

# DRAFT FOR CONSULTATION

## **Resource Management (Prohibition on Extraction of Freshwater for On-selling) Amendment Bill**

Member's Bill

### **Explanatory note**

#### **General policy statement**

This Bill will amend the Resource Management Act 1991 to protect freshwater from commercial extraction and to uphold the rangatiratanga of Tangata Whenua. It achieves this by making the extraction of freshwater for the purpose of on-selling in a packaged form, a prohibited activity.

The Bill will keep freshwater safe from pollution, contamination, and over-extraction. Protecting water quality and quantity in our aquifers and groundwater is important for public health. Around 40 percent of people in Aotearoa rely on groundwater for their drinking water. Aquifers also feed wetlands, lowland rivers and lakes.

#### **Clause by clause analysis**

*Clause 1* is the Title clause.

*Clause 2* is the commencement clause. It provides for the Bill to come into force on the day after the date it receives Royal assent.

*Clause 3* provides that the Bill amends the Resource Management Act 1991 (the **principal Act**).

*Clause 4* amends section 87B of the principal Act to provide that the extraction of freshwater for the purpose of on-selling in a packaged form is a prohibited activity.

*Clause 5* inserts a new Part into Schedule 12 of the Resource Management Act 1991 to make provision for transitional and savings provisions in respect of this Bill.



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### **New Part 7 inserted into Schedule 12**

**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Resource Management (Prohibition on Extraction of Freshwater for On-selling) Amendment Act **2023**.

**2 Commencement**

This Act comes into force on the day after the date it receives Royal assent.

**3 Principal Act**

This Act amends the Resource Management Act 1991.

**4 Section 87B amended (Certain activities to be treated as discretionary activities or prohibited activities)**

After section 87B(4), insert:

- (5) Extraction of freshwater for the purpose of on-selling of the water in packaged form (whether the water remains in liquid form or not) must be treated as a prohibited activity.

**5 Section 12 amended (Transitional, savings, and related provisions)**

In **Schedule 12**,—

- (a) insert the Part set out in the **Schedule** of this Act as the last Part; and
- (b) make all necessary consequential amendments.

**Schedule**  
**New Part 7 inserted into Schedule 12**

**s 5**

**Part 7**  
**Provisions relating to Resource Management (Prohibition on  
Extraction of Freshwater for On-selling) Amendment Act 2023**

**39 Interpretation**

In this Part,—

**amendment Act** means the Resource Management (Prohibition on Extraction of Freshwater for On-selling) Amendment Act **2023**

**commencement date** means the date on which the amendment Act comes into force

**prohibited extraction activity** means an activity prohibited under **section 87B(5)**

**pending consent application** means an application for resource consent in respect of a extraction activity that—

- (a) was made before the commencement date; and
- (b) as at the commencement date had not been finally determined

**pending proceeding** means an objection, appeal, or proceeding under this Act that was commenced before the commencement date and as at that date had not been finally determined

**40 Existing activities still lawful**

- (1) This section applies to a extraction activity that—
  - (a) becomes a prohibited extraction activity as a result of the amendment Act coming into force; and
  - (b) was lawfully established before the amendment Act comes into force.
- (2) The activity remains lawful on the commencement date.

**41 Matters pending on commencement date**

- (1) All pending consent applications must be determined in accordance with this Act as it was prior to the commencement date.
- (2) All pending proceedings must be determined in accordance with this Act as it was prior to the commencement date.