England Reserve are currently maintained as sports fields. The Bill reduces the area on the reserve currently used for sports fields by enabling 3.1 hectares to be developed for housing.

The requirement for Auckland Council to provide, in time, at least 8.4 hectares of sports fields will require the creation of 3.1 hectares of new sports fields area. This responds to public submissions on the Bill about the importance of Point England Reserve for sports.

Implementation

The grazing prohibition and the sports fields' requirements are deemed terms of the current reserve management plan. The Council may then amend or review its plan under the Reserves Act 1977, including seeking public input on the plan, but these terms must remain for 10 years. Following that period, Auckland Council will be able to review or revise its plan without constraint.