

House of Representatives

Amendment Paper

Local Government (Water Services Preliminary Arrangements) Bill

Proposed amendment

Hon Simeon Brown, in Committee, to move the following amendment:

New Part 5

After *clause 99* (page 53, after line 25), insert:

Part 5

Amendments to Water Services Act 2021

100 Principal Act

Sections 101 and 102 amend the Water Services Act 2021.

101 Section 138 amended (Wastewater environmental performance standards)

After section 138(3), insert:

(3A) When making wastewater environmental performance standards under this section, Taumata Arowai must not have regard to the hierarchy of obligations in clause 1.3(5) of the National Policy Statement for Freshwater Management.

(3B) **Subsection (3A)** applies despite any other provision of this Act.

102 New section 138A inserted (Repeal of provisions relating to National Policy Statement for Freshwater Management)

After section 138, insert:

138A Repeal of provisions relating to National Policy Statement for Freshwater Management

- (1) The Governor-General may, by Order in Council, on the recommendation of the Minister, repeal **section 138(3A) and (3B)** and this section.
- (2) The Minister may make a recommendation under **subsection (1)** only when the Minister for the Environment—
 - (a) recommends the approval of a new national policy statement under section 52 of the Resource Management Act 1991 to replace the National Policy Statement for Freshwater Management; or
 - (b) reviews, changes, or revokes the National Policy Statement for Freshwater Management under section 53(1) of the Resource Management Act 1991.
- (3) An Order in Council made under this section is secondary legislation (*see* Part 3 of the Legislation Act 2019 for publication requirements).

Explanatory note

This Amendment Paper inserts *new Part 5* into the Local Government (Water Services Preliminary Arrangements) Bill (the **Bill**).

New Part 5 of the Bill makes 2 amendments to the Water Services Act 2021 (the **principal Act**).

The first amendment is to insert *new subsections (3A) and (3B)* into section 138 of the principal Act. Section 138 of the principal Act authorises Taumata Arowai to make wastewater environmental performance standards. Section 14 of the principal Act requires Taumata Arowai, when making those standards, to give effect to Te Mana o te Wai (as that term is defined in that Act) to the extent that it applies. *New section 138(3A) and (3B)* provides that, when making wastewater environmental performance standards, Taumata Arowai must not have regard to the hierarchy of obligations contained in Te Mana o te Wai.

The second amendment is to insert *new section 138A* into the principal Act. *New section 138A* authorises the Governor-General to make an Order in Council to repeal *new sections 138(3A) and (3B) and 138A* on the recommendation of the Minister responsible for the administration of the principal Act. The Minister may make a recommendation only when the Minister for the Environment recommends either replacing the National Policy Statement for Freshwater Management 2020 (under section 52 of the Resource Management Act 1991) or reviewing, changing, or revoking that national policy statement (under section 53(1) of the Resource Management Act 1991).

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Amendment Paper. The disclosure statement provides access to information about any material policy changes to the Bill and identifies any new significant or unusual legislative features of the Bill as amended.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=ap&subtype=government&year=2024&no=41>.

Regulatory impact statement

No regulatory impact statement (**RIS**) was prepared specifically for the matters in this Amendment Paper. However, a RIS was prepared on 3 April 2024 for related changes to the National Policy Statement for Freshwater Management 2020, which is available at <https://environment.govt.nz/assets/publications/regulatory-impact-statement-for-freshwater-rm-amendment-bill.pdf>