

**To** Zeisha Flavell, Kaipara District Council

**21 May 2021**

**From** Sam Hart, Solicitor and Jonathan Salter, Partner

**Subject** Legislative changes from 1 April 2020 to 31 March 2021

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1. You have requested Simpson Grierson to provide a list of all legislative changes that are or may be of relevance to Kaipara District Council (**Council**) from 1 April 2020 to 31 March 2021 inclusive.
2. The table at **Appendix 1** sets out this work. It is limited to changes that specifically affect the Council, rather than changes that apply to a much wider audience (such as changes to employment law or health and safety law, or general Covid-19 legislation).
3. Over relevant period, some legislative amendments were temporarily in place due to Covid-19 and have since self-repealed. We set these amendments out separately in **Appendix 2**.

Key	
Major change	<span style="color: red;">■</span>
Minor change	<span style="color: orange;">■</span>
Nominal change	<span style="color: green;">■</span>

**Appendix 1: Legislative changes relevant or potentially relevant to Kaipara District Council  
1 April 2020 – 31 March 2021**

DATE	NEW / AMENDING LEGISLATION	AMENDED LEGISLATION	CHANGE	WHAT THE CHANGE MEANS
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Rating Valuations Act 1988</a>	Section 9 amended	<p>While normally a district valuation roll must be revised at least every three years, the Valuer-General may exempt the Council from meeting this requirement at the request of the chief executive.</p> <p>The Valuer-General must first be satisfied that the Council is unlikely or is not reasonably able to revise its district valuation roll due to either:</p> <ul style="list-style-type: none"> <li>- The practicality of carrying out physical inspections; or</li> <li>- the availability and reliability of market evidence or other information that the Valuer-General may require.</li> </ul> <p>The revaluation date must be agreed by the chief executive and be not later than 1 year after the original due date.</p> <p><b>This section self-repeals on 30 June 2021.</b></p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a> <a href="#">Freedom Camping Act 2011</a>	Temporarily changes the default date for which a bylaw is revoked	<p>Prior to the amendment, a bylaw would be revoked 2 years after the last date that review should have occurred.</p> <p>Now a bylaw is now revoked on the later of:</p>

		<a href="#">Waste Minimisation Act 2008</a>		<ul style="list-style-type: none"> <li>- the date that is 2 years after the last date on which the bylaw should have been reviewed; and</li> <li>- 30 June 2021.</li> </ul> <p><b>These amendments self-repeals on 1 July 2021.</b></p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Resource Management Act 1991</a>	Enables hearings to be conducted remotely.	<p>Enables a hearing or part of a hearing under the RMA to be conducted using remote access facilities.</p> <p>The authority conducting the hearing must first consider that a remote hearing is appropriate and fair, and that the necessary facilities are available.</p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Electoral Act 2001</a>	Permits adjournment of electoral process and polling	<p>The Governor-General may adjourn specific dates and events in respect of both elections for extraordinary vacancies and local election polls. The Minister must first recommend such action.</p> <p>For extraordinary vacancies, the chief executive may defer giving notice of the vacancy to the relevant electoral officer in certain circumstances.</p> <p><b>This amendment is revoked when the Epidemic Preparedness (COVID-19) Notice 2020 expires or is revoked.<sup>1</sup></b></p>
13 May 2020	<a href="#">COVID-19 Public Health Response Act 2020</a>	<a href="#">Civil Defence Emergency Management Act 2002</a>	Amends circumstances in which a state of local emergency can be declared, and circumstances for local transition periods	<p>In respect of Covid-19, ministerial approval must be obtained prior to:</p> <ul style="list-style-type: none"> <li>- declaring a state of local emergency; and</li> <li>- giving a notice of local transition period in respect of a state of emergency.</li> </ul>

<sup>1</sup> The Notice must be renewed every 3 months to stop it from expiring. The last renewal was on 21 March 2021.

		<b>This amendment self-repeals when the COVID-19 Public Health Response Act 2020 repeals.<sup>2</sup></b>		
30 June 2020	<a href="#">Resource Management Amendment Act 2020</a>	<a href="#">Resource Management Act 1991</a>	Makes various amendments to the Resource Management Act 1991	<p>While the Amendment Act makes several changes to the RMA, two key changes are:</p> <ul style="list-style-type: none"> <li>- The EPA may initiate its own RMA investigations, assist councils with their RMA investigations, and intervene in RMA cases to become the lead agency of an investigation and subsequent enforcement actions.</li> <li>- A new freshwater planning process is created. While freshwater planning is the function of regional and unitary authorities, the Council is likely to have an interest, and may want to engage in this new process.</li> </ul>
7 August 2020	<a href="#">Infrastructure Funding and Financing Act 2020 (IFF Act)</a>		IFF Act comes into force	<p>Provides an off-balance sheet solution for the funding and financing of local infrastructure.</p> <p>The IFF Act provides for a project company to be able to collect a multi-year levy (with the approval of the Crown and relevant local authority) from the beneficiaries of infrastructure and raise debt on the strength of the levy cashflow.</p>
7 August 2020	<a href="#">IFF Act</a>	<a href="#">Local Government Act 2002</a> ; <a href="#">Local Government</a>	Makes various consequential amendments to these statutes	<p>The main consequential amendments are:</p> <ul style="list-style-type: none"> <li>- the Council can require development contributions in respect of project under the IFF Act;</li> </ul>

<sup>2</sup> The House of Representatives resolved that the COVID-19 Public Health Response Act 2020 would be repealed on 31 December 2021. This period may be extended by further resolution.

	<p><a href="#">Official Information and Meetings Act 1987;</a></p> <p><a href="#">Local Government (Rating) Act 2002;</a></p> <p><a href="#">Public Works Act 1981</a></p>		<ul style="list-style-type: none"> <li>- a Land Information Memoranda must now include certain levy information under the IFF Act;</li> <li>- unpaid levies under the IFF Act may be recovered by local authorities;</li> <li>- certain land may be acquired under the Public Works Act 1981 for a project under the IFF Act.</li> </ul>
1 December 2020	<a href="#">Privacy Act 2020</a>	The Privacy Act 2020 comes into force and the Privacy Act 1993 is repealed	<p>Key changes from the 1993 Act include:</p> <ul style="list-style-type: none"> <li>- the introduction of a mandatory notification regime for privacy breaches;</li> <li>- enhanced powers for the Privacy Commissioner, notably the introduction of a new compliance notice regime;</li> <li>- while most of the information privacy principles (IPPs) remain substantively the same, there is a new IPP governing the disclosure of personal information outside New Zealand (including information stored in the cloud) and some amendments to some of the other IPPs; and</li> <li>- there are some refinements to the process for responding to individuals' requests for their personal information.</li> </ul>
2 March 2021	<p><a href="#">Local Electoral (Maori Wards and Maori</a></p> <p><a href="#">Local Electoral Act 2001</a></p>	Amends the Local Electoral Act to progress establishment of Māori wards	If a Council resolves between 2 March and 21 May 2021 to establish one or more Māori wards, those wards will be established in time for the 2022 local elections.

	<a href="#">Constituencies) Amendment Act 2021</a>		<p>A referendum conducted in respect of a Council resolution to establish Māori wards is longer binding, and the public no longer has the right to demand a poll be conducted.</p> <p>Any Council resolution made between 21 May 2021 and 23 November 2023 to establish one or more Māori wards will establish those wards for the 2025 local elections.</p>
1 March 2021	<a href="#">Taumata Arowai – the Water Services Regulator Act 2020</a>	The Act comes into force	<p>Taumata Arowai is established as a new water services regulator.</p> <p>It has several functions, including to:</p> <ul style="list-style-type: none"> <li>- provide national-level oversight, leadership, communication, and co-ordination in relation to drinking water safety and regulation and environmental performance of stormwater and wastewater networks;</li> <li>- develop and consult on draft standards and compliance rules in this area; and</li> <li>- monitor and enforce compliance with relevant drinking water legislation and standards.</li> </ul> <p>The Water Services Bill (currently at the select committee committee stage) proposes to give Tauamata Arowai regulatory powers in respect of drinking water suppliers.</p>

## Appendix 2: Legislative changes that have self-repealed as at 21 May 2020

DATE	NEW / AMENDING LEGISLATION	AMENDED LEGISLATION	CHANGE	WHAT THE CHANGE MEANS
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a>  <a href="#">Local Government Official Information and Meetings Act 1987</a>  <a href="#">Local Electoral Act 2001</a>  <a href="#">Local Government (Rating) Act 2002</a>	Temporary definition of “publicly notified” and “public notice”	<p>Changed the definition of “publicly notified” and “public notice” in these sections to be less stringent due to Covid-19 restrictions.</p> <p><b>These temporary definition self-repealed on 1 November 2020.</b></p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a>	Temporarily allows for a modified special consultative procedure (except for LTPs)	<p>The special consultative procedure is modified in two ways:</p> <ol style="list-style-type: none"> <li>Whereas usually there must be a period of at least one month for the public to give views on a proposal, this period can be shortened to 7 days.</li> <li>It is highly desirable, instead of mandatory, that views on the proposal can be presented by way of spoken interaction.</li> </ol>

				<p>The local authority must first be satisfied that to do so is necessary or desirable to support measures taken to contain or mitigate the outbreak of COVID-19 or its effects</p> <p><b>This amendment self-repealed on 1 October 2020.</b></p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a>	Amends requirements for amendments of LTPs	<p>In some circumstances a report from the Auditor-General will not be required in amending a LTP in respect of:</p> <ul style="list-style-type: none"> <li>- a consultation document; and</li> <li>- the amended LTP.</li> </ul> <p><b>These amendments self-repealed on 1 August 2020.</b></p>
16 May 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a>	Temporary changes to special consultative procedure commenced in 2020	<p>If a local authority made a statement of proposal available prior to 17 May 2020 the special consultative procedure cannot be modified due to Covid-19.</p> <p>If a local authority <u>did not</u> make a statement of proposal available prior to 17 May 2020 the special consultative procedure can be modified due to Covid-19.</p> <p>If a local authority commences a special consultative procedure after 17 May 2020 and made a statement of proposal available prior to 1 October 2020, the special consultative procedure can be modified due to Covid-19.</p> <p><b>This amendment self-repealed on 1 October 2020.</b></p>
7 August 2020	<a href="#">COVID-19 Response (Further Management Measures) Legislation Act (No 2) 2020</a>	<a href="#">Local Government Act 2002</a>	Extends reporting time limits for 2020	<p>For the financial year ending June 2020, a local authority has until 31 December 2020 to complete and adopt its annual report. A Council-controlled-organisation has until 30 November 2020 to comply with its reporting obligations.</p> <p><b>This amendment self-repealed on 1 February 2021.</b></p>