

**Submission to the Finance and  
Expenditure Select Committee  
on  
Water Services Entities Bill**

**Parliament Buildings – 21 July 2022**

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## 1. Introduction

Located in the southern part of South Canterbury, the Waimate District's boundary to the south is the Waitaki River, to the west Lake Benmore and to the north-east the Pareora River. The Waimate District is comprised of four wards: Hakataramea-Waihaorunga, Pareora-Otaio-Makikihi, Lower Waihao and Waimate Urban.

The Waimate District Council local government area holds a population of 7,900 and a land area of 3,582 km<sup>2</sup>.

Waimate District Council (WDC) is a member of the Communities 4 Local Democracy - He hapori mō te Manapori (C4LD), a coalition of deeply concerned and like-minded territorial and unitary local authorities formed to develop and propose a workable set of reforms to three waters policy settings that will deliver better and far more efficient outcomes to those proposed by the Government whilst respecting community property rights and local democracy.

**The 31 C4LD participating councils represent 1.5 million New Zealanders.**

The 31 participating councils	
Far North District Council	Manawatu District Council
Kaipara District Council	Ruapehu District Council
Whangarei District Council	Tararua District Council
Matamata-Piako District Council	Masterton District Council
South Waikato District Council	Upper Hutt City Council
Thames-Coromandel District Council	Marlborough District Council
Waipa District Council	Grey District Council
Kawerau District Council	Westland District Council
Opotiki District Council	Ashburton District Council
Whakatane District Council	Christchurch City Council
South Taranaki District Council	Hurunui District Council
Central Hawke's Bay District Council	Kaikoura District Council
Napier City Council	Mackenzie District Council
Wairoa District Council	Timaru District Council
Horowhenua District Council	Waimakariri District Council
	Waimate District Council

## 2. Recommendations and Speaking Rights

### Primary Recommendation

The Waimate District Council opposes the Water Services Entities Bill in its current form and recommends that it does not proceed any further.

## **Secondary Recommendation**

If the Water Services Entities Bill is to proceed, the introduction of the Bill is delayed to a date set by Order in Council, provided that such an Order in Council occurs after the date of the 2023 General Election.

## **Speaking Rights**

A delegation from Waimate District Council wishes to appear before the Select Committee to speak to its submission.

## **3. Special Notes**

It is important for the Select Committee to understand that this submission reflects the general consensus of the people of the Waimate District.

WDC supports the submission from C4LD and therefore those comments will not be repeated here.

## **4. Executive Summary**

It is disappointing that this submission had to be written in such a context that is so defensive and pessimistic, but this is the result of the Government relying on incorrect investment data and modelling provided by the Water Industry Commission of Scotland (by the inclusion of invalid assumptions), failing to thoroughly investigate sub-regional three water service options, and back-flipping on the opportunity for councils to opt-out.

WDC acknowledges water, wastewater and stormwater services has to improve and this lift in service standards would only ever be realised with the creation of appropriate and enforceable regulation (Taumata Arowai), and a shift to prioritised national financing and funding reform of local government.

Various inquiries over the years, notably the David Shand chaired Rates Inquiry (2007) and the New Zealand Productivity Commission's Local Government Funding and Financing Inquiry (2019) made a number of recommendations for fine tuning (including notably in the Shand inquiry, that the Crown should pay rates on Crown land, and think seriously about funding partnerships between central and local government like the Australian Local Government Grants Commission).

Local government and central government work for the same groups. Taxpayers are typically also residents and ratepayers. Central government's reluctance to address seriously the imbalance between local government's revenue raising powers and service delivery obligations ignores this reality. Unfortunately, we have now arrived at a perilous point-in-time where the under-investment in New Zealand's critical health, education, housing, transport,

and now, three waters infrastructure, is failing the basic needs of New Zealanders and is demanding urgent and high-level investment.

The Government's centralisation agenda is proposed as a panacea to these issues and has announced its case for change based on seriously flawed data. WDC is also concerned that the proposed Bill would result in the significant centralisation of control and elimination of local democracy. We remain unconvinced that these challenges require fundamental structural reform that removes democratic accountability for water services; and furthermore local communities were entitled to democratic accountability for the use of locally funded assets and the Crown's proposals does not recognise this.

Under this Bill (and subsequent Bills), the assets of WDC are to be compulsorily transferred to the Southern Water Services Entity (Entity D). It is a compelled transfer not an agreed transfer. Furthermore, the Bill only allocates WDC a "share" in Entity D proportionate to our population size, rather than being proportionate to the true value of the transferring assets. This "share" only entitles WDC to vote on a possible (but unlikely) privatisation proposal. **All other rights and obligations of the present owners of the three waters assets are extinguished.** This is most obviously seen in Clause 166 of the Bill.

Only if a more moderate sub-regional approach as attached and originally presented to, and rejected by the Department of Internal Affairs (*Appendix 2: Central South Water Collaboration*) in April 2020, is shown to not work should such substantial, complex, expensive and risky structural reform be undertaken. We do not believe the case for the Three Waters Reform and the introduction of this Bill has been made.

## 5. Co-governance

Local government through territorial authorities like the WDC are the natural enabler of a nationwide initiative to empower self-identifying communities. Whether this is led by the sector as a whole, or whether individual councils take the initiative, it should be based on adapting for New Zealand the best of international experience like the Scottish local place plans which are a legislative means for enabling self-identifying communities; and the US experience with providing capacity and capability support for self-identifying communities.

This should include recognising that Māori are New Zealand's original place-based communities and should be supported to gain self-determination over their own land and affairs within the laws which bind all people.

The Government's desire to install Māori as co-governors across New Zealand's national and domestic public services has the potential for widespread and significant disharmony and distrust. This well-intentioned initiative appears to stem from Dr Pita Sharples signing the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP) and subsequent debates in Parliament over a number of years.

It should be noted, however, that UNDRIP did not seek to create a special or exclusive citizenship for indigenous peoples but rather to ensure that they were afforded the same rights, freedoms and obligations under law in the management of their lands and affairs.

In the context of this Bill the first three articles of UNDRIP are relevant:

- Article 1. The right to full enjoyment, as a collective or individuals of all human rights and fundamental freedoms recognised by the UN charter.
- Article 2. To be free and equal with all other individuals and be free of discrimination in the exercise of their rights in particular those based on their indigenous origin or identity.
- Article 3. The right to self-determination and the right to autonomy or self-government in matters relating to their internal and local affairs.

The intention of the United Nations was clear that all peoples of a nation would be equal under the law. This philosophy was mirrored in the five principles of the Treaty of Waitangi established in 1989 under a Labour Government-led Prime Minister David Lange, who decided, in collaboration with the Waitangi Tribunal and the New Zealand Māori Council on five principles of the Treaty of Waitangi. They were:

1. The Government has the right to govern and to make laws.
2. Iwi have the right to organise as iwi and, under the law, to control the resources they own.
3. All New Zealanders are equal under the law.
4. Both the Government and the iwi are obliged to accord each other reasonable cooperation on major issues of common concern.
5. The Government is responsible for providing effective processes for the resolution of grievances in the expectation that reconciliation can occur.

These principles have never been written into law. Although more than 40 of our laws now require them be observed, no government has attempted to define them in any detail or give clear instructions on how that observation will be applied in practical terms.

In the context of this Bill Principles 2 and 3 are particularly relevant.

WDC recognises the immense benefit stakeholder engagement brings to successful public health and environmental projects and programmes.

This Bill and the proposed governance structure for the water services entities will remove the ability of all our community and stakeholder groups including the three local Runaka, to have meaningful input into the process of self-identifying / place-based communities. The

idea of tino rangatiratanga (which translates as self-determination) is that Māori are in charge of their land, their resources and aspirations, as are all other land owners.

It is about Māori acting with authority and independence over their own affairs but it does not extend to the management of and authority over the resources of other people. That role is the exclusive preserve of those properly elected to do so. This Bill aggregates the ability of our local Runaka, and all other community groups, to set their own goals and take care of their own issues; a fundamental right in all free and democratic nations.

WDC questions why the intended Treaty settlement obligations in this Bill are different from the requirements under the Local Government Act 2002.

## 6. Rural Water Supplies

The Select Committee should examine why this Bill is being rushed through in advance of the release of final detail on approved solutions for rural water supplies?

The Water Services Act 2021 requires all drinking water suppliers other than domestic self-suppliers to register with the new national water regulator Taumata Arowai and provide a source water risk management plan. Any supply that services more than one dwelling is now a water supply captured by the new legislation. It is anticipated that this may capture up to 75,000 rural domestic water suppliers across the country.

Acceptable solutions are being formulated by Taumata Arowai that may provide an alternative approach for smaller water supplies to reduce the requirement to undertake comprehensive risk management planning including the source water risk management plan.

The proposed changes include immediate protection to source drinking water at the abstraction point by defining a source water risk management area (SWRMA) into different zones including the immediate area around the source and a larger area where activities need to be managed and, in some instances, the entire catchment area.

The economic impact on affected catchment areas may render some farms non-viable and different rules will apply to each zone and what activities that can be undertaken in that zone, including application of fertiliser, cultivation and grazing. It is likely that effluent discharges will also be captured.

WDC has been a long-term advocate to clearly define what rural water schemes are and how they differ from conventional urban supplies. Further to this, we note that there are differences between rural water schemes. For example, trickle fed supplies as opposed to smaller, full pressure systems. Additional complication occurs when the primary use is for stock water as opposed to the assumed potable water allocation (WICS, 70% of revenue).

We note that the aforementioned is, in part, addressed through the implementation of “Acceptable Solutions” through the Water Services Act. However, WDC remains concerned that a number of entities will potentially be impacted by a lack of understanding about rural water schemes.

The current WICS modelling assumes that “waters services will be equally accessible to all”. This is untenable for our remote rural communities who only receive water via trickle fed supplies and resultantly the model suggests rural communities will subsidise urban communities (three waters). Our analysis has identified significant risk that replacing data submitted with the Request for Information (RFI) with high level assumptions has masked a significant issue that WICS did not understand.

We respectfully add that WDC actually submitted two RFIs in order to demonstrate the vast differences between rural and urban areas and the speed at which this Bill is being pushed through prior to Taumata Arowai working with councils and other rural / small water suppliers to understand how rural schemes actually work is very risky.

It is unfortunate that rural and urban data were added together for the purposes of the WICS modelling (and subsequently commissioned reports on the same model). On completion of the LGNZ critical issues work, WDC suggests further, more detailed modelling will better inform how services should be delivered to specific communities of interest, rather than an aspirational assumption that “Three waters services will be equally available to all”. This is simply not the case and was demonstrated to Ministers and ministry officials during a field visit to the Waimate District.

Levels of service differ markedly between rural supplies and urban supplies in terms of hydraulics, fire-fighting capacity, expectation, etc. Without clear definition(s) of rural water supplies and acceptable levels of service (including health outcomes) it would be difficult for any entity to provide an acceptable service.

Taumata Arowai have stated that 86% of the total population of New Zealand will be covered as part of the Three Waters Reforms. There are approximately 63 supplies defined as Trickle Fed within the register, having a total connected population of just 39,000 and representing <1% of the potentially connected population in New Zealand. Consideration should be made towards their inclusion based on risk and most importantly water use with the majority used as stock water. These schemes are finely balanced and rely on providing peak flows and a particular point in time and do not lend themselves to volumetric charging.

Lastly, and building on the previous governance submission, additional work is required around the complex governance arrangements associated with rural water supplies. Waimate District Council has five active Rural Water Supply Committees who represent schemes which they or their families constructed, albeit with Government support. This needs to be considered when reviewing the proposed governance structure to ensure that communities still have an appropriate level of influence and control.



## 7. General Comments

- a. Unlike Scottish Water which is funded by the Scottish Government, the proposed four New Zealand mega entities will be privately financed and subject to market fluctuations and interest rates; not social, cultural or wellbeing objectives. Should, in years to come, the mega entities face rising financial pressures, how will new equity be sourced? Could this lead to privatisation like what happened to water service providers in the United Kingdom in the early 1980s?
- b. Many small to medium local government councils have staff trained across all utility functions within their local government area. Councils are able to provide these services at cost and not-for-profit. One of the great abilities of councils to keep costs low is their ability to have multi-skilled employees that have responsibilities beyond three waters.

The National Transition Unit is working as fast as possible to encourage WDC three waters staff to consider working within the new mega entities. Should Council lose these technical staff, Council will have no ability to manage stormwater assets, or effectively deal with cross-land flows during adverse weather events. Furthermore, there is a risk should rural and small water supplies be able to opt-out of the mega entities in the future, local council's will eventually be forced to pick up the tab.

There is also a lack of clarity relating to ownership and the lack of details about the process by which the mega entities can take management of rural water supplies away from these schemes where a large portion of the assets are located on private land.

- c. WDC is deeply concerned by the absence of any reference to community wellbeing in the Bill. The natural cycle of water from the skies to the ocean is integral to community wellbeing and life itself. Promoting the wellbeing of communities and the environment is a top priority and this Bill is absent on these critical matters.
- d. Final comment – It has become clear that the Government held a fixed view from day one. It is disappointing that Government had to take the “house of local government and burn it down” through distasteful TV ad campaigns, inaccurate investment data (WICS) and repeated public slurs to force co-governance into domestic law and council services. If the history of local government performance in New Zealand was really examined, we would find immense success in the majority of functions including three waters services.

It is disappointing that both central and local government were not afforded the opportunity to examine history, identify unmet needs in services, and create joint strategies to fix any problem areas; this being a far more sensible and wise approach.

What we have is a 'low-resolution' cure without democratic input leading a massive scale public transformation in the hope of getting it right. It is incredibly difficult to take a system that works to an acceptable level and do anything to it that does not make it worse, much less to radically reconstitute the service in the hope of making it better.

New Zealanders know that this Bill introduces new and bespoke mega entities (nothing like it anywhere in the world) providing waters services that comes with immense risk and abolition of local democracy. New Zealanders know that the adjustment to central government funding and financing of local government could have been a much less painless, more economical and enduring solution.

The introduction of Taumata Arowai as a dedicated drinking water regulator is the beginning of major improvements, that now gives local government the support the sector needed to make difficult decisions about rating for essential infrastructure.

Taumata Arowai, councils and all other drinking water suppliers should have been afforded sufficient time to identify what the actual issues are, scope and design the solutions and receive support from central government to implement the plans.

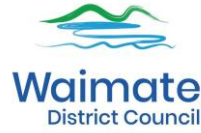
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## Appendix 1: Government's Bottom Line

- 1.1 **Treaty partnership** – that the governance framework for each WSE is set up to give effect to the Crown's Treaty obligations by giving effect to the principle of partnership with iwi/Māori across the rohe/takiwā served by that WSE, including by:
  - (a) ensuring that mana whenua from within the geographic area covered by a WSE have joint oversight of the WSE together with the relevant local authorities,
  - (b) integration within a wider system of iwi/Māori rights and interests in water,
  - (c) reflecting a Te Ao Māori perspective,
  - (d) supporting clear accountability of the WSE to iwi/Māori,
  - (e) improving outcomes for iwi/Māori at a local level (e.g. by addressing inequities in access to quality three waters service delivery); and
  - (f) enabling iwi/Māori to have rights and mechanisms of influence over the WSE that correspond to those provided to the local authorities served by the WSE.
- 1.2 **Good governance – that the board directly governing a WSE:**
  - (a) has a clear role and responsibilities;
  - (b) is comprised of appropriately qualified and experienced members who are free of conflict of interest and selected through a process that is meritocratic and competency based;
  - (c) has board members that individually and collectively have appropriate duties and obligations to act in the best interests of the WSE and the communities served by that WSE, consistent with the statutory purpose and objectives given to the WSE; and
  - (d) has board members that collectively have competence relating to the Treaty of Waitangi, mātauranga Māori, tikanga Māori, and Te Ao Māori.
- 1.3 **Public ownership** – that each WSE remains in public ownership, including local authority and/or community ownership, and with strong protections in place that prevent privatisation (of the WSE itself and the essential three waters service delivery assets they own).
- 1.4 **Balance sheet separation** – that the WSE governance framework, when taken together with the broader measures to implement the three waters reform programme, will provide the WSE with the financial capacity (including through the ability to borrow) to meet the future three waters service delivery investment needs (including any existing infrastructure deficit) of the region it serves without:
  - (a) resulting in the debt of the WSE consolidating on the balance sheets of the relevant local authorities; or requiring additional financial support from the Crown (beyond what the Crown has already agreed to provide; that being a liquidity facility on similar terms to those available to the Local Government Funding Agency, and the 60/40 risk-sharing arrangement in the event of a natural disaster) or local authorities.

**Appendix 2: Central South Water Collaboration – April 2020**



# Central South Water Collaboration Outline Strategic Case

Outline Strategic Case

APRIL 2020



## Document Title:

Central South Water Collaboration Outline Strategic Case

## Prepared for:

Ashburton District Council, Mackenzie District Council, Timaru District Council. Waimate District Council, Waitaki District Council

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## Executive Summary

Across New Zealand, a strong case for change has been building in the three waters sector for some time. Whilst this work was already underway, it was brought into the spotlight in 2016 by the Havelock North Incident and the subsequent Government inquiry.

Following the outbreak, which caused illness to many and several deaths, an inquiry and Three Waters Review were undertaken. These investigations raised broader questions about the effectiveness of the regulatory regime for three waters, and the capability and sustainability of water service providers. This led to an ongoing programme of work culminating in Taumata Arowai – The water services regulator Bill which is currently before Parliament and likely separate Water Services Bill, expected later in 2020.

In proactive response to the national work, five Territorial Authorities from the Central South Island, Ashburton, Mackenzie, Timaru, Waimate and Waitaki, have formed the Central South Water Collaboration to investigate and understand what a three waters collaboration may look like across the sub-region and how it could benefit their communities and councils.

The five Territorial Authorities are co-located in the Central South Island, covering a large area with a total population of approximately 115,000. The districts are like minded, sharing similar sector and population profiles as well as common issues and opportunities regarding three waters, making working together seem logical.

To date the group have developed an Investment Logic Map to define the issues faced and potential opportunities that could be released through collaboration. They have also investigated some early options for collaboration, which led to the submission of an application to the Department of Internal Affairs for funding to further their investigation of the development of an Indicative Business Case.

This work identified that the four key shared issues requiring a focused effort are:

1. Minimum cost is often the focus, not best practice and compliance keeping customer fees low; which won't be possible under the new laws and rules.
2. Skills shortages exist and will deteriorate as water sector changes increase competition, failure to adapt puts the current operating models at risk.
3. Environmental compliance standards and enforcement will increase, lifting public expectations, requiring increased investment.
4. Drinking Water Standards non-compliance will not be tolerated by the new regulator, increasing the need for more monitoring operating capability and investment.

The group also identified three investment objectives, which they hope collaboration would achieve:

1. Meeting and demonstrating compliance to new standards and community expectations.
2. Sufficient and sustainable human resources are available to meet mandatory and rising expectations.
3. Funding is available to meet demands of the first world and we can deliver value for money.

Significant changes are coming to the regulation of three waters in New Zealand. One act is before parliament that will establish a new regulator, and another is proposed that will enforce new Drinking Water Standards.

While the exact impacts of this new regulatory body are yet to be fully understood, it is highly likely that it will impact budgets and resources for individual councils around New Zealand.

Through working together, the Central South Water Collaboration seeks to front foot any changes and find a way to pool their resources to ensure they can be ready for increased regulation and requirements when they arrive. This will enable a better regulatory environment for councils and improved public health outcomes for local communities.



## Introduction

Change is coming to New Zealand's water sector. In the wake of the Havelock North Inquiry and subsequent Three Waters Review, Central Government has communicated to the sector that there is a case for change for water regulation and standards. The review process, completed by the Department of Internal Affairs (DIA) and others, has indicated that Territorial Authorities will be expected to work together in order to meet the new regulations.

Public submissions have recently closed on the draft Taumata Arowai-the Water Services Regulator Bill. If passed, this Bill will implement the Government's decision to create a new regulatory body to oversee, administer, and enforce the drinking water regulatory system.

A separate bill is expected later in 2020 which will give effect to decisions to implement system-wide reforms to the regulation of drinking water and source water, and targeted reforms to improve the regulation and performance of wastewater and stormwater networks.

In response to Government's proposed changes, five Territorial Authorities of Mid-South Canterbury have come together to investigate options for working collaboratively around three waters service delivery. This collaboration is titled the Central South Water Collaboration and comprises Ashburton, Mackenzie, Timaru, Waimate and Waitaki District Councils.

This Outline Strategic Case:

- Summarises existing positions and key challenges for each of the five Territorial Authorities.
- Confirms the strategic context of the organisations and how the proposed investment fits within that strategic context.
- Identifies whether there is a need to invest and the case for change.
- Outlines potential options for change.

## Strategic Context

### How did we get here?

The Havelock North contamination event in 2016 raised awareness of the risks and issues experienced by New Zealand's drinking water providers. The confirmation of the presence of *E. coli* in Havelock North's water supply led to approximately 5,000 people becoming ill and up to four attributable deaths. The total economic cost of the event was \$21 million, which was spread across individual households, businesses, central and local government, and the health sector.

Furthermore, approximately 34,000 New Zealanders are estimated to fall ill from their drinking water each year, and many thousands must boil their water to drink it safely. This status quo situation alone presents a strong case for change with regards to New Zealand's national drinking water framework.

Drinking water supplies across New Zealand rely on different methods of take and treatment, depending on the nature and security of the water source. These supplies are regulated under the Health Act 1956 and the source of drinking water is regulated under the Resource Management Act 1991 (RMA) and National Environment Standards for drinking water, which are given effect by Regional Councils.

Following the Havelock North event an independent inquiry found several systemic issues with drinking water quality in New Zealand. This empowered the government to launch a national cross-agency review of three waters infrastructure. The results presented evidence for a compelling case for change, which was considered by Cabinet in 2017 and 2018. The reports identified several inter-related, system wide issues, concluding that the best response would require a whole-of-system approach.

Among other recommendations, the inquiry recommended a dedicated drinking water regulator be established. In a broad sense, it was recommended the regulator could be responsible for licensing and qualification of supplies, the standards and practices of water suppliers, drinking water assessors, laboratories and samplers, compliance and enforcement, and the approval and monitoring of water safety plans.

## Local government requirements

The Local Government Act defines the purpose of local government as including meeting current and future needs of communities for good quality local infrastructure that is most cost effective for households and businesses.

Good quality infrastructure means efficient, effective and appropriate to present and anticipated future circumstances.

## Current regulatory environment

The existing regulatory approach is based on a 'multi-barrier' compliance and monitoring system under both the Health Act 1956 and RMA. The Drinking Water Standards are set by the Ministry of Health and compliance is monitored and verified locally by drinking water assessors and enforced by Medical Officers of Health or Health Protection Officers.

A Water Safety Plan is required for all drinking water supplies that serve a population greater than 500 people and must take all practicable steps to comply with the Drinking Water Standards<sup>1</sup>. The Ministry of Health maintains a register of drinking water suppliers, licensed laboratories for drinking water testing and reports annually on supplier compliance.

There is also a National Environmental Standard under the RMA, which requires Regional Councils to set and enforce planning rules to ensure that sources of drinking water are not affected in a way that would require higher levels of treatment to meet Drinking Water Standards<sup>2</sup>.

## Public health

The Ministry of Health states "the availability of safe drinking water for all New Zealanders, irrespective of where they live, is a fundamental requirement of public health."<sup>3</sup>

In New Zealand, the Health Act (1956) and the Drinking-water Standards for New Zealand (2005) provide legislative requirements and compliance standards for drinking water. The Act aims to protect public health by ensuring that communities receive a safe, wholesome and adequate supply of drinking-water. It uses risk-management concepts to promote proactive measures, including water safety plans and appropriate monitoring of drinking water quality.

Safe drinking water is vital to human health. Untreated or insufficiently treated drinking water can contain harmful germs such as *Cryptosporidium*, *Giardia*, *Campylobacter*, *Salmonella* and *E. coli* that can cause serious illness<sup>4</sup>.

The World Health Organisation reports that almost one tenth of the global disease burden could be prevented by:

- Increasing access to safe drinking water.
- Improving sanitation and hygiene.
- Improving water management to reduce risks of water-borne infectious diseases, and accidental drowning during recreation.

As mentioned, the current changes proposed by Government are in response to a failure to provide safe drinking water contributing to widespread illness and death in Havelock North. The subsequent inquiry found that the issues leading to this outbreak were not isolated and identified systemic issues with drinking water quality that have the potential to lead to future public health events.

There are also economic benefits for investing in public health through improved drinking water supplies. Every dollar invested to improve drinking water, sanitation, hygiene and water resource management systems leads to up to eight dollars in benefit<sup>5</sup>. This benefit is in addition to the value of saved human lives, and other benefits including higher economic productivity, more education and health-care savings.

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<sup>1</sup> Health (Drinking Water) Amendment Act 2007

<sup>2</sup> A New Drinking Water Regulator, August 2019, MatinJenkins, [https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-Three-Waters-October-2019/\\$file/Business-case-for-new-drinking-water-regulator.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-Three-Waters-October-2019/$file/Business-case-for-new-drinking-water-regulator.pdf)

<sup>3</sup> <https://www.health.govt.nz/system/files/documents/publications/drinking-water-standards-2008-jun14.pdf>

<sup>4</sup> <https://www.ehinz.ac.nz/indicators/drinking-water-quality/about-drinking-water-quality-and-health/>

<sup>5</sup> As report in WHO – How does safe water impact global Health? June 2008, <https://www.who.int/features/qa/70/en/>

## Taumata Arowai — the Water Services Regulator Bill

Taumata Arowai—the Water Services Regulator Bill was introduced to Parliament on December 11, and had its first reading on December 17. It is now sitting with the Select Committee and public submissions recently closed.

If passed, this Bill would implement the Government's decision to create a new regulatory body to oversee, administer, and enforce the drinking water regulatory system. The Bill would establish Taumata Arowai—the Water Services Regulator as a new Crown agent and provide for its objectives, functions, and operating principles. It would also provide for its governance arrangements, including the establishment of a board and Māori Advisory Group.

This Bill is part of a broader package of reforms to the regulatory system for drinking water, wastewater, and stormwater (three waters). The Government has indicated a separate bill will be proposed at a later date (likely later in 2020) to give effect to decisions to implement system-wide reforms to the regulation of drinking water and source water, and targeted reforms to improve the regulation and performance of wastewater and stormwater networks.

Taumata Arowai – the Water Services Regulator Bill is expected to be enacted in mid-2020, followed by the Water Services Bill in 2021/22.

### What might the regulator look like?

The new water regulator will be an independent Crown Agency with a governance board and a te Mana o te wai Māori advisory group. The Cabinet paper suggested the agency would require 50 to 75 staff in the first year of operation, building to an establishment of between 125 and 155 by year five.

The DIA set up an establishment unit in early 2020 who will put in place everything that the regulator will need to operate. This included engaging a transitional board.

A new statutory position with the regulator will be formed, the Chief Drinking Water Inspector who will be responsible for ensuring compliance with the Drinking Water Standards.

The regulator is likely to require five organisational groups.

#### Regulatory group

- Will initially employ up to 70 people.
- These will mostly be drinking water assessors to assess standards of compliance and water safety plans, maintain a register of suppliers, issue compliance orders, and respond to drinking water incidents and emergencies.

#### Operational Policy group

- Will prepare standards and documents.
- Be responsible for accreditation and licensing of water suppliers and operators.
- Monitor sector performance for the drinking, waste and stormwater sectors.

#### Science and technical group

- Support work that the organisation does.
- Support and drive drinking water science in New Zealand.
- keep up with international best practice.

#### Education and engagement group

- Internal and external education and training for the sector

#### Corporate and governance group

- Ensure the regulator has the IT, administration etc. to undertake its role.

It is expected the new organisation will take 18 months to set up and cost an estimated \$8.5 million. It is not yet clear how this will be funded; however, it is worth noting that it is common practice that a significant portion of the funding for regulatory agencies comes from the regulated community.

# Central South Water Collaboration

## Geography and Community

The five Territorial Authorities of Mid-South Canterbury are geographically co-located, covering a large area (Figure 1). Each district has unique topography from the flat plains of Ashburton, rolling downs of Timaru and Waimate and Waitaki, to the vast, dry basin of Mackenzie. All five Territorial Authorities historically receive relatively low annual rainfalls. The districts are like minded and share similar sector and population profiles, as well as common issues and opportunities regarding three waters.



Figure 1: Geographic location of the five Territorial Authorities and the Canterbury Region boundary

The main population centres across the five the Territorial Authorities are in Timaru, Ashburton and Oamaru (which geographically sits in the Otago Region). However, despite a relatively small resident population in Mackenzie, the area experiences large seasonal increases in population due to overseas and domestic tourists who contribute to high peak loads on infrastructure.

Table 1. Estimated population of each district.

	Population <sup>6</sup>
<b>Ashburton DC</b>	33,423
<b>Mackenzie DC</b>	4,866
<b>Timaru DC</b>	46,296
<b>Waimate DC</b>	7,815
<b>Waitaki DC</b>	22,308
<b>Total</b>	<b>114,708</b>

## Water Network Size

Individually the Territorial Authorities' water networks are relatively small compared to other networks nationally, particularly their stormwater networks. However, combined they are of a comparable size to even some of New Zealand's larger networks.

Table 2. Local authority network summary.

	Length of water pipes (kms)	Length of wastewater pipes (kms)	Length of stormwater pipes (kms)
<b>Ashburton DC</b>	376.7 <sup>7</sup>	171	30
<b>Mackenzie DC</b>	393 <sup>8</sup>	98	21
<b>Timaru DC</b>	1,854 <sup>9</sup>	354	146 <sup>10</sup>
<b>Waimate DC<sup>11</sup></b>	890	39	10
<b>Waitaki DC</b>	1734	199	57
<b>Total</b>	<b>2624</b>	<b>861</b>	<b>118</b>
<b>Grand Total</b>		<b>3603</b>	

Each district has several water supplies servicing both urban and rural properties including distribution of some stock/irrigation water. Typically, wastewater is only serviced within urban boundaries.

<sup>6</sup> Population Estimate – usually resident population count, 2018 Census

<sup>7</sup> Excluding 2,582 km of stockwater races.

<sup>8</sup> Excluding 115 km of stockwater races.

<sup>9</sup> Excluding stockwater races.

<sup>10</sup> Excluding 33km of open channel.

<sup>11</sup> These figures exclude laterals and stormwater drains.

Table 3. Number of Water Supplies.

	Urban	Rural
<b>Ashburton DC</b>	4	8
<b>Mackenzie DC</b>	4	5 <sup>12</sup>
<b>Timaru DC</b>	5	7
<b>Waimate DC</b>	1	6
<b>Waitaki DC</b>	5	10
<b>Total</b>	19	36
<b>Grand Total</b>	<b>55</b>	

Table 4. Number of Wastewater Treatment plans

	Treatment plants	
<b>Ashburton DC</b>	3	Ashburton including Lake Hood, Methven and Rakaia
<b>Mackenzie DC</b>	6	Allendale, Albury, Burke's Pass, Fairlie, Lake Tekapo, Twizel
<b>Timaru DC</b>	5	Networks in Timaru, Geraldine, Pleasant Point, Temuka, Arowhenua linked via pipeline to the treatment plant
<b>Waimate DC</b>	1	Waimate
<b>Waitaki DC</b>	8	Duntroon (limited service area), Kurow, Lake Ohau, Moeraki, Oamaru (including Kakanui & Weston), Omarama, Otematata, Palmerston
<b>Total</b>	17	

In comparison, Wellington Water's network<sup>13</sup> comprises 6,300 km of pipes, 138 reservoirs, 249 pump stations and four drinking water treatment plants and Watercare draws water from 27 sources and distributes it via 9,349 km piped network. Wellington water has four wastewater treatment plants and Watercare has 18.

<sup>12</sup> 2 piped restricted supplies, 3 stockwater races

<sup>13</sup> Wellington Water manages the three water networks – drinking water, wastewater, and stormwater for Hutt, Porirua, Upper Hutt and Wellington city councils and Greater Regional Council.



## Water Network Affordability

Table 5 below presents the annual average cost per ratepayer to deliver three water services by Territorial Authority.

Table 5. Cost of three water services by district.

Annual Average Rate incl. GST(\$)	Water Supply Urban	Water Supply Rural	Wastewater	Stormwater
<b>Ashburton DC</b>	\$450	\$1,168 - \$1,975	\$452	Rated as a subset of amenity rates.
<b>Mackenzie DC</b>	\$379.84	\$270.61 per unit of water	\$237.21	\$41.60
<b>Timaru DC</b>	\$355	(1000L/d Domestic supply) \$224 Orari \$507 Seadown \$634 Downlands \$895 Te Moana	\$369	General rate component.
<b>Waimate DC</b>	\$449	(1500 L/day) \$310.80 - \$614.85	\$312.10	General rate component.
<b>Waitaki DC</b>	\$540	\$264 (600L) Ohau \$313 (1000L) Stoneburn \$500 (1800L) 5x Supplies	\$320	Part of township amenity rate.

Water New Zealand's 2015-16 National Performance Review calculated water network affordability as the average annual residential drinking water + wastewater + stormwater charges as a proportion of median household income by Territorial Authority (Figure 2).

The report identifies that for most districts water charges account for less than 2% of median household income. Ashburton, Timaru, Mackenzie and Waimate Districts were all below 2%, suggesting that three water service affordability is comparable to national averages. Waitaki was not included in this report.

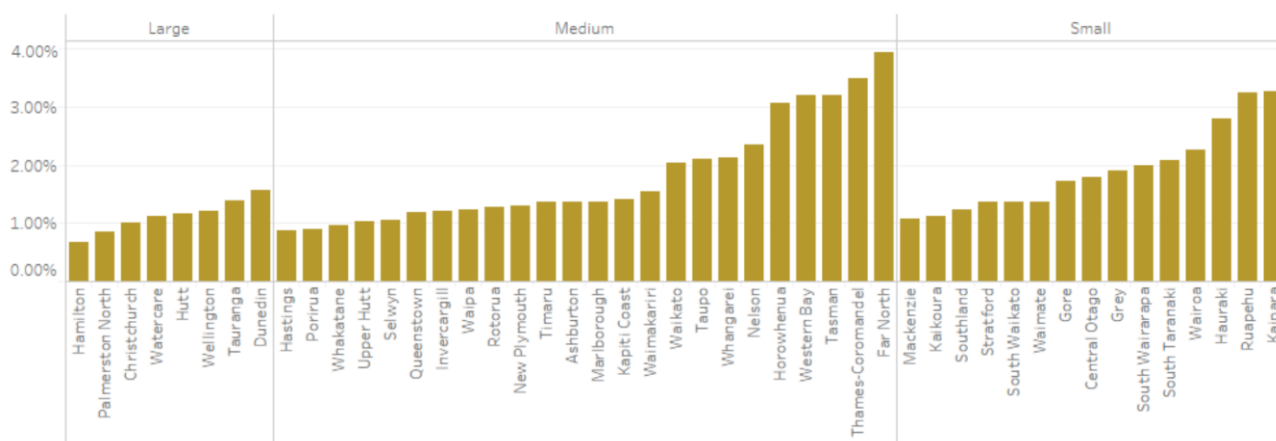


Figure 2. Proportion of household income spent on three water services. Source: Water New Zealand, 2017<sup>14</sup>.

## Three Waters Resources

Resources to deliver three water services vary greatly across the five authorities, as shown in the table below.

Mackenzie, Waimate and Waitaki have stated a need for additional staff. Waitaki need 5-6 additional people and have a longer-term need to double the team size to 30. Mackenzie is trying to recruit another

<sup>14</sup> [https://12240-console.memberconnex.com/Attachment?Action=Download&Attachment\\_id=2071](https://12240-console.memberconnex.com/Attachment?Action=Download&Attachment_id=2071)

FTE, but this will come at the expense of other investments. Again, consultants are being looked at as an opportunity to assist

Table 6: Capacity of council's three waters teams

	FTE
<b>Ashburton DC</b>	14 FTE in the Service Delivery Group
<b>Mackenzie DC</b>	2 FTE for 3-waters
<b>Timaru DC</b>	17 FTE in management and technical water team 5 FTE water operators 5 FTE wastewater operators
<b>Waimate DC</b>	3 FTE for 3-waters (technical and management) 5 Council employed operators for 3-waters
<b>Waitaki DC</b>	10 FTE for 3-waters in Council Water Team 5 FTE from consultants at any one time
<b>Total</b>	65 FTE excluding a number of external operators

### Three Waters Budgets

The following two tables describe the Territorial Authorities operating and capital budgets, as reported in their latest Long-Term Plans.

Comparing these expenses to Wellington Water who are expecting to spend \$113 million on capital and \$47 million on expenses in the 19/20 financial year alone.

Table 7. Long Term Plan 10-year capital expenditure

(\$M)	Water Supply	Wastewater	Stormwater	Grand Total
<b>Ashburton DC</b>	\$24.7	\$35.3	\$18.8	
<b>Mackenzie DC</b>	\$13.3	\$9.7	\$5.6	
<b>Timaru DC</b>	\$95.3	\$20.4	\$20.4	
<b>Waimate DC</b>	\$14.3	\$3.9	\$0.5	
<b>Waitaki DC</b>	\$20.0	\$2.6	\$0.1	
<b>Total (10 years)</b>	<b>\$167.6</b>	<b>\$71.9</b>	<b>\$45.4</b>	<b>\$284.9</b>
<b>Total (Annual Average)</b>	<b>\$16.8</b>	<b>\$7.2</b>	<b>\$4.5</b>	<b>\$28.5</b>



Table 8. Long Term Plan 10-year operational expenditure.

(\$M)	Water Supply	Wastewater	Stormwater	Grand Total
Ashburton DC	\$37.9	\$37.7	\$9.7	
Mackenzie DC	\$10.2	\$3.4	\$0.5	
Timaru DC	\$79.4	\$73.0	\$11.3	
Waimate DC	\$23.9	\$4.6	\$0.7	
Waitaki DC	\$52.8	\$28.0	\$7.1	
<b>Total (10 years)</b>	<b>\$204.2</b>	<b>\$146.7</b>	<b>\$29.3</b>	<b>\$380.2</b>
<b>Total (Annual Average)</b>	<b>\$20.4</b>	<b>\$14.7</b>	<b>\$2.9</b>	<b>\$38.0</b>

## Drinking water sources and treatment

Council owned water supplies are sourced from surface water and groundwater. All but five supplies are using chlorine as a residual treatment, while a mix of UV and ozone treatment are applied to supplies across the region. The information below has been sourced from the Ministry of Health's Annual Report on Drinking Water Quality<sup>15</sup>.

Table 9. Drinking water treatment.

Water supply treatment	
<b>Ashburton DC</b>	Seven supplies use groundwater and are chlorinated. Two supplies use surface water and are chlorinated and treated by UV. One supply uses surface water and is chlorinated and fluoridated and treated by UV.
<b>Mackenzie DC</b>	Four supplies use surface water and are chlorinated. Two supplies use surface water and are chlorinated and treated by UV.
<b>Timaru DC</b>	One supply uses surface water, is treated by ozone for protozoa and is chlorinated. Four supplies use surface water are treated with UV for protozoa and are chlorinated. Two supplies use surface water are treated with UV for protozoa. One supply uses ground water and is chlorinated. One supply uses surface water and is chlorinated. One supply purchases water from a nearby treatment plant (UV and chlorine). One supply has three treatment plants. All use surface water and are chlorinated. One supply is officially stock water only. Domestic use has been identified in the current year. It is not registered and there is no treatment <sup>16</sup> .
<b>Waimate DC</b>	Two supplies use groundwater and are chlorinated. One supply uses groundwater and is chlorinated and treated by UV. Three supplies use surface water and are chlorinated. One supply uses surface water and is chlorinated and treated by UV.
<b>Waitaki DC</b>	Six supplies use surface water and are chlorinated (two of which also have filtration).

<sup>15</sup> <https://www.health.govt.nz/publication/annual-report-drinking-water-quality-2017-2018>

<sup>16</sup> The open race stock water scheme has been excluded from this report.

Five supplies use groundwater and are chlorinated and treated by UV (two of which also have filtration).

Three supplies use surface water and have no treatment.

One supply uses surface water and is chlorinated and treated by Ozone (also has membrane filtration).

## Health Act and Drinking Water Standards Compliance

Compliance with the Health Act is assessed across a number of requirements, including:

- Water safety plans
- Compliance with the Drinking Water Standards (below)
- Provision of drinking water
- Source protection
- Monitoring
- Record keeping
- Complaints
- Remedial actions

The quality of drinking water is assessed in terms of suppliers' achievement of microbiological and chemical standards. Microbiological achievement is based on:

- Bacteriological achievement – no *E. coli* should be detected in the drinking water distribution zones.
- Protozoal achievement – monitoring the effectiveness of treatment processes used to remove or inactivate *Cryptosporidium*.

A supply achieves the chemical requirements if it has no chemicals that require monitoring (known as Priority 2 determinands), or if it has been adequately monitored and any Priority 2 determinands are shown to be within acceptable levels.

The number of supplies by Territorial Authority that were compliant with the Health Act and the Standards in the Ministry of Health's 2018-19 reporting period are presented below, with the exception of Ashburton who's data is reported from 2017-18.

*Table 10. Number of District supplies compliant with Drinking Water Standards (excluding unregistered supplies)*

	Health Act compliance	Bacteriological achievement	Protozoal achievement	Chemical achievement	Boil-water notices
<b>Ashburton DC</b>	10/10	10/10	3/10	10/10	3 temporary
<b>Mackenzie DC</b>	5/5	5/5	0/5	5/5	4 temporary, 1 permanent
<b>Timaru DC</b>	12/12	10/12	6/12	12/12	2 temporary
<b>Waimate DC</b>	7/7	5/7	0/7	7/7	1 temporary, 3 permanent
<b>Waitaki DC<sup>17</sup></b>	14/15	9/10	4/10	1/1	11 temporary, 2 permanent

<sup>17</sup> Five supplies are not required to report due to their size. Only one supply is required to meet the chemical requirements. Nine of the boil water notices were for one supply and issued consecutively over November and December 2018. The supply is operated and managed by Corriedale Water Management Ltd.

## Wastewater schemes and treatment

Wastewater schemes are operated by the Territorial Authorities in the main towns of each district. Treated effluent is primarily discharged to land by way of irrigation or infiltration. Timaru discharges treated effluent from across the district offshore.

Table 11. Wastewater discharge type.

Wastewater scheme and discharge	
<b>Ashburton DC</b>	Ashburton – treated effluent irrigated onto pasture. Methven – rapid infiltration disposal trenches. Rakaia – treated effluent is irrigated onto pasture.
<b>Mackenzie DC</b>	Four public wastewater schemes: Fairlie, Lake Tekapo, Twizel and Burkes Pass. Treated effluent is disposed by way of soakage trenches, basins to land or irrigation to land.
<b>Timaru DC</b>	Individual schemes in Timaru, Geraldine, Pleasant Point, Temuka and Arowhenua are linked via pipeline to the main wastewater treatment plant in Timaru. Wastewater is discharged 500m offshore via a submarine ocean outfall. Each township also has their own primary oxidation ponds.
<b>Waimate DC</b>	Waimate township – treated effluent discharged to a land disposal field before entering the general environment.
<b>Waitaki DC</b>	Oamaru – treated effluent (treated via oxidation pond) discharged to surface water. Moeraki and Palmerston – treated effluent (treated via oxidation pond) irrigated onto pasture. Duntroon, Kurow, Otematata, Omarama and Lake Ohau – treated effluent (treated via oxidation pond and septic tank) discharged to land infiltration trench.

## Asset Management Plans 2018-2028

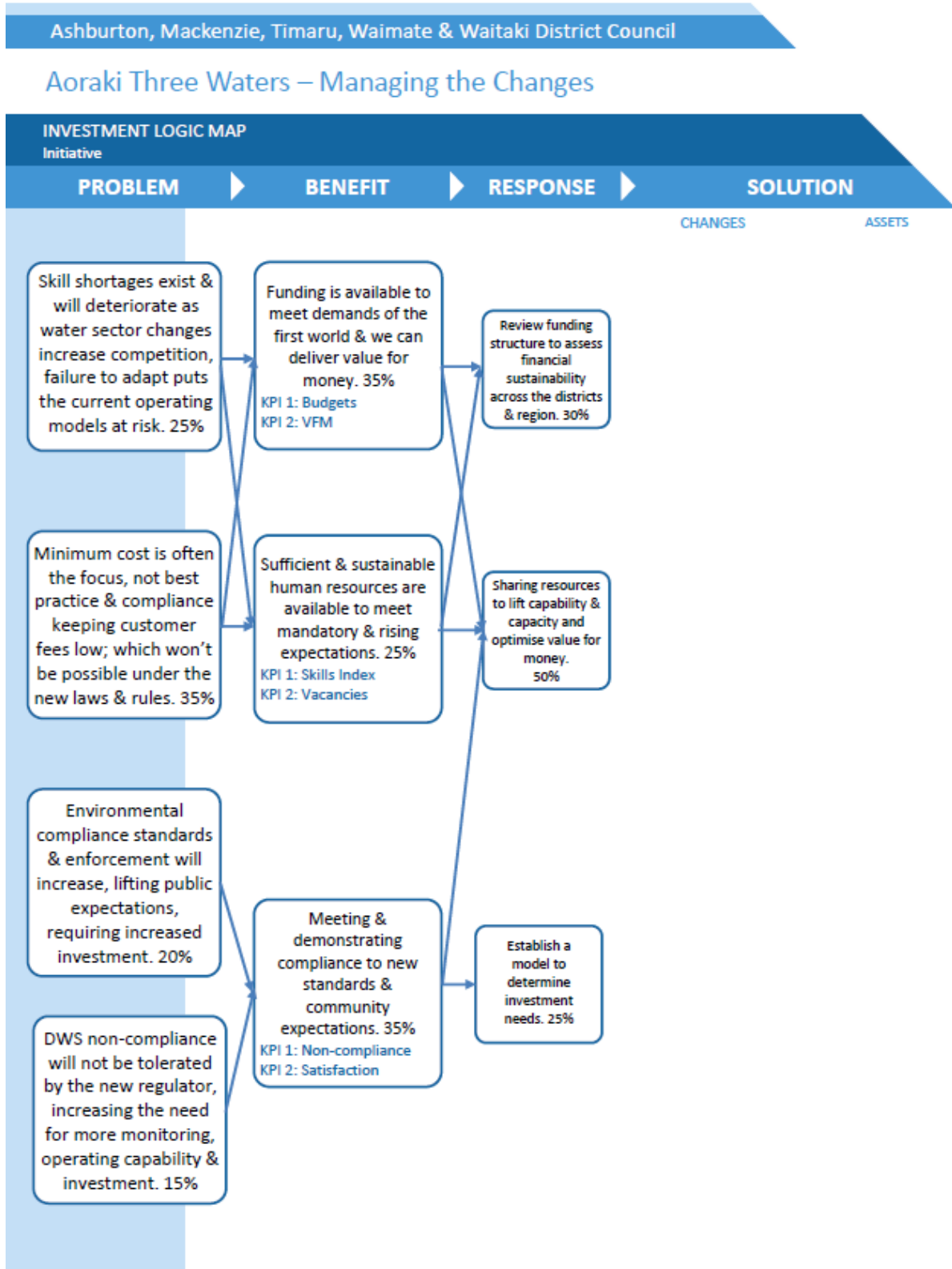
All current Asset Management Plans (AMPs) acknowledge the need to comply with the Health (Drinking Water) Amendment Act 2007, and the majority state a continued focus on improvement/upgrading water treatment to reach compliance in the early years of the AMP.

Most of the plans also acknowledge the Havelock North incident and the likelihood of some potential changes to standards as a result. However, allowance for the impact of these potential changes varies across the AMPs considerably, ranging from indicating that an increase in standards could be met within existing budgets, through to outlining how changes to the standards will increase costs.

The resulting changes will significantly impact all councils' financial and human resources. What is yet to be fully understood is the scale of the changes and the impacts these will have on individual councils.

# Investment Logic Map

An Investment Logic Map was completed as part of the initial workshop between the Territorial Authorities to help gain an understanding of the problems and opportunities. This ILM will be reaffirmed as part of ongoing work and used to evaluate proposed options.



## Why work together?

The cost to effectively deliver three water services has been increasing nationally due to ageing infrastructure requiring maintenance and renewals, along with higher health and environmental standards and increased community expectations. Added to this, new Government regulations and the creation of Taumata Arowai will almost certainly increase compliance and operational costs. It is also common practice that a significant portion of funding for regulatory agencies comes from the regulated community, so there is potential for councils to be required to contribute financially to the new regulator.

In a constrained financial environment, Central South Water Collaboration authorities are forced to prioritise between investment in their human resources and capability, and investment in water assets and service delivery. The resulting trade-off means that each authorities' ability to recruit and train staff is restricted, leaving them with teams that have strengths, but no council is strong in every aspect of water service delivery.

By working together and sharing resources, the Collaboration can hope to improve their efficiency and effectiveness, pooling resources to ensure they have access to specialist skills when needed, without having to duplicate the same skills in each team.

Central Government has communicated to the sector that they want to encourage Territorial Authorities to investigate how they could collaborate around three water services. In response, the Central South Water Collaboration is sending a message to Government that they are taking the new regulations seriously. The work to date has focused on starting a discussion about collaboration that seeks to understand how this will benefit the communities and councils of Mid-South Canterbury.

This represents a step change in the way three waters is approached between the five councils and may set a new standard for proactive collaboration in a new regulatory environment.

### Department of Internal Affairs Funding

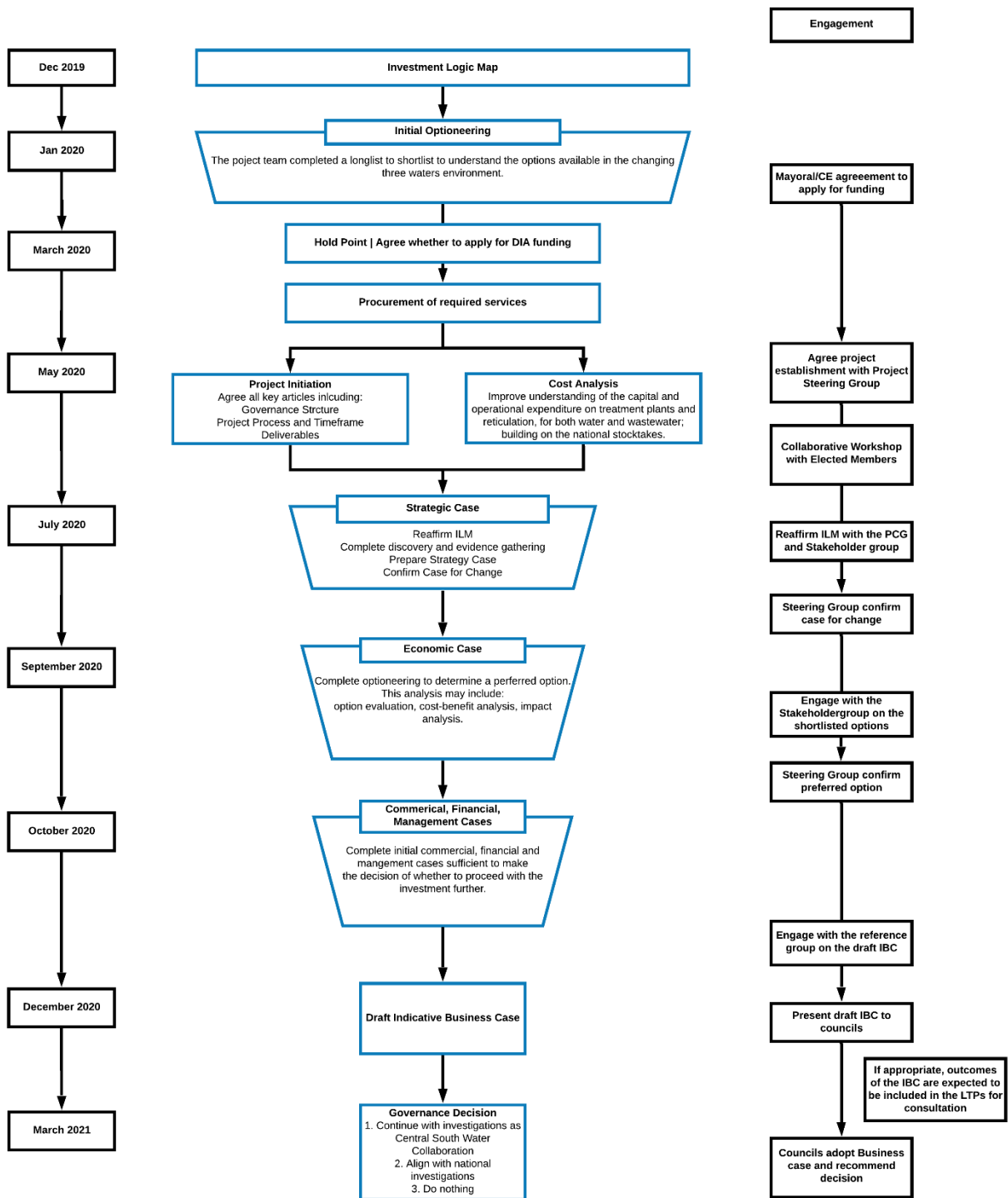
The five Territorial Authorities have already commenced initial investigations into collaboration in the three waters space. This work is recorded in this report.

During this process, the Department of Internal Affairs (DIA) announced a funding round to assist investigations into how collaborations might be formed, and what functions they might undertake.

Consequently, the Central South Territorial Authorities applied to further their initial investigations through the development of an Indicative Business Case. The proposed process outline in that application is below.

Note: during the application process the Central South Collaboration was combined with the North Canterbury responses. Going forward Three Waters will be investigated through a whole of Canterbury approach.

# CENTRAL SOUTH WATER COLLABORATION PROCESS



FEB 2020

Status: DRAFT

## Case for Change

Central Government have announced that a new national regulator for water services, Taumata Arowai, will be formed to oversee, administer and enforce the drinking water regulatory system. Further, the health and environmental standards that water supplies are required to comply with are likely to be updated as part of a system-wide reform of drinking water regulation. There will also be targeted reforms to improve the performance of wastewater and stormwater networks.

Additionally, there is a compelling case for change at a Local Government level, where Territorial Authorities are already facing financial, human resource and compliance issues. The authorities that make up the Central South Water Collaboration will likely benefit from acting as a collective and working together to prepare for the incoming regulator and regulations. These councils already work together, and along with their geographic proximity, share similar community and industry profiles and have common issues and opportunities regarding three waters.

This collaboration presents Territorial Authorities an opportunity to make better use of their constrained financial resources, and maximise the value of skilled staff across different Authorities. This will benefit public health and environmental outcomes. Further, investigation is required to understand the options that exist for a collaborative operating model and how it could be successfully implemented.

## Conclusion

It is clear that significant changes are coming to the regulation of three waters across New Zealand.

While the exact impacts of this new regulatory body are yet to be fully understood, it is highly likely that it will impact budgets and resources for individual councils around New Zealand.

By working together, the Central South Water Collaboration seeks to front foot any changes and find a way to pool their resources, ensuring they can be ready for increased regulation and requirements when they arrive. This will enable a better regulatory environment for councils and improved public health outcomes for local communities.

Note: during the DIA funding application process the Central South Collaboration was combined with the North Canterbury responses. Going forward Three Waters will be investigated through a whole of Canterbury approach.

## Reference Documents

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