



## **Water Services Act 2021 (the Act)**

### **History**

This new legislation derives from the Government's inquiry into Havelock North campylobacter outbreak. From the town supply there, 5,000 residents got sick, up to 4 deaths occurred and many others suffered long-term debilitating illnesses. The Act is also part of the 3 Waters Reforms.

### **Real Change for Rural Drinking Water Supplies**

New duties imposed will apply to all drinking water suppliers (owners and operators), other than a "*domestic self-supply*." That would be a single household with its own individual water supply, such as a private bore supplying only one dwelling. This represents significant change for the rural community, which has not had to grapple with (or bear the cost of) many of these duties before.

Briefly, the new duties in respect of drinking water supply include duties to:

- Provide safe drinking water
- Meet drinking water standards
- Sufficient quantity of drinking water
- Act when drinking water is not safe
- Act when drinking water supply interrupted or restricted
- Register & Laboratory Accreditation & Testing
- Have a drinking water safety plan and source water safety plan
- Notify Taumata Arowai (the new water regulator) and take action where risk to public health
- If a drinking water supply includes reticulation, the drinking water supplier must ensure that the supply arrangements protect against the risk of backflow.
- If a drinking water supply includes end-point treatment, the drinking water supplier is responsible for the installation, maintenance, and ongoing testing of an end-point treatment device.

Suppliers are tasked with ensuring drinking water is safe and complies with relevant standards (there are various offences relating to negligence and failures in the Act). Officers, employees and agents of suppliers must comply with professional due diligence requirements (similar to the Health and Safety legislation)



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### **Preparation is key**

To prepare, review easements, agreements and other legal arrangements pertaining to supply now to determine if you or your drinking water supply will be caught.

The Act commenced on 15 November 2021 but will fully come into force over the next 7 years. However, the obligation to provide safe drinking water exists now. Taumata Arowai is required to undertake engagement and consultation on significant regulations including on the water standards themselves. This is expected to happen during 2022.

If you are already registered as a drinking water supplier, you must have your plan registered before 15 November 2022. If you are an existing supplier and not currently registered, you have until 15 November 2025 to register and until 15 November 2028 to submit your plan. If you are a new supplier, supplying water for the first time after 15 November 2021, you must register as a drinking water supplier and register your plan before you operate your supply.

*This article is general in nature and does not constitute legal advice. If you are interested in learning more about your water arrangements, give Bonnie Zareh a call 021 635 405*