



2 March 2021

Committee Secretariat

Health Committee

Parliament Buildings

Wellington

Email: he@parliament.govt.nz

To the Health Committee

SUBMISSION ON THE WATER SERVICES BILL

Aotearoa Water Action Inc. (AWA) is grateful for the opportunity to present its submission on the Water Services Bill.

AWA does wish to appear before the committee to speak to its submission.

Yours faithfully

Niki Gladding,

Co-convenor, Aotearoa Water Action

aotearoawateraction@gmail.com

SUBMISSION ON THE WATER SERVICES BILL

- 1) Aotearoa Water Action is a not-for profit organisation. One of the purposes set out in our constitution is to advocate for the adoption of policies that support the protection of the quality and abundance of water as a life-giving resource for people and communities in Aotearoa.
- 2) Our Charter document also:

a) Supports democratic decision-making with respect to water management

Citizens must be actively encouraged and enabled to participate in democratic processes regarding the management of their water, including the creation of any governance structures for the purpose of managing water catchments and 3 waters infrastructure and services.

b) Supports affordable access to sufficient clean water for drinking water and sanitation.

The internationally-recognized human right to safe, clean, accessible and affordable drinking water and sanitation (the human right to water) is indispensable for the happy, free and dignified social, cultural, spiritual, economic and political life of all.

c) Opposes the fluoridation of water supplies.

Supports the human right to refuse to undergo medical treatment. We believe that declaring fluoride not to be a medicine (for the purposes of the Medicines Act) is wrong,³ and should be overturned. On principle therefore, the human right to refuse to undergo any medical treatment⁴ via fluoridated public water supplies should be respected and upheld.

LOCAL DEMOCRACY, AFFORDABILITY AND EXEMPTION POWERS

- 3) As a general position statement, AWA has concerns about the Government's 3 Waters Reform programme within which this Bill sits, and we can't ignore that broader context in responding to the Bill.

- 4) The drinking water quality issue in NZ has multiple ultimate causes related to both source water and infrastructure problems. Some of these differ between regions and some are common to all. These include failures of both central and local government over many decades and include (as examples): the intensification of dairying in Canterbury, government funded irrigation schemes, the failure to develop an NPS-FM, lack of regulation of farming practices, lack of enforcement by regional councils and TAs, increased responsibilities for local government combined with a ridiculously low levels of funding by central government, restrictive debt limits for 'growth councils', spending on above-ground glory projects at the expense of key underground infrastructure and so on.
- 5) AWA's position is that the response to our drinking water problems should be to first address the root causes of those problems and to avoid undermining local government and local democracy.
- 6) Obviously, AWA supports clean and safe drinking water for all New Zealanders. We also recognise that much of New Zealand's water supply infrastructure is in dire need of repair, replacement, or upgrade. However, drinking water is a basic need, a basic human right, and so the provision of the service must remain affordable and the legislation and standards must take that into account. One of our concerns is that applying a gold-standard and the threat of prosecution across all supplies and suppliers (large or small), regardless of the level of risk associated with the water source and the surrounding land use, is going to be a boon for the water industry but will have significant cost implications for suppliers and ultimately for consumers. We do not want this Bill to render small supplies impossible manage or to put territorial authorities in the position where they feel they can't (given debt limits and revenue constraints), opt out of the centralised regional entity model.
- 7) Therefore, we support the concept of exemption powers within the Act.
- 8) However, we believe that these exemption powers should sit with a panel of experts covering a range of expertise and disciplines, rather than with the Chief Executive of Taumata Arawai.
- 9) We also believe there needs to be greater clarity around the scope of the powers of the Board to grant exemptions, and a requirement to publish exemptions granted under the proposed Act.

THE POWERS OF THE CHIEF EXECUTIVE

- 10) We do not support the broad-reaching powers granted to the Chief Executive under this Bill. We believe all powers under the proposed Act should sit with the Board of Taumata Arawai, noting that the Board does have the power to delegate to the CE if it chooses.

THE NEED TO ADDRESS THE RESPONSIBILITIES OF GOVERNMENT AND COUNCILS FOR THE EFFECTS OF LAND USE AND WATER ALLOCATION ON SOURCE WATER

- 11) We are concerned that under this Bill the externalities associated with land use fall squarely on water suppliers and NZ households. The cost of treatment and the risk of prosecution are a significant burden to place on individuals and entities with no control over land use or water allocation.
- 12) There need to develop statutory provisions that sit alongside this Act (as part of RM Reform) that make decisionmakers and enforcement agencies accountable for their actions with respect to source water quality and quantity. In addition, oversight and enforcement needs to be resourced appropriately.
- 13) We are concerned that until such provisions are enacted, and such resourcing is available, the burden on water suppliers, and ultimately NZ households (with respect to source water), is unfair and unreasonable.

DEFINITION OF DRINKING WATER IN RELATION TO SUFFICIENT SUPPLY

- 14) There is an obligation on water suppliers (at s25) to supply a 'sufficient quantity' of 'drinking water' but that quantity may be insufficient for a household's other reasonable requirements.
- a) Section 25(2) defines sufficient quantity as "the quantity of drinking water that is sufficient to support the ordinary drinking water needs of consumers at the point of supply where drinking water has the meaning set out in s6 i.e it is limited to water used for human consumption, oral hygiene, preparing food and drink or other products for human consumption and washing utensils used for eating, drinking or preparing, serving or storing food or drink for human consumption.
 - b) Taumata Arawai is empowered by s25(2)(b) and s48 to make compliance rules that prescribe the quantity of drinking water that must be supplied based on a formula, but that quantity would remain constrained by the definition of 'drinking water'
 - c) It is artificial to separate 'drinking water' from other water required for household needs because, as a general rule, water supply infrastructure is designed to deliver water for all purposes.

- d) We think consumers should be able to expect not only a sufficient supply of drinking water (as defined by the Act) but also a reasonable supply of water to meet their other reasonable household requirements.
- e) Thought needs to go in to defining what that figure might be to give certainty to both consumers and those involved in planning processes (including plan making and subdivision consenting).

FLUORIDATION

- 15) AWA supports s46(3) and the general position that fluoridation of water supplies should not be a requirement.

AESTHETIC VALUES

- 16) AWA supports the requirement at s47 to issue or adopt aesthetic values. But we submit that just as there is a duty (at s21) to supply safe drinking water, there should also be a **duty** to provide water that most people will drink. We do not want to see our communities turning to bottled water because their tap water is objectionable. Bottled water is expensive, generates plastic waste and has significantly higher water and carbon footprints than tap water.