

# Departmental Disclosure Statement

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Rates Rebate (Statutory Declarations) Amendment Bill
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The departmental disclosure statement for a government Bill seeks to bring together in one place a range of information to support and enhance the Parliamentary and public scrutiny of that Bill.

It identifies:

- the general policy intent of the Bill and other background policy material;
- some of the key quality assurance products and processes used to develop and test the content of the Bill;
- the presence of certain significant powers or features in the Bill that might be of particular Parliamentary or public interest and warrant an explanation.

This disclosure statement was prepared by the Department of Internal Affairs.

The Department of Internal Affairs certifies that, to the best of its knowledge and understanding, the information provided is complete and accurate at the date of finalisation below.

This disclosure statement was finalised on 5 September 2019.

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## **Part One: General Policy Statement**

The Rates Rebate (Statutory Declaration) Amendment Bill has the following objectives:

- to make it easier for eligible applicants to apply for a rates rebate by removing the requirement to make a statutory declaration when applying; and
- to replace the requirement to make a statutory declaration with a requirement to verify the application in a manner and form approved by the Secretary for Local Government.

## Part Two: Background Material and Policy Information

### Published reviews or evaluations

<b>2.1. Are there any publicly available inquiry, review or evaluation reports that have informed, or are relevant to, the policy to be given effect by this Bill?</b>	<b>YES</b>
The Department's Service Innovation Lab prepared a research report into the application process for rates rebates. Details of the report are provided below: Service Innovation Lab, Research Report: Rates Rebate Beta, July 2019. The report can be accessed at <a href="https://serviceinnovationlab.github.io/projects/rates-rebate/">https://serviceinnovationlab.github.io/projects/rates-rebate/</a>	

### Relevant international treaties

<b>2.2. Does this Bill seek to give effect to New Zealand action in relation to an international treaty?</b>	<b>NO</b>

### Regulatory impact analysis

<b>2.3. Were any regulatory impact statements provided to inform the policy decisions that led to this Bill?</b>	<b>NO</b>

<b>2.3.1. If so, did the RIA Team in the Treasury provide an independent opinion on the quality of any of these regulatory impact statements?</b>	<b>NO</b>

<b>2.3.2. Are there aspects of the policy to be given effect by this Bill that were not addressed by, or that now vary materially from, the policy options analysed in these regulatory impact statements?</b>	<b>NO</b>

### Extent of impact analysis available

<b>2.4. Has further impact analysis become available for any aspects of the policy to be given effect by this Bill?</b>	<b>YES</b>
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The following Regulatory Impact Assessment (RIA) was provided:

“Rates Rebate (Statutory Declaration) Amendment Bill”, Department of Internal Affairs, 30 August 2019. A copy of the RIA is available under the Local Government heading at:

[https://www.dia.govt.nz/diawebsite.nsf/wpg\\_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument#five](https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument#five)

<b>2.5. For the policy to be given effect by this Bill, is there analysis available on:</b>	
<b>(a) the size of the potential costs and benefits?</b>	<b>YES</b>
<b>(b) the potential for any group of persons to suffer a substantial unavoidable loss of income or wealth?</b>	<b>NO</b>
<p>The size of the potential costs and benefits can be found on pages 9-10 of the following RIA:</p> <p>“Rates Rebate (Statutory Declaration) Amendment Bill”, Department of Internal Affairs, 30 August 2019. A copy of the RIA is available under the Local Government heading at:</p> <p><a href="https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument#five">https://www.dia.govt.nz/diawebsite.nsf/wpg_URL/Resource-material-Regulatory-Impact-Statements-Index?OpenDocument#five</a></p>	

<b>2.6. For the policy to be given effect by this Bill, are the potential costs or benefits likely to be impacted by:</b>	
<b>(a) the level of effective compliance or non-compliance with applicable obligations or standards?</b>	<b>NO</b>
<b>(b) the nature and level of regulator effort put into encouraging or securing compliance?</b>	<b>NO</b>

## Part Three: Testing of Legislative Content

### Consistency with New Zealand's international obligations

<b>3.1. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with New Zealand's international obligations?</b>
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The Bill amends the application process for a domestic subsidy that assists low-income ratepayers. As such, it does not affect New Zealand's international obligations.

### Consistency with the government's Treaty of Waitangi obligations

<b>3.2. What steps have been taken to determine whether the policy to be given effect by this Bill is consistent with the principles of the Treaty of Waitangi?</b>
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Specific consideration of the principles of the Treaty of Waitangi was not considered necessary. The Bill amends an existing application process for rates rebates to make it easier for eligible applicants to apply. There is no evidence the amendments would affect Māori in particular, or that the Bill would alter the Rates Rebates Act 1973's overall consistency with the principles of the Treaty of Waitangi.

Te Puni Kōkiri were consulted on the policy proposal and no concerns were raised.

### Consistency with the New Zealand Bill of Rights Act 1990

<b>3.3. Has advice been provided to the Attorney-General on whether any provisions of this Bill appear to limit any of the rights and freedoms affirmed in the New Zealand Bill of Rights Act 1990?</b>	<b>YES</b>
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The Department of Internal Affairs understands that the Ministry of Justice provided its advice to the Attorney-General on 29 August 2019. Advice provided to the Attorney-General by the Ministry of Justice, or a section 7 report of the Attorney-General, is generally expected to be available on the Ministry of Justice's website upon introduction of the Bill. Such advice, or reports, will be accessible on the Ministry's website at:

<https://www.justice.govt.nz/justice-sector-policy/>

### Offences, penalties and court jurisdictions

<b>3.4. Does this Bill create, amend, or remove:</b>	
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<b>(a) offences or penalties (including infringement offences or penalties and civil pecuniary penalty regimes)?</b>	<b>YES</b>
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<b>(b) the jurisdiction of a court or tribunal (including rights to judicial review or rights of appeal)?</b>	<b>NO</b>
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Clause 9 makes minor amendments to the offences section to ensure it would continue to be an offence to provide false information under the new form of verification.

<b>3.4.1. Was the Ministry of Justice consulted about these provisions?</b>	<b>YES</b>
The Ministry of Justice was consulted early in the policy development process. Due to the minor nature of the changes being made, no issues were raised.	

### Privacy issues

<b>3.5. Does this Bill create, amend or remove any provisions relating to the collection, storage, access to, correction of, use or disclosure of personal information?</b>	<b>NO</b>

### External consultation

<b>3.6. Has there been any external consultation on the policy to be given effect by this Bill, or on a draft of this Bill?</b>	<b>YES</b>
<p>In April 2019, the Department discussed this issue with rating officials from the Society of Local Government Managers early in the policy development process. This discussion confirmed the problems faced by applicants and local authorities from the statutory declaration requirement, and the role of the statutory declaration in the application process. Council officers, Local Government New Zealand, and the Society of Local Government Managers have all promoted this change in the past.</p> <p>The Department also held internal discussions with operational staff to ensure the changes proposed in this Bill would be workable.</p>	

### Other testing of proposals

<b>3.7. Have the policy details to be given effect by this Bill been otherwise tested or assessed in any way to ensure the Bill's provisions are workable and complete?</b>	<b>NO</b>

## Part Four: Significant Legislative Features

### Compulsory acquisition of private property

4.1. Does this Bill contain any provisions that could result in the compulsory acquisition of private property?	NO

### Charges in the nature of a tax

4.2. Does this Bill create or amend a power to impose a fee, levy or charge in the nature of a tax?	NO

### Retrospective effect

4.3. Does this Bill affect rights, freedoms, or impose obligations, retrospectively?	NO

### Strict liability or reversal of the usual burden of proof for offences

4.4. Does this Bill:	
(a) create or amend a strict or absolute liability offence?	NO
(b) reverse or modify the usual burden of proof for an offence or a civil pecuniary penalty proceeding?	NO

### Civil or criminal immunity

4.5. Does this Bill create or amend a civil or criminal immunity for any person?	NO

### Significant decision-making powers

4.6. Does this Bill create or amend a decision-making power to make a determination about a person's rights, obligations, or interests protected or recognised by law, and that could have a significant impact on those rights, obligations, or interests?	NO

### Powers to make delegated legislation

4.7. Does this Bill create or amend a power to make delegated legislation that could amend an Act, define the meaning of a term in an Act, or grant an exemption from an Act or delegated legislation?	NO

<b>4.8. Does this Bill create or amend any other powers to make delegated legislation?</b>	<b>YES</b>
<p>Clause 8 of the Bill includes a provision empowering the Secretary for Local Government to determine the manner and form of verification required when applying to the Rates Rebate Scheme. This provision is included to allow decisions about the level of verifying statement required to be made at an operational, rather than legislative, level. This allows the verifying statement to be flexible to the level of risk of fraudulent applications determined at the time.</p>	

**Any other unusual provisions or features**

<b>4.9. Does this Bill contain any provisions (other than those noted above) that are unusual or call for special comment?</b>	<b>NO</b>
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