

# House of Representatives

# Supplementary Order Paper

Wednesday, 1 July 2020

## COVID-19 Recovery (Fast-track Consenting) Bill

### *Proposed amendments*

Hon David Parker, in Committee, to move the following amendments:

#### *Clause 20*

In *clause 20(3)(n)*, after “local authority” (page 16, line 31), insert “or the EPA”.

#### *Clause 29*

In *clause 29(4)*, after “carried out” (page 22, line 19), insert “at”.

#### *Schedule 1*

In *Schedule 1, clause 1(2A)(d)* (page 27, line 1), replace “than” with “that”.

#### *Schedule 2*

In *Schedule 2*, item LP06, fifth column, after “Sawmill Road” (page 33), insert “, Queenstown”.

In *Schedule 2*, item LP07, third column, replace “Makaurau” (page 34) with “Makaurau”.

In *Schedule 2*, item LP15, third column, after “New Zealand Transport Agency” (page 35), insert “;”.

In *Schedule 2*, item LP16, third column, replace “Northland Regional Council” (page 36) with “Te Tai Tokerau Water Trust”.

In *Schedule 2*, item LP16, fourth column, after “drinking water for Kaikohe” (page 36), insert “involving” and after “earthworks” delete “and”.

#### *Schedule 4*

In the *Schedule 4 heading*, replace “**ss 28(5), 30**” (page 40, line 4) with “**ss 12, 29, 30, 31, 32, 34**”.

Proposed amendments to

SOP No 533

COVID-19 Recovery (Fast-track Consenting) Bill

---

In *Schedule 4, clause 15(3)*, replace “work on the related existing bridge” (page 49, lines 21 and 22) with “works”.

*Schedule 5*

In *Schedule 5*, replace *clause 3(2)(a)* (page 59, lines 28 and 29) with:

- (a) 1 person nominated by the relevant local authorities; and

In *Schedule 5, clause 3(2)(b)*, replace “as the representative of” (page 59, line 30) with “by”.

In *Schedule 5, clause 5(2)(a)*, replace “it” (page 61, line 13) with “they”.

In *Schedule 5, clause 7*, replace “**clause 11**” (page 61, line 30) with “**clause 10**”.

In *Schedule 5, clause 14(2)(c)*, replace “**clause 12**” (page 64, line 10) with “**clause 12(2)**”.

*Schedule 6*

In the *Schedule 6 heading*, before “**13, 15,**” (page 66, line 4), insert “**12,**”.

In *Schedule 6*, after *clause 5(1)(a)* (page 70, after line 11), insert:

- (ab) in relation to a consent application for a coastal permit to undertake an aquaculture activity, to the Director-General of the Ministry for Primary Industries; and

In *Schedule 6*, delete *clause 17(6)(b)* (page 79, line 33).

In *Schedule 6, clause 20(5)*, after “decision” (page 82, line 29) delete “frame”.

In *Schedule 6*, after *clause 20(6)* (page 82, after line 38), insert:

- (6A) Section 4 of the Commissions of Inquiry Act 1908 (which gives powers to maintain order) applies to any hearing conducted by a panel under this Act.
- (6B) A panel may receive as evidence any statement, document, information, or matter that in its opinion may assist it to deal effectively with a consent application or notice of requirement, whether or not it would be admissible in a court of law.
- (6C) A panel may, in its discretion, make an order that prohibits or restricts the publication or other means of communication of information supplied to the panel or obtained by it in the course of a hearing.
- (6D) **Subclause (6C)** applies whether or not the information is material to determining a consent application or notice of requirement if there would be good reason to withhold the information under section 6 or 7 of the Local Government Official Information and Meetings Act 1987.

in *Schedule 6, clause 22(5)*, after “**(4)**” (page 85, line 22), insert “**or (4A)**”.

In *Schedule 6*, after *clause 23(3)(b)* (page 86, after line 16), insert:

- (ba) in relation to a consent application for a coastal permit to undertake an aquaculture activity, the Director-General of the Ministry for Primary Industries; and

In *Schedule 6, clause 35(3)*, after “scale” (page 97, line 19), insert “or nature”.

In *Schedule 6, clause 37*, insert as *new subclause (2)* (page 98, after line 34):

- (2) **Subclause (1)** does not provide an exception to the time frames that apply under **clause 35**.

### Explanatory note

This Supplementary Order Paper proposes amendments to the COVID-19 Recovery (Fast-track Consenting) Bill.

*Clause 20(3)(n)* is amended to reflect the fact that the EPA has powers to take compliance and enforcement actions.

*Clause 29(4)* is amended to correct a typographical error.

In *Schedule 1, clause 1(2A)(d)* is amended to correct a typographical error.

*Schedule 2* is amended to better identify, in LP06, the location of the proposed activity, to correct a typographical error in LP07, and in respect of LP15, to insert punctuation between the 2 authorised entities. In respect of LP16, the name of the authorised person or entity to undertake a project is corrected to Te Tai Tokerau Water Trust, and minor technical changes are made in the fourth column of LP16.

In the *Schedule 4* heading, further cross-references are included.

In *Schedule 4*, a technical amendment is made to *clause 15(3)* to reflect that a temporary bridge may be needed in the context of work on infrastructure other than work to replace a bridge (for example, work on a culvert).

*Schedule 5, clause 3(2)(b)* is amended to clarify that the panel member is nominated by the relevant iwi authorities, consistently with nomination by local authorities; and *clause 7 and 14* of that schedule are amended to correct cross-references.

The *Schedule 6* heading is amended to add a further cross-reference, and *clause 5(1)* is amended to insert a new paragraph requiring the Director-General of the Ministry for Primary Industries to be notified if an application relates to undertaking an aquaculture activity.

*Clause 17(6)* of *Schedule 6* is amended to delete *paragraph (b)* as it is repeated in *paragraph (c)* of that subclause.

*Schedule 6, clause 20* is amended to correct a typographical error and to include further matters relevant to the conduct of a hearing by a panel, if a hearing is held. The new provisions provide for the following powers of a panel:

- the power to maintain order, as provided for by section 4 of the Commissions of Inquiry Act 1908; and
- the power to receive evidence, even if that evidence would not be admissible in a court of law; and

**Proposed amendments to**

SOP No 533

**COVID-19 Recovery (Fast-track Consenting) Bill**

---

- the power by order of the court to prohibit or restrict the publication (or other means of communication) of information if there is good reason for withholding that information under section 6 or 7 of the Local Government Official Information and Meetings Act 1987.

*Schedule 6, clause 22(5)* is amended to include a further relevant cross-reference.

*Schedule 6, clause 23(3)* is amended to ensure that the Director-General of the Ministry for Primary Industries is notified of the decision of a panel.

In *Schedule 6, clause 35(3)* is amended to provide that the nature of a project, as well as its scale, may justify the extension of the time within which a panel must issue a decision.

*New clause 37(2) of Schedule 6* clarifies that the ability to issue a decision in stages under *subclause (1)* does not enable an extension of the time frames specified in *clause 35*.

**Departmental disclosure statement**

The Ministry for the Environment considers that a departmental disclosure statement is not required to be prepared for this Supplementary Order Paper.