Supplementary Submission to the Auckland Governance Legislation Committee

on the

Local Government (Auckland Law Reform) Bill

February 2010

This is a supplementary submission to our earlier submission reference number: **P2O9Q86.**

In that submission we noted that in reference to **stand-alone water or wastewater systems**:

Part 1, clause 24 [new section 35J(5) of Local Government (Tamaki Makaurau Reorganisation) Act 2009] and Part 2, clause 30, specifically exclude vesting of stand-alone water and wastewater systems currently owned by local councils as part of the assets and management responsibility of Watercare Services Ltd. Without debating the appropriateness or otherwise of this exclusion it is of concern that the Bill does not identify any other entity as having management responsibility for such assets.

Schemes such as these, many in rural settings, are often under resourced and lacking in capacity. The sanitary water and drinking water subsidy programmes, currently under review, highlighted issues with many of these schemes and it is essential those in the Auckland region are not "orphaned" under the new regime. We would urge the Committee to enquire of the Bill drafters the reason for this exclusion and recommend a clause defining how they are to be managed under the Bill.

It has now come to our attention that a 23 September 2009 re-print of the Local Government (Tamaki Makaurau Reorganisation) Act 2009 contains under section 30A (2) the following provision:

For the purposes of subsection (1) Watercare Services Limited must formulate –

- *(a) a plan for the interim management, as from 1 November 2010, of stand-alone water and wastewater schemes within Auckland; and*
- *(b) detailed proposals for the long-term management and operations of those schemes for consideration by the Auckland Council and its local boards.*

It would appear this provision is contradicted by the provisions in the current Bill as cited above and we recommend the matter be clarified.