

29 August 2018

Hon David Parker, Attorney-General

**Consistency with the New Zealand Bill of Rights Act 1990: Tasman District Council (Waimea Water Augmentation Scheme) Bill**

1. We have considered whether the Tasman District Council (Waimea Water Augmentation Scheme) Bill ('the Bill'), a Local Bill in the name of the Hon Dr Nick Smith, is consistent with the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990 ('the Bill of Rights Act').
2. The purpose of the Bill is to transfer land and create interests in land currently owned by the Crown so that the Waimea Water Augmentation Scheme ('the scheme') can proceed. The Bill vests 1.3516 hectares of the Waimea riverbed in the Tasman District Council ('the Council') in order to authorise a transfer of the land to the council-controlled organisation responsible for the construction and operation of the scheme.
3. The Bill also confers on the Council, or council-controlled organisation, an easement that gives it the right to inundate 9.6690 hectares of the conservation estate so that the scheme can proceed. To the extent that the land is not inundated at any time, the public will have the same level of access as it does to the adjoining conservation land which is physically indistinguishable.
4. The Bill also suspends rights of first refusal ('RFR') under Treaty settlement legislation until the land returns to the Crown; however, the land must remain under direct or indirect control of the Council until that occurs. Should the scheme not proceed, or be decommissioned, the riverbed land must be sold back to the Crown. These provisions protect RFR rights in a way similar to Treaty settlement legislation that allows for RFR land to be transferred by the Crown to a council for public works while preserving the underlying RFR right.
5. We have concluded that the Bill appears to be consistent with the rights and freedoms affirmed in the Bill of Rights Act.

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