

20 December 2018

Committee Secretariat
Health Committee
Parliament Buildings
Wellington

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Christchurch City Council submission on the Health (Drinking Water) Amendment Bill

Introduction

1. Christchurch City Council (the Council) thanks the Select Committee for the opportunity to provide comment on the Health (Drinking Water) Amendment Bill which has the primary aim of improving the effectiveness and efficiency of Part 2A of the Health Act 1956 without materially affecting any party or imposing new or additional costs.
2. The Council wishes to appear in support of its submission. Council is happy to appear in person or via audio or videoconference. Council's representative will be the Mayor or another Councillor.
3. The Council is supportive of the changes that are focussed on enabling the drinking water regulatory regime to be more responsive to public safety issues.
4. Public safety is a priority for the Council. Christchurch has delivered safe and high quality drinking water, without disinfection treatment, for many decades with excellent public health outcomes – there are no recorded incidents of water borne disease. Where issues are identified, the Council is responsive. The Northwest supply zone was identified as being vulnerable to surface contamination and an upgrade programme began in 2012 to drill new and deeper wells. In September 2016 Council resolved to accelerate this programme. The Council maintains its very good record of full bacterial compliance for the water distribution zones across the city.
5. The failures identified by the Havelock North Inquiry – poor knowledge of the aquifer and contamination risks; inadequate standard of care for the public drinking water supply; unacceptable delays in preparation of the Water Safety Plan; and delays to bore head inspections – do not feature in Christchurch. However we agree with the overarching principle that underpins the Havelock North Inquiry findings, namely, the very high standard of care and diligence which should apply to drinking water supply.
6. The Council considers these amendments to be the first steps to ensuring safer drinking water for everyone and a raising of the bar for demonstrating safety and security. The Council looks forward to meaningful engagement with the Government as it continues its work on the broader reform of the three waters regime and improving the delivery of water services.

7. Council staff will continue to engage with officials from the Ministry of Health and the Department of Internal Affairs to contribute to the development of policy for the regulation and delivery of public drinking water supplies.

Submission

Clause 4: Section 69C

8. The Council has concerns regarding the proposed amendment to section 69C of the principal Act, which relates to the application of sections 69S to 69ZC of that Act, by deleting references to the operator of a designated port or airport. The justification for removing ports and airports from inclusion in Part 2A of the Health Act is “because ports and airports generally receive water from networked suppliers who are subject to Part 2A”. That justification does not apply to Christchurch International Airport Limited which has its own community water supply, which is separate from the Council’s water supply network.
9. Christchurch International Airport Limited is registered as a water supplier and must comply with the drinking water standards. It is suggested that the Bill makes it clear, to avoid any doubt, that the removal of the wording ‘the operator of a designated port or airport’ from section 69C does not apply to any port or airport that is separately registered as a water supplier operating a community supply independent of any other networked water supply.

Clauses 5 and 6: Sections 69P and 69R

10. The Council agrees with adopting a more efficient process for issuing, adopting or amending drinking water standards. However, given the potential impacts on suppliers, the complete deletion of any consultation time frame, as put forward in clause 5 (amending section 69P), raises a question about the extent to which drinking water suppliers and/or other affected parties may be consulted prior to any future alteration of the drinking water standards.
11. It is suggested that a minimum period for consultation is retained (such as 40 working days), to ensure the affected parties have the opportunity to respond to proposed changes and the financial impacts on the suppliers and their ability to implement changes to the drinking water standards. A minimum period for consultation seems appropriate, given that section 69P(2) is not being amended and provides there is no requirement to consult if either urgent, transitional or minor changes are required.
12. With respect to the time frame in which a change to the drinking water standard comes into effect, the Bill proposes to change the date that a change comes into force from “at least two years” to “at least 28 days” after the change is published in the Gazette. Depending on the change that is made to the standards there could be significant impacts on some drinking water suppliers, for which a shorter time frame (e.g. 28, 60 or 90 days after notice in the Gazette) would be insufficient to allow for compliance. While the proposed change in clause 6 (amending section 69R) does not mean that any/all changes to the drinking water standards would come into effect as little as 28 days after publication in the Gazette there may be some concern that the Minister would routinely choose a shorter time frame.

Clause 7: Section 69U(4)

13. The Council is generally supportive of setting out examples of reasonable steps that contribute to the protection of the source of drinking water through guidelines. However, the release of these guidelines by the Ministry of Health would need to be undertaken in a timely manner, once changes to the standards have been gazetted, to provide certainty and clarity around the expectations for local authorities.

Clause 9: section 69ZK

14. The Council supports the change from “person or agency” to “individual” in the clauses concerning drinking water assessors.

15. The Bill proposes in clause 9 to remove the requirement for international accreditation of drinking water assessors. The Council acknowledges there is a shortage of drinking water assessors in the country and the process to appoint drinking water assessors needs to be streamlined. However, the Council does not consider this should be achieved at the expense of technical knowledge, experience and accountability. Instead, the Council submits that training for drinking water assessors to support them to attain international accreditation should be considered. We support the provision of additional training opportunities for drinking water assessors to achieve this accreditation.

16. The Council supports the remaining proposals in the Bill.

Conclusion

17. For any clarification on points within this submission please contact John Mackie, (Head of Three Waters and Waste, phone 03 941-6548, email: john.mackie@ccc.govt.nz).

Thank you for the opportunity to provide this submission.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'Lianne Dalziel', with a horizontal line underneath.

Lianne Dalziel

**Mayor
CHRISTCHURCH CITY COUNCIL**