



COVERSHEET

Minister	Hon Andrew Bayly	Portfolio	Commerce and Consumer Affairs
Title of Cabinet paper	100-day Plan: Repeal of the Water Services Economic Efficiency and Consumer Protection Act 2023	Date to be published	15 March 2024

List of documents that have been proactively released		
Date	Title	Author
December 2023	100-day Plan: Repeal of the Water Services Economic Efficiency and Consumer Protection Act 2023	Office of the Minister of Commerce and Consumer Affairs
11 December 2023	100-day Plan: Repeal of the Water Services Economic Efficiency and Consumer Protection Act 2023 CAB-23-MIN-0481 Minute	Cabinet Office

Information redacted

YES / NO

Any information redacted in this document is redacted in accordance with MBIE's policy on Proactive Release and is labelled with the reason for redaction. This may include information that would be redacted if this information was requested under Official Information Act 1982. Where this is the case, the reasons for withholding information are listed below. Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Some information has been withheld for the reason of confidential advice to Government.



Cabinet

Minute of Decision

This document contains information for the New Zealand Cabinet. It must be treated in confidence and handled in accordance with any security classification, or other endorsement. The information can only be released, including under the Official Information Act 1982, by persons with the appropriate authority.

100-Day Plan: Repeal of the Water Services Economic Efficiency and Consumer Protection Act 2023

Portfolio Commerce and Consumer Affairs

On 11 December 2023, Cabinet:

- 1 **noted** that the Coalition Government's 100-day Plan includes a commitment to introduce legislation that ends the 10-entity model for water services [CAB-23-MIN-0468], which will ensure the ownership of water assets and responsibility for delivery of water services stays with local councils, and make the necessary changes in the approach to economic regulation;
- 2 **noted** that the separate paper on *100-Day Plan: Repeal of the Water Services Entities Act 2022*, under CAB-23-SUB-0479, seeks agreement to repeal the Water Services Entities Act 2022, which would restore powers and responsibilities relating to water service delivery to local authorities;
- 3 **noted** that the Water Services Economic Efficiency and Consumer Protection Act 2023:
 - 3.1 is part of a package of Three Waters legislation;
 - 3.2 establishes sector-specific economic regulation and consumer protection for water services, based on the 10-entity model for water services, with oversight from the Commerce Commission;
- 4 **noted** that if the Water Services Entities Act is repealed, there are no advantages in retaining the Water Services Economic Efficiency and Consumer Protection Act, because extensive amendments would be required to make it workable under a council owned and responsible model;
- 5 **agreed** to repeal the Water Services Economic Efficiency and Consumer Protection Act by the time the Water Services Entities Act is repealed;
- 6 **invited** the Minister of Commerce and Consumer Affairs to issue drafting instructions to the Parliamentary Counsel Office to prepare a bill to give effect to paragraph 5 above;
- 7 **noted** that a place will be sought Confidential advice to Government ;

- 8 **authorised** the Minister of Commerce and Consumer Affairs to approve minor policy and technical matters that may arise during the course of drafting and that may be required to align with the decisions relating to the paper under CAB-23-SUB-0481;
- 9 **authorised** the Minister of Commerce and Consumer Affairs to start work on a replacement economic regulation regime for water services that is appropriate for the new structure.

Rachel Hayward
Secretary of the Cabinet