

# House of Representatives

# Supplementary Order Paper

**Tuesday, 22 November 2022**

## **Water Services Entities Bill**

### *Proposed amendments*

Hon Eugenie Sage, in Committee, to move the following amendments:

#### *Clause 6*

In *clause 6*, delete the definition of **green stormwater infrastructure** (page 16, lines 11 to 16).

In *clause 6*, delete the definition of **overland flow path** (page 16, lines 38 and 39).

In *clause 6*, delete the definition of **stormwater network** (page 17, lines 13 to 19).

In *clause 6*, in the definition of **water services**, replace “, wastewater, and stormwater” (page 18, lines 16 and 17) with “and wastewater”.

In *clause 6*, in the definition of **water services infrastructure**,—

- (a) in *paragraph (b)(ii)*, replace “.” (page 18, line 25) with “; and”;
- (b) delete *paragraph (b)(iii)* (page 18, line 26).

#### *Clause 145*

In *clause 145(2)(e)*, replace “, wastewater, and stormwater” (page 79, lines 12 and 13) with “and wastewater”.

In *clause 145(3)(c)(i)*, replace “, wastewater, and stormwater” (page 79, lines 23 and 24) with “and wastewater”.

#### *Clause 158*

In *clause 158(1)(d)*, replace “, wastewater, and stormwater” (page 86, line 22) with “and wastewater”.

In *clause 158(2)(a)*, replace “, wastewater, and stormwater” (page 86, lines 31 and 32) with “and wastewater”.

*Clause 196*

In *clause 196(3)*, after *paragraph (f)* (page 108, after line 35), insert:

- (fa) whether stormwater networks should be brought within the coverage of water services legislation:

In *clause 196*, replace *subclause 4* (page 109, lines 1 to 4) with:

- (4) Before commissioning the review required by this section, the Minister must consult—
  - (a) any other Ministers of the Crown (for example, any whose portfolio responsibilities are affected by or relevant to the review) that the Minister thinks fit; and
  - (b) the territorial authority owners of water services entities.

In *clause 196*, after *subclause (4)* (page 109, after line 4), insert:

- (5) In this section and **section 199**, **stormwater networks** means the infrastructure or processes used to collect, treat, drain, store, reuse, or discharge stormwater in an urban area.

*Clause 199*

In *clause 199(2)(e)(ii)*, replace “.” (page 109, line 30) with “:”.

In *clause 199(2)*, after *paragraph (e)* (page 109, after line 25), insert:

- (f) for a review undertaken under **section 196**, a recommendation on whether any of the legislation should be amended to include stormwater networks within their coverage.

In *clause 199(3)*, after “are consulted,” (page 109, line 32), insert “including territorial, unitary, and regional authorities,”.

*Schedule 1*

In *Schedule 1, Part 1, clause 1*, in the definition of **infrastructure assets**, *paragraph (ab)*, replace “, wastewater networks, and stormwater networks” (page 123, line 35) with “and wastewater networks”.

*Schedule 5*

In *Schedule 5*, in *new Part 6* of Schedule 1AA of the Local Government Act 2022, *new clause 24*, in the definition of **water services bylaw**,—

- (a) in *paragraph (b)*, replace “.” (page 163, line 8) with “:”;
- (b) delete *paragraph (c)* (page 163, line 9).

**Explanatory note**

This Supplementary Order Paper amends the Water Services Entities Bill (**the Bill**). It would ensure that the Bill does not apply to stormwater and only applies to drinking and wastewater until a comprehensive review of the water services legislation is

done. *Clause 196* of the Bill provides for this comprehensive review nine years after the establishment date for the entities, with the reviewer providing a report and recommendations, including whether the legislation should be amended. The Supplementary Order Paper would require the review to consider whether stormwater networks should be brought within the coverage of the water services legislation. This would mean that the management of often complex stormwater systems that involve not only pipes but overland flow paths, parks, reserves, and roads remains with territorial authorities and unitary councils, alongside land-use management and other responsibilities. The water services entities would be established with responsibility for two waters—drinking water and wastewater—unless and until the legislation was changed by Government after a formal review.

This Supplementary Order Paper also requires the Minister to consult with territorial authorities before commissioning the review, and the reviewer to consult with local authorities in undertaking the review.