

Water Services Act 2021

Summary of the new requirements

December 2021

This is a summary of the new [Water Services Act 2021](#) - which is the new regulatory framework for drinking water - and key requirements for growers to be aware of.

Key takeaways:

- This summary is to help growers to understand whether they are a drinking water supplier under the Water Services Act 2021.
- If you supply drinking water to more than one household then you are a drinking water supplier under the Water Services Act 2021. This includes for example, seasonal worker accommodation supplied with water from the same source as a house.
- All drinking water suppliers have a duty to care to ensure that drinking water supplied is safe. This applies now.
- Additional requirements/ways to demonstrate compliance - for example Acceptable Solutions, new Drinking Water Standards and Water Quality Assurance Rules - are still be consulted on (in 2022) and finalised.
- **Previously unregistered drinking water suppliers** (i.e people who may not have been considered a drinking water supply in the previous framework):
 - Have **until 15 November 2025** to register with Taumata Arowai
 - Have **until 15 November 2028** to submit a Drinking Water Safety Plan or be operating under an Acceptable Solution.
- Taumata Arowai's website has more information:
<https://www.taumataarowai.govt.nz/>

How does the Water Services Act fit into the Three Waters reform?

The Water Services Act 2021 is part of the Government's comprehensive reform of the drinking water regulatory system, partly in response to the Havelock North Drinking Water Inquiry, and part of wider Three Waters reform.

Summary of Three Waters Reform (drinking water, stormwater, wastewater):

New regulator established

Taumata Arowai established in 2021 to:

- Set drinking water standards and make sure that drinking water suppliers are satisfying their duty to provide safe drinking water.
- From 2023 monitor and report on the environmental performance of wastewater and stormwater networks.

NB: Regional council maintains the function of regulating discharges to the environment (including from these networks) through regional plans and consents.

Regulatory changes	<p>Water Services Act 2021 - Sets out the functions of Taumata Arowai and, the focus of this summary - duties for drinking water suppliers.</p> <p>Review of the National Environmental Standards for Sources of Human Drinking Water - this sits under the RMA and is about source water protection.</p>
Reform to water delivery services	<p>Proposals to shift local authority water delivery functions to new water entities.</p>

The Water Services Act 2021 commenced 15 November 2021

The Water Services Act 2021 became law on 4 October 2021 and ‘commenced’ 15 November 2021. The requirements on drinking water suppliers are phased in over the next seven years.

The Act replaces the drinking water regime that was set out in Part 2A of the Health Act 1956 – Taumata Arowai has taken over from the Ministry of Health as the drinking water regulator in the new framework.

Who is a drinking water supplier?

If you supply drinking water to more than one household then you are a drinking water supplier under the Water Services Act 2021.

A drinking water supplier ([section 8](#)), is a person who supplies drinking water through a drinking water supply. It includes:

- A person who ought reasonably know that the water they are supplying is or will be used as drinking water
- The owner and operator of a drinking water supply
- A person who supplies drinking water to another drinking water supplier

But does not include domestic self-suppliers, or unplanned temporary supply of water.

A **domestic self-supply** means a stand-alone domestic dwelling that has its own supply of drinking water. Domestic dwelling is defined in [section 10](#) and there is some examples provided in the Act.

The Act does provide for **temporary supply of drinking water** ([section 34](#)) from an unregistered drinking water supply when the usual supply has failed, is unsafe to drink, or that person cannot reasonably access a sufficient amount of drinking water from a registered drinking water supplier.

- In this situation, the supplier must comply with the duty to supply safe drinking water and met drinking water standards as far as reasonably practicable and must notify Taumata Arowai of the arrangement.
- If the duration of this exceeds 60 days in any 12-month period, the requirements of the Act (e.g. registration) start to kick in.

What is 'drinking water'?

[Section 6](#) of the Act explains the meaning of 'drinking water'. Essentially, it includes any water used for human consumption, oral hygiene, preparing food/drink for human consumption, washing utensils used for eating or drinking, or water used for preparing, serving, or storing food or drink for human consumption.

However there are some **exclusions**: notably, bottled water (from a food business regulated under the Food Act 2014), and **water use that is regulated under the Food Act 2014**, the Animal Products Act 1999, or the Wine Act 2003. The Act provides the following example: *Water that is used for washing potatoes by a horticultural business, where the use is regulated under the Food Act 2014, is not drinking water.*

Examples of who is/isn't a drinking water supplier:

Example:	Drinking water supplier?
A single property with tenants on a lease that is supplied by a rainwater tank.	Not a drinking water supplier. This example is listed in the Act as an example of a domestic self-supply.
A grower has their own water supply (e.g., bore) that supplies their house only.	Not a drinking water supplier , this is a domestic self-supply.
A grower has their own water supply (e.g., bore) that supplies their own house and also is used on-farm for irrigation.	Not a drinking water supplier , this is a domestic self-supply, <u>provided</u> the irrigation water is not used for a drinking water purpose.
A grower has a source of water (e.g bore, rainwater) that supplies farm/orchard buildings which staff drink from (e.g. staff room).	The grower is a drinking water supplier - because a packhouse does not fit the definition of a 'domestic dwelling' and water is being used for drinking.
Two or more properties (for domestic supply) share water supply from the same supply/abstraction point (e.g. bore)	Drinking water supplier* - because these are not a 'self-supply' (unless this is only a unplanned temporary supply - refer above). * Whoever has effective control of the drinking water supply would be the drinking water supplier. This is not necessarily the house with the supply on its property. (Section 12, WSA).
Seasonal worker accommodation supplied with water that is from the same source as a house.	The grower is a drinking water supplier - because this is not a 'domestic self supply'.

Seasonal worker accommodation on it's own water source (i.e rainwater tank)	A domestic self-supply <u>if</u> the accommodation is occupied by one 'household unit' and is not a boarding house or hostel. Note: The term 'household unit' is defined has the meaning given to it by section 7 of the Building Act 2004. Otherwise a drinking water supplier .
Packhouse is supplied by a bore or surface water take, that is independent of a domestic supply, and is used only for washing vegetables.	Not a drinking water supplier - The Food Act 2014 applies to water used in commercial food preparation (Section 6, WSA).
Packhouse is supplied by a bore or surface water take, that is independent of a domestic supply, and is used only for washing vegetables <u>and</u> drinking.	Owner/operator of the packhouse is a not a drinking water supplier <u>if</u> they are regulated by the Food Act 2016 and required to have met equivalent requirements to ensure the water is safe to drink.
An irrigation scheme that supplies water that is used for drinking water	The irrigation scheme is a drinking water supplier. (Note: The draft Drinking Water Acceptable Solution for Rural Agricultural Water Supplies may be relevant.)

What are the duties of a drinking water supplier?

Drinking water suppliers have a duty to care to ensure that drinking water supplied is safe. This applies to all drinking water suppliers now.

There are 'phase-in' timeframes for registering with Taumata Arowai and submitting a drinking water safety plan (or complying with an acceptable solution) - depending on whether you were a registered drinking water supplier (that is, registered with the Ministry of Health under the previous framework prior to 14 November 2021) or unregistered. This time will enable Taumata Arowai work with small suppliers to understand their needs and circumstances to ensure solutions are fit for purpose.

SUMMARY OF KEY REQUIREMENTS FOR DRINKING WATER SUPPLIERS:

- ❑ **Ensure that the drinking water supplied is safe.**
 - The meaning of 'safe' is set out in [section 7](#) of the Act.
 - The steps that need to be taken if drinking water is (or may be) unsafe are set out in [section 21](#) of the Act, it includes taking immediate action to ensure public health is protected and notifying Taumata Arowai.

- ❑ **Comply with drinking water standards.**
 - Taumata Arowai will be consulting on new Drinking Water Standards and Aesthetic Standards in 2020.
 - In the meantime, the [Drinking-water Standards for New Zealand 2005](#) continue to apply.

☐ **Register with Taumata Arowai within the timeframe set out below:**

- Registration is via Hinekōrako (an online self-service portal), this is free. Registration must be renewed annually.
- New supplies of drinking water (i.e started supplying drinking water post 15 November 2021) are required to register before supplying water.

Drinking water supplies who were registered with the Ministry of Health under the previous framework.	This is carried over - considered to be registered under the WSA.
Existing unregistered drinking water suppliers	Must register by 15 November 2025 (Except 2022 for water carriers)

☐ Have a **drinking water safety plan (DWSP) OR comply with an applicable Acceptable Solution** within the timeframe set out below:

Drinking water supplies who were registered with the Ministry of Health under the previous framework.	By 15 November 2022
Existing unregistered water carriers	
Existing unregistered drinking water suppliers	By 15 November 2028
New supplies of drinking water	Required to supply a DWSP before supplying water.

What is an 'Acceptable Solution'?

An acceptable solution is a 'ready-made' option for complying with the Water Services Act - it sets out things you must do to meet the requirements of the Act. They will set out design, monitoring and treatment requirements.

If you apply an acceptable solution (in its entirety), it means that a drinking water supplier:

- Does not have to prepare and lodge a Drinking Water Safety Plan.
- Does not have to comply with the sections of the Act relating to aesthetic values (s24), backflow (s27), or the Water Quality Assurance Rules (s48).

Acceptable solutions are specific to particular supply types/situations.

There are three draft acceptable solutions on Taumata Arowai website, which will be consulted on in early 2022:

- Draft Acceptable Solution for Roof Water Supplies
- Draft Acceptable Solution for Spring and Bore Drinking Water Supplies
- Draft Acceptable Solution for Rural Agricultural Water Supplies

Find out more [here](#).

☐ Comply with **notification requirements** - to Taumata Arowai and those affected, including:

- When water is or may be unsafe, or does not comply with drinking water standards, or a notifiable risk or hazard exists.
- If the suppliers ability to maintain sufficient quantity is at imminent risk, or intent to cease or limit supply.

- When a supplier plans to interrupt supply for more than 8 hours, or due to unforeseen circumstances or emergency, the supply of drinking water will be interrupted for more than 8 hours.
- If you intend to cease being the owner of a drinking water supply.

More information on notification is available here:

<https://www.taumataarowai.govt.nz/for-water-suppliers/incident-notifications/>

- **Keep records** of operation and compliance with requirements, results of any monitoring, actions in response to any direction or compliance order.

If you do not apply an Acceptable Solution, and have a Drinking Water Safety Plan instead, all of the applicable duties/requirements under the Act apply - including compliance with the Drinking Water Quality Assurance Rules (which will be consulted in in 2020, that set out the detail for compliance, monitoring etc.).