

A horizontal splash of clear blue water with several bubbles, spanning the width of the page. The water is captured in motion, with ripples and droplets visible.

WATER SERVICES BILL

INFORMATION FOR RURAL PRIVATE SUPPLIERS OF DRINKING WATER

WELCOME



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WELCOME



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HISTORY

- Government's inquiry into Havelock North campylobacter outbreak.
- 5,000 residents sick
- up to 4 deaths
- many others suffering long-term debilitating illnesses

WHO WILL BE CAUGHT?

Duties imposed by the Bill will apply to all drinking water suppliers, other than “domestic self-suppliers”

DRINKING WATER SUPPLIER

- (A) A PERSON WHO SUPPLIES DRINKING WATER THROUGH A DRINKING WATER SUPPLY; AND
- (B) INCLUDES A PERSON WHO OUGHT REASONABLY TO KNOW THAT THE WATER THEY ARE SUPPLYING IS USED AS DRINKING WATER; AND
- (C) INCLUDES THE OWNER AND THE OPERATOR OF A DRINKING WATER SUPPLY; AND
- (D) INCLUDES A PERSON DESCRIBED IN **PARAGRAPH (A), (B), OR (C)** WHO SUPPLIES DRINKING WATER TO ANOTHER DRINKING WATER SUPPLIER; BUT DOES NOT INCLUDE A DOMESTIC SELF-SUPPLIER

KEY DEFINITIONS

“Operator” -

- means the person who operates the supply or supervises its operation or aspects of its operation; and
- includes an organisation or individual involved in the operation of a drinking water supply if the organisation or individual is authorised or included on a register

“Owner” -

- means the person who has effective control of the drinking water supply.
- The matters that may be considered for the purpose of determining whether a person has effective control of a drinking water supply include whether the person—
- owns the drinking water infrastructure; or
- owns or has long-term control of the land on which the drinking water infrastructure is based; or
- directs or has control over decisions about the funding or maintenance of the drinking water infrastructure, or collects fees, levies, or other charges from consumers in relation to the infrastructure; or
- controls how the management of the supply is resourced (for example, has the power to subcontract work).

MEANING OF DRINKING WATER SUPPLY

- (a) means the infrastructure and processes used to abstract, store, treat, transmit, or transport drinking water for supply to consumers; and
- (b) includes—
 - (i) the point of supply; and
 - (ii) any end-point treatment device; and
 - (iii) any backflow prevention device; but
- (c) does not include a temporary drinking water supply provided for under section 33 or 34 (certain temporary supplies in limited circumstances).
- Taumata Arowai may, by notice in the *Gazette*, declare the provision of water by a person to be a drinking water supply if Taumata Arowai is satisfied, on reasonable grounds, that the water is or will be used as drinking water.

**“DOMESTIC
SELF-SUPPLIER”**

=

**SINGLE
HOUSEHOLD
WITH
INDIVIDUAL
WATER SUPPLY**

Not “domestic self-supplier” -

- water groups (incorporated and unincorporated),
- 2 or more households using the same bore or spring (regardless of agreement or structure)
- community water taps etc
- farms with more than 1 x household unit (such as worker accommodation) on same supply

OVERVIEW OF NEW DUTIES

- Provide safe drinking water
- Meet drinking water standards
- Sufficient quantity of drinking water
- Obligations to act when drinking water is not safe
- Obligations to act when drinking water supply interrupted or restricted
- Register drinking water supplies
- Have a drinking water safety plan
- Notify Taumata Arowai and take action where risk to public health

KEY DEFINITIONS

- *“Drinking water”*
 - Water that is used for **human consumption; oral hygiene; preparing food, drinks** or other products for human consumption; and **washing food utensils**
- *“Safe drinking water”*
 - Drinking water that is **unlikely** to cause a **serious risk of death, injury** or **illness** (immediately or over time)

KEY DEFINITIONS

- “*Point of Supply*”
 - Toby, reservoir float valve or other **final point of supply** to which consumers own infrastructure connects
 - Water carrier, community water tap or other **final supply point** at which the consumers can consume, use or collect drinking water
 - End-point treatment device

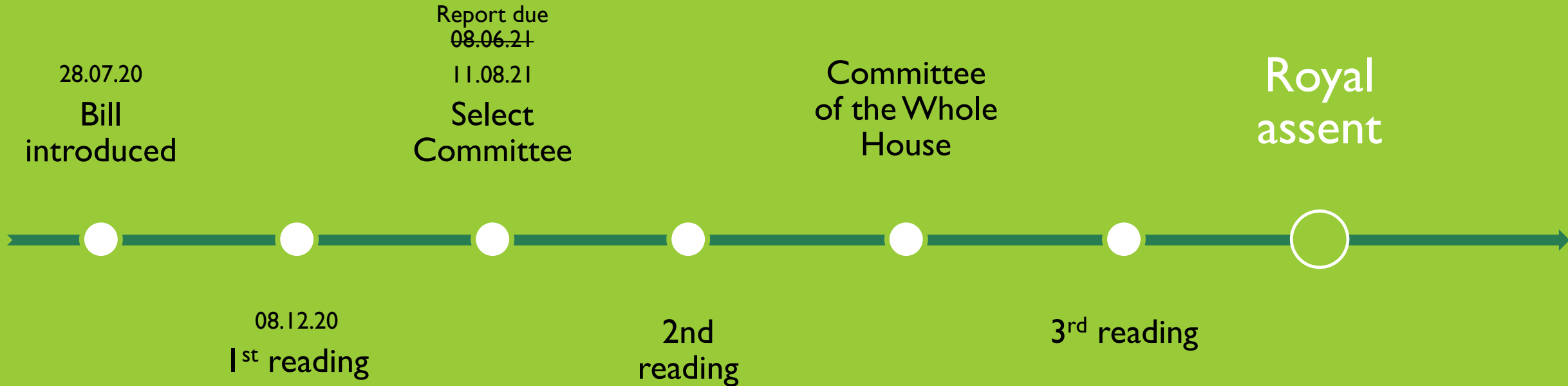
THE NEED TO CAREFULLY CONSIDER PERSONAL SITUATIONS

- Will you be a drinking water supplier
- Will you be a domestic self-supplier
- How will the legislation impact you and your water supply
- Review easements, agreements and other legal arrangements pertaining to supply

BILL PROGRESS OVERVIEW

- This overview has been prepared based on the Water Services Bill in its current form as introduced to the House
- Submissions closed on 2 March 2021 (and are publicly available)
- Bill now with Health Select Committee for consideration & is subject to further amendment
- The Report is now due on 11 August 2021
- The new drinking water service regulator Taumata Arowai (or TA) has been established.

BILL PROGRESS OVERVIEW



WATER SERVICES BILL EXPECTED TO BE ENACTED LATER IN 2021

TAUMATA AROWAI

- New Crown entity – Taumata Arowai – the Water Services Regulator Act 2020
 - Dedicated focus on drinking water quality
 - Authority to issue further compliance rules, acceptable solutions and verification methods
- Powers:**
- Remove an operator
 - Recover costs and expenses
 - Appoint compliance officers
 - Issue directions
 - Take immediate action if serious risk to public health
 - Take and test samples
 - Inspect records and documents
 - Question suppliers
 - Enter locations relating to supply and treatment to search and seize equipment
 - Issue compliance orders
 - Undertake remedial actions
 - The District Court may then make orders compelling compliance or restraining non-compliance

KEY OBLIGATIONS FOR SUPPLIERS

- To ensure drinking water is **safe** (to the “point of supply”), complies with **aesthetic values** to be set by Taumata Arowai and that the supply is of a **sufficient quantity**
- If reasonable likelihood drinking water is unsafe the supplier must take several steps:
 - Immediate action to protect public health
 - Notify Taumata Arowai
 - Investigate source / cause of problem
 - Take remedial action
 - Ensure problem does not reoccur
 - Take steps to advise consumers

COMPULSORY DRINKING WATER SUPPLY REGISTER

- All suppliers must **register** by the end of the first year following commencement of the Act (clauses 53 & 54)
- Owner of supply must renew registration every 12 months (clause 55)
- Laboratory Accreditation & Testing (clauses 72 – 81)

DRINKING WATER SAFETY PLANS

- Owner of drinking water supply to have compliant drinking water safety plan (clause 30)
 - Identify hazards, assess risks, manage, control or eliminate, monitoring program, verification
- Content required to be reviewed by Regulator (clause 31)
- Large suppliers (serving 500 or more) must have a **Drinking Water Safety Plan** 1 year after the legislation commences. Smaller suppliers will be given a 5 year transition period
- Prepare and implement **Source Water Risk Management Plan** as part of safety plan (clauses 41-45)
- Undertake **monitoring of source water quality** (to be supplied to Regulator and the Regional Councils) at abstraction point

NOTIFICATIONS & RECORD KEEPING

- Requirements when supplier becomes aware of risk or hazard (clause 35)
 - Immediate action to protect public health
- Circumstances where notification to Taumata Arowai & territorial authority required (clause 36)
- Record keeping requirements (clause 37)
 - Compliance, monitoring and plans
- Process for consumer complaints (clauses 39 & 40)
 - Information, maintain process & report to Taumata Arowai

SOME OBLIGATIONS WILL BE PERSONAL

- Suppliers will be tasked with ensuring drinking water is safe and complies with relevant standards (various offences relating to negligence and failures in Bill)
- Officers, employees and agents of suppliers must comply with professional due diligence requirements (similar to the Health and Safety legislation)
- Clause 15 – duty imposed on a person may not be transferred to another
- Clause 29 – duty of due diligence on officers and employees of drinking water supplier to comply with applicable duties
- Clause 82 – permits Regulator to appoint an operator of a suppliers functions where supplier persistently failed to comply or serious risk to public health (clause 85 enables all costs to be recovered from drinking water supplier)
- Clauses 159-161 exclude certain volunteers and elected officials (ie community board or school trustee) for certain offences

EXEMPTIONS

- Taumata Arowai notice by gazette
- Examples provided:
 - A particular Marae applies
 - A class is granted ie backcountry huts

ACCEPTABLE SOLUTIONS

- Draft acceptable solution for rural agricultural drinking water supplies
- Proportionate to scale complexity and risk profile
- Design, configuration, installation, operation, maintenance, testing, monitoring, emergency management and auditing
- It has been indicated that for supplies serving <500 people who use spring or bore water that a “simple” treatment program will be considered

LEGAL MECHANISMS

- Consider undertaking a thorough estate management plan
- Investigate alternate water sources to become domestic self-supplier
- Effectively ring fence personal assets from supply entity
- D & O insurance and effective indemnities
 - Suppliers (and their agents) duty of due diligence in complying with the Act, including keeping up-to-date with knowledge, information & record-keeping)



We will continue to monitor the Bill as it progresses and keep you updated

COMMENTS FROM MAYOR TIM CADOGAN



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