



Meeting of the Hawke's Bay Drinking Water Governance Joint Committee

Date: Thursday 13 February 2020
Time: 2.30pm
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

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Decision Items		
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HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: CONFIRMATION OF HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE APPOINTMENTS

Item 3

Reason for Report

1. This item provides the means for the Joint Committee to confirm its membership as resolved by participating organisations, which include:
 - 1.1. Central Hawke's Bay District Council
 - 1.2. Hastings District Council
 - 1.3. Hawke's Bay Regional Council (administering authority)
 - 1.4. Napier City Council
 - 1.5. Hawke's Bay District Health Board
 - 1.6. Ngati Kahungunu Iwi Inc.

Background/Discussion

2. The Hawke's Bay Drinking Water Governance Joint Committee was established at the behest of the Havelock North Drinking Water Board of Inquiry. This item ensures that the Committee's membership is confirmed for the triennium.
3. By resolution of the Hawke's Bay Regional Council, Hastings District Council and Napier City Council at their respective first meetings following the 2019 Local Elections, the Hawke's Bay Drinking Water Governance Joint Committee (Joint Committee) was re-established with the current Terms of Reference, and councillors appointed.
4. The appointments to the Joint Committee are:
 - 4.1. **Central Hawke's Bay District Council:** Mayor Alex Walker and Councillor Brett Muggeridge
 - 4.2. **Hastings District Council:** Mayor Sandra Hazlehurst and Councillor Kevin Watkins
 - 4.3. **Hawkes Bay District Heath Board:** Kevin Atkinson and Ana Apatu
 - 4.4. **Hawke's Bay Regional Council:** Councillors Hinewai Ormsby and Martin Williams
 - 4.5. **Napier City Council:** Councillors Ronda Chrystal and Nigel Simpson
 - 4.6. **Ngati Kahungunu:** Mr Ngahiwi Tomoana
 - 4.7. **Wairoa District Council:** Mayor Craig Little and Councillor Denise Eaglesome-Karekare
5. The Technical Advisory Group welcomes new and returning members of the Joint Committee and looks forward to continuing our work together.

Considerations of Tangata Whenua

6. Tangata Whenua members of the Joint Committee have not been affected by the 2019 Local Elections. Subject to being advised of any changes, the Tangata Whenua member is Ngahiwi Tomoana, appointed by Ngati Kahungunu Iwi Inc.

Financial and Resource Implications

7. The Hawke's Bay Regional Council is the administering authority for the Joint Committee. Administration costs are met by HBRC. The cost for the Independent

Chairman's remuneration and any external contracts agreed to by the Joint Committee will be shared among the agencies.

Decision Making Process

8. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 8.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 8.2. The use of the special consultative procedure is not prescribed by legislation.
 - 8.3. The decision is not inconsistent with an existing policy or plan.
 - 8.4. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and notes the *Confirmation of Hawke's Bay Drinking Water Governance Joint Committee Appointments* staff report.
2. Confirms the appointments of the following as members of the *Hawke's Bay Drinking Water Governance Joint Committee*
 - 2.1. Representatives of Central Hawke's Bay District Council – Mayor Alex Walker and Councillor Brett Muggeridge
 - 2.2. Representatives of Hastings District Council – Mayor Sandra Hazlehurst and Councillor Kevin Watkins
 - 2.3. Representatives of the Hawkes' Bay District Health Board – Kevin Atkinson and Ana Apatu
 - 2.4. Representatives of Hawke's Bay Regional Council – Councillors Hinewai Ormsby and Martin Williams
 - 2.5. Representatives of Napier City Council – Councillors Nigel Simpson and Ronda Chrystal
 - 2.6. Representative of Ngati Kahungunu Iwi Inc – Ngahiwi Tomoana
 - 2.7. Representatives of Wairoa District Council – Mayor Craig Little and Councillor Denise Eaglesome-Karekare.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: ADOPTION OF THE HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE TERMS OF REFERENCE

Reason for Report

1. This item provides an opportunity for the Joint Committee to review and amend or re-confirm its Terms of Reference.

Officers' Recommendation(s)

2. Council officers recommend that the Joint Committee agrees the Terms of Reference (attached) as adopted by all participating agencies.

Executive Summary

3. The Joint Working Group (JWG) considers that the Terms of Reference remain fit for purpose and no amendments are necessary.

Background /Discussion

4. By resolution of the participating councils at their respective first meetings following the 2019 Local Elections, the Hawke's Bay Drinking Water Governance Joint Committee (Joint Committee) was re-established with appointed Councillors and Terms of Reference.
5. If any changes are agreed by the Joint Committee, the updated Terms of Reference will then be recommended back to each partner Council for adoption, in order for the changes to take effect.

Financial and Resource Implications

6. Adoption of the Terms of Reference as they stand will have no additional financial or resource implications.
7. The costs of the Independent Chair are apportioned amongst the five regional local authorities and the District Health Board.

Decision Making Process

8. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 8.1. Councils are required to (LGA sch.7 cl.19(1)) hold the meetings that are necessary for the good government of the region
 - 8.2. Councils may appoint (LGA sch.7 cl. 30(1)(a)) the committees, subcommittees, and other subordinate decision-making bodies that it considers appropriate
 - 8.3. Given the provisions above, the Joint Committee can exercise its discretion and make these decisions without consulting directly with the community or others having an interest in the decision.
 - 8.4. The decision of the Joint Committee is in accordance with the Terms of Reference and decision making delegations adopted by Hawke's Bay Regional Council resolution on 6 November 2019.

Recommendations

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and notes the *Adoption of the Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference* staff report
2. Agrees that the decisions to be made are not significant under the criteria contained in Councils' adopted Significance and Engagement policies, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring with the community.
3. Agrees the Terms of Reference (following) as adopted by all participating agencies.

Authored by:

Leeanne Hooper
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Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Joanne Lawrence
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CHIEF EXECUTIVE AND CHAIR

Attachment/s

- [1](#) Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

Hawke's Bay Drinking Water Governance Joint Committee Terms of Reference

Adopted by Hawke's Bay Regional Council resolution 6 November 2019

Item 4

Attachment 1

1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the
- 1.4. Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group, as well as a Drinking- Water Assessor from the Central North Island Drinking Water Assessment Unit.
- 1.5. Ngāti Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.6. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that reason the focus of the Committee will be twofold:
 - 1.6.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 1.6.2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including 2.1 and 2.2 above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
 - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety
 - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration

and information sharing between the agencies, and mechanisms to achieve these desired outcomes

- 2.3.3. Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters
- 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety
- 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions
- 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.

- 2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.

3. Members/Parties

3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member Organisation of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:

- 3.1.1. Hawke's Bay District Health Board
- 3.1.2. Hawke's Bay Regional Council
- 3.1.3. Central Hawke's Bay District Council
- 3.1.4. Hastings District Council
- 3.1.5. Napier City Council
- 3.1.6. Wairoa District Council

3.2. Each member organisation may appoint two (2) representatives.

3.3. To ensure the work of the joint Committee is not unreasonably disrupted by absences each party may also appoint alternative representatives.

3.4. The Joint Committee shall appoint an Independent Chairperson of the Joint Committee.

3.5. Water is of particular importance to Māori, and Māori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.

- 3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Māori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.

4. Name

- 4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC)**.

5. Status

- 5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.

6. Delegated Authority

- 6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to:
- 6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG
 - 6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies
 - 6.1.3. Commissioning reports and studies
 - 6.1.4. Making recommendations to members related to the security and safety of drinking water
 - 6.1.5. Making recommendations to member organisations relating to strategies and work programmes.
 - 6.1.6. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.

7. Administering Authority and Servicing

- 7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.
- 7.2. The Administering Authority of the Joint Committee shall be the Hawke's Bay Regional Council.

8. The Remuneration

- 8.1. Each member organisation of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation on the Joint Committee.
- 8.2. The Joint Committee shall agree on the apportionment of the costs of the Independent Chairperson on the recommendation of the JWG.
- 8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.

9. Meetings

- 9.1. The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.
- 9.2. The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the Joint Committee.

10. Quorum

- 10.1. The quorum at any meeting shall be not less than eight (8).

11. Voting

- 11.1. The membership shall strive at all times to reach a consensus.
- 11.2. Each representative and the Independent Chairperson shall be entitled to one vote on any item of business.
- 11.3. There shall be no casting vote.

12. Chairperson and Deputy Chairperson

- 12.1. Member representatives shall appoint, by agreement, an Independent Chairperson who shall be entitled to one vote, and in the case of an equality of votes does not have a casting vote.
- 12.2. The Joint Committee shall also appoint, by simple majority vote from among the representatives, a Deputy Chairperson.

13. Variations

- 13.1. Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee.
- 13.2. Once agreed to by the Joint Committee, amendments to the Terms of Reference shall have no effect until each member organisation has agreed to the amendment.

14. Good Faith

- 14.1. The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: INDEPENDENT CHAIRPERSON'S APPOINTMENT AND ELECTION OF DEPUTY CHAIRPERSON

Reason for Report

1. This item provides the means for the Hawke's Bay Drinking Water Governance Joint Committee (HB DWGJC) to:
 - 1.1. re-appoint the current Independent Chairperson, or
 - 1.2. initiate the process to select a new candidate for the role in accordance with its Terms of Reference, 3.4, or
 - 1.3. elect a Chairperson from within its membership.
2. Also in accordance with the HB DWGJC Terms of Reference, 12.2, the Joint Committee is required to elect a Deputy Chairperson, by simple majority vote from among the representatives.

Joint Committee Chairperson

3. Throughout the process of establishing the Joint Working Group and HB DWGJC, it was envisaged that the Joint Committee would have an Independent Chair. To this end, an Appointments Panel was established at the first meeting of the Joint Committee on 24 October 2017 and subsequent to a selection and interview process, an Independent Chair appointed.
4. Mr Garth Cowie was appointed Chair of the Joint Committee in May 2018.

Deputy Chairperson

5. Expressions of Interest will be sought from amongst the appointees at the meeting, for the role of Deputy Chairperson and if there is more than one person interested a simple majority vote of those present and voting will be undertaken to determine the appointment.
6. The role of the Deputy Chairperson is to chair the meetings of the Joint Committee in the Chairperson's absence and to represent the Joint Committee when requested.

Financial and Resource Implications

7. The costs of the Independent Chairperson, and the apportionment of those, are to be agreed by the Joint Committee on the recommendation of the Drinking Water Joint Working Group (DW JWG). The DW JWG will therefore seek the views of the HB DWGJC membership once the Chairperson's remuneration has been agreed and the appointment made.

Decision Making Process

8. The Joint Committee is required to make decisions in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 8.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 8.2. The use of the special consultative procedure is not prescribed by legislation.
 - 8.3. The persons affected by this decision are the member agencies of the Hawke's Bay Drinking Water Governance Joint Committee and their appointees
 - 8.4. The decision is not inconsistent with an existing policy or plan.

- 8.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, the Joint Committee can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and considers the "*Independent Chairperson's Appointment and Election of the Deputy Chairperson*" staff report.
2. Agrees that an Independent Chairperson will be appointed for the HB DWGJC.
3. Confirms the re-appointment of Garth Cowie as the Independent Chairperson for the Hawke's Bay Drinking Water Governance Joint Committee for the remainder of the 2019-22 Triennium.

OR

4. Agrees to the appointment process for a new Independent Chairperson for the HB DWGJC, being:
 - 4.1. Establishment of an Appointments Panel consisting of -----
 - 4.2. Appointments Panel to establish criteria for the role and seek expressions of interest
 - 4.3. Appointments Panel to short-list candidates if required, and carry out interviews of those shortlisted
 - 4.4. Appointments Panel to make recommendation for appointment, including remuneration, to the HB DWGJC.
5. Calls for nominations for Deputy Chairperson for the Hawke's Bay Drinking Water Governance Joint Committee.
 - 5.1. _____ nominated by _____, and seconded by _____
 - 5.2. _____ nominated by _____, and seconded by _____
 - 5.3. There being no further nominations, a vote was conducted; the results of which were:
 - 5.3.1. _____ x votes
 - 5.3.2. _____ x votes
6. Confirms that _____ is elected Deputy Chairperson of the Hawke's Bay Drinking Water Governance Joint Committee for the remainder of the 2019-22 Triennium.

Authored by:

Leeanne Hooper
GOVERNANCE LEAD

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Joanne Lawrence
GROUP MANAGER OFFICE OF THE
CHIEF EXECUTIVE AND CHAIR

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: SUBMISSION TO CENTRAL GOVERNMENT'S GOVERNMENT DRINKING WATER REGULATOR AND REGULATIONS PROPOSALS

Item 6

Reason for Report

1. The purpose of this report is to allow the Committee to determine whether or not the Joint Committee should prepare a submission on the Taumata Arowai – Water Services Regulator Bill (the Bill) and, if yes, what the key themes of that submission should be.
2. Due to timing of the submission period delegated authority would need to be given to a sub-group to prepare the submission.

Officers' Recommendation(s)

3. The paper recommends that the Hawke's Bay Drinking Water Governance Joint Committee prepares and lodges a submission to the Health Select Committee on the Taumata Arowai – Water Services Regulator Bill by the closing date of 4 March 2020.
4. The paper further recommends that a sub-group comprising two Joint Committee representatives, along with JWG members representing HBDHB/drinking water assessors, HBRC, and two of the four territorial authorities, be delegated to prepare and lodge the submission.

Background/Discussion

5. In July 2019 Cabinet agreed to a suite of system-wide reforms to the regulation of drinking water. This included the establishment of a new, centralised drinking water regulator to support a stronger, centralised approach to drinking water compliance, monitoring and enforcement.
6. On 11 December 2019, the Taumata Arowai – Water Services Regulator Bill (attached) was introduced to Parliament.
7. The Bill implements decisions to establish a new regulatory body – Taumata Arowai – which will be responsible for:
 - 7.1. administering and enforcing a new drinking water regulatory system (including the management of risks to sources of drinking water); and
 - 7.2. a small number of complementary functions relating to improving the environmental performance of wastewater and stormwater networks.
8. The Bill:
 - 8.1. sets out Taumata Arowai's objectives, general functions, and operating principles;
 - 8.2. establishes Taumata Arowai as a Crown agent, with a board; and
 - 8.3. establishes a Māori Advisory Group to support Taumata Arowai by providing advice on Māori interests and knowledge, as they relate to its objectives, functions, and operating principles.
9. **A separate Bill, the Water Services Bill, will contain all of the details of the new drinking water regulatory system, and provisions relating to source water protection and Taumata Arowai's wastewater and stormwater functions.** This Bill is being developed over a slightly longer timeframe, and is expected to be introduced to Parliament later in 2020.

Objectives of Taumata Arowai

10. Taumata Arowai's objectives are to:
 - 10.1. protect and promote drinking water safety and public health outcomes
 - 10.2. effectively administer the drinking water regulatory system
 - 10.3. build and maintain capability among drinking water suppliers and across the wider industry
 - 10.4. give effect to Te Mana o te Wai, to the extent that Te Mana o te Wai applies to the functions and duties of Taumata Arowai
 - 10.5. provide oversight of, and advice on, the regulation, management, and environmental performance of wastewater and stormwater networks
 - 10.6. promote public understanding of the environmental performance of wastewater and stormwater networks.

Functions of Taumata Arowai

11. Taumata Arowai's general functions are to—
 - 11.1. provide national-level oversight, leadership, communication, and co-ordination in relation to—
 - 11.1.1. drinking water safety and regulation, including the management of risks to sources of drinking water
 - 11.1.2. the environmental performance, management, and regulation of wastewater and stormwater networks
 - 11.2. identify and monitor matters that affect the safety of drinking water, and the environmental performance of wastewater and stormwater networks, including current and emerging contaminants
 - 11.3. develop standards that relate to drinking water composition and develop other regulatory requirements and measures necessary to fulfil its responsibilities under this or any other enactment
 - 11.4. provide oversight of, and information to central and local government in relation to,—
 - 11.4.1. the development, operation, and effectiveness of standards, regulations, and other statutory requirements for wastewater and stormwater
 - 11.4.2. compliance with, monitoring of, and enforcement of standards, regulations, and other statutory requirements affecting wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators
 - 11.5. monitor and enforce compliance with relevant drinking water legislation and standards, and other regulatory requirements for which Taumata Arowai has responsibility
 - 11.6. facilitate, promote, or support research, education, and training, to support drinking water safety and regulation, the management of risks to sources of drinking water, and the environmental performance, management, and regulation of wastewater and stormwater networks; and
 - 11.7. build and maintain the capability of drinking water suppliers to fulfil their regulatory responsibilities
 - 11.8. provide guidance, advice, or information on matters that relate to drinking water safety and regulation, the management of risks to sources of drinking water, and the environmental performance, management, and regulation of wastewater and stormwater networks

- 11.9. identify, prepare, or promote national guidelines and good practices that relate to—
 - 11.9.1. drinking water
 - 11.9.2. wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators; and
- 11.10. perform or exercise the functions, duties, and powers conferred or imposed on it by this Act or any other enactment
- 11.11. perform any other functions or activities that are consistent with its objectives and that Taumata Arowai considers are necessary or desirable to enable the achievement of those objectives, except functions or activities performed by any central government agency or another regulator
- 11.12. perform any other functions relevant to its objectives that the responsible Minister directs in accordance with

Matters for consideration in a submission

12. The Bill gives effect to the decisions in the 30 September Cabinet paper agreeing to establish an independent regulator for drinking water and certain environmental aspects of wastewater and stormwater management.
13. The following matters are potentially the points of any submission:
 - 13.1. **Funding** – this is an unanswered question in the Bill and it potentially has a significant impact on the agencies on this Joint Committee as it is common practice that a significant portion of the funding for regulatory agencies comes from the regulated community. The Cabinet paper commented that “*the legislation should equip the regulator with appropriate funding tools should those be needed in future*”. The Bill does not include any such provisions and there is no clear idea of what the likely costs of apportionment of costs will be for the regulated community.
 - 13.2. **Capability** – the establishment of Taumata Arowai, with up to 125-155 staff by year 5 – Many of these staff would need to have skills and knowledge of the drinking water industry and/or environmental regulation. While this is not specifically an issue for the Bill a submission could make the point to the Health Select Committee that a joint central/local government forum on workforce issues such as skill and capability gaps would be proactive and helpful.
 - 13.3. **Statutory independence** – Taumata Arowai as a regulator should have statutory independence in respect of its compliance, monitoring and enforcement activities. There is no provision in the Bill that sets out that the regulator has statutory independence from Ministers. This is a standard provision of statutory legislation and needs to be included in the Act.
 - 13.4. **Governance** – the Board will have oversight of a regulation-making power (ie. compliance, monitoring and enforcement) and while the skills listed for the board are fine there is a case for the regulated community having at least one voice in the Board. This could be done by requiring expertise in the provision and management of drinking water services as one of the skills required or it could be done by requiring appointment by at least one representative from the regulated community.

Options

14. The Joint Committee could choose not to prepare and lodge a submission, instead choosing to submit via their own agency, or not submit as the case may be.
15. Alternative options are to agree to prepare and lodge a submission on behalf of the Joint Committee covering the points outlined above, or to prepare and lodge a submission on different matters.

Significance and Engagement Policy Assessment

16. A decision on whether or not to lodge a submission, and what the theme of the submission should be, are not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and therefore the Joint Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
17. In addition the Bill is open to the public for submissions and any person or organisation may make a submission.

Decision Making Process

18. Council and its committees are required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
 - 18.1. The decision does not significantly alter the service provision or affect a strategic asset.
 - 18.2. The use of the special consultative procedure is not prescribed by legislation.
 - 18.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 18.4. The decision is not inconsistent with an existing policy or plan.
 - 18.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

Recommendations

That the Hawke's Bay Drinking Water Governance Joint Committee:

1. Receives and considers the "*Submission to Central Government's Government Drinking Water Regulator and Regulations Proposals*" staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke's Bay Regional Council's adopted Significance and Engagement Policy, and that the Joint Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.

AND either

3. Agrees not to prepare a submission on the Taumata Arowai – Water Services Regulator Bill

OR

4. Agrees to prepare and lodge a submission on the Taumata Arowai – Water Services Regulator Bill, with the drafting and approval of submission to be delegated to and..... representing the Joint Committee, and and representing the Joint Working Group.

Authored and Approved by:

Liz Lambert

GROUP MANAGER REGULATION

Attachment/s

- [1](#) Taumata Arowaithe Water Services Regulator Bill

Taumata Arowai—the Water Services Regulator Bill

Government Bill

Explanatory note

General policy statement

This Bill implements the Government's decision to create a new regulatory body to oversee, administer, and enforce the drinking water regulatory system. The Bill establishes Taumata Arowai—the Water Services Regulator (**Taumata Arowai**) as a new Crown agent and provides for its objectives, functions, operating principles, and governance arrangements.

The Bill is part of a broader package of reforms to the three waters regulatory system. It will be complemented by a separate Bill that 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 storm-water networks.

The approaches provided for in the Bill, and in the broader package of regulatory reforms, are intended to address issues and opportunities that were highlighted in the Government Inquiry into Havelock North Drinking Water and in the Government's Three Waters Review. These reforms are designed to—

- provide clear leadership for drinking water regulation, through a new, dedicated, centralised regulator;
- significantly strengthen compliance, monitoring, and enforcement relating to drinking water regulation, and equip the new regulator with the powers and resources needed to build capability, support suppliers of all kinds to meet their regulatory obligations, and take a tougher, more consistent approach to enforcement where needed;
- manage risks to drinking water safety and ensure that source waters are protected:

2	Taumata Arowai—the Water Services Regulator Bill	Explanatory note
	<ul style="list-style-type: none"> • ensure that more people can access water that is safe to drink, by requiring all suppliers (except individual domestic self-suppliers) to be part of the regulatory system, and to provide safe drinking water on a consistent basis; • improve the environmental performance and transparency of wastewater and stormwater networks; • improve national-level leadership, oversight, and support relating to wastewater and stormwater. 	
	<p>These intentions are reflected throughout the Bill, including in Taumata Arowai's objectives, functions, and operating principles.</p>	
	<p>The objectives and operating principles are designed to guide and inform how Taumata Arowai carries out its functions and duties. Many of the operating principles have an outward focus, relating to engagement and relationship-building with consumers and regulated parties, including Māori. There is also a strong focus on building and maintaining expertise and capability, both within Taumata Arowai itself and across the water services sector. This approach will help to build confidence in the safety of drinking water and in the overarching regulatory system.</p>	
	<p>Taumata Arowai will be a Crown agent. This is intended to achieve the necessary step-change from the status quo, and provide an appropriate form for a regulator that will deal with highly technical matters and have a significant emphasis on compliance and enforcement. Being a Crown agent will help Taumata Arowai to build credibility, have a dedicated, sustained focus on drinking water, and recruit highly skilled people. Taumata Arowai will have sufficient independence to protect the integrity of its decision making.</p>	
	<p>As a Crown agent, Taumata Arowai will have a governance board. It will also need to act consistently with the principles of the Treaty of Waitangi. One of the duties of the board is to ensure that Taumata Arowai maintains the systems and processes that enable it to act consistently with these principles, and to engage with Māori and understand perspectives of Māori.</p>	
	<p>The Bill provides for the establishment of a Māori Advisory Group to advise Taumata Arowai on Māori interests and knowledge, as they relate to the objectives, functions, and operating principles of Taumata Arowai, and the duties of the board. The role of the Māori Advisory Group includes providing advice on how to interpret and give effect to Te Mana o te Wai, and how to enable mātauranga Māori, tikanga Māori, and kaitiakitanga to be exercised. The intent is to ensure that Māori interests and knowledge are embedded throughout Taumata Arowai.</p>	
	<p>Te Mana o te Wai is not defined in the Bill. It is intended that the Māori Advisory Group will develop and maintain a framework that provides advice and guidance for Taumata Arowai on how to interpret and give effect to Te Mana o te Wai. This approach provides flexibility, and enables interpretations to change over time and adapt to different circumstances.</p>	

Departmental disclosure statement

The Department of Internal Affairs is required to prepare a disclosure statement to assist with the scrutiny of this Bill. The disclosure statement provides access to information about the policy development of the Bill and identifies any significant or unusual legislative features of the Bill.

A copy of the statement can be found at <http://legislation.govt.nz/disclosure.aspx?type=bill&subtype=government&year=2019&no=202>

Regulatory impact assessment

The Department of Internal Affairs produced a regulatory impact assessment on 30 September 2019 to help inform the main policy decisions taken by the Government relating to the contents of this Bill.

A copy of this regulatory impact assessment can be found at—

- [https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-Three-Waters-October-2019/\\$file/Regulatory-Impact-Assessment-decision-on-the-organisational-form-of-a-new-drinking-water-regulator.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Proactive-releases-Three-Waters-October-2019/$file/Regulatory-Impact-Assessment-decision-on-the-organisational-form-of-a-new-drinking-water-regulator.pdf)
- <http://www.treasury.govt.nz/publications/informationreleases/ria>

Clause by clause analysis

Clause 1 is the Title clause.

Clause 2 is the commencement clause. The Bill, other than *clauses 10(b) and 11(e)*, comes into force on the day on which it receives the Royal assent. *Clauses 10(b) and 11(e)* come into force on the earlier of a date set by Order in Council, and 1 July 2021. These 2 clauses have a delayed commencement because Taumata Arowai will not take over as the actual regulator of the drinking water regulatory system until the repeal of Part 2A of the Health Act 1956 by a separate, planned, future Bill. These 2 clauses will come into force at the same time as Part 2A is repealed.

Part 1

Preliminary provisions

Clause 3 states the purpose of the Bill as being to establish Taumata Arowai—the Water Services Regulator and provide for its objectives, functions, and governance arrangements.

Clause 4 defines certain terms used in the Bill.

Clause 5 sets out how the Bill recognises and respects the Crown's responsibility to consider and provide for Māori interests.

Clause 6 provides that the transitional, savings, and related provisions set out in *Schedule 1* have effect according to their terms.

Clause 7 provides that the Bill binds the Crown.

Part 2

Establishment, objectives, functions, and operation of Taumata Arowai—the Water Services Regulator

Subpart 1—Establishment, objectives, and functions of Taumata Arowai

Clause 8 establishes Taumata Arowai—the Water Services Regulator (**Taumata Arowai**).

Clause 9 provides that Taumata Arowai is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004. That Act applies to Taumata Arowai unless otherwise expressly provided in the Bill.

Clause 10 sets out the statutory objectives of Taumata Arowai.

Clause 11 sets out the general functions of Taumata Arowai.

Subpart 2—Board of Taumata Arowai, and Māori Advisory Group

Board

Clause 12 provides that the board of Taumata Arowai is to consist of not fewer than 5, and not more than 7, members. In appointing members, the responsible Minister must ensure that the members collectively have knowledge and experience of, and capability in specified matters.

Clause 13 enables the board to delegate any of its functions or powers in accordance with section 73 of the Crown Entities Act 2004, except the power to appoint or remove the chief executive.

Māori Advisory Group

Clause 14 establishes the Māori Advisory Group, which is to consist of not fewer than 5, and not more than 7, members.

Clause 15 sets out the process for appointing members of the Māori Advisory Group. Appointments are to be made by the responsible Minister.

Clause 16 applies certain provisions of the Crown Entities Act 2004 to members of the Māori Advisory Group, including provisions relating to their term of office and removal from office, and provides for the remuneration of members.

Clause 17 sets out the role of the Māori Advisory Group. The group's role is to advise the board and Taumata Arowai on Māori interests and knowledge, as they relate to the objectives, functions, and operating principles of Taumata Arowai and the collective duties of the board. This role includes developing and maintaining a framework that provides advice and guidance for Taumata Arowai on how to interpret and give effect to Te Mana o te Wai.

The Bill does not define Te Mana o te Wai. It is expected that the Māori Advisory Group will advise the board and Taumata Arowai on how to interpret and give effect to Te Mana o te Wai.

Subpart 3—Operations of Taumata Arowai

Clause 18 states operating principles to guide and inform Taumata Arowai in its performance and delivery of its objectives, functions, and duties. An associated provision in *clause 19* requires the board to ensure that Taumata Arowai acts in a manner consistent with the operating principles.

Clause 19 states additional duties that are collective duties of the board.

Part 3

Miscellaneous provisions

Clause 20 amends the Ombudsmen Act 1975 and the Crown Entities Act 2004 as indicated in *Schedule 2*. The effect of these amendments is to make Taumata Arowai an organisation for the purposes of the Official Information Act 1982 and a Crown agent (for example, like Kāinga Ora—Homes and Communities) for the purposes of the Crown Entities Act 2004.

*Hon Nanaia Mahuta***Taumata Arowai—the Water Services Regulator Bill**

Government Bill

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The Parliament of New Zealand enacts as follows:

1 Title

This Act is the Taumata Arowai—the Water Services Regulator Act **2019**.

2 Commencement

- (1) This Act (except **sections 10(b) and 11(e)**) comes into force on the day on which it receives the Royal assent. 5
- (2) **Sections 10(b) and 11(e)** come into force on the earlier of—
 - (a) a date appointed by the Governor-General by Order in Council; and
 - (b) **1 July 2021**.
- (3) One or more Orders in Council may be made under **subsection (2)(a)** 10 appointing different dates for different provisions.

Part 1

Preliminary provisions

3 Purpose

The purpose of this Act is to establish Taumata Arowai—the Water Services Regulator and provide for its objectives, functions, and governance arrangements. 15

4 Interpretation

In this Act, unless the context otherwise requires,—

board means the board of Taumata Arowai—the Water Services Regulator

council-controlled organisation has the meaning given to it by section 6 of the Local Government Act 2002

domestic self-supplier means a stand-alone or single domestic dwelling that has its own supply of water

5

Examples

A single rental property that is supplied by a rainwater tank is a domestic self-supplier.

A separate dwelling provided on a farm for farm workers that is supplied with water from the farm's own bore water supply is not a domestic self-supplier.

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A multi-dwelling building (for example, multiple separate apartments contained in a single building) that has its own bore water supply is not a domestic self-supplier.

A marae wharekai or community hall that has its own river water supply is not a domestic self-supplier.

A café building supplied by a rainwater tank is not a domestic self-supplier.

15

drinking water—

(a) means water that is available to consumers from a point of supply, and used, for—

(i) human consumption; or

(ii) oral hygiene; or

20

(iii) the preparation of food, drink, or other products for human consumption; or

(iv) washing utensils that are used for eating and drinking, or for preparing, serving, or storing food or drink for human consumption; but

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(b) does not include bottled water that is prepared or manufactured by a food business and is regulated under the Food Act 2014

drinking water supplier—

(a) means a person who supplies drinking water to consumers through a drinking water supply scheme; and

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(b) includes the owner and the operator of a drinking water supply scheme; and

(c) includes a drinking water supplier who supplies drinking water to another drinking water supplier; but

(d) does not include a domestic self-supplier

35

regulated party means a drinking water supplier, a wastewater network operator, and a stormwater network operator

Part 1 cl 5

Taumata Arowai—the Water Services Regulator Bill

responsible Minister means the Minister of the Crown who, under the authority of any warrant or with the authority of the Prime Minister, is responsible for the administration of this Act

road controlling authority has the meaning given to it by section 2(1) of the Land Transport Act 1998

5

stormwater network—

(a) means the infrastructure and processes that are used to collect, treat, drain, and discharge stormwater from a built area or transport corridor; but

(b) does not include drainage works located in a non-urban area

10

stormwater network operator means a local authority, council-controlled organisation, subsidiary of a council-controlled organisation, or road controlling authority that operates a stormwater network

Taumata Arowai means Taumata Arowai—the Water Services Regulator established by **section 8**

15

wastewater network means the infrastructure and processes that are used to collect, transmit through reticulation, treat, and discharge wastewater

wastewater network operator means a local authority, council-controlled organisation, or subsidiary of a council-controlled organisation that operates a wastewater network.

20

5 Māori interests

In order to recognise and respect the Crown's responsibility to consider and provide for Māori interests,—

(a) **section 10** provides that it is an objective of Taumata Arowai to give effect to Te Mana o te Wai, to the extent that Te Mana o te Wai applies to the functions and duties of Taumata Arowai:

25

(b) **section 12** provides that the board must include members who, collectively, have knowledge and experience of, and capability in,—

(i) the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and

30

(ii) perspectives of Māori and tikanga Māori:

(c) **section 14** establishes the Māori Advisory Group:

(d) **section 17(1) and (2)** provides that the role of the Māori Advisory Group is to advise on Māori interests and knowledge, which includes—

(i) developing and maintaining a framework on how to interpret and give effect to Te Mana o te Wai; and

35

(ii) providing advice on how to enable mātauranga Māori, tikanga Māori, and kaitiakitanga to be exercised:

(e) **section 17(3)** requires the board to—

4

Taumata Arowai—the Water Services Regulator Bill

Part 2 cl 9

- (i) have regard to the advice of the Māori Advisory Group; and
- (ii) demonstrate in its annual report how it has had regard to this advice:
- (f) **section 18** provides that the operating principles of Taumata Arowai include— 5
 - (i) building and maintaining credibility and integrity, so that Taumata Arowai is trusted by Māori (among others); and
 - (ii) partnering and engaging early and meaningfully with Māori, including to inform how Taumata Arowai can—
 - (A) give effect to Te Mana o te Wai; and 10
 - (B) understand, support, and enable the exercise of mātauranga Māori and tikanga Māori and kaitiakitanga:
- (g) **section 19** requires the board to maintain systems and processes to ensure that, for the purposes of carrying out its functions under this Act, Taumata Arowai has the capability and capacity— 15
 - (i) to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and
 - (ii) to engage with Māori and to understand perspectives of Māori.
- 6 Transitional, savings, and related provisions**

The transitional, savings, and related provisions set out in **Schedule 1** have 20 effect according to their terms.
- 7 Act binds the Crown**

This Act binds the Crown.

Part 2**Establishment, objectives, functions, and operation of Taumata Arowai—the Water Services Regulator** 25

Subpart 1—Establishment, objectives, and functions of Taumata Arowai

- 8 Taumata Arowai—the Water Services Regulator established**

This section establishes Taumata Arowai—the Water Services Regulator.
- 9 Taumata Arowai is Crown entity** 30
 - (1) Taumata Arowai is a Crown entity for the purposes of section 7 of the Crown Entities Act 2004.
 - (2) The Crown Entities Act 2004 applies to Taumata Arowai except to the extent that this Act expressly provides otherwise.

Part 2 cl 10

Taumata Arowai—the Water Services Regulator Bill

10 Objectives of Taumata Arowai

Taumata Arowai's objectives are to—

- (a) protect and promote drinking water safety and public health outcomes; and
- (b) effectively administer the drinking water regulatory system; and 5
- (c) build and maintain capability among drinking water suppliers and across the wider industry; and
- (d) give effect to Te Mana o te Wai, to the extent that Te Mana o te Wai applies to the functions and duties of Taumata Arowai; and
- (e) provide oversight of, and advice on, the regulation, management, and environmental performance of wastewater and stormwater networks; and 10
- (f) promote public understanding of the environmental performance of wastewater and stormwater networks.

11 Functions of Taumata Arowai

Taumata Arowai's general functions are to— 15

- (a) provide national-level oversight, leadership, communication, and co-ordination in relation to—
 - (i) drinking water safety and regulation, including the management of risks to sources of drinking water; and
 - (ii) the environmental performance, management, and regulation of wastewater and stormwater networks; and 20
- (b) identify and monitor matters that affect the safety of drinking water, and the environmental performance of wastewater and stormwater networks, including current and emerging contaminants; and
- (c) develop standards that relate to drinking water composition and develop other regulatory requirements and measures necessary to fulfil its responsibilities under this or any other enactment; and 25
- (d) provide oversight of, and information to central and local government in relation to,—
 - (i) the development, operation, and effectiveness of standards, regulations, and other statutory requirements for wastewater and stormwater; and 30
 - (ii) compliance with, monitoring of, and enforcement of standards, regulations, and other statutory requirements affecting wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators; and 35
- (e) monitor and enforce compliance with relevant drinking water legislation and standards, and other regulatory requirements for which Taumata Arowai has responsibility; and

Taumata Arowai—the Water Services Regulator Bill

Part 2 cl 12

- (f) facilitate, promote, or support research, education, and training, to support drinking water safety and regulation, the management of risks to sources of drinking water, and the environmental performance, management, and regulation of wastewater and stormwater networks; and
- (g) build and maintain the capability of drinking water suppliers to fulfil their regulatory responsibilities; and 5
- (h) provide guidance, advice, or information on matters that relate to drinking water safety and regulation, the management of risks to sources of drinking water, and the environmental performance, management, and regulation of wastewater and stormwater networks; and 10
- (i) identify, prepare, or promote national guidelines and good practices that relate to—
 - (i) drinking water; and
 - (ii) wastewater networks, stormwater networks, wastewater network operators, and stormwater network operators; and 15
- (j) perform or exercise the functions, duties, and powers conferred or imposed on it by this Act or any other enactment; and
- (k) perform any other functions or activities that are consistent with its objectives and that Taumata Arowai considers are necessary or desirable to enable the achievement of those objectives, except functions or activities performed by any central government agency or another regulator; and 20
- (l) perform any other functions relevant to its objectives that the responsible Minister directs in accordance with section 112 of the Crown Entities Act 2004. 25

Subpart 2—Board of Taumata Arowai, and Māori Advisory Group

*Board***12 Board**

- (1) The board consists of not fewer than 5, and not more than 7, members.
- (2) The responsible Minister must appoint members to the board who, collectively, have knowledge and experience of, and capability in,— 30
 - (a) the compliance, monitoring, and enforcement activities of regulatory agencies; and
 - (b) public health, particularly in relation to the objectives and functions of Taumata Arowai; and 35
 - (c) the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and
 - (d) perspectives of Māori and tikanga Māori; and
 - (e) performance monitoring and governance.

Part 2 cl 13

Taumata Arowai—the Water Services Regulator Bill

13 Board's power to delegate

The board may delegate any of its functions or powers in accordance with section 73 of the Crown Entities Act 2004, except the power to appoint or remove the chief executive.

Māori Advisory Group

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14 Māori Advisory Group established

- (1) This section establishes the Māori Advisory Group.
- (2) The Māori Advisory Group consists of not fewer than 5, and not more than 7, members.

15 Appointment of members of Māori Advisory Group

10

- (1) The responsible Minister must appoint members to the Māori Advisory Group.
- (2) The responsible Minister must consult the Ministers with portfolio responsibilities that relate to Māori Development and Māori Crown Relations before making any appointments.
- (3) The responsible Minister must appoint 1 of the members as chairperson of the Māori Advisory Group.
- (4) The responsible Minister must appoint only persons who, in the responsible Minister's opinion, have the appropriate knowledge, skills, and experience to assist the Māori Advisory Group to perform its role (*see section 17*).
- (5) No member of the board may be appointed to the Māori Advisory Group.

15

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16 Further provisions relating to Māori Advisory Group

- (1) The following provisions of the Crown Entities Act 2004 apply to members of the Māori Advisory Group as if they were members of the board of a Crown agent:
 - (a) section 28 (method of appointment of members): 25
 - (b) section 30 (qualifications of members):
 - (c) section 31 (requirements before appointment):
 - (d) section 32 (term of office of members):
 - (e) section 35 (validity of appointments):
 - (f) section 36 (removal of members of Crown agents): 30
 - (g) section 41 (process for removal):
 - (h) section 43 (no compensation for loss of office):
 - (i) section 44 (resignation of members):
 - (j) section 45 (members ceasing to hold office).
- (2) The members are entitled to— 35

Taumata Arowai—the Water Services Regulator Bill

Part 2 cl 18

- (a) receive remuneration, in accordance with the fees framework; and
- (b) be reimbursed for actual and reasonable travelling expenses incurred in carrying out their roles as members.

17 Role of Māori Advisory Group

- (1) The role of the Māori Advisory Group is to advise the board and Taumata Arowai on Māori interests and knowledge, as they relate to the objectives, functions, and operating principles of Taumata Arowai and the collective duties of the board. 5
- (2) That role includes—
 - (a) developing and maintaining a framework that provides advice and guidance for Taumata Arowai on how to interpret and give effect to Te Mana o te Wai; and 10
 - (b) providing advice on how to enable mātauranga Māori, tikanga Māori, and kaitiakitanga to be exercised; and
 - (c) any other matters requested by the board. 15
- (3) The board must—
 - (a) have regard to the advice of the Māori Advisory Group; and
 - (b) demonstrate how it has had regard to that advice in Taumata Arowai's annual report, prepared under section 150 of the Crown Entities Act 2004. 20
- (4) The board and the Māori Advisory Group, acting jointly, must—
 - (a) prepare a memorandum of understanding, setting out how they will work together; and
 - (b) prepare and agree the terms of reference for the Māori Advisory Group.
- (5) Taumata Arowai must publish the memorandum of understanding and the terms of reference on Taumata Arowai's website. 25
- (6) The board and the Māori Advisory Group, acting jointly, must review both the memorandum of understanding and the terms of reference at intervals of not more than 3 years.

Subpart 3—Operations of Taumata Arowai 30**18 Operating principles**

- (1) Taumata Arowai must ensure that its performance and delivery of its objectives, functions, and duties are guided and informed by the operating principles set out in **subsection (2)**.
- (2) The operating principles are— 35
 - (a) building and maintaining credibility and integrity, so that Taumata Arowai is trusted by consumers, regulated parties, Māori, and government;

Part 2 cl 19

Taumata Arowai—the Water Services Regulator Bill

- (b) ensuring that Taumata Arowai has suitable expertise to build and maintain confidence in its capability as a regulator:
 - (c) developing sector capability, by promoting collaboration, education, and training:
 - (d) partnering and engaging meaningfully with other people and organisations: 5
 - (e) partnering and engaging early and meaningfully with Māori, including to inform how Taumata Arowai can—
 - (i) give effect to Te Mana o te Wai; and
 - (ii) understand, support, and enable the exercise of mātauranga Māori and tikanga Māori and kaitiakitanga. 10
- 19 Additional collective duties of board**
- (1) The board must ensure that Taumata Arowai—
 - (a) acts in a manner consistent with the operating principles in **section 18**; and 15
 - (b) maintains systems and processes to ensure that, for the purposes of carrying out its functions under this Act, Taumata Arowai has the capability and capacity—
 - (i) to uphold the Treaty of Waitangi (Te Tiriti o Waitangi) and its principles; and 20
 - (ii) to engage with Māori and to understand perspectives of Māori.
 - (2) The duties in **subsection (1)**—
 - (a) apply in addition to the duties of the board in sections 49 to 52 of the Crown Entities Act 2004; and
 - (b) are collective duties owed to the responsible Minister for the purposes of section 58 of the Crown Entities Act 2004. 25

Part 3

Miscellaneous provisions

- 20 Consequential amendments**
- Amend the Acts specified in **Schedule 2** as set out in that schedule. 30

Schedule 1
Transitional, savings, and related provisions

s 6

Part 1
Provisions relating to this Act as enacted

5

Transfer of contracts

1 Transfer of contracts to Taumata Arowai

- (1) This clause applies to a contract (other than an employment agreement) that—
- (a) was made between the Department of Internal Affairs (the **DIA**) and another person before the commencement of this clause; and 10
 - (b) is identified by the DIA as relating principally or solely to the operation of Taumata Arowai, or to a matter for which Taumata Arowai assumes responsibility, on the commencement of this clause.
- (2) On and after the commencement of this clause,—
- (a) the contract must be treated as if Taumata Arowai were the party to the contract instead of the DIA; and 15
 - (b) unless the context otherwise requires, every reference in the contract to the DIA must be read as a reference to Taumata Arowai.

2 Consequences of transfer of contracts to Taumata Arowai

- (1) This clause applies only in relation to a contract transferred to Taumata Arowai under **clause 1**. 20
- (2) On and from the commencement of **clause 1**,—
- (a) all rights, liabilities, and entitlements of the DIA under the contract become the rights, liabilities, and entitlements of Taumata Arowai; and
 - (b) anything done, or omitted to be done, or that is to be done, by, or in relation to, the DIA is to be treated as having been done, or omitted to be done, or to be done, by, or in relation to, Taumata Arowai; and 25
 - (c) the commencement, continuation, or enforcement of proceedings by or against the DIA may instead be carried out by or against Taumata Arowai without amendment to the proceedings. 30

Sharing or transfer of information

3 Sharing or transfer of information relating to Part 2A of Health Act 1956

- (1) Despite anything in any other Act, a transferor may, at any time on or after the commencement of this clause, share with, or transfer to, Taumata Arowai any information held by the transferor immediately before the commencement of 35

11

Schedule 1

Taumata Arowai—the Water Services Regulator Bill

this clause that relates to the performance or exercise of functions, duties, or powers under Part 2A of the Health Act 1956.

- (2) Sharing, or a transfer of, information under **subclause (1)** is not an action that is an interference with the privacy of an individual under section 66 of the Privacy Act 1993. 5

- (3) In this clause, **transferor** means—

- (a) the Ministry of Health:
- (b) the Director-General of Health:
- (c) designated officers (as defined in section 69G of the Health Act 1956):
- (d) drinking-water assessors appointed under section 69ZK of the Health Act 1956: 10
- (e) employers of designated officers and drinking-water assessors.

Schedule 2

Consequential amendments to other Acts

s 20

Crown Entities Act 2004 (2004 No 115)

In Schedule 1, Part 1, insert in its appropriate alphabetical order:

5

Name	Exemption from acquisition of financial products, borrowing, guarantee, and derivative rules				Exemption from section 165 (net surplus payable to Crown)
	s 161	s 162	s 163	s 164	

Taumata Arowai—the Water
Services Regulator

Ombudsmen Act 1975 (1975 No 9)

In Schedule 1, Part 2, insert in its appropriate alphabetical order:

Taumata Arowai—the Water Services Regulator

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: INTRODUCTION TO THE JOINT COMMITTEE, ITS ROLE AND RESPONSIBILITIES

Item 7

Reason for Report

1. The reason for this report is to provide the background to the establishment of the Drinking Water Joint Committee (JC) and the Drinking Water Joint Working Group (JWG) and highlight the roles and responsibilities of the agencies involved in these entities.

Executive Summary

2. Both the JC (governance) and the JWG (technical advisory) have arisen following the *E.coli* contamination of drinking water in Havelock North in August 2016 and the subsequent Government Inquiry into that event.
3. The work of the two entities is coordinated with the working group reporting through to the Joint Committee.

Background

4. In August 2016 a significant water contamination event occurred in Havelock North resulting in the death of up to 4 people and illness to thousands. The Government established an inquiry into the Havelock North water supply.
5. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the Hawke's Bay District Health Board, Hawke's Bay Regional Council and Hastings District Council to implement its 17 initial recommendations. Over the succeeding years membership of the JWG expanded to include the other territorial authorities in Hawke's Bay and Ngati Kahungunu Iwi Inc. The JWG has provided a forum for regional collaboration.
6. It is within this context that the Joint Governance Committee (JC) was established to provide governance oversight and further enhance regional collaboration around drinking water safety. The JWG continues in its capacity as an officials' advisory group reporting to the Joint Committee.

Discussion

7. The Joint Committee is part of the governance structure of all of the participating councils. Representatives on the Joint Committee are accountable for ensuring that the agency that appointed them collaborates and contributes to the efficient delivery of safe drinking water to the region. Every agency is still legally responsible for the functions it is legislated to provide.
8. The purpose of the joint committee includes continuing the oversight provided by the Inquiry Panel once the Panel finished its process.
9. The focus of the Joint Committee is two-fold:
 - 9.1. To provide governance oversight for planning and decision making on regional drinking water matters; and
 - 9.2. To consider and make recommendations where appropriate to decision making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water and/or drinking water safety.

10. The roles and responsibilities of the JC and JWG respectively are summarised in the following table:

	<i>Drinking Water Governance Joint Committee</i>	<i>Drinking Water Working Group</i>
Relationship Management	<ul style="list-style-type: none"> • Governance and oversight of programmes and initiatives to protect and enhance drinking water quality and safety • Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes. 	<ul style="list-style-type: none"> • Develop and recommend programmes and initiatives to protect and enhance drinking water quality, quantity, safety and reliability. • Improve and maintain effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, monitoring mechanisms to achieve these desired outcomes, and encouraging member parties to give adequate consideration to the safety and reliability of drinking water in the carrying out of their range of functions.
Statutory Advocacy	<ul style="list-style-type: none"> • Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters • To recommend to the relevant bodies and decision makers for change to strategies and work programmes to protect and enhance drinking water quality and safety • To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions • To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water. 	<ul style="list-style-type: none"> • Develop and recommend strategies, priorities and monitor the implementation of these in relation to drinking water management, including drinking water sources, infrastructure matters and drinking water emergency response. • Recommend strategies and actions to implement specific recommendations that result from the Inquiry or Joint Committee • Develop recommendations for the Joint Committee to take to relevant decision making fora (including bodies with responsibility for regional and district level planning), initiatives and priorities affecting drinking water and changes to strategies and work programmes to protect and enhance drinking water quality, quantity, safety and reliability, having regard to the needs of the region for adequate and secure water resource suitable for the supply of safe drinking water.

11. The Joint Working Group, under the direction of the Joint Committee, has carried out a number of tasks. The first set of these tasks were the delivery of recommendations from the Government Inquiry:
- 11.1. That the joint working group which has been set up with representatives from HDC, HBRC, DHB and DWA (the “Water Safety JWG”) continue its work with each of the members committing to cooperate with each other, and work positively in the interest of drinking water safety

- 11.2. That the JWG meet regularly, as frequently as required to maintain effective oversight of all issues relating to the safety of the Havelock North drinking water supply for at least the twelve months from 12 December 2016
- 11.3. That the JWG members notify each other, and keep each other informed, of any information that could affect drinking water safety risks.
- 11.4. That the JWG pursue investigations into aquifer matters of potential relevance to drinking water safety over the next 12 months

(There were a number of very operational recommendations relating to the JWG and the Havelock North water supply which have been attended to through the JWG work plan and have been completed.)

12. Following on from these further key deliverables include:
 - 12.1. The development of an inter-agency communications protocol for addressing groundwater contamination affecting drinking water supplies
 - 12.2. The development of objectives, policies and rules for HBRC's TANK Plan change (covering the Heretaunga Plains) to identify and implement source protection zones for the management of land use in the vicinity of municipal drinking water sources.
 - 12.3. An understanding of a common risk management approach through the territorial authorities' Water Safety Plans.
 - 12.4. Report on water aging (commissioned from GNS) to consider the implications on private supplies in areas where young water may be present.
13. The Joint Working Group Work Plan is presented in more detail for the Committee's approval in a separate agenda item.

Next Steps

14. The JC/JWG have now been in place for three years. They are achieving a high level of cooperation and collaboration among their member agencies.
15. The urgent matters that required attention to reinstate the safety of the Havelock North drinking water supply have been dealt with. The new issues likely to face the Committee and the Working Group over the coming triennium will include:
 - 15.1. Consideration of, and responding to, the changes proposed to drinking water supply management by government legislation especially the Water Services Regulator Bill and the Water Services Bill;
 - 15.2. Consideration of and responding to, any changes that may result to drinking water management and other essential services through the Three Waters Review being undertaken by government;
 - 15.3. The possibility of legal requirements for agencies to have greater oversight of self-supply drinking water.
 - 15.4. Work on further source protection zones, similar to that for the TANK plan change, for other parts of Hawke's Bay.

Decision Making Process

16. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Hawke's Bay Drinking Water Governance Joint Committee receives and notes the "Introduction to the Joint Committee, Its Role and Responsibilities" staff report.

Authored and Approved by:

Liz Lambert

GROUP MANAGER REGULATION

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: THREE WATERS GOVERNANCE FUNDING REVIEW

Item 8

Reason for Report

1. To update the Drinking Water Governance Joint Committee on the announcement from Central Government of \$1.55M for the Hawke's Bay Three Waters Review on 27 January 2020.

Executive Summary

2. Local Government Minister Nanaia Mahuta announced on Monday, 27 January \$1.55M of Government funding to support the Hawke's Bay Three Waters Review.
3. The \$1.55m for Hawke's Bay comes following an application from Napier City Council, Hastings District Council, Central Hawke's Bay District Council, Wairoa District Council and Hawke's Bay Regional Council to support their joint investigations into regional three waters service delivery options.
4. The Government funding contribution to Hawke's Bay councils has been granted against relevant criteria whereby new three waters arrangements:
 - 4.1. have substantial support and commitment from multiple and/or most councils within a region, or across regions;
 - 4.2. retain public ownership of existing three waters assets;
 - 4.3. contribute towards Te Mana o te Wai; and
 - 4.4. address current and future challenges for the delivery of three waters services
5. The 27 January 2020 announcement of funding from Government will now enable:
 - 5.1. detailed analysis of the potential service delivery options including the flow-on impacts on each council;
 - 5.2. assessment of potential service delivery options in anticipation of any future changes to regulation; and
 - 5.3. design and implementation of a comprehensive communication and engagement strategy to support the review process
6. The first phase of the three waters project is expected to conclude in September 2020 with delivery of a report to Councils for consideration. Further scheduled phases of the review are dependent on the approval of Councils and the Government to proceed, with completion anticipated within the second half of 2021.

Three Waters Project Process	Likely Timing
1. Commence community engagement to ensure understanding and seek support for the purpose of the review, what it means for the people of Hawke's Bay and how/when they will be able to have their say	February – September 2020
2. Detailed analysis of service delivery options and assessment of regional 3 waters infrastructure and full report to Councils providing recommendation for a preferred option	September 2020

Three Waters Project Process	Likely Timing
3. Engagement with Hawke's Bay communities to communicate the review report & councils' decision; and what will happen next	
4. Region-wide community consultation on the options and the preferred option	First half of 2021
5. Councils' final decision to proceed to implement preferred option 6. Decision and implementation process advised to the community	Second half of 2021

Background

7. Central Hawke's Bay District Council, Hastings District Council, Hawke's Bay Regional Council, Napier City Council and Wairoa District Council are working together to review the current and potential three waters (drinking, waste and storm) service delivery options for the region.
8. Central government is undertaking a significant reform programme to transform drinking, storm and wastewater. Late last year the Taumata Arowai – the Water Services Bill was introduced into parliament. This legislation will create a new regulatory authority to oversee, administer and enforce a revised three waters regulatory system. These reforms will have significant implications for three waters service delivery and Councils need to adapt their approaches to meet the new requirements. **Status quo service delivery arrangements will not be adequate to meet the requirements of new three waters regulations going forward.**
9. Central government supports the Hawke's Bay three waters review and the Minister's funding announcement attests to that support. Hawke's Bay now has the opportunity to provide further perspective into the Central Government review on developing options to address the key concerns on regional solutions to improve the management of drinking water, storm water and wastewater.
10. The project aligns with the region's strategic priority for the 2019-22 triennium – water safety, security and planning - agreed by the Hawke's Bay Leaders Forum on 25 November 2019.
11. The project is divided into four phases, each costed and funded separately. For the work completed already and the next stage of analysis and assessment, Councils have collectively committed \$200,000, and government has now committed to a funding contribution of \$1.55m for the next phases, subject to Councils and Government's decisions to proceed at each stage.
12. Any further commitment is subject to Councils deciding to proceed once the review report and recommendation on a preferred option is presented in September.
13. Since Councils approved the review in February 2019, the first phase has involved defining key principles and objectives, an assessment of the current state of three waters service delivery in Hawke's Bay and preliminary analysis of potential options that range from enhanced status quo models through to a regional Council Controlled Organisation.
14. With government funding confirmed, we can now progress the more detailed analysis of options for new service delivery arrangements, the scale of investment needed, the skills and expertise we will need, operational considerations, challenges and benefits.
15. Design of a comprehensive communication and engagement strategy to support the Review process is also underway, with the intention that engagement with mana whenua/Māori partners and wider community engagement should begin as soon as possible. This will ensure that ahead of the review report being presented to Councils in September, our Treaty Partners and the people of Hawke's Bay understand and support

the review's purpose, know what the process is and how they will be able to have their say. Internal engagement with councils' water services teams will also be an important priority throughout the review process.

16. The need for investment into three waters infrastructure across Hawke's Bay is a significant challenge and we need to be able to meet the requirements of any future changes to regulation. This review means we can fully evaluate the scale of capital, capacity, resources, capability and operational challenges in front of us and work together to determine the best solution for the entire region.

Discussion

17. The aim of the review is to come up with a regional solution so our three waters services are safe, reliable and resilient, affordable and effective, and support our urban and rural communities through a service delivery model that has the value of water at its heart.
18. Any decisions made by councils need to be backed up by detailed information and robust analysis. It is important that we complete all of the detailed work required so the councils can fully evaluate all of the options.
19. No change to three waters service delivery arrangements can happen without the understanding and support of the people of Hawke's Bay and that is why we are committed to partnering closely with Māori and involving the wider community.
20. Should the review report recommend changes and the councils want to take the next step in considering change, then councils will run a comprehensive community engagement and consultation process, which is likely to happen in 2021. Mana whenua and the people of Hawke's Bay across the region's rural and urban communities will be able to have their say on all of the options considered, not just the councils' preferred option.
21. There is no foregone conclusion and no preferred option yet; there is considerable analysis and consultation to come. The whole process will not be completed until the end of next year, and only after all the feedback from mana whenua and the region-wide community is taken into account will councils collectively decide on whether to proceed with a new regional service delivery model.
22. It is important we get this right for Hawke's Bay. As councils we all share responsibility for ensuring our communities enjoy safe and reliable, resilient and efficient drinking, waste and storm water services, so it makes sense that we work together with you, our community, to ensure the most sustainable service delivery arrangements for the Hawke's Bay region.

Next Steps

23. The funding announcement now allows us to proceed with our Three Waters Review project plan and engage the resources to support the work streams of activity. These workstreams include:
 - 23.1 detailed analysis of the potential service delivery options including the flow-on impacts on each council;
 - 23.2 assessment of potential service delivery options in anticipation of any future changes to regulation.
24. development & implementation of a regional communications and engagement strategy to ensure our communities and mana whenua are fully engaged and consulted on the need for a regional approach to future-proofing the way we manage three waters in Hawke's Bay, options being considered and why.

Decision Making Process

25. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

This report is for information purposes only. No decision is required of this committee. It is recommended that the Hawke's Bay Drinking Water Governance Joint Committee receives the "*Three Waters Review Funding Announcement*" report.

Authored by:

Toni Goodlass
HB LASS PROGRAMME MANAGER

Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

There are no attachments for this report.

HAWKE'S BAY REGIONAL COUNCIL

HAWKE'S BAY DRINKING WATER GOVERNANCE JOINT COMMITTEE

Thursday 13 February 2020

Subject: DRINKING WATER JOINT WORKING GROUP WORK PLAN

Item 9

Reason for Report

1. To provide an update on the Joint Working Group's (JWG) work plan.

Background

2. The Joint Committee monitors the progress of the JWG progress on its work through a Work Plan. The JWG has been systematically working this plan over the last three years. Most of the original actions arising from the Inquiry Panel's directions have been completed, and what remains is being continually monitored and updated.
3. In 2018 the Committee directed the JWG to prioritise its actions. The work plan is now updated and priorities amended, if required, at every JWG meeting.

Discussion

4. The Joint Working Group has now been operating for three years. The focus of the first term was, firstly, the immediate steps to be taken to resolve Havelock North Drinking water issues and, secondly, completion of the work required to input into the TANK plan change
5. With the completion of these the priority actions for the JWG are now proposed as:
 - 5.1. Greater focus on sharing of information/knowledge/skills across agencies to enhance consistency of approach and to fill knowledge gaps. This will include federated approach to data sharing and gaps analysis about what information is missing;
 - 5.2. The development of a Joint Emergency Response Plan to enhance preparation for potential scenarios where drinking water access is lost or interrupted.
6. In addition to these priorities as part of its kaupapa the JWG will be reviewing new and amended requirements from central government on the management of drinking water and preparing responses for consideration by the Joint Committee.

Decision Making Process

7. Staff have assessed the requirements of the Local Government Act 2002 in relation to this item and have concluded that, as this report is for information only, the decision making provisions do not apply.

Recommendation

That the Hawke's Bay Drinking Water Governance Joint Committee receives and notes the "*Drinking Water Joint Working Group Work Plan*" staff report.

Authored and Approved by:

Liz Lambert
GROUP MANAGER REGULATION

Attachment/s

- [1](#) Drinking Water Joint Working Group - Work Plan 2020

Drinking Water Joint Working Group - Work Plan 2020

Action/Recommendation:	Who/When		Background	Current status	Priority	
Secure protection zones	All and TANK project members	Derived from White Paper, the TANK plan change work programme	Good Earth Matters were engaged by IWG to develop objectives, policies, and rules for the TANK plan change. This included an assessment of the potential use of off Source/secure protection zones in the TANK area. Regular meetings held between IWG, GEM and TANK project team to refine the proposals. Recommendations to TANK on behalf of IWG were presented at the 1 August meet	COMPLETED. TANK agreed to the recommendations, subject to some technical refinement. TANK project team, GEM and IWG will work to finalise these as soon as practicable. TANK plan change yet to be recommended for public notification by Regional Planning Committee but outstanding matters do not relate to drinking water rules or source protection.	High. This has been the top priority of the IWG. Draft package of recommendations was presented to RPC at its 27 October 2018 meeting. RPC were broadly comfortable with the package. IWG carried out further work in response to the feedback of RPC. Also, HBDC science and HBC worked together to finalise the spatial definition of the draft protection zone (PPZ).	
Communications: Development of common terminology, sharing of information on a no-blame basis, consistency of outward facing messages between IWG members	All	Derived from White Paper	Development of Comms plan between all IWG parties to outline how messages and information are shared consistently, the development of 'a hierarchy of emergencies' that will assess the level of response, timeframes for agencies to respond and how information will be shared.	COMPLETED. The Communication Protocol for the Contamination of Groundwater has been adopted by the IWG. Webcasting of Joint Committee meetings is also being introduced which will allow for greater public visibility of matters discussed.	High. A Communications workshop was held in May 2019 to resolve both the responsibilities and the messaging for when groundwater contamination is identified.	
Coordinated approach to data sharing and gaps analysis about what data is missing	All	Derived from White Paper	IWG members are of view that data sharing has improved amongst members significantly. It's important to understand how often people need certain types of data.	TO BE COMMENCED IN 2020. The priority for this has now been upgraded from Medium to High. The work undertaken on source water protection provisions, will assist in progressing this task	High. A project plan is currently being developed. This includes a requirements document to be developed (as one of the actions under this project plan). It could then be analysed by IT dept for each agency.	
Joint Emergency Response Plan	All	Derived from IWG discussions November 2019	It was considered by the IWG that it is important to have response plans for drinking water around loss of control scenarios, such as in emergency management situations. The CDEM exercise Rauamoko, conducted in October 2019, provides lessons for the response planning.	TO BE COMMENCED IN 2020.	High.	
e) (15/12/16)	HDC	Direction from Nathan Gedyes (Inquiry Secretary)	IWG investigate whether the Havelock North reticulation and distribution systems are fragile or vulnerable and whether they need maintenance, repair work, or improvements, in order to deliver safe drinking water to consumers. Water Safety Plans for all supplies to be updated and should include reticulation risk and should be monitored for implementation by DWA. Reports to be shared with IWG.	ON GOING.	Medium. Napier City Council provided an update on its Water Safety Plan to the IWG at its 1 November 2018 meeting. Hastings District Council made its presentation at the 29 August 2019 meeting. The DWA gave an overall assessment of the learnings from their analysis of the TA Water Safety Plans in November 2019. The work stream continues with WDC and CHBDC to present in 2020.	

Attachment 1

Item 9

1/1- vii)	HDC	<p>The monitoring and testing of the Havelock North and Hastings drinking water supplies be subject to the following regime:</p> <p>HDC will provide a report for the period on all these results C & D</p> <p>2 litre raw water samples be taken daily from each bore contributing to the supply of HN drinking water that HDC deems secure or provisionally secure until a full calendar year's worth of data has been collected. These samples are not necessary from bores that are deemed to be non secure. for example, they are not necessary at brookvale bore 3.</p> <p>total coliform and E.coli testing is required on all samples, using either Colilert 18 or such other effective and speedy test that the DWA</p> <p>enumerated tests for all reticulation samples and presence/absence testing for the 2-litre samples from the bores.</p> <p>testing from the reticulation sites be continued at the level currently in place</p> <p>daily testing of FAC levels take place at the ends, and in the dead ends that are most at risk, of the reticulation with a pH level of less than 8 and with a required FAC level of at least 0.2mg/L, or an adjusted level if the pH level is greater than 8</p>	Testing regime as directed by the Inquiry Panel.	ONGOING.	<p>Medium. Hastings DC to report back to the group when required if there are anomalies if there are any exceptions to the norm.</p>	
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		testing for disinfection by-products take place as directed by the DWA In any event, the test set out in (i) should be carried out on three consecutive days after an abnormal wet weather event (this event and any details of such increased testing to be defined and prescribed without delay by the JWG following receipt of the advice being provided by Tonkin and Taylor)				
Water Aging	HBRC		HBRC commissioned GNS report on water aging, which has been completed.	COMPLETED. GNS report tabled at JWG meeting on 27 April 2018.	Medium	
Self-supplies	HBRC		Gaps in the context of self-supplies discussed. At present we have Welstor data and property files, but not every well is captured. There are also linkages with how the Building Act operates. The JWG will scope the work to be undertaken and will bring this to the Governance Committee for discussion.	ONGOING. The work undertaken by the Tukituki Taskforce on identifying issues for Ongaonga and Tikokino residents has fed in to this action.	Medium	
Development of risk management approach through Water Safety Plans	All		The development of a common risk management approach is identifying opportunities for improvement for the TLAs in their water supply management. This is still in its early stages but is a focus for 2020. Initial focus is on Emergency Response planning.	ONGOING. Water Safety Plans have been completed by all four TAs and regular updates are provided to the JWG. HDC is to report back on its risk management approach.	Medium	
Models to understand transportation of contaminants	HBRC		It was noted that although the TANK model does have a component for contaminants, it has been built at a regional scale and not for bore specific recommendations. It is a base model for all to use. Important to recognise that rainwater is the mechanism of transportation, and the question becomes one of assessing what types of activities there are on the ground that potentially influence groundwater.	UNDERWAY. The refinement of the model to be applicable at a local scale is part of the overall SkyTem project which has recently commenced. Once information gathering is completed the modelling will begin mid-2021 and results will be available at the end of 2022.	Medium	
Quantity of Supply	All	Joint Committee meeting 15 August	Joint Committee members requested of the JWG to develop a workstream that looks at the role of the JWG with regard to quantity of water AND quality.	ONGOING. At the 1 November 2018 meeting the JWG received an update from the CHB representative. This issue primarily relates to the Tukituki Taskforce which is exploring CHB self supply issues. The JWG and the Taskforce will remain connected as the Taskforce progresses its work programme.	Medium	

capturing data as it relates to episodic events	All		It was noted that all parties have increased their baseline monitoring. State of the Environment reporting has a specific purpose and is not designed to capture short term episodic events. Extraordinary events include volcanic eruptions as well as rain induced or pumping induced events. Furthermore, Napier and Hastings are now chlorinating water, however, it is still important to understand behaviours and trends. Questions around whether or not we have all the necessary information, and/or if we do if this being used 'well' enough.	YET TO OCCUR. Later in the year the JWG will run a scenario that will model the impact of ash cover from an eruption. We can then gauge what data we currently have available (or haven't) and what we still need for episodic events. This lower priority work has been delayed due to the focus on preparing Source Water Protection Zone package for TANK.	Low: to occur later in the year once higher priority actions have been settled. Scenario to potentially incorporated CDEM members. Higher priority action includes development of an Emergency Response Plan	
DHB to provide a six monthly update on issues they are encountering on their implementation visits	DHB		Raised at JWG meeting of 24 August 2018.	UNDERWAY. The first presentation by the DHB and the Drinking Water Assessor occurred at the JWG meeting of 29 August 2019. It was reported to the Joint Governance Committee in September 2019. DHB to present information systems it uses to next JWG meeting.	Low: Commenced in 2019 with regular updates scheduled.	
Greater liaison and sharing of information between agencies responsible for health information and for environmental management	DHB		This is part of the federated data work that we are looking to get underway in 2020.	YET TO OCCUR. Part of the support for this will have to come from the Ministry of Health but they are not putting any additional funding in to their relevant systems pending the outcome of the new drinking water regulations.	Low: to occur later in the year once higher priority actions have been settled.	

