

# **The Treasury**

## **Statutes Repeal Bill Consultation Submissions Information Release**

### **Release Document**

**January 2016**

**[www.treasury.govt.nz/publications/reviews-consultation/statutes-repeal](http://www.treasury.govt.nz/publications/reviews-consultation/statutes-repeal)**

Key to sections of the Official Information Act 1982 under which information has been withheld.

Certain information in this document has been withheld under one or more of the following sections of the Official Information Act, as applicable:

[1] 9(2)(a) - to protect the privacy of natural persons, including deceased people

Where information has been withheld, a numbered reference to the applicable section of the Official Information Act has been made, as listed above. For example, an [1] appearing where information has been withheld in a release document refers to section 9(2)(a).

In preparing this Information Release, the Treasury has considered the public interest considerations in section 9(1) of the Official Information Act.

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**From:** Graeme J Peters <gpeters@electricity.org.nz>  
**Sent:** Friday, 4 December 2015 1:51 p.m.  
**To:** Regulation [TSY]  
**Cc:** Tanya Ashby  
**Subject:** Submission on the Statutes Repeal Bill  
**Attachments:** Submission on Statutes Repeal Bill 4 Dec 2015.docx

**Categories:**

Dear Treasury

Please find attached a brief submission on the Statutes Repeal Bill.

Thanks for the opportunity to make this submission.

The ENA represents the 29 electricity distribution companies in New Zealand.

If you have queries, please contact the submission writer, Tanya Ashby.

Regards

Graeme Peters  
Chief Executive  
Electricity Networks Association  
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**From the Electricity Networks Association (ENA)**

Submission on **Statutes Repeal Bill**

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*Submission to **Regulatory Quality Team, The Treasury***

emailed to [regulation@treasury.govt.nz](mailto:regulation@treasury.govt.nz)

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4 December 2015

1. The Electricity Networks Association (ENA) appreciates the opportunity to make a submission to the Treasury on the *Statutes Repeal Bill – Draft for Consultation*.
2. The ENA represents all of New Zealand's electricity distribution businesses (EDBs), or lines companies, which provide critical infrastructure to New Zealand residential and business customers.
3. We submit in relation to Schedule 2 '*Amendments to other Acts*'; specifically the proposed changes to insert new sections 87A to 87C in the Government Rounding Powers Act 1989. These changes are to incorporate aspects of the Auckland Harbour Bridge Authority Dissolution Act 1983, which would be repealed by the Bill.
4. Proposed new sections 87A to 87C read:

#### **87A Auckland Harbour Bridge**

The Auckland Harbour Bridge is declared to be a motorway within the meaning of this Act, and the provisions of this Act and of any other Act and of any regulations relating to motorways accordingly apply to the Auckland Harbour Bridge.

#### **87B Auckland Harbour Bridge to be properly lighted**

The Agency must at all times ensure that the Auckland Harbour Bridge is adequately lighted so as to provide for the safety of ships and aircraft in the vicinity of the Auckland Harbour Bridge.

#### **87C Installation of services on Auckland Harbour Bridge**

(1) No person or body may provide, install, maintain, or repair any water main, gas pipe, or other pipe, or any power or telecommunications line, wire, or cable on the Auckland Harbour Bridge without the consent of the Agency, which may be given subject to such conditions as the Agency considers necessary for the protection and safety of the Auckland Harbour Bridge and of traffic using the Auckland Harbour Bridge.

(2) The person or body responsible for any installation on the Auckland Harbour Bridge must pay to the Agency **an annual amount** for the use of the Auckland Harbour Bridge as may be agreed upon by the Agency and the person or body

5. We submit that proposed section 87 (C) is inconsistent with Section 30 of the Electricity Act 1992, in regard to the ability to charge annual amounts.

6. Section 30 of the Electricity Act states that:

#### Charging for access to road reserve

- (1) Notwithstanding anything in this Act or in any other enactment, no local authority or other body or person having jurisdiction over any road shall require the payment, by or on behalf of any electricity operator, of any amount of or in the nature of rent in respect of any works constructed in, on, along, over, across, or under that road.

(2) Nothing in subsection (1) applies in respect of a rate that is assessed under the [Local Government \(Rating\) Act 2002](#)

(3) In this section, the term **road** has the meaning given to it in [section 2](#), but also includes a motorway within the meaning of the [Government Rounding Powers Act 1989](#)

Motorway as defined in the Government Rounding Powers Act:

- **motorway**—
  - (a) means a motorway declared as such by the Governor-General in Council under [section 138](#) of the Public Works Act 1981 or under [section 71](#) of this Act; and
  - (b) includes all **bridges**, drains, culverts, or other structures or works forming part of any motorway so declared; but
  - (c) does not include any local road, access way, or service lane (or the supports of any such road, way, or lane) that crosses over or under a motorway on a different level

7. We submit that it is important to ensure that the Act does not conflict, or create confusion, with the long-standing policy to preclude the charging of annual amounts for electricity works in the roading corridors (as per Section 30 of the Electricity Act). We understand similar clauses apply in the Gas and Telecommunications Acts.
8. Further information on utilities access to the roads, and more specifically in regard to motorways can be found in the *National Code of Practice for Utility Operators' Access to Transport Corridors* (the Code). <http://www.nzuaq.org.nz/national-code/>
9. Thank you for the opportunity to make this submission.

Graeme Peters  
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