

2 March 2021

Chair
Health Committee
Parliament Buildings
Wellington

Dear Sir/Madam,

SUBMISSION FOR WATER NEW ZEALAND ON THE WATER SERVICES BILL

INTRODUCTION AND OVERVIEW

1. Water New Zealand (“Water NZ”) appreciates the opportunity to provide a submission on the Water Services Bill (“the Bill”).
2. Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand’s three waters (drinking water, wastewater and stormwater). Water NZ is the country’s largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its 2,400 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists. Water NZ is the leading voice for the three waters sector in New Zealand.
3. Water NZ represents the entire water sector and is therefore interested in the entire Bill. Whilst this submission makes comments supporting or opposing particular provisions, this does not limit the generality of the overall interest in the Bill.
4. Water NZ generally supports the Bill.
5. The Bill sets the framework for the biggest improvement in the provision of safe drinking water safety that we have seen in this country in decades.
6. Water NZ fully supports this very important piece of legislation including both the intent of the Bill and the majority of the clauses within it. Water NZ considers that the regime the Bill sets up represents a sea change in the way drinking water will be regulated and will achieve a long over-due and much-needed improvement in the public health of drinking water for all New Zealand communities.
7. This submission was drafted in collaboration with Water NZ members across a wide range of practices working with various water utility sizes.
8. Water NZ was involved in the recovery effort after Havelock North drinking water contamination event and the subsequent public inquiry, which was a driving factor in this reform. The sector is aware of many other such events and near misses throughout New Zealand some reported and some under the radar. Water NZ is accordingly very

supportive of all actions and decisions that will improve the provision of safe drinking water to all New Zealanders and mitigate against further events.

9. There is a need to move forward as quickly as possible. It is concerning that the ongoing “systemic failure” has been borne out through recent findings and reports in years following the Havelock North contamination event.
10. The Ministry of Health 2018-19 Annual Report on Drinking-water Quality (**MOH Annual Report**) which reports on communities of more than 101, found that 23.8 percent of the population were supplied with water that did not meet some of the requirements of the Drinking Water Standards. The total report population covers 4,077,000 people, Effectively, this means that 970,000 people received publicly supplied water that did not meet all of the standards. This level of non-compliance has not significantly improved in the last 20 years. With New Zealand’s estimated population now being over 5,100,000 this means there is a further 1,023,000 New Zealanders with unknown drinking water quality. This is a further concern. There are approximately 2,000,000 New Zealanders with drinking water that does not fully comply with the Drinking Water Standards or have an unknown level of compliance. (ref <https://www.health.govt.nz/publication/annual-report-drinking-water-quality-2018-2019>)
11. The MOH Annual Report also identified that of the supplies being monitored in the Report 2.9% did not have a water safety plan. This equates to 117,000 New Zealanders who do not have the risks to their drinking water identified in a management plan should an event occur.

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ROLE OF TAUMATA AROWAI

12. As highlighted in various parts of this submission, the form of how Taumata Arowai will conduct some functions and exercise its powers are not known regarding certain provisions of the Bill. It is acknowledged that these may not need to be written into the legislation, but Water NZ makes the submission that they should be kept in mind when making changes to the Bill through the legislative process. Additionally, it is important that Taumata Arowai is aware of these issues and what industry bodies are looking for regarding their obligations and how these will be regulated by Taumata Arowai.
13. It is submitted that the use of alternative water sources should be addressed in the Bill. Taumata Arowai should play a role in ensuring that water sourced from alternative water supplies, such as greywater, stormwater harvesting systems, rainwater tanks and recycled water can be used in a safe manner. This may include providing standards and guidance on the purposes for which water from these alternative sources can be used.

COMMENTS ON SPECIFIC PROVISIONS

14. Water NZ wishes to make a number of comments on specific provisions in the Bill. In some instances, specific changes are also recommended to address its concerns and these are outlined in **Appendix A** attached.

Part 1, subpart 2 - Interpretation

15. This subpart frames the meaning and understanding of the entire Bill and must accurately represent what is intended to be legislated. Therefore, some clarifications or amendments are recommended as below.

RELIEF SOUGHT

16. Other than those below, Water NZ supports the definitions as they are prescribed in the Bill.
17. The following undefined terms require definitions for clarification:
 - **“Aesthetic values”** – for clarity, the definition in clause 47(3) should be copied to the Interpretation subpart.
 - **“Authorised supplier”** – whilst the Bill refers to the requirements that council-controlled organisations will be required to become authorised or have their drinking water services delivered by an authorised supplier, no definition of “authorised supplier” is provided.
 - **“Inspector”** – Clause 97(3) refers to an inspector, however, this is not defined or mentioned anywhere else. It is likely that this is merely an error, where “officer” should have been used instead, in which case it is submitted that this should be corrected.
 - **“Ordinary drinking water needs”** – suppliers have a duty to supply a quantity of drinking water that is sufficient to support the ordinary drinking water needs of consumers at the point of supply under Clause 25(2). A clear definition should be added here for clarity and certainty.

- **“Planned events”** – examples are given in Clause 33 (“...such as a festival or other organised gathering or camp...”) but it is submitted that a clearer definition be given.
- **“Point of Discharge”** – This requires a definition as a means to determine the boundary between a property wastewater system and a Water Supplier’s wastewater network.
- **“Point of Supply”** - Clause 13(c) refers to an endpoint treatment device being the point of supply where one is included. These devices are often installed well inside the property and in some situations are only supplying kitchen taps. This greatly blurs the responsibility and ownership between the Water Supplier’s point of supply and the cross over between the Building Act. Water NZ therefore submits that this definition should be amended.
- **“Reticulation system”** – This is referred to in multiple places with different requirements for reticulated and non-reticulated water supplies. Clarification is therefore required to avoid uncertainty as to the relevant requirements for both reticulated and non-reticulated water supply systems.
- **“Secondary Drinking Water Supplies”** - This term is used in the draft drinking water supply operational compliance rules, and it is recommended that a definition be created for secondary Drinking Water Supplies in the Bill, as well as including their obligations and enforcement mechanisms of those obligations.

18. The following definitions require amendments:

- **“Domestic self-supplier”** - Clause 10 requires amendments for clarity, including for clarification regarding embedded networks as part of a drinking water supply.
- **“End-point treatment”** – This requires clarification on what is intended to be covered by the associated duty in Clause 28. There are situations where end-point treatment devices are installed in the kitchen tap only. Water NZ submits that this amendment should clearly separate the end-point treatment device from any other plumbing within the property between the point of supply and the end-point treatment device.

Water NZ also submits that Clause 28 (2) and (3) should be at the approval of Taumata Arowai. If this clause was to be used to change a community from a centralised water supply system managed by competent authorised trained persons to many individual end-point treatment systems operated and maintained by homeowners, this may not be the best solution when looking through a public health lens.

Water NZ also wishes to raise that members have expressed broad and general concern at how this is envisaged to be managed, particularly where end-point treatment units reside inside private property.

- **“Safe in relation to drinking water”** – Clause 7 requires amendment to avoid uncertainty. The definition is concerningly subjective and uncertain, relying on a likelihood of causing risk of harm. Water NZ submits that there needs to be a stronger, clearer definition as many duty and enforcement provisions use the term “safe”.

- **“Unplanned events”** – The definition provided at Clause 34(2) needs amendments for clarity.

Part 1, subpart 3 – Key Principles Relating to Functions, Powers, and Duties

19. Water NZ supports this subpart and the direct reference to the Te Mana o Te Wai and the National Policy Statement for Freshwater Management 2020.

Part 2, subpart 1 – Duties of Drinking Water Suppliers

20. For the most part, the duties are clear and appropriate. However, Water NZ does have concerns around the application of these duties and therefore proposes various amendments. There is also a concern that the Bill lacks a clear provision regarding the failure to comply with drinking water standards as being an offence. This will be discussed later in the submission under the ‘offences’ subpart.
21. Water NZ submits that there should be a duty to ensure efficient water use in their networks. This includes managing network and private property leakage, encouraging water efficient customer use, and adopting alternative water sources to relieve pressure on over allocated water bodies.
22. As above, the “ordinary drinking water needs” of consumers needs to be defined for the purposes of Clause 25(2).
23. Water NZ also recommends introducing a mechanism to allow suppliers a viable exit plan from consumers in areas with receding water supply systems or the abandoning of supplies due to delivery constraints.
24. The exemption for water suppliers restricting or interrupting the provision of drinking water to a point of supply because of environmental factors affecting the source of a drinking water supply should be expanded. Environmental factors can include a range of circumstances, particularly from natural hazards and changing climates, which can have an effect on any part of the supply of drinking water.
25. There are provisions in the Electricity Industry Act 2010, particularly subpart 3, Continuance of Supply, clause 105, whereby an electricity distributor is prohibited from ceasing to supply line function services to a “place” without the prior consent of the Minister or every consumer who would be affected by the cessation of those services. To be able to stop supplying line function services the electricity distributor must supply electricity from an alternative source – a combination of supply from a solar array, battery or diesel generator would be an example of such services. Water NZ recommends that a new clause is included which provides for an equivalent “alternative long term water supply solution”, with consent from Taumata Arowai and every affected consumer.
26. Provisions for planned and unforeseen restrictions or interruptions to supplies should also allow for prior approval to be given from Taumata Arowai for multiple related occasions.
27. Water NZ does not see a need for suppliers to notify Fire and Emergency NZ where sufficient quantity of drinking water is at risk. Some utilities supply drinking water but do not have any systems with fire hydrants. Local authorities have protocols in place to notify appropriate authorities of affected services and this responsibility should lie solely with them.

28. Water NZ submits that Clause 27 needs amendment so that if a backflow risk to a reticulated network exists, the water supplier “must” rather than “may” take action. To leave this optional leaves an unnecessary residual risk. It is also noted that AS/NZS 2845.3.2020, (Water Supply – Backflow Prevention Devices) in 2.4 Field maintenance, has the following statement “Repairs to maintain devices shall be undertaken as soon as practicable when a device is known to have failed”. A similar statement and mindset should be applied to this Bill.
29. Duties relating to backflow and end-point treatment should also include provisions requiring maintenance to be carried out by a suitably qualified professional to avoid equipment failure and public health risk. These duties should also apply to persons installing backflow equipment including for fire sprinkler systems that are directly connected to the reticulated network. Work being undertaken on fire systems not directly connected to the reticulation network (for example within a building) should come under the building regulations.
30. Under section 93 of the Local Government Act 2002, Territorial Local Authorities are required to undertake long term planning – the plan must be for a minimum of ten years. However, for the water sector longer term forecasting is required, particularly in light of climate change, potential changes in population, consumer behaviour and land use.
31. Water NZ submits that a new provision should be included in the Bill in relation to long term planning, forecasting and reporting requirements of Drinking Water Suppliers, Wastewater Network Operators and Stormwater Network Operators. Analysing the impact of potential environmental changes on water networks over a 50-year period, and in some areas 100 years would be appropriate as water assets have expected life span of between 70-300 years.
32. One of the key benefits of requiring Drinking Water Suppliers, Wastewater Network Operators and Stormwater Network Operators to publish future investment scenarios is that it increases community understanding of the implication of near-term decisions, e.g., expenditure on addressing network condition to reduce leakages may over the long-term delay investment in a new water source.
33. Water NZ notes that Transpower, as the electricity national grid owner and system operator regularly publishes a Transmission Planning Report which details the grid asset capability over the next 15 years. Under the Electricity Industry Participation Code requires Transpower to publish the Grid Reliability Report, Grid Economic Investment Report and the ten year forecast fault levels within defined timeframes. See [Transpower's Integrated Transmission Plan suite of documents](#). Transpower has also published a number of documents which have considered various energy futures through to 2050 (see [Te Mauri Hiko - Energy Futures | Transpower](#)).

RELIEF SOUGHT

34. Insert a new definition for “ordinary drinking water needs” for the purposes of Clause 25(2) in Clause 5.
35. Insertion of new clause relating to alternative water supply as noted above.
36. Amend Clause 21(2) regarding the immediate notification of Taumata Arowai and alternate actions arising from advising consumers of unsafe drinking water.

37. Amend Clause 25(3) to apply to the entire drinking water supply.
38. Insert new Clause 25(8) regarding ability of Taumata Arowai to provide prior approval for the purposes of this subpart.
39. Delete reference to Fire and Emergency New Zealand in Clause 26(1).
40. Amend Clauses 27(2) & (3) and 28(2)(3) regarding installation and maintenance of backflow prevention and end-point treatment devices.
41. Insertion of new clause relating to long term planning.
42. Insertion of a new clause relating to water efficiency.

Part 2, subpart 2 – Drinking Water Safety Plans

43. Water NZ supports the use and implementation of Drinking Water Safety Plans and only recommends changes for the purpose of clarification. Water NZ also wishes to submit that there are various processes here that are to be defined and determined by Taumata Arowai and suggests an external policy statement or other such publication clarify the mechanics of the process. In particular, detail should be provided regarding the lodgement of safety plans with Taumata Arowai under this subpart and Taumata Arowai's requirements under Clause 32 to review safety plans and monitor compliance.
44. Water NZ supports Clauses 30 and 31 but proposes legislating more specific requirements regarding the review of safety plans, such as minimum time requirements for reviews. The requirement to provide for the use of residual disinfection of reticulated water supplies unless an exemption is obtained under Clause 51 is supported, though Water NZ submits that the safety plan should then need to describe the processes and measures in place to supply safe drinking water without a disinfection residual.
45. The use of residual disinfection is important to manage risks to public health in the New Zealand context. Water NZ therefore strongly supports Clause 31(1)(j) as understood.
46. Water NZ's understanding of this clause, particularly with it falling under the drinking water safety plans clause, is that it requires having the ability to disinfect a water supply reticulation following a contamination event. This being the case, concern amongst members has been raised as to why an exemption to have this the ability would ever be considered an option.
47. Water NZ seeks clarity around 31(1)(j), as there is potential for this clause to be interpreted as requiring permanent continuous residual disinfection in the reticulation system. If this is indeed the intention of this Bill, then it would be a significant requirement that should be provided for in a separate clause. Water NZ members have expressed both concern and support regarding permanent and continuous residual disinfection and its risks to New Zealand reticulation. It should be noted that there are Water NZ members that also believe that this should be a risk-based decision.
48. The multi-barrier approach to drinking water safety in Clause 31(2) also needs some clarification. The current wording of subsection (2)(b) does not acknowledge supplies where particles, pathogens, chemical or radiological hazards are not present in the source water (e.g., certain groundwater supplies) or if they may be removed by means other than physical treatment. The requirement should be rephrased to allow acceptable

treatments for the same outcome. Subsection (2)(c) and (2)(d) also do not clearly recognise instances where those requirements do not apply.

49. Water NZ supports the power of Taumata Arowai to review water safety plans and monitor their compliance based on the scale, complexity, and the risks that relate to the drinking water supplies. It is considered that this provides sufficient discretion to Taumata Arowai to review and monitor the supplies it deems appropriate, rather than creating an obligation to review and monitor all water safety plans. Water NZ also supports pro-active random reviews and monitoring from Taumata Arowai to ensure a sufficient cross-section of the industry is being compliant, rather than only those that are deemed to require review and monitoring.
50. Clause 33 is supported but Water NZ notes that a policy should be published by Taumata Arowai regarding the process for applications to Taumata Arowai for registration of a temporary drinking water supply, such as the lead time for applications to be approved and registered.
51. As mentioned above in the Interpretation subpart, a definition of “reticulation system” is required. Clearer definitions for “planned events” and “unplanned events” should also be included in the Bill.
52. It is understood that Taumata Arowai will be providing guidance and examples of water safety plans, particularly for smaller suppliers. Water NZ supports this but recommends that further guidance for smaller suppliers may also be required to ensure those plans are implemented and reviewed correctly.

RELIEF SOUGHT

53. Insert a new definition for “Reticulation system” in Clause 5.
54. Amend Clause 31(1)(e) to include requirement for when reviews of water safety plans will occur.
55. Amend Clause 31(1)(j) for clarity and so that exemptions also include a requirement for water safety plans to describe in detail the measures in place to ensure the supply of safe drinking water without a disinfection residual.
56. Insert new Clause 31(1)(n) providing for a minimum time requirement for reviews of plans.
57. Amend Clause 31(2)(b) to remove the specific reference to “by physical treatment”.
58. Amend Clause 32(2)(c) to ‘kill or inactivate pathogens in the water by disinfection unless exempt from residual disinfection under section 57’.
59. Amend Clause 32(2)(d) to ‘maintain the quality of water in the reticulation system’ and state that this does not apply to supplies without a reticulation system.
60. Amend Clause 33(5)(b) to specifically reference subsection (4).

Part 2, subpart 3 – Requirements relating to notifications and record keeping.

61. Water NZ generally supports this subpart. It is noted however that a policy document should be published by Taumata Arowai regarding their process for determining what risks or hazards are notifiable.

Part 2, subpart 4 – Consumer Complaints

62. Water NZ supports the creation of a process for consumer complaints but has concerns with elements of the process described in the Bill. Clarity may also be required regarding how a water supplier determines that a complaint is dealt with in an efficient and effective manner.
63. Water NZ recommends that requirements be introduced for complaints to be reviewed by a third party rather than Taumata Arowai. The process of Taumata Arowai reviewing complaints described in Clause 39 is in direct contrast to the process followed in the electricity and gas sector. Neither the Electricity Authority nor the Gas Industry Company review deadlocked complaints; rather, this is undertaken by Utilities Disputes Limited. This occurs through a provision whereby the Governor General may, by Order in Council made on the recommendation of the Minister, make regulations providing for a regulated dispute resolution scheme.
64. Water NZ suggests that there may be economies of scale and scope from adopting a similar process, rather than requiring Taumata Arowai to upskill in the assessment of complaints. If such an approach is adopted, Water NZ then recommends including a requirement, as in the Utilities Disputes electricity and gas scheme rules, that they are not able to make decisions on complaints that relate to price.
65. A mechanism is required allowing enforcement action where there is a risk to public health and safety and some amendments would also aid in clarity and flexibility to allow for a more effective process. This would include specifying who can make a complaint and what prescribed information can be.

RELIEF SOUGHT

66. Introduce requirements for complaints to be reviewed by a third party rather than Taumata Arowai.
67. Amend Clause 38 to weigh the complaints process based on the scale and complexity of, and the public health risk to, drinking water supplies.
68. Amend Clause 40 to be in accordance with complaints processes and provide for enforcement action.

Part 2, subpart 5 – Source Water

69. Water NZ supports the requirement that risks and hazards to source water are identified, assessed, managed, and monitored by drinking water suppliers and local authorities. It is noted though that this process will be new for a number of utilities- a Water NZ National Performance Review reported that less than half of the water suppliers had identified the zone from which water was sourced for their drinking supplies.¹ Water NZ therefore recommends a guidance document be required to be published by Taumata Arowai to assist in both the process of identifying source water and the publication of information on the process.
70. It is also submitted that local and regional authorities go further than merely contributing to the development and implementation of source water risk management plans.

¹ *Water New Zealand 2018-19 National Performance Review*, at pg. 5.
https://www.waternz.org.nz/Attachment?Action=Download&Attachment_id=4271

Instead, Water NZ submits that amendments be made requiring the source water plans to be jointly prepared by the water supplier and local and regional authorities. This amendment would have the plan being owned by the water supplier with the authorities actively assisting and signing off on the plans. The intent here is that the plan will require actions and obligations that all parties will need to perform in order to make a source water management plan effective. The plan should also identify that a water supplier is an affected party for activities that occur within the source water catchment. It should also be noted that in some water catchments other parties, such as the Department of Conservation, may be responsible for activities occurring within the catchment rather than a local or regional authority.

71. Amendments are also recommended regarding the requirements of councils to publish information about source water. These amendments include providing for a more collaborative and regular reporting dialogue between councils, Taumata Arowai and drinking water suppliers regarding water contamination risk management.

RELIEF SOUGHT

72. Amend Clause 45 regarding requirements of councils to monitor and publish information about source water, and to jointly contribute to the development of the plans.

Part 2, subpart 6 – Standards, Rules, Directions and other Instruments

73. Water NZ generally supports the adoption of Drinking Water Standards.
74. There are however concerns that the Drinking Water Standards are too limited by the wording of the subpart. Specifically, the requirement that they may only specify or provide for minimum or maximum values. To allow greater flexibility and fit-for-purpose standards, amendments to “minimum or maximum” are required to also allow mean, median and percentile ranges to be set.
75. Water NZ supports Clause 46(c). The addition of fluoride to drinking water is different from other water treatment process in that it is not about removing contaminants (biological, chemical or radiological). The decision to fluoridate or not is independent of making water safe to drink. The decision therefore is not one that should be made in the Drinking Water Standards. Water NZ understands and supports that the Standards can still set the acceptable limits for when fluoride is dosed. The Health (Fluoridation of Drinking Water) Amendment Bill is currently waiting for its second reading and addresses the decision to fluoridate or not.
76. Water NZ supports the requirement for Taumata Arowai to issue or adopt aesthetic values and supports the definition of aesthetic values in clause 47(3). It is submitted that this definition should be copied into the interpretation subpart for clarity. For ease of reference and functionality, the aesthetic values should also ideally form part of or be appended to the Drinking Water Standards. This would ensure water suppliers have clear and easy direction on requirements, leading to better public health outcomes.
77. Water NZ supports the ability of Taumata Arowai to make compliance rules for drinking water suppliers and other duty holders. There are concerns though that the prohibition for rules to apply to an individual water supply or local authority inappropriately removes the flexibility of Taumata Arowai to decide rules on a case-by-case basis. Every water

supply is different, and some may be unable for example to meet the aesthetic values for hardness that others can easily meet.

78. Water NZ supports the circulation of template or model drinking water safety plans by Taumata Arowai as members see the value for small water supplies, noting however that it is not envisaged that larger supplies would use a template to develop their water safety plan. It is noted that a water safety plan is still required to be reviewed by Taumata Arowai whether or not a template has been issued or followed and Taumata Arowai retain the ability to circulate a template without this provision. Therefore, Water NZ neither supports nor opposes Clause 51.
79. Water NZ supports the consultation requirements for Taumata Arowai and the narrow exemptions to those requirements. However, it is submitted that an additional clause is required to provide for an obligation to consider the importance of relevant existing standards of drinking water supply and construction.
80. Water NZ submits that additional standards are required for alternative water sources. While alternative water sources are not currently widespread in New Zealand, they are expected to play an increasingly important role in assuring the resilience and sustainability of the water supply system. Their adoption is currently hindered by regulatory barriers and lack of clear standards and guidance surrounding their use.

RELIEF SOUGHT

81. Amend Clause 46 regarding acceptable values and amounts of substances.
82. Amend Clause 52 to provide for an obligation to consider the importance of relevant existing standards of drinking water supply and construction.

Part 2, subpart 7 – Drinking Water Supply register

83. Water NZ supports the application process to register a drinking water supply and the keeping of a publicly available register of drinking water supplies. Water NZ particularly supports the ability of Taumata Arowai to withhold information from the publicly available register. This shows a good consideration of the sensitivity of certain details with respect to the privacy and safety of individuals, as well as potential threats to water supplies.
84. Water NZ supports the requirement to renew registrations annually. However, particularly for smaller supplies with overlapping duty holders, there are concerns that offences for a supply with lapsed registration are indistinguishable from offences for a supply that was never registered. This will be covered in the 'offences' subpart of this submission.

Part 2, subpart 8 – Exemptions

85. Water NZ supports the intention of this subpart and recommends minor amendments for clarity. However, Water NZ does note that there are various processes here that are to be defined and determined by Taumata Arowai and seeks an external policy statement or other such publication to clarify the mechanics of the process, particularly in regard to the framework for the exemption application and review process.
86. Clause 56 is supported but changes are recommended to provide greater flexibility to the Chief Executive.

87. Clause 57 provides broad discretion to Taumata Arowai. Water NZ does acknowledge this is necessary but recommends amendments to clarify the extent of that discretion, particularly in regard to exemption conditions applied by Taumata Arowai.
88. Exemptions will also be relied on by suppliers and therefore some certainty is required regarding the replacement and revocation of exemptions. The power to replace and, in some circumstances, revoke exemptions is supported. However, revoking or replacing exemptions with ones materially different to the previous should only be done after consultation with the supplier and appropriate notice periods. Reasons for replacement or revocation of exemptions should also be communicated.

RELIEF SOUGHT

89. Amend Clause 56(2) to allow exemption of any requirements.
90. Amend Clause 57(5) to require conditions to be proportionate to the scale, complexity, and risk profile of the water supply.
91. Amend Clause 57(7) to clarify “replacement” and introduce controls on any replacement or revocation of exemptions including requirements to consult with the supplier, provide reasonable notice, and communicate the reasons for replacement or revocation.

Part 2, subpart 9 – Emergency Powers

92. Water NZ supports the provisions relating to Emergency Powers. The powers granted to Taumata Arowai are extremely broad and extensive but generally appropriate in the circumstances. However, Taumata Arowai must recognise this and ensure that these powers are exercised responsibly and under the direction of suitably authorised persons within Taumata Arowai.
93. Water NZ particularly supports the exemptions provided for in this subpart that protect public health. This allows timely interventions where there is a conflict between public health and environmental protection provisions that can protect life.
94. Water NZ submits that when declaring a drinking water emergency Taumata Arowai should use established civil defence communication paths to avoid delays in action and public notification.

RELIEF SOUGHT

95. Amend Clause 58(6) to include requirement to use established civil defence communication paths.
96. Amend Clause 62(3) to include provision for a do not consume notice.

Part 2, subpart 10 – Authorisations

97. Water NZ supports the power of regulations to require the authorisation of those operating a drinking water supply. However, it is submitted that amendments are required for the purposes of clarity.
98. Water NZ looks forward to engaging with Taumata Arowai on possible delivery options for individual authorisations. Water New Zealand has developed a competency framework for the Drinking Water Treatment Operator, Wastewater Treatment Operator, Drinking Water Distribution Operator and Wastewater Network Operator. Due to these

pieces of work, other roles have been identified to develop competency frameworks for, which includes the supervisors, team leaders and managers.

99. Water Industry Professionals Association (WIPA) is an incorporated society jointly established by Water Industry Operations Group (WIOG) and Water NZ. WIPA provides an operational Continuing Professional Development registration programme for individuals to be registered as Water Industry Professionals. It is possible that WIPA is part of the solution for authorising individuals under this legislation and we look forward to discussing options with Taumata Arowai.
100. There are also concerns regarding the process and practicability of authorisations that will be addressed below under the 'Regulations' subpart in Part 4.
101. Water NZ also supports Clause 5 of Schedule 1 regarding authorisation requirements which require local authorities and council-controlled organisations operating drinking water supplies to be authorised or have the supply operated by an authorised supplier. Water NZ understands the mechanisms that will enable this authorisation will be developed through regulations. In the meantime, Water NZ offers that a potential pathway for such authorisations is through self-certification against a series of criteria developed by Taumata Arowai. Such schemes have been used in the electricity sector with the Electricity Authority adopting a stress test process, whereby certain industry participants in the wholesale electricity market are required to apply a set of standard tests to their market position and report the results. The purpose of the annual certificates is to confirm that the governance boards of the participants have considered the results of the stress tests.

RELIEF SOUGHT

102. Various amendments are required for clarity as noted above and in the Appendix.

Part 2, subpart 11 – Laboratory Accreditation and Testing

103. Water NZ generally supports this subpart but has some specific concerns regarding the requirement to use an accredited laboratory for all analyses and the strain it may place on drinking water suppliers and Taumata Arowai.
104. In particular, there are concerns regarding Clause 72(1). Water NZ acknowledges that some specialist analyses such as for toxins and protozoa require skill sets and equipment only available in accredited laboratories and that a method for regularly verifying Operator competency should perhaps be part of a registration / continued professional development program.
105. Water NZ therefore submits that it is not reasonable to require an accredited laboratory to be used for all analyses. Instead, only analyses that require a laboratory should be required to use an accredited one. The inhouse and field testing, where a laboratory is not required, should then be analysed by a suitably trained and authorised person.
106. Water NZ submits that the requirement under Clause 72(2) to notify Taumata Arowai is unnecessary and puts an undue administrative strain on Taumata Arowai where related to general guidance values or aesthetic values. Amendments are submitted requiring laboratories to notify the drinking water supplier as soon as practical instead, with an additional provision inserted to require laboratories to notify Taumata Arowai as soon as practical if the results of an accredited laboratory's analysis indicate that drinking

water causes a risk to public health. Suppliers have a duty to comply with drinking water standards under Clause 22 which includes a requirement to notify Taumata Arowai. These amendments will reduce redundant double-notification except in circumstances where public health is at risk.

107. Water NZ also has some concerns regarding the accreditation of laboratories for discrete services. The wording of provisions in this subpart is extremely broad and makes no indication of laboratories being accredited for different services, and no mention of requiring accreditation for the sampling of water. It is expected that Taumata Arowai's register will clearly state what services each laboratory is accredited for, but amendments are suggested to clarify the requirements on laboratories and Taumata Arowai to ensure both the sampling and the analysis of source water, raw water and drinking water is carried out by appropriately accredited laboratories.
108. Water NZ also notes that raw water and source water are generally treated as the same water, recommending that only the term source water is used.

RELIEF SOUGHT

109. Amend Clause 72(1) so that only analyses that require a laboratory be required to use an accredited one and, where a laboratory is not required, analyses may be undertaken by a suitably trained and authorised person.
110. Amend Clause 72(2) to require laboratories to notify the supplier rather than Taumata Arowai.
111. Insert a new provision in Clause 72 to require laboratories to notify Taumata Arowai as soon as practical if the results of an accredited laboratory's analysis indicate that drinking water causes a risk to public health.
112. Amend Clause 76 to include accreditation for sampling.

Part 2, subpart 12 – Statutory Management and Transfer of Operations

113. The process and circumstances of exercise for this power is supported by Water NZ. However, there are concerns around overburdening a supplier with the costs of additional operations, investment and infrastructure required to competently operate a safe water supply. Amendments are suggested to provide for circumstances where Taumata Arowai covers these costs until a sustainable funding arrangement is in place for all parties.

RELIEF SOUGHT

114. Insert a new clause at 85(3) to provide for sustainable funding models.

Part 2, subpart 13 – Review and Appeals.

115. Water NZ generally supports these provisions and their execution. However, a slight amendment is required for clarity and practicability by merging Clauses 89(1) and 90, requiring Taumata Arowai to make and communicate the decision simultaneously.
116. Water NZ also submits that the effects of an appeal under Clause 96 also apply to appeals of reviewable decisions under Clause 88(2).

Part 3, subpart 1 – Appointment of Compliance Officers

117. Water NZ supports the ability of Taumata Arowai to appoint compliance officers, and to apply conditions or limitations to that appointment. However, due to the complexity of matters that may be dealt with by compliance officers, there are concerns regarding the lack of defined suitability requirements. Water NZ submits that an additional provision is therefore necessary that requires Taumata Arowai to publish a competency framework for compliance officers to meet prior to appointment.

RELIEF SOUGHT

118. Insert new Clause 97(4) requiring Taumata Arowai to publish a competency framework.

Part 3, subpart 2 – Powers of Compliance Officers

119. Water NZ supports empowering Compliance Officers with extended powers beyond those in the Health Act. It is agreed that these powers are necessary to achieve the purpose of the Water Services Bill and ensure a graduated response to non-compliance. However, Water NZ submits that the checks on these powers need some amendment for clarity, effectiveness, and practical workability.
120. Compliance Officers are given heightened powers where there is a serious risk to public health, including the power to enter without a search warrant. This circumstance is defined as a serious risk relating to the drinking water supplied to consumers or the ongoing supply of a sufficient quantity of drinking water to consumers. Water NZ supports this definition of what the risk relates to. However, there is a significant concern regarding the lack of a definition or context for what amounts to a 'serious risk'. It is submitted that some guidance be inserted to direct the very subjective threshold.
121. Water NZ supports the ability of Compliance Officers to issue Directions to drinking water suppliers.

Part 3, subpart 3 – Compliance Orders

122. Water NZ supports the elevated process to issue Compliance Orders on any person compared the issue of Directions on drinking water suppliers. The requirement for a Compliance Order to be issued by the Chief Executive appropriately recognises the gravity of issuing enforceable orders.

Part 3, subpart 4 – Remedial Action

123. Water NZ generally supports these provisions. It is important that the regulator has the power to undertake the action to ensure that the compliance orders are complied with.

RELIEF SOUGHT

124. Retain this subpart.

Part 3, subpart 5 – Enforceable Undertakings

125. Water NZ generally supports these provisions as they provide flexibility in the way in which compliance can be achieved.

RELIEF SOUGHT

126. Retain this subpart.

Part 3, subpart 6 – Planning and Reporting Requirements of Taumata Arowai

127. Water NZ supports this subpart.

Part 3, subpart 7 – Monitoring and Reporting on Wastewater and Stormwater Networks

128. Water NZ supports this subpart but has concerns regarding lack of sufficient detail. Water NZ therefore recommends inserting an additional provision regarding timelines and a requirement for industry consultation to this provision, along with other amendments for clarity and workability.
129. There is currently limited reporting of wastewater and stormwater network environmental performance occurring through the National Performance Review and the Non-Financial Performance Measure Rules. There are shortfalls with both approaches which require a more comprehensive environmental reporting system based on resource consent condition and compliance. Consulting with industry will help avoid similar shortfalls occurring in the future. Providing timelines for implementation will assist industry in complying with the provision.
130. Water NZ also submits that wastewater and stormwater performance should be reported on by publishing a database collating the number and location of wastewater treatment and stormwater discharges and associated consent conditions, rather than publishing a report. Where there are discharge related consent conditions the database should include compliance against these consents. It should also be noted where there are discharges but no associated consents (as is often the case with stormwater discharges and wastewater overflows).
131. The content of that database needs to be flexible to enable meaningful environmental reporting. Wastewater and stormwater discharges are not always consented, and those that are consented are inconsistent. The development of this database would provide an information base to develop greater consistency across consent parameters monitored, compliance limits and measurement approaches over time. The drinking water supplies compliance map published by ESR on behalf of Ministry of Health provides an example of how this database could be navigated.²
132. Consents and related reporting around wastewater overflows from the wastewater system (often occurring through constructed overflow points) are not widespread. Where consents related to wet weather overflow points from the wastewater system exist, these should be included in addition to wastewater treatment plant discharges. Additional information should also be provided on the number and locations of overflows occurring where consents are not held. Further work defining what constitutes a notifiable event is required.
133. Water NZ submits that the extent to which operators are avoiding, remedying, or mitigating adverse effects on the environment arising from systems operation does not benefit from an annual report. These practices are best disseminated amongst the

² <https://www.drinkingwater.esr.cri.nz/supplies/Suppliescompliance.asp>.

industry through interactive training and network events. Water NZ therefore recommends removing the provision to report on how adverse environmental effects are being mitigated unless some further specific detail can be provided on how this could be demonstrated.

134. In addition, mandatory reporting of greenhouse gas emissions for wastewater networks (and water supply networks) is needed to balance the nexus between greenhouse gas emissions, energy use and water service outcomes. Wastewater treatment plant effluent quality requirements impact on greenhouse gas emissions and energy use. Alternative water supply options can have vastly different energy and emissions intensity (for example desalination versus demand side management approaches). Emissions reporting in the New Zealand water sector is not currently widespread and needs a regulatory driver. Water regulators in other Australasian jurisdictions such as NSW and VIC require emissions reporting for this reason.
135. Water NZ submits that water efficiency should also be included as an additional performance reporting requirement. In addition to wastewater and stormwater environmental performance, environmental performance metrics for water supply networks should also be mandatory. Water New Zealand recommends performance measures addressing key aspects of water efficiency:
 - (a) Residential water consumption per capita;
 - (b) Network water losses.
136. Water NZ supports the identification and development of advice and guidance documents under Clause 136(d). Water NZ has been providing guidance documents for many years and is greatly supported by expertise within our special interest groups, there are a number of existing documents that provide evidence of this. Water NZ looks forward to working with Taumata Arowai to continue this work.
137. Water NZ submits that Onsite Wastewater Management Systems (OWMS) should also come under the oversight of Taumata Arowai. It is noted that marae wharekai or a café if supplied by a rainwater tank or river supply are not deemed a domestic self-supply and will come under the scope of this bill. In these situations, it is likely that the wastewater is managed through an OWMS. It is Water NZ's understanding that at times a community of 400 persons is served by a single OWMS. As a general rule the majority of OWMS are permitted activities with little or no requirement for desludging or maintenance to be carried out. The risks to public health and the environment also exist with OWMS and as such should come under the oversight of Taumata Arowai.

RELIEF SOUGHT

138. Amend Clause 141 for clarity and insert new subclauses 141(2) and (3).

Part 3, subpart 8 – Infringement Notices

139. Water NZ supports this subpart as it provides a quicker enforcement pathway to achieve a particular outcome than a full prosecution.

RELIEF SOUGHT

140. Retain this subpart.

Part 3, subpart 9 – Criminal Proceedings

141. Subject to the comments below Water NZ supports this subpart.
142. Clause 156 contains the specific defences. Subclause (2)(1)(ii) refers to “an accident”. It is unclear if this term would include ‘acts of God’. Some clarification would be warranted.
143. Clause 160 refers the liability of volunteers. It is unclear whether this is intended to apply to just natural persons or also applies to body corporates.
144. Water NZ recognises that Clause 161 regarding exemptions of elected officials from being charged with offences is consistent with other legislative arrangements. Nevertheless, on behalf of Water NZ members which includes duty-holding employees under this legislation it is important to acknowledge their position. This position is that these water sector employees are required to exercise due diligence to ensure that a drinking water supplier complies with duties under a legislative requirement that can result in a \$50,000 fine if the supplier commits an offence involving the drinking water safety plan. The safety plan is the mechanism by which the supplier details how their supply will comply with legislative requirements. Financial decisions made by elected officials to approve or decline specific capital or operating expenditure will have an effect on operations that can or cannot be undertaken by a drinking water supplier under their safety plan, and which can have a consequential impact on public health.

RELIEF SOUGHT

145. Retain this subpart but clarify the meaning of ‘accident’ in clause 156 and the intent of clause 160 with regards to the meaning of volunteer.

Part 3, subpart 10 – Offences

146. Water NZ supports this subpart and notes the fines and penalties are sufficiently robust to ensure they operate as a significant incentive to ensure offences are rare. Water NZ does note that some members have concerns regarding the high personal liability but understands that the full extent of these penalties will be reserved for only the most serious offending.

RELIEF SOUGHT

147. Retain this subpart.

Part 3, subpart 11 – Sentencing for Offences.

148. Water NZ supports this subpart. Given the specific nature of the legislation guidance in Sentencing beyond that contained in the Sentencing Act is considered appropriate.

RELIEF SOUGHT

149. Retain this subpart.

Part 4 – Miscellaneous Provisions

150. Water NZ supports this subpart.

RELIEF SOUGHT

151. Retain this subpart.

CHANGES SOUGHT

152. Given the issues noted above, Water NZ requests amendments to the Bill which appropriately address the concerns expressed above, including the changes laid out in **Appendix A** or changes to similar effect or.

CONCLUSION

153. Water NZ thanks the Committee for the opportunity to provide comments on the Bill and **wishes to be heard in support of its submission.**

154. Water NZ welcomes any opportunity to answer questions arising from this submission or to otherwise engage in the development of the Bill.



Gillian Blythe
Chief Executive

Appendix A

Provision	Changes sought	
<i>Interpretation</i>		
5 Interpretation	Amend	end-point treatment means treatment of drinking water at the final point beyond the connection/metering point of the supply at which the consumer can consume, use, or collect drinking water
	Insert	<u>Aesthetic values may, without limitation, specify or provide for minimum or maximum values for substances and other characteristics that relate to the acceptability of drinking water to consumers (such as appearance, taste, or odour)</u>
	Insert	<u>Authorised supplier means</u>
	Insert	<u>Planned event means</u>
	Insert	<u>Reticulation system means</u>
8	Amend	In this Act, unless the context otherwise requires, drinking water supplier— (a) means 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; <u>and</u> <u>(e) includes secondary and embedded networks;</u> but <u>(ef)</u> does not include a domestic self-supplier.
21(2)	Amend	(2) If there is a reasonable likelihood that a supplier's drinking water is or may be unsafe, the supplier must – ... (b) notify Taumata Arowai <u>immediately</u> that the drinking water is or may be unsafe; and ... (f) take all practicable steps, to the satisfaction of Taumata Arowai, to advise affected consumers that drinking water is or may be unsafe and how it should be treated (for example, by boiling) <u>or isolated and not used.</u>
25(3)	Amend	... (c) environmental factors affecting a source of a drinking water supply; or
25	Insert	<i>After (7)</i> <u>(8) To avoid doubt, Taumata Arowai –</u> <u>(a) may provide prior approval for the purposes of this subpart for multiple related occasions at once; and</u>

		<u>(b) must respond to requests for prior approval in a reasonable time.</u>
26(1)	Amend	... (a) notify Taumata Arowai, Fire and Emergency New Zealand , and the local authorities in the area where the water is supplied of the circumstances giving rise to the risk; and
27 (2)	Amend	(2) If there is a risk of backflow in a reticulated drinking water supply, the drinking water supplier may must — ...
27(3)	Amend	A person who installs <u>or maintains</u> a backflow prevention device must <u>be suitably qualified</u> take all reasonable steps to ensure that it operates in a way that does not compromise the operation of any automatic fire sprinkler system connected to the drinking water supply.
28(2)	Amend	A drinking water supply may with the approval of Taumata Arowai : - (a) Install an end-point treatment device and require the homeowner of the premises to reimburse..... (b) Require the owner of the premises to install, maintain and test an end-point treatment device.....
28(3)	Amend	A person who installs <u>or maintains</u> an end-point treatment device must <u>be suitably qualified</u> take all reasonable steps to ensure that it operates in a way that does not compromise the operation of any automatic fire sprinkler system connected to the drinking water supply.
31(1)	Amend	(1) A drinking water safety plan must ... (e) identify how <u>and when</u> the drinking water safety plan will be reviewed on an ongoing basis, and how its implementation will be amended, if necessary, to ensure that drinking water is safe and complies with legislative requirements; and ... (j) where a drinking water supply includes reticulation, provide for the use of residual disinfection in the supply unless an exemption is obtained under section 57 and the plan describes in detail the measures in place to ensure the supply of safe drinking water without a disinfection residual; and
31(1)	Insert	... <u>(n) be reviewed at least annually.</u>
31(2)	Amend	(2) A multi-barrier approach to drinking water safety is one that Taumata Arowai considers will—

		<p>(a) prevent hazards from entering the raw water; and</p> <p>(b) remove particles, pathogens, and chemical and radiological hazards from the water by an acceptable treatment process physical treatment; and</p> <p>(c) kill or inactivate pathogens in the water by disinfection unless an exemption is obtained under Section 57; and</p> <p>(d) where a supply has a reticulation system, maintain the quality of water in the reticulation system.</p>
33(5)(b)	Amend	<p>(b) any conditions imposed by Taumata Arowai under subsection (4).</p>
38	Amend	<p>(1) A drinking water supplier must, in accordance with regulations that apply to the supplier, —</p> <p>(a) provide any prescribed information to consumers; and</p> <p>(b) establish, maintain, and administer a consumer complaints process based on the scale and complexity of, and the public health risk to, drinking water supplies; and</p> <p>(c) report annually to Taumata Arowai on its consumer complaints process.</p> <p>(2) A drinking water supplier must ensure that complaints are dealt with—</p> <p>(a) in accordance with its consumer complaints process; and</p> <p>(b) in an efficient and effective manner.</p>
40	Amend	<p>Taumata Arowai must monitor compliance with this subpart based on the scale and complexity of, and the risk to, drinking water supplies in accordance with the supplier's complaints process. Enforcement action may be taken if the supplier's complaints process is not followed and there is a risk to public health or safety.</p>
42(4)	Amend	<p>(4) Local authorities must contribute to the development and implementation of source water risk management plans prepared by drinking water suppliers, including by—</p>

		<p>(a) providing information to suppliers in accordance with compliance rules issued by Taumata Arowai under section 48, including information about—</p> <p>(i) land-use activities, potential sources of contamination, and other water users that could directly or indirectly affect the quality or quantity of the source of a drinking water supply; and</p> <p>(ii) water quality monitoring of the source of a drinking water supply conducted by a regional council; and</p> <p>(iii) any known risks or hazards that could affect the source of a drinking water supply; and</p> <p>(b) undertaking any actions to address risks or hazards to the source of a drinking water supply that local authorities have agreed to undertake on behalf of a drinking water supplier, as specified in a schedule attached to a source water risk management plan or otherwise agreed in writing.</p>
45	Replace	<p><u>45 Regional Councils to monitor and publish information about contamination risks in source water catchments.</u></p> <p><u>(1) Regional Councils, Territorial Authorities and the Department of Conservation where applicable must:</u></p> <p><u>(a) monitor the contamination risks within source water catchments of drinking-water supplies;</u></p> <p><u>(b) jointly report the results of the contamination risk monitoring to the drinking water suppliers within each catchment to Taumata Arowai; and</u></p> <p><u>(c) assess the effectiveness of regulatory and non-regulatory interventions to manage risks or hazards to source water in their region annually and make this information available to the public on Internet sites maintained by or on behalf of the councils.</u></p> <p><u>(2) Taumata Arowai must audit the monitoring results annually and notify affected parties if a new risk is identified as soon as practicable.</u></p> <p><u>(3) Compliance rules issued under section 48 may specify the monitoring and management requirements for source water catchments that are proportionate to the scale and complexity of each drinking water supply and</u></p>

		<u>any known risks or hazards to the source of a drinking water supply.</u>
46	Amend	<p>(2) Drinking water standards may, without limitation, specify or provide for—</p> <p>(a) minimum or maximum <u>acceptable</u> amounts of substances that may be present in drinking water; and</p> <p>(b) minimum or maximum acceptable values for chemical, radiological, microbiological, and other characteristics of drinking water.</p> <p>(3) Drinking water standards must not include any requirement that fluoride be added to drinking water.</p>
51	Delete	<p>(1) Taumata Arowai may, by notice in the Gazette, issue a template or model for drinking water safety plans or components of plans.</p> <p>(2) Templates and models issued under subsection (1) must be published in accordance with section 195.</p>
52	Amend	<p>52 Taumata Arowai consultation requirements</p> <p>(1) Taumata Arowai must ensure that adequate public consultation has been carried out before the following instruments are made:</p> <p>(a) drinking water standards;</p> <p>(b) aesthetic values;</p> <p>(c) compliance rules;</p> <p>(d) acceptable solutions or verification methods.</p> <p>(2) Adequate public consultation must include—</p> <p>(a) adequate and appropriate notice of the content of the proposed instrument; and</p> <p>(b) a reasonable opportunity for interested persons to make submissions; and</p> <p>(c) appropriate consideration of any submissions received; <u>and</u></p> <p><u>(d) consideration of the importance of the relevant existing standards of drinking water supply and construction.</u></p> <p>(3) Despite subsection (1), Taumata Arowai need not consult the public if Taumata Arowai is satisfied that—</p> <p>(a) the instrument needs to be made—</p> <p>(i) urgently; or</p> <p>(ii) to deal with transitional issues; or</p> <p>(b) an amendment to an instrument is minor and will not adversely and substantially affect the interest of any person.</p>

56(2)	Amend	(2) An exemption must may exempt a drinking water supplier, or class of supplier, from all any of the requirements in subsection (1).
57(5)	Amend	(5) Taumata Arowai may exempt a drinking water supplier from the requirement to use residual disinfection in the supply on any conditions that Taumata Arowai thinks fit <u>and that are proportionate to the scale, complexity, and risk profile of the water supply.</u>
58(6)	Amend	As soon as practicable after making or amending a drinking water emergency declaration, Taumata Arowai must— (a) give a copy of the declaration or amended declaration to every affected drinking water supplier and territorial authority; and (b) publish a copy of the declaration or amended declaration in the <i>Gazette</i> ; and (c) take all practicable steps, <u>using established civil defence communication paths and</u> working with affected drinking water supplies and territorial authorities, to ensure that consumers are informed about the drinking water emergency.
62(3)	Amend	... (b) that the drinking water supplier take appropriate measures to warn consumers of the need to boil <u>or not consume</u> any drinking water from the water supply; and
72	Amend	(1) A drinking water supplier must use an accredited laboratory to analyse source water, raw water, and drinking water as part of any monitoring requirements in compliance rules or a drinking water safety plan . (2) If the results of an accredited laboratory's analysis indicate that drinking water does not comply with the drinking water standards, the laboratory must notify <u>Taumata Arowai the drinking water supplier</u> as soon as practicable after the results are known. <u>(3) If the results of an accredited laboratory's analysis indicate that drinking water causes a risk to public health, the laboratory must notify Taumata Arowai as soon as practical after the results are known.</u> (34) In this subpart, accredited laboratory means a person accredited under section 76 to perform the functions of a laboratory that analyses source water, raw water, and drinking water.
76	Amend	The laboratory accreditation body may, on the application of a person made in accordance with section 78 , accredit that person to perform the functions of a laboratory that analyses <u>or samples</u> source water, raw water, and drinking water.

85(3)	Insert	<u>(3) Taumata Arowai will continue to carry the costs associated with the operations and duties of the transferred water supply until a sustainable funding model is in place for the new operator.</u>
89(1)	Amend	(1) Taumata Arowai must review the reviewable decision and make <u>and communicate in writing to the applicant</u> a decision— (a) as soon as practicable; and (b) in any case, within 20 working days after the application for internal review is received: <u>and</u> <u>(c) give the applicant the reasons for that decision.</u>
90	Delete	90 Notice of decision on internal review As soon as practicable after making a decision in accordance with section 89, Taumata Arowai must give the applicant in writing— (a) the decision on the internal review; and (b) the reasons for the decision.
96	Amend	96 Effect of appeal against compliance order or reviewable decision An appeal under sections 9288 to 95 against a compliance order <u>or reviewable decision</u> has the following effects: (a) the chief executive whose compliance order is appealed against must not revoke or amend the order while the order is the subject of an appeal or while the time for the person's appeal rights is running; and (b) an appeal against a compliance order does not operate as a stay of that order unless the court orders otherwise; <u>and</u> <u>(c) the directions, conditions, exemption or authorisation to which the reviewable decision relates must not be revoked or amended while it is under appeal or while the person's appeal rights is running; and</u> <u>(d) an appeal; against a reviewable decision does not operate as a stay of that order unless the court orders otherwise.</u>
97	Insert	<u>(4) Taumata Arowai must publish a competency framework that all compliance officers must satisfy before appointment.</u>
141	Insert and amend	<u>(1) Taumata Arowai must, on an annual basis, publish a report information</u> on— (a) the environmental performance of <u>water supply, wastewater and stormwater networks and network operators, including their performance</u>

		<p>against environmental performance measures; and</p> <p>(b) the extent to which wastewater and stormwater networks are complying with applicable standards, conditions, or requirements (whether under legislation or as part of a resource consent); and</p> <p>(c) the extent to which wastewater and stormwater network operators are avoiding, remedying, or mitigating any adverse effects on the environment arising from the operation of wastewater and stormwater networks; and</p> <p>(d) water supply, wastewater and stormwater practices, including—</p> <ul style="list-style-type: none"> (i) examples of good practices; and (ii) specific risks or concerns that relate to individual performance and practices or system-wide performance and practices, or both; and <p>(e) recommendations for any actions that might be taken to address matters raised in the report.</p> <p><u>(2) In the first 12 months Taumata Arowai must review and develop, in partnership with the wide water industry, a reporting approach to the environmental management of Water Supply Wastewater and Stormwater management, considering the following:</u></p> <ul style="list-style-type: none"> (a) <u>Existing water supply, wastewater and stormwater consents;</u> (b) <u>Water New Zealand's National Performance Monitoring Criteria;</u> (c) <u>The relevant Non-Financial Performance measures; and</u> (d) <u>Any reports generated by DIA to support the wider Three waters review process.</u> <p><u>(3) Consultation on these measures must occur with relevant industry bodies prior to implementation.</u></p>
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