

Water Services Bill

Meeting: Council Briefing
Date of meeting: 3rd February 2013
Reporting officer: Donnicks Mugutso, Waters and Waste Manager

Purpose/Ngā whāinga

To inform Elected Members on the progress of the Water Services Bill and seek support for a joint submission from officers to the Select Committee process.

Discussion/Ngā kōrerorero

The Water Services Bill (The Bill) has received its first reading and is currently within Select Committee. Submissions are now being accepted and close 2 March 2021.

The timeline of events is shown below. The Bill is expected to receive Royal Assent later this year (2021).



The Bill (108 pages) draws its direction from the governments Havelock North Water Inquiry and provides the regulatory framework to implement the six fundamental principles of drinking water safety articulated by the Inquiry. These principles provide a good background to how and why the Bill was developed. They also provide understanding of the strong focus within the Bill and are detailed below: -

The Water Service Bill and the new Water Regulator – Taumata Arowai significantly raises the responsibilities and accountability for providing water services.

Six Fundamental Principles of Drinking Water Safety

- A high standard of care must be embraced in relation to drinking water;
- Protection of source water is of paramount importance;
- Multiple barriers against contamination of drinking water must be maintained;
- Change precedes contamination of drinking water and must never be ignored;
- Suppliers must own the safety of drinking water;
- A preventative risk management approach must be applied in relation to drinking water;

The provisions related to supply of drinking water are generally what you expect from dedicated legislation. The Bill is very detailed and prescriptive, and significantly raises the bar in terms of responsibility and accountability.

The Water Services Bill also triggers Amendment of other Acts (Building Act 2004; Civil Defence Emergency Management Act 2002; Health Act 1956; Local Government Official Information and Meetings Act 1987; Ombudsmen Act 1975; Resource Management Act 1991) as well as legislative instruments (Building Regulations 1992; Camping-Grounds Regulations 1985; Corrections Regulations 2005; Education Regulations 2005; Food Regulations 2015; Housing Improvement Regulations 1947; Medicines Regulations 1984).

Several aspects of the Bill are noteworthy, however of significant interest is 'Subpart 10-Offences'. There are ten pages detailing offences ranging from 'Offence involving recklessness in supply of unsafe drinking water' (imprisonment of up to 5 years for and a \$600,000 fine for an individual; \$3m for a body corporate) to an offence involving 'Failure to keep and maintain records' (individual \$50,000 or \$200,000 for a body corporate).

Protection of source waters is a fundamental element that requires careful assessment and management by both regional and territorial local government and requires good collaboration between the two.

The Water Services Bill triggers Amendment to the Local Government Act 2002 regarding 'Assessment'. Local Government will be required to assess community drinking water services by undertaking a detailed assessment for each community at least once every three years, or more frequently if there are concerns. The Territorial Authority (TA) must inform Taumata Arowai about its findings – especially where services are failing. Taumata Arowai may require the TA to take action to provide an immediate or temporary or long-term permanent solution to the problem. Should the TA take over the management and operation on a permanent basis, then the implications and compensation for the TA will be achieved through working together with Taumata Arowai, the former supplier, and the customers.

Next steps/E whaiake nei

The intention is that the Officers from the three District Councils in Northland will draw together comments for a single submission to the Water Services Bill for the Northland Councils.

The submission will be brought to Council at the February Meeting.