

A photograph of water being poured into a clear glass. The water is captured in mid-pour, creating a dynamic splash and bubbles. The background is a soft, light blue gradient. A large, light blue curved shape overlaps the right side of the image, framing the text.

# TAUMATA AROWAI WORKSHOP

**Water New Zealand Conference**

- **Taumata Arowai Establishment Unit**
- **Department of Internal Affairs**
- **Ministry for the Environment**
- **Ministry of Health**

# Introduction to Taumata Arowai

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**Te Tari Taiwhenua  
Internal Affairs**

# Water Services Regulator Act Overview

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**Te Tari Taiwhenua  
Internal Affairs**

# Taumata Arowai Water Services Regulator Act

Provides for Taumata Arowai to be a Crown Agent, with objectives to:

- ▶ Protect and promote drinking water safety and related public health outcomes
- ▶ Effectively administer the drinking water regulatory system
- ▶ Build and maintain capability among drinking water suppliers and across the wider industry
- ▶ Give effect to Te Mana o te Wai, to the extent that Te Mana o te Wai applies to the functions and duties of Taumata Arowai
- ▶ Provide oversight of, and advice on, the regulation, management, and environmental performance of wastewater and storm water networks
- ▶ Promote public understanding of the environmental performance of wastewater and storm water networks.
- ▶ [www.legislation.govt.nz](http://www.legislation.govt.nz)

# Taumata Arowai functions

- ▶ Provide national-level oversight, leadership, communication, and co-ordination
- ▶ Monitor safety of drinking water, and environmental performance of wastewater and stormwater
- ▶ Develop and consult on draft standards, compliance rules and other regulatory requirements
- ▶ Oversee and advice on effectiveness of regulatory system operation
- ▶ Monitor and enforce compliance with regulatory requirements
- ▶ Support research, education, and training, to support safety and environmental perf. of three waters networks
- ▶ Build and maintain capability of drinking water suppliers to meet regulatory requirements
- ▶ Provide guidance, advice and information on matters related to regulation of three waters networks
- ▶ Promote good practice in relation to three waters

# Governance

- ▶ As a Crown Agent, Taumata Arowai must give effect to government policy when directed by the responsible Minister
- ▶ The Taumata Arowai will have a unique approach to governance:
  - A Board and a Maori Advisory Group (both appointed by Minister)
  - Acting together and transparently

# Operating Principles

- ▶ Taumata Arowai must ensure that its performance and delivery of its objectives, functions and duties are guided and informed by the following operating principles:
  - building and maintaining credibility and integrity, so that Taumata Arowai is trusted by consumers, drinking water suppliers, wastewater network operators, stormwater network operators, Māori and government
  - ensuring that Taumata Arowai has suitable expertise to build and maintain confidence in its capability as a regulator
  - developing sector capability, by promoting collaboration, education and training
  - partnering and engaging meaningfully with other people and organisations
  - partnering and engaging early and meaningfully with Māori, including to inform how Taumata Arowai can:
    - (i) give effect to Te Mana o te Wai
    - (ii) understand, support and enable the exercise of mātauranga Māori, tikanga Māori and kaitiakitanga.
  
- ▶ A Water Service Bill will provide the regulatory system that Taumata Arowai will administer

# Water Services Bill Overview

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**Michael Petherick - Adviser | Three Waters Review**  
**Department of Internal Affairs**

[www.government.nz](https://www.government.nz)



**Te Tari Taiwhenua**  
**Internal Affairs**



# Water Services Bill: Quick overview

## 1 Introduced into Parliament

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- Informed by consultation with targeted engagement with iwi / Māori, LGNZ, Kāhui Wai Māori, and a technical advisory group.
- Sets out the regulatory framework that Taumata Arowai will administer.
- You can find a copy of the Bill on the Parliamentary website.

## 2 If passed will...

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- Significantly strengthen the drinking water regulatory framework.
- Provide oversight and national-level reporting functions for wastewater and stormwater – “shining a light” on the system. Regional councils will continue to be regulator here.
- Incorporate requirements relating to Te Mana o te Wai.

## 3 Taumata Arowai will...

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- Administer the regulatory framework set out in the Bill from approximately the second half of 2021.
- Taumata Arowai has been established under separate legislation.

# Key features of the Bill

- ▶ The framework is consistent with international best practice
- ▶ The legislation is designed to be implemented according to scale, complexity and risk – not a “one size fits all” approach
- ▶ There is also a strong focus on capability – new authorisation and occupational regulation requirements will be established through secondary legislation. Local authorities are required to meet authorisation requirements within 5 years
- ▶ All persons with functions and duties under the legislation must give effect to Te Mana o te Wai – Taumata Arowai and its Māori Advisory Committee will play a strong supporting role here
- ▶ Transition arrangements - large suppliers (serving 500 or more) must have a drinking water safety plan one year after the legislation commences. Small suppliers (serving less than 500) have a five year transition period. All suppliers must register by the end of the first year following commencement

# Duties of drinking water suppliers

- ▶ The regime applies to all suppliers except domestic self-suppliers
- ▶ Suppliers must register with Taumata Arowai and ensure key details updated annually
- ▶ Suppliers must ensure that drinking water is both safe and complies with drinking water standards – with clear obligations to take remedial action, warn consumers, and notify Taumata Arowai if drinking water is not safe or breaches standards
- ▶ Suppliers must prepare and implement a drinking water safety plan and continuously review it. Taumata Arowai has a responsibility to review plans according to their scale, complexity and risk profile – they will not be “approved” as under the current framework
- ▶ Suppliers will also need a source water risk management plan. Regional councils must contribute to the plan and share information about risks
- ▶ There are new consumer complaints procedures
- ▶ Officers, employees and agents of suppliers must comply with professional due diligence requirements (similar to the Health and Safety at Work Act).

# Wastewater and stormwater

- ▶ The Bill contains new national-level reporting, monitoring and advisory functions for wastewater and stormwater, empowering Taumata Arowai to 'shine a light' by:

Compile wastewater and stormwater networks into a **national register**

**Set environmental performance measures** that wastewater and stormwater operates will have to report against annually

**Publish an annual report** on the environmental performance of wastewater and stormwater networks and their compliance with applicable regulatory requirements (such as resource consents)

Identify and promote **national good practice** for the design and management of wastewater and stormwater networks

**Regional councils will continue to be the regulator for wastewater and stormwater systems.**

# Transitional arrangements

## Business as usual for now

Taumata Arowai and the Ministry of Health will work together to ensure a smooth handover of regulatory administration in second half of 2021. Until then all Ministry of Health requirements still apply.

## Registration Requirements

All suppliers must be registered on the drinking water register by a year after the Water Services Bill is commenced.

## Deadlines for Drinking Water Safety Plans

Supplies serving populations 500+ will need a drinking water safety plan a year after the Water Services Bill is passed. Supplies serving fewer than 500 will have five years.

# Next steps

- ▶ The Bill is currently awaiting its first reading. This will happen once Parliament resumes for the new parliamentary term
- ▶ Once the Bill has been referred to Select Committee – make a submission! The submission period is likely to be over summer, closing mid-February – this is yet to be confirmed
- ▶ Normally legislation takes 9 months to progress through Parliament – it is therefore likely to be enacted in mid-2021
- ▶ Please come and ask us questions today

# What will the Water Services Bill mean for Drinking Water Suppliers?

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**Alan Cooper – Regulatory Operations Lead  
Taumata Arowai Establishment Unit**

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**Te Tari Taiwhenua**  
**Internal Affairs**

# Status of the Water Services Bill

- ▶ The Bill has been submitted to the House but has not been through a select committee process. This means:
  - Members of Parliament, interest groups, and the general public haven't had an opportunity to have input
  - It is likely there will be changes through the select committee process
  - We don't know what those changes will be or the extent of any changes
- ▶ Taumata Arowai Establishment team is designing to the Bill as it stands today, while anticipating that we may need to make some changes to reflect the final Act
- ▶ We encourage everyone to read the Bill and think about how it impacts on you. Also think about making a submission on the Bill
- ▶ This presentation will only cover some aspects of the Bill.



# Duty to supply safe water, duty to comply with standards

- ▶ The Bill specifies that a supplier must provide safe water (clause 21)
- ▶ If there is a reasonable likelihood that drinking water may be unsafe the Bill specifies action that must be taken. This includes:
  - Immediate action to ensure public health is protected
  - Notifying Taumata Arowai
  - Investigating the problem
  - Taking remedial action and steps to prevent reoccurrence
  - Taking all practicable steps to advise affected consumers
- ▶ A drinking water supplier must ensure compliance with drinking water standards (clause 22)
- ▶ The key change is that the reasonableness provisions in the Health Act 1956 won't apply. Cost won't be factor. The requirement to comply will be from commencement date.

# Taumata Arowai won't have responsibility to approve drinking water safety plans

- ▶ Under the Bill - Taumata Arowai won't have responsibility to **approve** drinking water safety plans and plan updates won't be on a five-yearly cycle.
- ▶ Taumata Arowai will **review** drinking water safety plans and **monitor** compliance (Clause 32)
  - A drinking water supplier is best placed to manage the risks associated with a water supply
  - Taumata Arowai will follow-up with suppliers if a plan is incomplete, unclear or appears to fall short of complying with requirements
  - Implementation of the plan will be considered during audits
  - Revised plans have to be forwarded to Taumata Arowai whenever material changes are made

# Extended coverage to include smaller drinking water supplies

- ▶ The Bill will cover a range of smaller drinking water suppliers that historically have not been covered by regulation or only had limited duties
- ▶ As currently proposed, all suppliers except for domestic self-suppliers will have duties
- ▶ A domestic self-supplier is the supply of water for use only by occupants of a single domestic household
- ▶ The policy intent is that the requirements for smaller supplies will be phased in over a period of five-years
- ▶ Taumata Arowai is considering how best to achieve this phasing through the transition provision of the Bill and our strategic approach.

# Monitoring of waste and stormwater networks

- ▶ Currently, the intent is that this function won't commence until 2023
- ▶ Taumata Arowai will require all networks to be registered and will require information for monitoring and reporting purposes
- ▶ Before 2023 we have to set the environmental performance measures:
  - These will align to NPS and NES developed by MfE
  - We will engage widely (including Network Operators, Regional Councils and Iwi)
- ▶ The initial focus will be weighted toward waste water

# A full set of Regulatory Tools

- ▶ The Bill provides a comprehensive set of Regulatory Tools that will be used to ensure that good outcomes are achieved for drinking water safety
- ▶ Directions and compliance orders are intended to ensure that unacceptable risks to public health are resolved in a timely way. Expect that we will use these orders
- ▶ Infringement fees can be used. The matters to which these will apply have yet to be specified. These will be specified by regulations made under the Act
- ▶ Taumata Arowai will be able to prosecute for breaches of the legislation. Prosecution will be more likely when wilful or reckless behaviour creates serious risk to public health
- ▶ We will use our enforcement tools in a way that is proportionate to the circumstances we are dealing with.

# A focus on outcome

- ▶ We expect suppliers and network operators to aim for best practice. We don't want to see a 'minimum compliance mentality'
- ▶ We will have a clear focus on public health
- ▶ Taumata Arowai will focus its effort in a way that is best able to achieve its strategic goals
- ▶ We will have a clear rationale for the choices and decisions that we make
- ▶ Our ability to change behaviours and influence outcome will be a consideration when we make enforcement decisions. The intention is to publicise how we use our enforcement tools
- ▶ We will measure the effectiveness of our activities.

# Time allowed for changes to be implemented

- ▶ The Water Services Bill introduces some expectations that are new - other duties are similar to what is already in place
- ▶ For some small drinking water suppliers, who have not previously been regulated, this will all be new
- ▶ Taumata Arowai will give people time to adjust to new expectations
- ▶ This will be a consideration when decisions are made regarding infringement and prosecution action

# Drinking Water Standards & Rules

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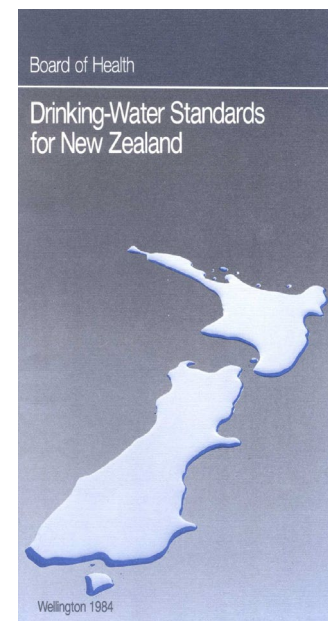
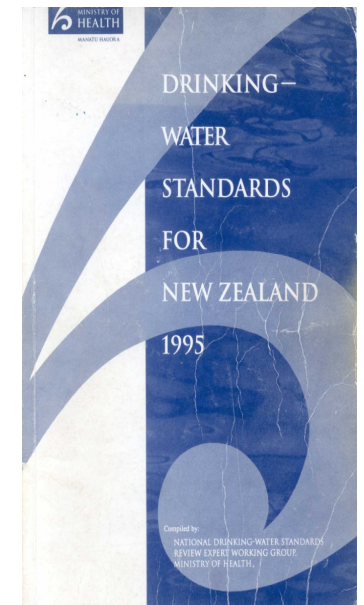


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# Standards and Rules

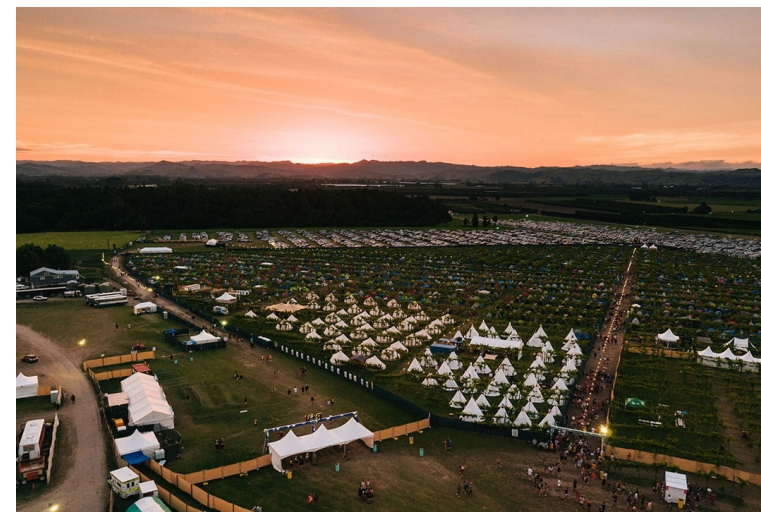
- ▶ Why are we preparing new drinking water standards and rules?
- ▶ What is the process for preparation and consultation on the new standards and rules?
  - Preparation of components of the standards and rules during September and October
  - Testing of the draft standards and rules with reference groups during November
  - Preparation to working drafts by end November 2020
  - Exposure drafts mid December 2020
  - Public consultation May? 2021



# Standards and Rules

How will drinking water supplies be grouped under the new rules?

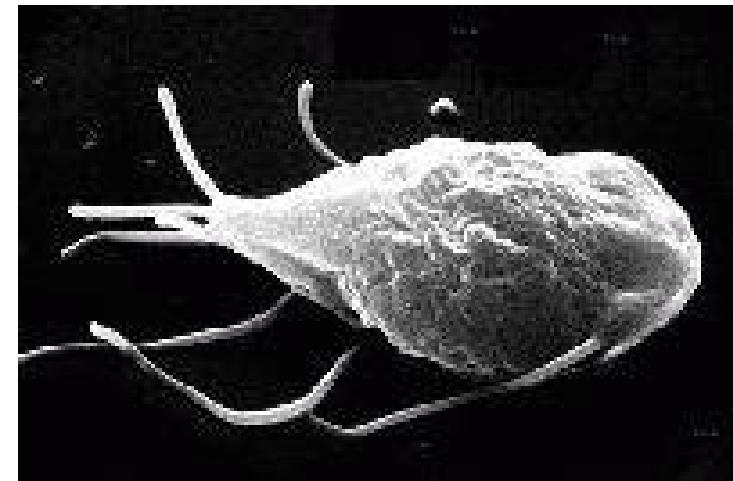
- ▶ Self Supplied Buildings
- ▶ Rural Restricted Supplies
- ▶ Water Carriers
- ▶ Temporary (Events)
- ▶ On- Demand Supplies
  - <50
  - 50-499
  - 500-10,000
  - >10,000
  - Variable population



# Standards and Rules

## What will be different in the new rules?

- ▶ Source water monitoring
- ▶ Bacterial compliance
- ▶ Protozoa compliance
- ▶ Chemical compliance
- ▶ Cyanobacterial compliance
- ▶ Radiological compliance
- ▶ Distribution system compliance:
  - Backflow
  - Hygiene procedures
  - Residual disinfection and disinfection by-products
  - Microbiological monitoring



# Standards and Rules

**What are Acceptable Solutions and how will they work?**

- ▶ Rural Agricultural Drinking Water Supplies
- ▶ Roof water supplies
- ▶ Groundwater (clear running bores and springs)



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# Giving effect to Te Mana o te Wai

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**Internal Affairs**

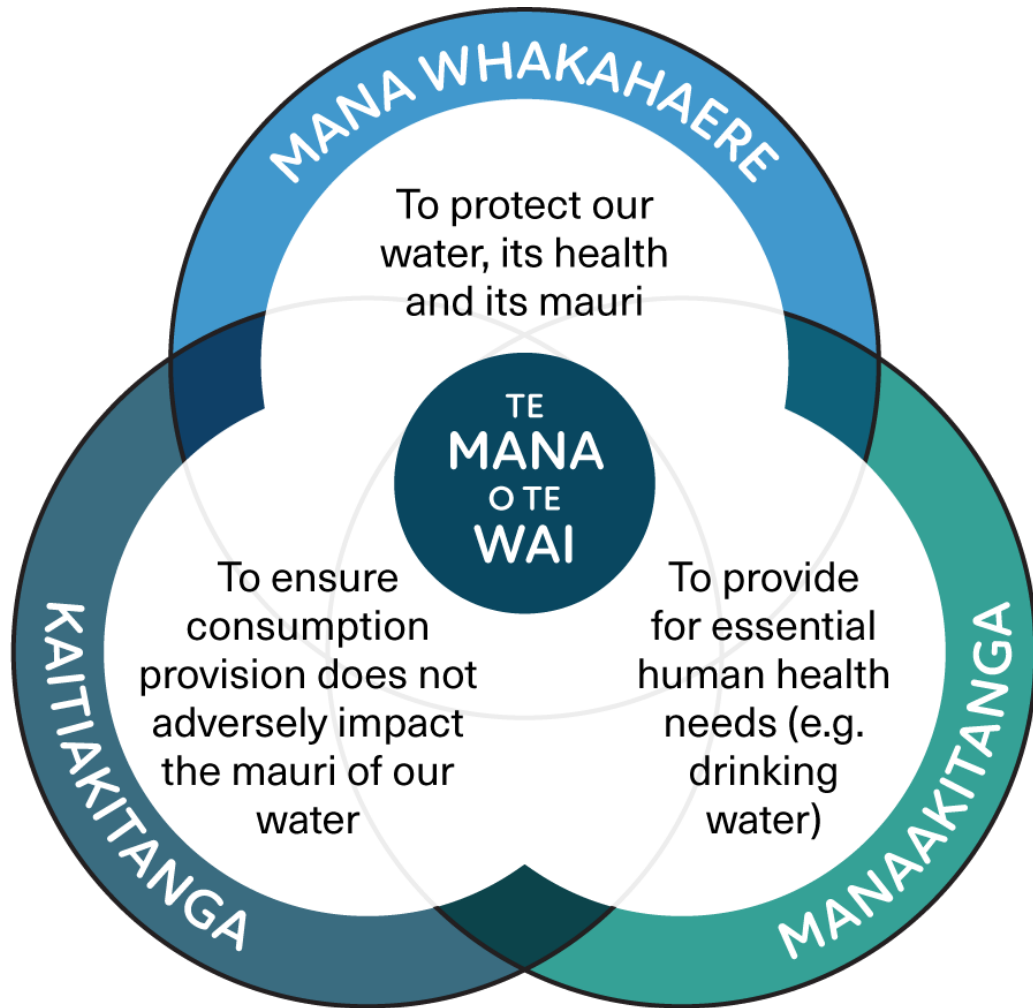


# Taumata Arowai – legislative commitments to Te Mana o te Wai

- ▶ Taumata Arowai is required to give effect to Te Mana o te Wai, to the extent that it applies to the functions and duties of Taumata Arowai. Taumata Arowai will be the first Crown agency to embed Te Mana o te Wai in how we carry out our functions.
- ▶ The Water Services Bill requires all persons who perform or exercise functions, powers or duties under the legislation to give effect to Te Mana o te Wai.
- ▶ Appointment of a Māori Advisory Group. Part of the role is to develop and maintain a framework on how to give effect to Te Mana o Te Wai (to the extent it applies to the functions of Taumata Arowai).

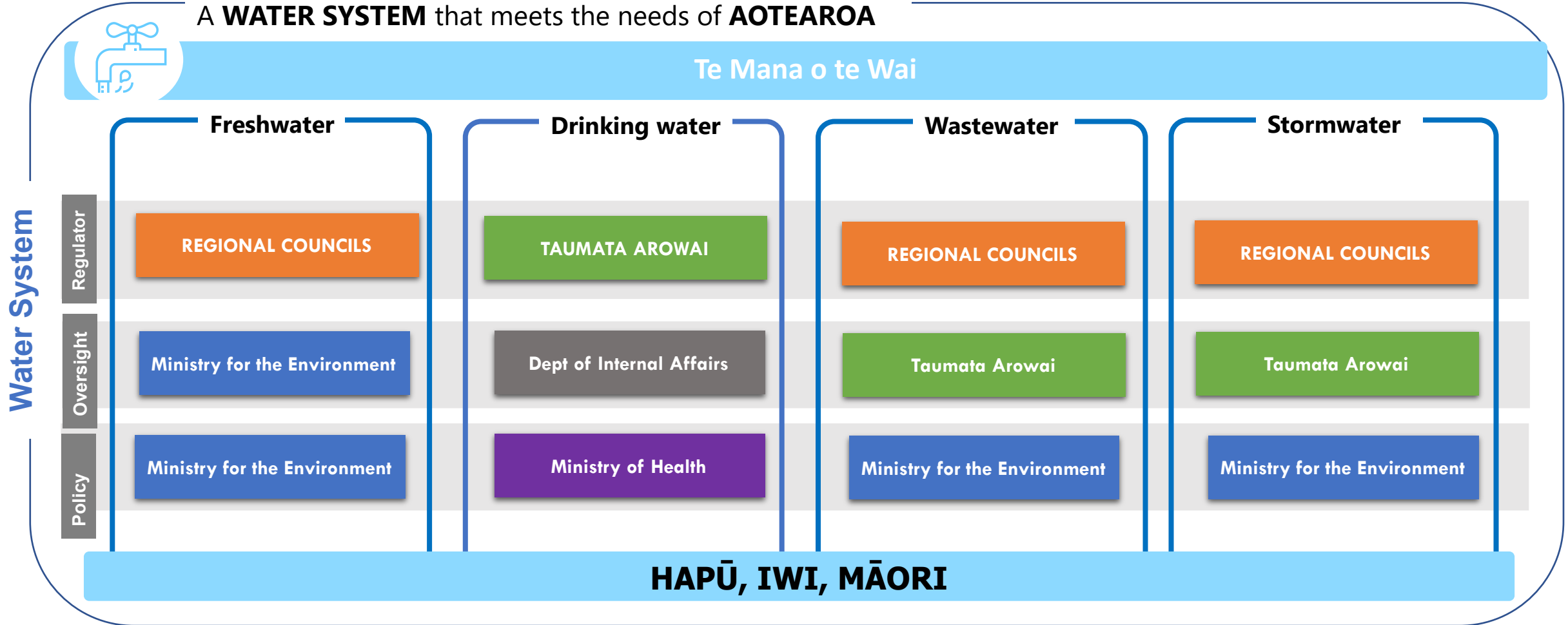


# Te Mana o te Wai



- All persons with functions and duties under the Water Services Bill **must give effect to Te Mana o te Wai.**
- Māori have always taken a whole of system approach to water, looking at the whole picture from maunga to moana, or ki uta ki tai.
- This whole-of system water recognises that the Te Ao Māori world views consist of fundamentals of tikanga, mātauranga Māori and kaitiakitanga (to name a few)
- There are whole knowledge systems embedded in how iwi/Māori do things, to protect and care for water in their rohe and takiwa.
- We are embracing this Aotearoa only approach and aspire to being a crown leader in giving effect to Te Mana o te Wai throughout the design of Taumata Arowai.

# Our role in the water system



# Panel Discussion: Te Mana o te Wai

- ▶ Troy Brockbank – WSP Opus
- ▶ Ngaa Rauuira Puumanawawhiti – DIA
- ▶ Jo Gasgoine – Ministry for the Environment
- ▶ Katy Te Amo – Taumata Arowai

# Useful links

- ▶ Taumata Arowai – Water Services Regulator Act

<http://www.legislation.govt.nz/act/public/2020/0052/latest/whole.html>

- ▶ Water Services Bill

<http://legislation.govt.nz/bill/government/2020/0314/latest/LMS374564.html>

- ▶ Three Waters Review

<https://www.dia.govt.nz/Three-waters-review>

- ▶ Te Mana o te Wai

<https://www.mfe.govt.nz/sites/default/files/media/Fresh%20water/essential-freshwater-te-mana-o-te-wai-factsheet.pdf>

<https://www.mfe.govt.nz/freshwater/webinars>

# Drinking Water Safety Plans & Audits

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**Alan Cooper - Principal Advisor Regulatory**  
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# Drinking Water Safety Plans and Audits

- ▶ Status of the Water Services Bill
- ▶ Drinking water safety plans
  - Why they are important?
  - Approach to risk identification and management
  - What is the same?
  - What is new?
- ▶ Taumata Arowai's role
  - Review of drinking water safety plans
  - Audits (full and targeted)

# Status of the Water Services Bill

- ▶ The Bill has been submitted to the House but has not been through a select committee process. This means:
  - Members of Parliament, interest groups, and the general public haven't had an opportunity to have input
  - It is likely there will be changes through the select committee process
  - We don't know what those changes will be or the extent of any changes
- ▶ Taumata Arowai Establishment team is designing to the Bill as it stands today, while anticipating that we may need to make some changes to reflect the final Act
- ▶ We encourage everyone to read the Bill and think about how it impacts on you. Also think about making a submission on the Bill
- ▶ This presentation will only cover some aspects of the Bill.

# Drinking water safety plan - Why it is important

- ▶ A comprehensive risk assessment and risk management approach that encompasses all steps in water supply from catchment to consumer.
- ▶ Does not necessitate starting over:
  - Build on existing procedures
  - Continuous improvement.
- ▶ A risk management approach is essential to ensure sustained supply of safe drinking water. The best approach is to prevent things from going wrong. If a problem arises a good plan will enable a timely intervention that minimises the risk to people.
- ▶ We expect supplies that transition from the existing MoH system will be working to a current drinking water safety plan at the time of transition.



# Approach to risk identification and management

- ▶ The drinking water safety plan must be proportionate to the scale and complexity of, and the risks that relate to, the drinking water supply.
- ▶ A water supplier should operate a risk identification and management approach that is effective and works for them in their circumstances.
- ▶ Important elements include:
  - Involve the right people so that all of the risks are understood.
  - Consider a range of controls. This means considering both preventative approaches and mitigation controls that minimise the risk of harm occurring.
  - Document your plan
  - Assign responsibilities
  - Implement and test controls

# What is the same?

- ▶ Continue to draw on current international best practice.
- ▶ Continue to remain consistent with the World Health Organization guidance.
- ▶ Water Services Bill proposes that existing approved water safety plans will transition into the new regime:
  - Transitioned drinking water safety plans will have to be updated to meet Water Services Bill requirements within the first year.

# What is new?

- ▶ The water safety plan clauses of the Water Services Bill is quite different to the current Health Act 1956.
- ▶ Every drinking water safety plan must - include a **multi-barrier approach** that will:
  - prevent hazards from entering the raw water
  - remove particles, pathogens, and chemical and radiological hazards from the water by physical treatment
  - kill or inactivate pathogens in the water by disinfection
  - maintain the quality of water in the reticulation system
  - include a source water risk management plan
  - provide for the use of residual disinfection where the water supply includes reticulation (there is an exemption clause).

# Water Safety Plans will be reviewed by Taumata Arowai

- ▶ Drinking Water Safety Plans will be reviewed by Taumata Arowai
  - Taumata Arowai won't have responsibility to approve drinking water safety plans
  - The drinking water safety plan should be a living document, maintained as needed by the drinking water supplier
  - Plans have to be resubmitted if a significant change is made – not a five-yearly cycle.
- ▶ A review includes the operational implementation of the drinking water safety plan
- ▶ Taumata Arowai will have a large number of plans to review during the first year. Our plan is to phase these reviews based on risk and complexity.

# Audits (scheduled)

- ▶ Scheduled Audits being considered to assess the performance of the supplier across all duties under the Bill. Our current thinking is:
  - A scheduled audit is proposed to cover a wide range of duties under the Water Services Bill
  - We intend to conduct these collaboratively with the supplier
  - We intend to complete a report on our audit findings
  - These may take a few days to complete - Depending upon the size and complexity of a supply
  - We intend to publicise an aggregated report of audits and findings to share what we learn
- ▶ As the Drinking Water Regulator, we will reserve the right to use compliance and enforcement action.

# Audits (targeted)

- ▶ Targeted Audits being considered on both a supply basis and an issue basis
- ▶ Supply basis:
  - Short audit undertaken to confirm the operational implementation of a drinking water safety plan.
- ▶ Issue basis:
  - Audit covering a number of suppliers looking at the same specific duty for all suppliers (e.g. duty to protect against risk of backflow).
  - We intend to publicise an aggregated report of audits and findings to share what we learn.

# The National Environmental Standard for Sources of Human Drinking Water

Jo Gascoigne

Director – Natural and Built System

Ministry for the Environment

# *Drinking water NES*

*This NES (gazetted in 2008) directed councils to consider risks to source waters from potential contamination in their RMA decision making processes.*

*A number of issues with how the NES was designed and implemented were identified through the Havelock North inquiry and MfE review.*

*The Government is considering a range of changes to ensure councils are appropriately managing risks to source waters.*





# *Drinking water NES: proposals*

*Our proposed changes:*

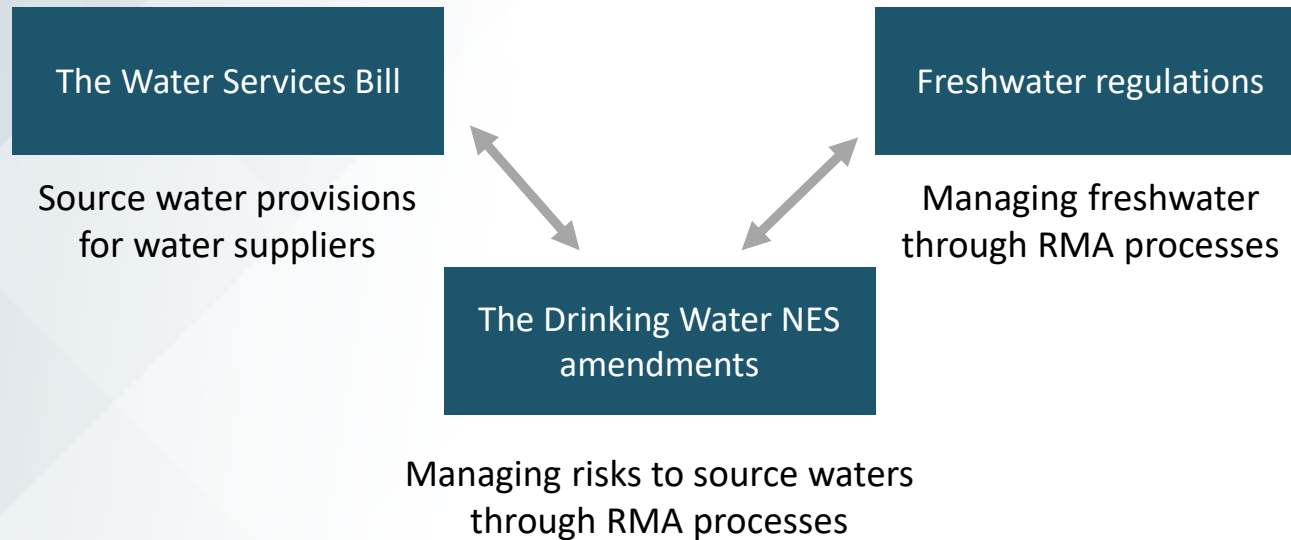
- 1. Provide a consistent approach for how councils identify the spatial area where the Drinking Water NES must be considered*
- 2. Provide a robust and consistent approach for assessing activities which could pose a risk to source waters*
- 3. Ensure both regional councils and territorial authorities are considering the effects of relevant RMA planning and consenting decisions on risks to source waters*
- 4. Provide wider protection to source waters by expanding the regulations to include smaller water supplies.*

# Drinking water NES: connections

*Any amendments to the NES will complement the Water Services Bill to form a strong source water management framework for New Zealand.*

*In addition, the NES will fit within the new freshwater regulations and freshwater planning process enacted earlier this year.*

## Te Mana o Te Wai



# *Drinking water NES: next steps*

*Targeted engagement is underway to test the proposed changes with key stakeholders.*

*Public consultation for any changes is expected for mid-2021.*

*Any questions?*



# PANEL DISCUSSION

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