



Health (Drinking Water) Amendment Act 2007

Public Act 2007 No 92
Date of assent 17 October 2007
Commencement see section 2

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Schedule

Consequential amendments

The Parliament of New Zealand enacts as follows:**1 Title**

This Act is the Health (Drinking Water) Amendment Act 2007.

2 Commencement

- (1) Section 6 of this Act comes into force on 1 July 2013.
- (2) The rest of this Act comes into force on 1 July 2008.

3 Principal Act amended

This Act amends the Health Act 1956.

Part 1**Amendments to principal Act****4 General powers and duties of local authorities in respect of public health**

Section 23(f) is amended by inserting “, drinking water,” after “diseases”.

5 Requirements of dwellinghouses as to supply of water and sanitary conveniences

Section 39(1)(a) is amended by omitting “wholesome water” and substituting “water that is potable (as defined in section 69G),”.

6 Sections 60 to 63 and heading above section 60 repealed

Sections 60 to 63 and the heading above section 60 are repealed.

7 New Part 2A inserted

The following Part is inserted above the Part 3 heading:

**“Part 2A
“Drinking water****“69A Purpose**

- (1) The purpose of this Part is to protect the health and safety of people and communities by promoting adequate supplies of safe and wholesome drinking water from all drinking-water supplies.

- “(2) Accordingly, this Part—
- “(a) provides for the Ministry to maintain a register of all drinking-water suppliers; and
 - “(b) provides for the Minister to issue or adopt drinking-water standards; and
 - “(c) imposes a range of duties on drinking-water suppliers, including duties to—
 - “(i) monitor drinking water; and
 - “(ii) take all practicable steps to comply with the drinking-water standards; and
 - “(iii) implement risk management plans; and
 - “(d) imposes a range of duties on water carriers; and
 - “(e) provides for the appointment of drinking-water assessors to assess compliance with this Part, and sets out their functions and powers; and
 - “(f) provides for the Director-General to recognise laboratories for the purposes of analysing drinking water; and
 - “(g) sets out certain emergency powers that are available during public health emergencies relating to drinking water; and
 - “(h) creates various offences; and
 - “(i) provides for the dissemination of information about drinking water.

“Application of this Part

“69B This Part generally to apply on commencement

- “(1) The provisions of this Part (except sections 69S to 69ZC) apply on and after their commencement.
- “(2) The provisions of sections 69S to 69ZC apply to drinking-water suppliers in accordance with sections 69C to 69F.
- “(3) Section 69ZA applies to a temporary drinking-water supplier on and after 1 July 2009.

“69C Application of sections 69S to 69ZC generally

- “(1) A drinking-water supplier who, on or after 1 July 2009 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council, commences supplying drinking water using a new drinking-water supply that is a large, medium, minor, small, neighbourhood, or rural agricultural drinking-water supply, must comply with sections 69S to

69ZC in respect of that drinking-water supply, on and after the commencement of supply.

- “(2) A networked supplier or operator of a designated port or airport who uses a large drinking-water supply must comply with sections 69S to 69ZC in respect of that supply, on and after 1 July 2009 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(3) A networked supplier or operator of a designated port or airport who uses a medium drinking-water supply must comply with sections 69S to 69ZC in respect of that supply, on and after 1 July 2010 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(4) A networked supplier or operator of a designated port or airport who uses a minor drinking-water supply must comply with sections 69S to 69ZC in respect of that supply, on and after 1 July 2011 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(5) A networked supplier or operator of a designated port or airport who uses a small drinking-water supply must comply with sections 69S to 69ZC in respect of that supply, on and after 1 July 2012 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(6) A networked supplier or operator of a designated port or airport who uses a neighbourhood drinking-water supply must comply with sections 69S to 69ZC in respect of that supply, on and after 1 July 2013 or any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(7) Despite subsections (2) to (6), a networked supplier or operator of a designated port or airport who uses a rural agricultural drinking-water supply must comply with sections 69S to 69ZC in respect of that supply on the latest of the following dates:
- “(a) 1 July 2013:

- “(b) the date on which the drinking-water standards are amended to make specific provision in respect of rural agricultural drinking-water supplies:
 - “(c) any later date appointed for the purposes of this subsection by the Governor-General by Order in Council.
- “(8) Sections 69S to 69ZC do not apply to a drinking-water supplier who—
- “(a) supplies drinking water from a supply that is smaller than a neighbourhood drinking-water supply; and
 - “(b) is not a water carrier.

“69D Application of sections 69S to 69ZC to bulk suppliers

A bulk supplier must comply with sections 69S to 69ZC in respect of each supply of water made by that supplier to another drinking-water supplier, on and after the date on which any drinking-water supplier to whom the supply is made is required to comply with those sections in respect of their own supply.

“69E Application of sections 69S to 69ZC to water carriers

- “(1) A water carrier who supplies water provided by a networked supplier or operator of a designated port or airport from a drinking-water supply must comply with sections 69S to 69ZC on and after the date on which the supplier who operates the supply is required to comply with those sections, in respect of that supply.
- “(2) A water carrier who provides water from a drinking-water supply operated by a person other than a networked supplier or operator of a designated port or airport must comply with sections 69S to 69ZC on and after a date determined by the medical officer of health and notified in writing to the water carrier.

“69F Bulk suppliers, networked suppliers, water carriers, and designated ports or airports may elect earlier compliance

- “(1) Any bulk supplier, networked supplier, water carrier, or designated port or airport may, by notice in writing to the Director-General, elect to comply with all the provisions of this Part

before that person would be required to comply with those provisions under any of sections 69C to 69E.

- “(2) If any notice is given to the Director-General under subsection (1) the provisions of this Part apply to the bulk supplier, networked supplier, water carrier, or designated port or airport concerned on and after the date on which the notice is received.

“Interpretation

“69G Interpretation

In this Part, unless the context otherwise requires,—

“adequate supply, in relation to the drinking water supplied to a property, means either—

- “(a) the minimum quantity of drinking water that is required by the occupants of that property, on an ongoing basis, for their ordinary domestic and food preparation use and sanitary needs; or
- “(b) if regulations have been made under section 69ZZY(1)(a) prescribing the quantity of drinking water, or a formula for determining the quantity of drinking water, that is an adequate supply to a property, the amount specified in, or calculated according to the formula set out in, those regulations

“adverse aesthetic effect means an effect on the colour, clarity, smell, taste, or general appearance of drinking water that exceeds any aesthetic guideline values set out in the drinking-water standards

“bulk supplier means a drinking-water supplier who supplies drinking water solely or primarily to another drinking-water supplier or suppliers

“contamination means,—

- “(a) in relation to raw water that does not normally require treatment to be suitable for use as drinking water, the introduction of a substance or organism into that water or a source of that water, which—
- “(i) makes that water unpalatable or unsuitable for human consumption; or
- “(ii) requires that water to be treated to make it palatable or suitable for human consumption; and

“(b) in relation to raw water that normally requires treatment to become suitable for use as drinking water, the introduction of a substance or organism into that water or a source of that water, which makes that water unpalatable or unsuitable for human consumption, without intensified, or enhanced, or alternative, drinking-water treatment to make it palatable or suitable for human consumption

“**critical points**—

“(a) means the points in a drinking-water supply at which it is possible for the supplier to eliminate, minimise, or isolate hazards to the drinking water that may result in *failure to comply with this Part or with the drinking-water standards*; and

“(b) includes (without limitation) any points where drinking water is transferred from—

“(i) a networked supplier to a water carrier; or

“(ii) a water carrier to a networked supplier; or

“(iii) a bulk supplier to a networked supplier; or

“(iv) a networked supplier to any other networked supplier; or

“(v) a networked supplier to a designated port or airport; or

“(vi) any designated port or airport to any networked supplier or to any water carrier

“**designated officer** means a person designated under section 7A as a medical officer of health, or as a health protection officer

“**designated port or airport** means a port or airport for the time being approved under section 37(1) of the Biosecurity Act 1993 or treated as designated under section 184 of that Act, as a place of first arrival for all craft or craft of specified kinds or descriptions

“**determinand** means—

“(a) a substance or organism in water in circumstances where the extent to which any water contains that substance or organism may be determined or estimated reasonably accurately; or

“(b) a characteristic or possible characteristic of water in circumstances where the extent to which any water

exhibits that characteristic may be determined or estimated reasonably accurately

“domestic and food preparation use, in relation to water, means use for any of the following purposes:

- “(a) human consumption:
- “(b) preparing food or drink for human consumption:
- “(c) preparing or processing products ultimately intended for human consumption:
- “(d) washing utensils used for preparing, storing, or serving food or drink for human consumption:
- “(e) washing utensils used by people for eating or drinking:
- “(f) human oral hygiene

“drinking water—

- “(a) means—
 - “(i) water that is potable; or
 - “(ii) in the case of water available for supply, water that is—
 - “(A) held out by its supplier as being suitable for drinking and other forms of domestic and food preparation use, whether in New Zealand or overseas; or
 - “(B) supplied to people known by its supplier to have no reasonably available and affordable source of water suitable for drinking and other forms of domestic and food preparation use other than the supplier and to be likely to use some of it for drinking and other forms of domestic and food preparation use; but
- “(b) while standards applying to bottled water are in force under the Food Act 1981, does not include—
 - “(i) any bottled water that is covered by those standards; or
 - “(ii) any bottled water that is exported; and
- “(c) to avoid doubt, does not include any water used by animals or for irrigation purposes that does not enter a dwellinghouse or other building in which water is drunk by people or in which other domestic and food preparation use occurs

“drinking-water assessor means a drinking-water assessor appointed under section 69ZK; and includes, in the case of a

drinking-water assessor that is an agency, an employee or a contractor of that agency engaged in carrying out the functions of a drinking-water assessor

“**drinking-water emergency declaration** means a declaration under section 69ZZA

“**drinking-water register** means the register of drinking-water suppliers and supplies maintained under section 69J

“**drinking-water standards** means—

“(a) standards issued or adopted under section 69O; or

“(b) if section 14(5) of the Health (Drinking Water) Amendment Act 2007 applies, the *Drinking-Water Standards for New Zealand 2000*

“**drinking-water supplier** means a person who supplies drinking water to people in New Zealand or overseas from a drinking-water supply, and—

“(a) includes that person’s employees, agents, lessees, and subcontractors while carrying out duties in respect of that drinking-water supply; and

“(b) includes (without limitation)—

“(i) a networked supplier; and

“(ii) a water carrier; and

“(iii) every person who operates a designated port or airport; and

“(iv) a bulk supplier; and

“(v) any person or class of person declared by regulations made under section 69ZZY to be a drinking-water supplier for the purposes of this Part (a **prescribed supplier**); but

“(c) does not include—

“(i) a temporary drinking-water supplier; or

“(ii) a self-supplier; or

“(iii) any person or class of person declared by regulations made under section 69ZZY not to be a drinking-water supplier for the purposes of this Part

“**drinking-water supply**—

“(a) means a publicly or privately owned system for supplying drinking water to a person or group of persons, on a temporary or permanent basis, up to but not including the point of supply; and

“(b) includes, without limitation, a networked reticulation system, a well, a reservoir, or a tanker

“**large drinking-water supply** means a drinking-water supply that is used to supply drinking water to more than 10 000 people for at least 60 days per year

“**maximum acceptable value**, in relation to a determinand, means a value stated in the drinking-water standards as the maximum extent to which drinking water may contain or exhibit that determinand without being likely to present a significant risk to an average person consuming that water over a lifetime

“**medical officer of health** includes any medical officer of health whose health district includes any place to which any intended action or other thing relates (whether or not the action or thing also has effect in another health district)

“**medium drinking-water supply** means a drinking-water supply that is used to supply drinking water to between 5 001 and 10 000 people (inclusive) for at least 60 days per year

“**minor drinking-water supply** means a drinking-water supply that is used to supply drinking water to between 501 and 5 000 people (inclusive) for at least 60 days per year

“**neighborhood drinking-water supply** means a drinking-water supply that is used to supply drinking water to—

“(a) between 25 and 100 people (inclusive) for at least 60 days per year; or

“(b) any number of persons for at least 60 days per year if—

“(i) the number of those persons when multiplied by the number of days per year during which those persons receive water from that supply is 6 000 or greater; but

“(ii) the number of those persons is not greater than 100 on 60 or more days in any year

“**networked supplier**—

“(a) means a drinking-water supplier who supplies drinking water from the place where the supply is to 1 or more other properties, by means of a pipe connecting those properties; but

“(b) does not include a bulk supplier

“**owner**, in relation to any land (including buildings on that land), means the person who is for the time being entitled to the rent on that land or who would be so entitled if the land were let to a tenant for rent and includes—

- “(a) the owner of the fee simple of the land; and
- “(b) any person who has agreed in writing to purchase the land or any leasehold estate or interest in the land, or to take a lease of the land—
 - “(i) once the conditions in the agreement relating to the purchase have been satisfied; and
 - “(ii) if subparagraph (i) applies, while the agreement is in force

“**point of supply** means—

- “(a) in the case of drinking water supplied through a networked reticulated system to any property, whichever of the following is applicable:
 - “(i) the point of supply as defined in any bylaw, supply agreement, or local Act that applies in respect of that system:
 - “(ii) if subparagraph (i) does not apply, the point immediately on the property owner’s side of the toby:
 - “(iii) if neither subparagraph (i) nor (ii) applies and there is no toby, the point at which that system joins the pipework that forms part of—
 - “(A) the water supply utility system from any building on that property; or
 - “(B) any other pipework on that property (whether or not used for the supply of drinking water):
 - “(iv) if neither subparagraph (i) nor (ii) applies, and there is no point referred to in subparagraph (iii), the last point at which the supply of water can be interrupted or stopped before it reaches any tap on the property:
- “(b) in the case of drinking water supplied by a water carrier, the end of the hose or fitting used by that carrier to supply drinking water from that carrier’s means of transportation:
- “(c) in the case of drinking water placed into a container, the point at which the water is placed into that container

“**pollution** means the introduction of a substance or organism into drinking water or a drinking-water supply system that causes or may cause that water, or as the case requires, water in that system, to exceed the maximum acceptable values for determinands specified in the drinking-water standards

“**port** includes an anchorage, a harbour, and a wharf

“**potable**, in relation to drinking water, means water that does not contain or exhibit any determinands to any extent that exceeds the maximum acceptable values (other than aesthetic guideline values) specified in the drinking-water standards

“**public health risk management plan** means a plan prepared and operated by a drinking-water supplier or other person under section 69Z or 69ZA

“**raw water**—

“(a) means water intended for domestic and food preparation use that has been taken from a source of water but—

“(i) has not been assessed for suitability for that use without treatment; or

“(ii) is not suitable for that use without treatment and has not yet been treated to make it suitable for that use; but

“(b) does not include—

“(i) water that has been assessed as suitable for that use without treatment; or

“(ii) water that has been treated to make it suitable for that use; or

“(iii) water that has not entered any pipe, tank, or cistern leading from a source of raw water

“**rural agricultural drinking-water supply** means—

“(a) a large, medium, minor, small, or neighbourhood drinking-water supply from which 75% or more of the water supplied—

“(i) is used for the purposes of commercial agriculture; and

“(ii) does not enter a dwellinghouse or other building in which water is drunk by people or other domestic and food preparation use occurs; but

“(b) does not include a drinking-water supply using a single connection to provide water to—

- “(i) a town; or
- “(ii) a village or other place with a permanent population of 50 people or more that is used primarily for residential purposes

“**self-supplier** means a person who owns a drinking-water supply that is exclusively used to supply water to—

- “(a) 1 property that is also owned by that person; or
- “(b) 1 or more buildings that are also owned by that person

“**small drinking-water supply** means a drinking-water supply that—

- “(a) is used to supply drinking water to between 101 and 500 people (inclusive) for at least 60 days per year; and
- “(b) is not a drinking-water supply to which paragraph (a) or (b) of the definition of **neighbourhood drinking-water supply** applies

“**specified drinking-water supplier** has the meaning set out in section 69J(1)(a)

“**specified self-supplier** has the meaning set out in section 69J(1)(b)

“**temporary drinking-water supplier**—

- “(a) means a person who—
 - “(i) supplies drinking water to a place on a temporary basis for a particular event, function, or gathering where the number of persons attending on any one day is 25 or greater; or
 - “(ii) from time to time, supplies drinking water to any person (including the supplier), but not for more than 59 days per year in total; or
 - “(iii) supplies drinking water on a temporary basis when a drinking-water supply used to supply drinking water to a person or group of persons on a permanent basis is not functioning for any reason; but
- “(b) does not include—
 - “(i) a person who exports drinking water to another country; or
 - “(ii) any other person or class of person declared by regulations made under section 69ZZY not to be a temporary drinking-water supplier

“**toby**, in relation to any property, means the valve at the end of the service pipe that forms part of a networked reticulated system and that connects to the supply pipe forming part of—

- “(a) the water supply utility system of any building on the property; or
- “(b) any other pipework on the property (whether or not used for the supply of drinking water)

“**water carrier**—

- “(a) means any drinking-water supplier, temporary drinking-water supplier, or prescribed class of person who transports or otherwise supplies raw water or drinking water—

- “(i) in trucks or other vehicles; or

- “(ii) by rail; or

- “(iii) in ships or other vessels; or

- “(iv) by any means other than by pipes connecting the place where the supply is to the other property or properties to which the water is delivered from the place where the supply is to another property; but

- “(b) does not include any other person or class of person declared by regulations made under section 69ZZY not to be a water carrier

“**wholesome**, in relation to drinking water, means—

- “(a) being potable; and

- “(b) not containing or exhibiting any determinand in an amount that exceeds the value stated in the guideline values for aesthetic determinands in the drinking-water standards as being the maximum extent to which drinking water may contain or exhibit the determinand without being likely to have an adverse aesthetic effect on the drinking water

“**working day** has the same meaning as in section 5(1) of the Local Government Act 2002.

“**69H All practicable steps**

- “(1) In this Part, **all practicable steps**, in relation to the achievement of any particular result by a person, means all steps to achieve that result that it is reasonably practicable to take in the circumstances,—

- “(a) having particular regard to—
 - “(i) their availability; and
 - “(ii) subject to subsection (3), their affordability, in light of the person’s financial position; and
 - “(b) having regard to—
 - “(i) the nature and severity of the harm that may be suffered if the result is not achieved; and
 - “(ii) the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved; and
 - “(iii) the current state of knowledge about harm of that nature; and
 - “(iv) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each.
- “(2) To avoid doubt, a person required by this Part to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.
- “(3) A person who wishes to rely on subsection (1)(a)(ii) as a reason for not taking any step or steps to achieve a result—
- “(a) must keep a full and complete record of that person’s financial position and those of any associated person (as defined in section 0B 1 of the Income Tax Act 2004); and
 - “(b) if a drinking-water assessor or designated officer asks why the person has failed to take that step or steps, must, as soon as practicable and in any event not more than 28 days later,—
 - “(i) tell the assessor or officer that the step or steps are not affordable in light of the person’s financial position; and
 - “(ii) give a copy of the records referred to in paragraph (a) to the officer or assessor.

“69I Part binds the Crown

- “(1) This Part binds the Crown except as provided in subsection (2).
- “(2) This Part does not apply in respect of drinking water supplied by the New Zealand Defence Force—

- “(a) other than through a networked supply; and
- “(b) in compliance with international drinking-water code QSTAG245 or other similar standard regulating the quality of drinking water used for military purposes.

*“Registration of drinking-water suppliers and
certain self-suppliers*

“69J Drinking-water register

- “(1) The Director-General must maintain a register of persons who are—
 - “(a) networked suppliers, bulk suppliers, water carriers, operators of designated ports or airports, or prescribed suppliers (**specified drinking-water suppliers**); or
 - “(b) self-suppliers who supply water to community-purpose buildings owned by them (**specified self-suppliers**).
- “(2) The purpose of the register is—
 - “(a) to enable members of the public to know who is registered as a specified drinking-water supplier or a specified self-supplier and to provide information about their supplies or sources of water; and
 - “(b) to facilitate the ability of the Director-General to provide information to drinking-water suppliers and specified self-suppliers; and
 - “(c) to facilitate the exercise of the compliance, assessment, and enforcement functions and powers of drinking-water assessors, designated officers, and the Director-General.
- “(3) The following particulars must be recorded in the register in respect of every person registered as a drinking-water supplier (other than as a water carrier) or as a specified self-supplier:
 - “(a) the name and contact address (including the electronic address, if available) of the supplier;
 - “(b) the nature of the person’s drinking-water supply and the maximum daily volume it is capable of delivering;
 - “(c) the date on which the supplier was registered;
 - “(d) the source or sources of water used for drinking-water purposes:

- “(e) in the case of a drinking-water supplier, whether that person is a networked supplier, bulk supplier, the operator of a designated port or airport, or a prescribed supplier:
 - “(f) any other particulars that may be required by or under this Part or regulations made under section 69ZZY.
- “(4) The following particulars must be recorded in the register in respect of every drinking-water supplier registered as a water carrier:
- “(a) the name and contact address (including the electronic address, if available) of the carrier:
 - “(b) the date on which the water carrier was registered and the date of each renewal of that person’s registration:
 - “(c) the source or sources of raw water or drinking water that is transported by the water carrier:
 - “(d) prescribed particulars relating to each vehicle, vessel, or rail wagon (and any associated equipment such as demountable tanks, hoses, and fittings) used by a water carrier to transport raw water or drinking water:
 - “(e) any other particulars that may be required by or under this Part or regulations made under section 69ZZY.
- “(5) The register may also include any other information relevant to a drinking-water supplier, specified self-supplier, or a drinking-water supply that the Director-General considers appropriate.

“69K Applications for registration

- “(1) A person who supplies or intends to supply drinking water from a drinking-water supply (other than as a self-supplier) must apply to the Director-General, in a manner approved by the Director-General, for registration on the drinking-water register.
- “(2) Every specified self-supplier must apply to the Director-General, in a manner approved by the Director-General, for registration on the drinking-water register.
- “(3) Every application for registration must be in the form provided for the purpose by the Director-General.
- “(4) On receiving an application that complies with the requirements of this section, the Director-General must—

- “(a) register the person as a specified drinking-water supplier, or a specified self-supplier, and in the case of a person registered as a specified drinking-water supplier, also as—
 - “(i) a networked supplier; or
 - “(ii) a water carrier; or
 - “(iii) a designated port or airport; or
 - “(iv) a bulk supplier; or
 - “(v) a prescribed supplier; and
- “(b) show the date of registration on the register; and
- “(c) notify the person in writing accordingly.

“69L Renewal of registration by water carriers

- “(1) Every person registered as a water carrier must in each 12-month period, during a month allocated for the purpose by the Director-General, apply for a renewal of registration as a water carrier.
- “(2) Every application for a renewal of registration must be in the form provided for the purpose by the Director-General, and must be accompanied by—
 - “(a) a certificate, from a drinking-water assessor, no more than 3 months old, stating that the assessor has assessed the practices and procedures of the water carrier and certifies that those practices and procedures comply with this Part; and
 - “(b) the prescribed particulars for each vehicle, vessel, or rail wagon (and any associated equipment such as demountable tanks, hoses, and fittings) used by the water carrier to transport raw water or drinking water.
- “(3) On receiving an application that complies with the requirements of this section, the Director-General must, unless subsection (4) applies,—
 - “(a) renew the registration of the person as a water carrier, showing the date of renewal of registration; and
 - “(b) notify the person in writing accordingly.
- “(4) The Director-General may refuse to renew the registration of a person as a water carrier if the Director-General is satisfied that the water carrier—
 - “(a) has failed to comply with the requirements of this Part;
 - or

“(b) is unable to comply with the requirements of this Part.

“69M Duty to update details on register

- “(1) A drinking-water supplier or specified self-supplier who intends to change any particulars that are recorded in respect of that person or that person’s drinking-water supply on the drinking-water register or to cease operation as a supplier must notify the Director-General, in writing, of the change and the proposed date of the change, at least 2 weeks before the proposed date of the change.
- “(2) A water carrier who intends to cease operation as a carrier or to change any particulars that are recorded in respect of that person or in respect of any vehicle, vessel, or rail wagon used for water transportation or who begins to use a vehicle, vessel, or rail wagon (and any associated equipment such as demountable tanks, hoses, and fittings) for the purposes of water transportation or who ceases to use a vehicle, vessel, or rail wagon for the purposes of water transportation must notify the Director-General, in writing, of the change and the proposed date of the change.
- “(3) A notice under subsection (1) or (2) must be given as soon as practicable after the details of the proposed change are known to the supplier.

“69N Removal from register

- “(1) The Director-General must remove a person’s name from the drinking-water register if—
- “(a) that person is registered as a water carrier or as a specified self-supplier, and applies to the Director-General, in writing, to have that person’s name removed from the register; and
 - “(b) the Director-General is satisfied that the person has ceased to carry on business as a water carrier or has ceased to be a specified self-supplier, as the case requires.
- “(2) The Director-General may remove the name of any person registered as a water carrier from the drinking-water register if the Director-General is satisfied that the water carrier—
- “(a) has failed to comply with the requirements of this Part;
 - or

- “(b) is unable to comply with the requirements of this Part.
- “(3) Despite subsections (1) and (2), the Director-General may retain on the register all relevant details relating to the water-supply activities of a person whose name has been removed from the register, if the fact of that removal is clearly noted on the register to avoid any confusion.

“Drinking-water standards

“690 Minister may issue, adopt, amend, or revoke drinking-water standards

- “(1) The Minister may, by written notice,—
- “(a) issue or adopt standards applicable to drinking water; and
 - “(b) revoke or amend any existing standards.
- “(2) Standards issued or adopted under this section may, without limitation, specify or provide for all or any of the following:
- “(a) requirements for drinking water safety (including requirements relating to the transportation of raw water or drinking water):
 - “(b) requirements for drinking water composition, including—
 - “(i) maximum amounts of substances or organisms or contaminants or residues that may be present in drinking water; and
 - “(ii) maximum amounts of substances that may be present in drinking water; and
 - “(iii) maximum acceptable values for chemical, radiological, microbiological, and other characteristics of drinking water:
 - “(c) criteria and procedures for demonstrating compliance with the standards, including the methods or tests by which the levels of determinands present in raw water or drinking water must be calculated or ascertained:
 - “(d) monitoring analytical and calibration requirements, including minimum sampling and testing frequencies, and procedural requirements relating to sampling and analysis:
 - “(e) performance standards that drinking-water suppliers, drinking-water assessors, and recognised laboratories

- are required to meet when sampling and testing raw water or drinking water:
- “(f) remedial actions to be taken if non-compliance with different aspects of the standards is detected:
 - “(g) records that must be kept by drinking-water suppliers:
 - “(h) any other matters relating to raw water or drinking water that may affect public health.
- “(3) Standards issued or adopted under this section—
- “(a) may include guideline values for aesthetic determinands for avoiding adverse aesthetic effects in drinking water; and
 - “(b) may contain different provisions for different categories of bulk supplier, networked supplier, designated port or airport, or water carrier, or different provisions for each class of drinking-water supplier; but
 - “(c) must not include any requirement that fluoride be added to drinking water.
- “(4) Despite section 28 of the State Sector Act 1988, the Minister may not delegate any of the powers conferred by subsection (1).
- “(5) Standards issued or adopted under subsection (1) are regulations for the purposes of the Regulations (Disallowance) Act 1989, but are not regulations for the purposes of the Acts and Regulations Publication Act 1989.
- “69P Minister must consult before issuing, adopting, or amending drinking-water standards**
- “(1) The Minister must not issue, adopt, or amend drinking-water standards unless the Minister is satisfied that adequate consultation has been carried out over a period of at least 3 years with respect to the proposed standards or proposed amendments, including (without limitation)—
- “(a) adequate and appropriate notice of the intention to issue, adopt, or amend the standards published in a daily newspaper in each of the cities of Auckland, Wellington, Christchurch, and Dunedin; and
 - “(b) a reasonable opportunity for interested persons to make submissions; and
 - “(c) appropriate consideration of any submissions received.

- “(2) Despite subsection (1), the Minister is not required to consult anyone if the Minister is satisfied that—
- “(a) the standards need to be issued, adopted, or amended either—
 - “(i) urgently; or
 - “(ii) to deal with transitional issues; or
 - “(b) the amendment is minor and will not adversely and substantially affect the interest of any person.

“69Q Drinking-water standards must be notified and made available

- “(1) As soon as practicable after drinking-water standards are issued, adopted, or amended, the Minister must ensure that a notice is published in the *Gazette* that—
- “(a) gives a general indication of the nature of the standards or amendments; and
 - “(b) shows the place or places at which copies of the current drinking-water standards are available for inspection free of charge or for purchase or both.
- “(2) As soon as practicable after drinking-water standards are revoked, the Minister must ensure that a notice of that revocation is published in the *Gazette*.
- “(3) The Director-General must ensure that current copies of drinking-water standards are available for inspection by members of the public free of charge.

“69R Commencement of drinking-water standards

Drinking-water standards (and any amendments to those standards) come into force on a day specified in a notice under section 69Q(1) that is,—

- “(a) unless paragraph (b) applies, at least 2 years after the date of publication of that notice in the *Gazette*; or
- “(b) if section 69P(2) applies to the standards or amendments, at least 28 days after the date of publication of that notice in the *Gazette*.

*“Duties of drinking-water suppliers and temporary
drinking-water suppliers*

“69S Duty of suppliers in relation to provision of drinking water

- “(1) Every networked supplier, bulk supplier, and water carrier must take all practicable steps to ensure that an adequate supply of drinking water is provided to each point of supply to which that supplier supplies drinking water.
- “(2) Subsection (1) does not—
- “(a) require a networked supplier or a bulk supplier to ensure the uninterrupted provision of drinking water to all points of supply at all times; or
 - “(b) prevent a networked supplier or a bulk supplier restricting or interrupting the provision of drinking water to any point of supply, if, in the opinion of the supplier, such action is necessary for the purposes—
 - “(i) of planned maintenance or improvement; or
 - “(ii) of emergency repairs.
- “(3) Any restriction or interruption of the provision of drinking water by a networked supplier or a bulk supplier in reliance on subsection (2)(a) must not exceed 8 hours on any one occasion unless,—
- “(a) in the event of planned works,—
 - “(i) approval has been given by the medical officer of health; and
 - “(ii) the supplier has taken all practicable steps to warn the affected persons before the restriction or interruption of the provision of water occurs; or
 - “(b) in the event of an emergency,—
 - “(i) the supplier notifies the medical officer of health of the reasons for the interruption or restriction as soon as practicable and, in any event, not later than 24 hours after the commencement of the interruption or restriction; and
 - “(ii) the supplier has taken all practicable steps to advise the affected persons of the restriction to or interruption of the provision of water.
- “(4) A networked supplier or bulk supplier—
- “(a) may restrict supply to a point of supply if the relevant customer has unpaid accounts for any previous supply

of drinking water or has failed to remedy water leaks that the customer is obliged to remedy; but

“(b) must, despite any non-payment or failure referred to in paragraph (a), continue to provide an adequate supply of drinking water.

“(5) This section is subject to section 69T and to any contrary provisions in the Civil Defence Emergency Management Act 2002.

“69T Duties where risk to water is actual or foreseeable

If any drinking-water supplier considers that its ability to maintain an adequate supply of drinking water is or may be at imminent risk for any reason, it must—

“(a) notify the medical officer of health, the New Zealand Fire Service, and the territorial authorities and regional councils in the area where the water is supplied of the circumstances giving rise to the risk; and

“(b) request that 1 or more of those territorial authorities and regional councils exercise its powers under any enactment (for example, by making a bylaw to restrict the use of water for other than essential purposes) to assist that supplier to continue to provide an adequate supply of drinking water; and

“(c) if the supplier is a bulk supplier, notify the drinking-water supplier to which the bulk supplier supplies water of the circumstances giving rise to the risk.

“69U Duty to take reasonable steps to contribute to protection of source of drinking water

“(1) Every drinking-water supplier must take reasonable steps to—

“(a) contribute to the protection from contamination of each source of raw water from which that drinking-water supplier takes raw water:

“(b) protect from contamination all raw water used by that drinking-water supplier.

“(2) Every drinking-water supplier who is a bulk supplier or a networked supplier must take reasonable steps to protect from pollution all aspects of the drinking-water supply system of that drinking-water supplier.

- “(3) Every drinking-water supplier who is a water carrier must take reasonable steps to protect from contamination or pollution all aspects of the water supply operation of that water carrier.
- “(4) Examples of things that may, depending on the circumstances, constitute, or contribute towards, the taking of reasonable steps under subsection (1) include—
- “(a) the making of submissions on—
 - “(i) processes governed by the Resource Management Act 1991 (including discussion papers, and draft proposed and notified regional and district plans, in relation to issues that may affect drinking water); and
 - “(ii) where notified, resource consent applications relating to issues that may affect drinking water; and
 - “(b) the making of submissions on community outcomes and sanitary services assessments under the Local Government Act 2002 in relation to issues that may affect drinking water; and
 - “(c) contributing, directly or indirectly, to improved catchment management whether by planting of trees, promoting and assisting the use of integrated water resources management, or through other means.

“69V Duty to take all practicable steps to comply with drinking-water standards

- “(1) Every drinking-water supplier must take all practicable steps to ensure that the drinking water supplied by that supplier complies with the drinking-water standards.
- “(2) A drinking-water supplier complies with subsection (1) if the supplier implements those provisions of the supplier’s approved public health risk management plan relating to the drinking-water standards.
- “(3) Subsection (2) does not limit the ways in which a drinking-water supplier is able to comply with subsection (1).
- “(4) Subsection (1) applies to each drinking-water supplier subject to any exemption or variation that has been granted to that supplier under section 69ZZD(2)(k).
- “(5) Subsection (1) does not apply to those drinking-water standards that are identified in those standards as guideline values

for aesthetic determinands for avoiding adverse aesthetic effects in drinking water.

“69W Duty to take reasonable steps to supply wholesome drinking water

Every drinking-water supplier must take reasonable steps to ensure that the drinking water supplied by that drinking-water supplier is wholesome.

“69X Duties in relation to new water sources

Before connecting a new source of raw water to the drinking-water supply, a drinking-water supplier must ensure that raw water from that new source,—

- “(a) if untreated, will contain no determinands that exceed the maximum acceptable values specified in the drinking-water standards when it is supplied; or
- “(b) is, or will be, treated in such a way that it will contain no determinands that exceed the maximum acceptable values specified in those standards when it is supplied.

“69Y Duty to monitor drinking water

“(1) Every drinking-water supplier must monitor the drinking water supplied or transported by that drinking-water supplier to—

- “(a) determine whether it complies with the drinking-water standards; and
- “(b) detect and assess public health risks generally.

“(2) Monitoring under subsection (1) must be carried out in accordance with the drinking-water standards.

“69Z Duty to prepare and implement public health risk management plan

“(1) Every drinking-water supplier must, on or before the date on which this section begins to apply to that drinking-water supplier, prepare in writing either or both of the following, whichever is applicable:

- “(a) a public health risk management plan in relation to that drinking-water supplier’s drinking-water supply;
- “(b) in the case of a drinking-water supplier who is a water carrier, a public health risk management plan in relation

to that water carrier's method of transporting raw water or drinking water.

- “(2) A public health risk management plan prepared under subsection (1) must,—
- “(a) if prepared by a drinking-water supplier in relation to that drinking-water supplier's drinking-water supply,—
 - “(i) identify the public health risks (if any) associated with that drinking-water supply; and
 - “(ii) identify critical points in that drinking-water supply; and
 - “(iii) identify mechanisms for—
 - “(A) preventing public health risks arising in that drinking-water supply; and
 - “(B) reducing and eliminating those risks if they do arise; and
 - “(iv) include information about the estimated costs and benefits of the mechanisms referred to in subparagraph (iii); and
 - “(v) set out a timetable for managing the public health risks that have been identified as being associated with that drinking-water supply; and
 - “(vi) comply with any additional requirements imposed by the Director-General by notice in writing given to the supplier, as to the content and format of public health risk management plans:
 - “(b) if prepared by a water carrier in relation to that water carrier's method of transporting raw water or drinking water,—
 - “(i) identify the public health risks (if any) associated with that method of transporting raw water or drinking water; and
 - “(ii) identify critical points in that method of transporting raw water or drinking water; and
 - “(iii) identify mechanisms for—
 - “(A) preventing public health risks arising from that method of transportation; and
 - “(B) reducing and eliminating those risks if they do arise; and
 - “(iv) set out a timetable for managing the public health risks that have been identified as being associated with that method of transportation; and

- “(v) comply with any additional requirements imposed by the Director-General by notice in writing given to the water carrier as to the content and format of public health risk management plans (including, without limitation, any requirement contained in a model plan issued by the Director-General).
- “(3) A public health risk management plan may incorporate other material by reference if that incorporation helps the plan to comply with the requirements of subsection (2).
- “(4) Every drinking-water supplier’s public health risk management plan must be submitted by the drinking-water supplier to a drinking-water assessor for approval.
- “(5) A drinking-water assessor—
- “(a) must, within 20 working days after receiving a public health risk management plan submitted under subsection (4),—
- “(i) decide to approve it or disapprove it; or
- “(ii) require its alteration within a specified period; or
- “(iii) require the provision of more information within a specified period; and
- “(b) if the assessor issues a requirement under paragraph (a)(ii) or (iii), may, after any alteration to the public health risk management plan that is considered necessary by the assessor and made by agreement with the supplier or the water carrier, as the case may be, approve that plan.
- “(6) The period of 20 working days referred to in subsection (5)(a) ceases to run during any specified period referred to in subsection (5)(a)(ii) or (iii).
- “(7) If a drinking-water assessor does not approve a public health risk management plan, the assessor must notify the drinking-water supplier and give reasons for the non-approval.
- “(8) Every drinking-water supplier must—
- “(a) take all practicable steps to ensure that the supplier’s public health risk management plan is approved under subsection (5) within a 12-month period after the date on which this section begins to apply to the supplier (excluding any specified period referred to in subsection (5)(a)(ii) or (iii)):

- “(b) start to implement a public health risk management plan within 1 month after the date on which that risk management plan is approved under subsection (5).
- “(9) This section does not apply to a drinking-water supplier who supplies drinking water from a small drinking-water supply or a neighbourhood drinking-water supply.

“69ZA Medical officer of health may require preparation and implementation of public health risk management plan

- “(1) Despite section 69Z(9), a medical officer of health may, if he or she considers it to be in the interests of public health to do so, require a drinking-water supplier who supplies drinking water from a small drinking-water supply, a neighbourhood drinking-water supply, or a temporary drinking-water supplier, to prepare and implement a public health risk management plan in relation to that supplier’s drinking-water supply.
- “(2) A public health risk management plan under subsection (1) must—
 - “(a) identify the public health risks (if any) associated with that drinking-water supply; and
 - “(b) identify critical points in that drinking-water supply; and
 - “(c) identify mechanisms for—
 - “(i) preventing public health risks arising in that drinking-water supply; and
 - “(ii) reducing and eliminating those risks if they do arise; and
 - “(d) set out a timetable for managing the public health risks that have been identified as being associated with that drinking-water supply; and
 - “(e) comply with any additional requirements imposed by the Director-General and notified to the supplier in accordance with subsection (3), as to the content and format of public health risk management plans.
- “(3) If a medical officer of health requires a supplier of the kind referred to in subsection (1) to prepare and implement an approved public health risk management plan, that requirement must—
 - “(a) be made by notice in writing; and

- “(b) specify the date by which the supplier must prepare and submit a draft plan to a drinking-water assessor for approval; and
 - “(c) specify the date by which the supplier must implement an approved plan.
- “(4) The dates specified in accordance with subsection (3)(b) and (c) must be reasonable.
- “(5) If a drinking-water supplier or temporary drinking-water supplier receives a notice under this section, that supplier must comply with that notice and the provisions of section 69Z(4) to (8) apply with any necessary modifications.
- “(6) A medical officer of health may not make any requirement under subsection (1) in respect of any drinking-water supply unless—
- “(a) the drinking-water supply is used by at least 25 people; and
 - “(b) the persons who use the supply (other than the occupants of the property on which it is situated) have access to it for more than 60 days in each year.

“69ZB Duration of plans

A public health risk management plan approved under section 69Z or 69ZA remains in force—

- “(a) for the period of time stated in the plan; or
- “(b) if the period of time stated in the plan exceeds 5 years from the date of completion or approval or if no period is stated in the plan, until the date that is 5 years after the date on which the plan is completed or approved or most recently reviewed or approved, whichever occurs later.

“69ZC Review and renewal of plans

- “(1) Not later than 2 months before a public health risk management plan approved under section 69Z or 69ZA is due to expire, the drinking-water supplier who prepared the plan must—
- “(a) review it, to assess whether it needs to be altered for any reason or replaced with a new plan; and
 - “(b) submit the existing, revised, or new plan to a drinking-water assessor under section 69Z(4).

- “(2) The provisions of sections 69Z(4) to (8) and 69ZA apply in respect of any existing, revised, or new plan submitted to a drinking-water assessor under section 69Z(4), in accordance with this section.
- “(3) This section does not apply in respect of any person who, as at the date when the relevant public health risk management plan expires, has ceased to be—
- “(a) a drinking-water supplier; or
 - “(b) a drinking-water supplier of a kind who is required to prepare and implement a public health risk management plan; or
 - “(c) in the case of a temporary drinking-water supplier who was required to prepare and implement a public health risk management plan, a temporary drinking-water supplier.

“69ZD Duty to keep records and make them available

- “(1) Every drinking-water supplier and every temporary drinking-water supplier who is required to prepare a public health risk management plan under section 69Z or 69ZA must—
- “(a) keep records that contain sufficient information to enable a drinking-water assessor to ascertain whether or not that drinking-water supplier or temporary drinking-water supplier is complying with the requirements of—
 - “(i) this Part; and
 - “(ii) the drinking-water standards; and
 - “(iii) that drinking-water supplier’s or temporary drinking-water supplier’s public health risk management plan; and
 - “(b) keep records of any other risk management plan relevant to that supplier’s supply.
- “(2) Without limiting subsection (1), in the case of a drinking-water supplier, the records kept must include details of—
- “(a) the steps taken to prevent contamination of the raw water used by that drinking-water supplier; and
 - “(b) the steps taken to maintain the quality of that raw water and to protect its source or sources; and
 - “(c) the source or sources from which the raw water used by the drinking-water supplier to supply drinking water is obtained; and
 - “(d) the treatment of that drinking water; and

- “(e) any risk analysis, or asset management or emergency management plans undertaken or devised by the supplier to assist the supplier to comply with the supplier’s duties under this Part; and
 - “(f) the steps taken by the drinking-water supplier to protect that drinking water from pollution after it has been treated or assessed as not in need of treatment, and before it is supplied to the point of supply; and
 - “(g) the monitoring of that drinking water; and
 - “(h) any complaints received from its customers or users in relation to that drinking water, and the actions taken in relation to those complaints.
- “(3) Without limiting subsection (1), in the case of a drinking-water supplier who is a water carrier, the records kept must include—
- “(a) details of the steps taken by that water carrier to protect the raw water carried by that carrier from contamination and the drinking water transported by that water carrier from pollution before or during transportation; and
 - “(b) details of the monitoring of that raw water or drinking water; and
 - “(c) details of any complaints received in relation to that raw water or drinking water, and the actions taken in relation to those complaints; and
 - “(d) the keeping in each vehicle, vessel, or rail wagon used to transport water of all the information required to be kept by regulations made under this Act.
- “(4) Records kept under this section must be made available, on request by a drinking-water assessor or designated officer, for inspection or assessment by the assessor or officer.

“69ZE Duty to investigate complaints

Every drinking-water supplier who receives a complaint about the quality (including the wholesomeness) of the drinking water supplied by that supplier, or, as the case may require, transported by that supplier in the supplier’s capacity as a water carrier, must investigate that complaint and,—

- “(a) if the complaint relates to the wholesomeness of the drinking water and is upheld, take all reasonable steps to improve the wholesomeness of that drinking water; or

- “(b) if the complaint relates to a failure to meet the drinking-water standards and is upheld, take the appropriate remedial action specified in section 69ZF.

“69ZF Duty to take remedial action if drinking-water standards breached

Every drinking-water supplier who becomes aware that the drinking water supplied by that supplier, or, as the case requires, transported by that supplier in the supplier’s capacity as a water carrier, is not meeting the drinking-water standards must—

- “(a) take all practicable steps to carry out the appropriate remedial action set out in the drinking-water standards to correct the problem; or
- “(b) if no remedial action is set out in the drinking-water standards, take all practicable steps to correct the problem.

“69ZG Duty to provide reasonable assistance to drinking-water assessors, designated officers, and medical officers of health

- “(1) Every drinking-water supplier must, at all reasonable times, provide—
- “(a) the means required by a drinking-water assessor for an entry, inspection, examination, or inquiry, or to enable the exercise of any other power set out in section 69ZP; and
- “(b) the means required by a designated officer for an entry, inspection, examination, or inquiry, or to enable the exercise of any other power set out in section 69ZP, or any other power conferred by this Part; and
- “(c) reasonable assistance to a medical officer of health to enable that officer to exercise any power set out in section 69ZJ.
- “(2) Every temporary drinking-water supplier must, at all reasonable times, provide reasonable assistance to a medical officer of health for the exercise of any power set out in section 69ZJ.

“69ZH Duty to provide information to territorial authority

- “(1) This section applies to a drinking-water supplier who considers that the connection of additional residential properties to that supplier’s drinking-water supply may compromise the supplier’s ability to provide an adequate supply of drinking water to any property.
- “(2) If this section applies, the drinking-water supplier must notify each territorial authority in which the affected properties are located either—
- “(a) that the supplier will not connect any further residential properties to the supplier’s drinking-water supply; or
 - “(b) that any further residential properties that are connected to the supplier’s drinking-water supply will be subject to conditions limiting the amount of water to be supplied.
- “(3) A drinking-water supplier who has notified a territorial authority under subsection (2) may withdraw that notice at any time if the circumstances described in subsection (1) no longer exist.
- “(4) A drinking-water supplier who has notified a territorial authority under subsection (2)(a) may refuse to connect further residential properties to that supplier’s drinking-water supply after the date of that notice.
- “(5) A drinking-water supplier who has notified a territorial authority under subsection (2)(b) may impose conditions limiting the amount of drinking water supplied to any further residential properties that are connected to that supplier’s drinking-water supply after the date of that notice.
- “(6) No condition may be imposed under subsection (5) limiting the amount of drinking water to be supplied to a residential property to such an extent that there is no adequate supply (as defined in section 69G) to that property.

“69ZI Temporary supplier to notify medical officer of health of source and quality of raw water

- “(1) Every temporary drinking-water supplier must advise the medical officer of health, in writing, of—
- “(a) each source of raw water to be used by that supplier to supply drinking water; and
 - “(b) the quality of the raw water taken from that source.

- “(2) The advice referred to in subsection (1) must be given—
- “(a) as early as practicable before the supplier begins to supply drinking water from raw water taken from the source; or
 - “(b) as soon as practicable after the supplier has begun supplying drinking water that was raw water taken from the source if, due to an unforeseen event, it is necessary, as a matter of urgency, to supply drinking water that was raw water taken from the source.

“69ZJ Powers of medical officer of health relating to temporary drinking-water suppliers

- “(1) A medical officer of health may, by notice in writing, impose reasonable requirements on a temporary drinking-water supplier to monitor the drinking water supplied by that supplier.
- “(2) A medical officer of health may, by notice in writing, prohibit a temporary drinking-water supplier from supplying drinking water from a particular source.
- “(3) A temporary drinking-water supplier must comply with a notice issued to that supplier under subsection (1) or (2).

“Drinking-water assessors and designated officers

“69ZK Director-General may appoint drinking-water assessors

- “(1) The Director-General may appoint 1 or more persons or agencies as drinking-water assessors on any terms and conditions that the Director-General considers appropriate (including, without limitation, terms enabling the Director-General to suspend or revoke the appointment in any specified circumstances).
- “(2) Before appointing a person or agency as a drinking-water assessor, the Director-General must be satisfied that the person or agency—
 - “(a) has the experience, technical competence, and other qualifications to undertake the functions of a drinking-water assessor; and
 - “(b) is accredited to internationally accepted standards for inspection bodies to perform the functions specified in section 69ZL; and

- “(c) has in place effective arrangements to avoid or manage any conflicts of interest that may arise.
- “(3) A drinking-water assessor that is an agency carries out the functions of a drinking-water assessor through those of its employees and contractors who are accredited in the manner referred to in subsection (2)(b), and those employees and contractors have all the powers of a drinking-water assessor.
- “(4) No person appointed by the Director-General under subsection (1) to be a drinking-water assessor is, because of that appointment, employed in the public service for the purposes of the State Sector Act 1988 or the Government Superannuation Fund Act 1956.

“69ZL Functions of drinking-water assessors

- “(1) The functions of a drinking-water assessor are—
- “(a) to assess the performance of drinking-water suppliers to determine whether or not they are—
- “(i) complying with the requirements of this Part; and
- “(ii) complying with the requirements of the drinking-water standards; and
- “(iii) implementing their public health risk management plans; and
- “(b) to notify designated officers and drinking-water suppliers of any non-compliance with those requirements; and
- “(c) to ensure that records from which compliance, or non-compliance, with those requirements may be ascertained are provided to the Director-General; and
- “(d) to provide information to the Director-General in relation to the compliance of drinking-water suppliers with those requirements; and
- “(e) to assess the competence of persons to analyse samples of raw water or drinking water, to calibrate equipment used to treat or monitor raw water or drinking water, or to undertake any other task required to ensure compliance with this Part, the drinking-water standards, or a public health risk management plan; and
- “(f) to authorise persons with sufficient competence to undertake 1 or more of those tasks for the purposes of ensuring compliance with this Part, the drinking-water standards, and any public health risk management plan; and

- “(g) to verify the adequacy of, and, where appropriate, approve public health risk management plans prepared by drinking-water suppliers or other persons and to certify the implementation of those plans; and
 - “(h) to check that complaints received by drinking-water suppliers are recorded and responded to appropriately; and
 - “(i) to provide to the Director-General information of a kind specified by the Director-General that is obtained under this Act; and
 - “(j) to carry out—
 - “(i) any other functions and duties conferred on drinking-water assessors by this Part or any other enactment; and
 - “(ii) any other functions and duties, in relation to the assessment of drinking water, that the Director-General specifies by notice in writing signed by the Director-General and given to the drinking-water assessor.
- “(2) The functions referred to in subsection (1)(e) and (f) do not apply in relation to any recognised laboratory.
- “(3) A notice under subsection (1)(j)(ii) is not a regulation for the purposes of the Regulations (Disallowance) Act 1989.

“69ZM Drinking-water assessors accountable to Director-General for performance of functions

- “(1) A drinking-water assessor is accountable to the Director-General for the discharge of the assessor’s statutory functions.
- “(2) On the request of the Director-General, a drinking-water assessor must give the Director-General reasonable access to any records held by the assessor in connection with the assessor’s functions under this Part, to enable the Director-General to assess whether the assessor is properly discharging those functions.

“69ZN Functions of designated officers

The functions of designated officers are—

- “(a) to ensure that the provisions of this Part are complied with, and in particular that—

- “(i) any requirement imposed, or direction given, by a drinking-water assessor under this Part is complied with; and
- “(ii) any compliance order issued by a medical officer of health under this Part is complied with:
- “(b) to exercise, where appropriate, the powers conferred by section 69ZO:
- “(c) to investigate the commission of offences under this Part and to bring proceedings in respect of those offences.

“69ZO Powers of designated officers

- “(1) Despite any other enactment, a designated officer may exercise 1 or more of the powers set out in subsection (2) if the officer—
 - “(a) believes, on reasonable grounds, that there is a serious risk to public health arising from the drinking water supplied to those people, or from a lack of drinking water available to those people; and
 - “(b) complies with subsections (3), (4), and (5) (if applicable).
- “(2) The powers referred to in subsection (1) are to—
 - “(a) take immediate action, or to require any person to take immediate action, to prevent, reduce, or eliminate any risk to public health arising from a drinking-water supply:
 - “(b) require any drinking-water supplier to stop supplying drinking water that has not been treated to make it potable:
 - “(c) require all persons within a specific area to use an alternative drinking-water supply:
 - “(d) for the purpose of protecting the public, publish statements relating to the serious risk of harm to health or safety, including, without limitation, statements about the boiling of water.
- “(3) The exercise of any power referred to in subsection (2) that would otherwise involve the contravention of any of sections 9, 12, 13, 14, or 15 of the Resource Management Act 1991 is not a contravention of any of those sections if, before the exercise of the power, the designated officer—

- “(a) consults with the relevant consent authority and takes account of any views expressed by the authority about the way in which the power is to be exercised; and
 - “(b) obtains the consent of the Director-General to the exercise of the power.
- “(4) A designated officer must—
- “(a) take all practicable steps to consult with affected drinking-water suppliers before exercising a power referred to in subsection (2); and
 - “(b) in every case, take all reasonable steps to comply with rules relating to health and safety at any place, while the officer exercises any power referred to in subsection (2) in respect of that place.
- “(5) Every person who is required by a designated officer, under this section, to take any action, or not to take any action, must comply with that requirement.
- “(6) A requirement imposed under this section ceases to have effect at the expiry of 72 hours after it is imposed unless, before the expiry of that period, the Minister—
- “(a) is satisfied that the requirement ought to continue in effect; and
 - “(b) has declared a drinking-water emergency under section 69ZZA in relation to the risk of harm that was the reason for imposing that requirement.

“69ZP Powers of drinking-water assessors and designated officers

- “(1) For the purpose of performing any function as a drinking-water assessor or designated officer, a drinking-water assessor or designated officer may—
- “(a) enter any land, building, vehicle, vessel, or rail wagon that is owned, occupied, or used by any drinking-water supplier, or any land that is a catchment for a source of water used by a drinking-water supplier, at any reasonable time, for the purpose of exercising any of the powers set out in this section; and
 - “(b) inspect, at all reasonable times, all records and documents of every description in the possession or control of a drinking-water supplier that are required to be kept

under section 69ZD, and make copies of, or take extracts from, those records and documents; and

- “(c) require a drinking-water supplier to supply any information or answer any question relating to that drinking-water supplier’s—
 - “(i) compliance with this Part; and
 - “(ii) compliance with the drinking-water standards; and
 - “(iii) implementation of that drinking-water supplier’s public health risk management plan; and
- “(d) require, by notice in writing, any person who has possession or control of information, records, or documents of the kind described in paragraphs (b) and (c) to supply to the drinking-water assessor or the designated officer, in a manner specified in the notice, all or any of that information, or all or any of those records or documents; and
- “(e) conduct any inspections, surveys, inquiries, tests, and measurements in relation to raw water taken by a drinking-water supplier or drinking water supplied by a drinking-water supplier or any source of water used by a drinking-water supplier that are reasonably necessary, and do all things that are reasonably necessary to enable those inspections, surveys, inquiries, tests, and measurements to be carried out (including the marking or photographing of any thing or article); and
- “(f) direct any drinking-water supplier to conduct any inspections, surveys, inquiries, tests, and measurements that are reasonably necessary; and
- “(g) take samples of any raw water or drinking water and of any substance or organism that the drinking-water assessor has reasonable cause to suspect is a contaminant of that raw water or pollutant of drinking water, as the case requires; and
- “(h) take whatever steps he or she thinks fit to verify the competence of persons who have performed, or are performing, tests and analyses of raw water or drinking water if those tests have not been or are not being performed by a laboratory recognised by the Director-General under section 69ZY; and

- “(i) provide information obtained from drinking-water suppliers under this Part to the Director-General.
- “(2) For the purposes of this section **reasonable time** means—
 - “(a) during normal working hours; or
 - “(b) at any time,—
 - “(i) with the agreement of the drinking-water supplier; or
 - “(ii) if the drinking-water assessor or designated officer believes that there is an emergency.
- “(3) This section and section 69ZQ do not limit the powers exercisable by a designated officer under the other Parts of this Act or any other enactment.

“69ZQ Ancillary powers

- “(1) When entering land, buildings, vehicles, vessels, or rail wagons under section 69ZP or in accordance with a warrant issued under section 69ZS, a drinking-water assessor or designated officer may—
 - “(a) be accompanied and assisted by any other person; and
 - “(b) take on to the land or into the building, vehicle, vessel, or rail wagon, any appliances, machinery, and equipment reasonably necessary to carry out the drinking-water assessor’s functions or the designated officer’s functions, as the case may be.
- “(2) Any person who accompanies or assists a drinking-water assessor or designated officer under this section may act only under the supervision or in accordance with the instructions of the assessor or officer.
- “(3) A drinking-water assessor or designated officer must take all practicable steps to ensure that any thing taken onto a property in reliance on subsection (1)(b) is—
 - “(a) free from contamination; and
 - “(b) in good working order.

“69ZR Restrictions on exercise of powers

- “(1) Despite section 69ZP, a drinking-water assessor or designated officer—
 - “(a) must not exercise any power conferred by section 69ZP(1)(a) unless the drinking-water assessor or designated officer has taken all practicable steps to obtain the

- information sought from other sources (for example, the relevant regional council); and
- “(b) must not exercise any power conferred by section 69ZP(1)(g) unless he or she takes all practicable steps to ensure that—
 - “(i) the power is exercised in the presence of a representative of the drinking-water supplier concerned; and
 - “(ii) a duplicate sample is given to that representative or left at the premises; and
 - “(c) must not, in the case of a drinking-water assessor or designated officer who is not a medical officer of health, exercise any power conferred by section 69ZP(1)(a), unless that assessor or officer has obtained, in respect of the particular exercise of the power, the written approval of a medical officer of health; and
 - “(d) must, if a large drinking-water supplier considers that a proposed exercise of any power under section 69ZP will place its water supply at risk and advises the assessor or officer of that opinion in writing, consult with an expert nominated for the purpose by the Director-General, before exercising the power; and
 - “(e) in a case where the assessor or officer proposes to exercise the power conferred by section 69ZP to enter a dwellinghouse, must not exercise that power unless he or she has obtained a warrant under section 69ZS.
- “(2) Despite section 69ZP, neither a drinking-water assessor nor a designated officer may enter any land or building that is a defence area (within the meaning of section 2(1) of the Defence Act 1990) except in accordance with a written agreement between the Director-General and the Chief of Defence Force entered into for the purposes of this section and for the time being in force.
- “(3) Nothing in section 69ZP limits any enactment that imposes a prohibition or restriction on the availability of any information.
- “(4) No person may be required, on examination or inquiry under section 69ZP, to give any answer or information tending to incriminate that person, and each person from whom an answer or information is sought must be informed of that right

before the power to demand that answer or information is exercised.

“(5) Nothing in this section, or in section 69ZP, limits section 128.

“69ZS Requirement for warrant to enter dwellinghouse

“(1) A drinking-water assessor or designated officer may not exercise the powers conferred by section 69ZP to enter a dwellinghouse unless that drinking-water assessor or designated officer has obtained a search warrant in accordance with subsection (2).

“(2) Any District Court Judge or Justice of the Peace or Community Magistrate or any Registrar who is satisfied, on application in writing from a drinking-water assessor or designated officer made on oath, that there are reasonable grounds for believing that a drinking-water assessor or designated officer needs to enter a dwellinghouse in order to exercise a power under section 69ZP, may issue a search warrant in the prescribed form.

“(3) Every search warrant must be directed either to a drinking-water assessor or designated officer by name or to every drinking-water assessor or designated officer, but in any of those cases, the warrant may be executed by any drinking-water assessor or designated officer.

“(4) On issuing a warrant, the Judge, Justice of the Peace, Community Magistrate, or Registrar may impose any reasonable conditions on its execution that he or she thinks fit.

“(5) Every warrant must, subject to any conditions imposed under subsection (4), authorise the drinking-water assessor or designated officer who is executing it, and any person assisting that drinking-water assessor or designated officer under section 69ZQ,—

“(a) to enter the dwelling on 1 occasion within 14 days after the date of the issue of the warrant at any time that is reasonable in the circumstances; and

“(b) to use any force, both for making entry (either by breaking open doors or otherwise) and for breaking open anything on the premises or dwelling, that is reasonable in the circumstances; and

“(c) to exercise any power conferred by section 69ZP.

“69ZT Standard conditions applying where warrant executed

- “(1) Any drinking-water assessor or designated officer who executes a search warrant must carry the warrant with him or her, and must produce it for inspection,—
- “(a) on first entering the dwelling, to the person appearing to be in charge of the dwelling; and
 - “(b) whenever subsequently required to do so, at the dwelling, by any other person appearing to be in charge of the dwelling or any part of the dwelling.
- “(2) If the occupier of the dwelling is not present at the time the search warrant is executed, the drinking-water assessor or designated officer must leave in a prominent place at the dwelling a written statement of the time and date of the search, and of the drinking-water assessor or designated officer’s name and the address of the office to which inquiries should be made.

“69ZU Drinking-water assessors and designated officers must produce identification

- “(1) The Director-General must provide an identity card or other means of identification to each drinking-water assessor and each designated officer.
- “(2) Whenever a drinking-water assessor or designated officer exercises any power under this Part, that drinking-water assessor or designated officer must, on request, produce the identity card or other means of identification for inspection.
- “(3) Whenever a drinking-water assessor or designated officer enters any land, building, vehicle, vessel, or rail wagon under section 69ZP, he or she must, on first entering and, if requested, at any later time, produce to the person apparently in charge, his or her identity card or other means of identification, for inspection.
- “(4) Whenever a drinking-water assessor or designated officer enters any land, building, vehicle, vessel, or rail wagon under section 69ZP and is unable, despite reasonable efforts, to find any person apparently in charge, he or she must before leaving that place leave a written notice stating—
- “(a) his or her identity; and
 - “(b) an address where he or she may be contacted; and
 - “(c) the date and time of entry; and

“(d) his or her reasons for entering.

- “(5) A person or agency who ceases to be a drinking-water assessor or designated officer must, as soon as possible, return the identity card or other means of identification to the Director-General.

“69ZV Inventory of things seized to be provided

If any thing is seized by a drinking-water assessor or designated officer under section 69ZP or a person accompanying that officer the drinking-water assessor or designated officer must leave in a prominent location at the place, or send to the occupier within 10 working days after the search, a written inventory of all things seized.

“69ZW Review of decisions of drinking-water assessors

- “(1) A drinking-water supplier may request a review by the Director-General of any of the following decisions by a drinking-water assessor:

“(a) a finding, assessment, or recommendation in relation to the compliance of that drinking-water supplier with the requirements of this Part, that drinking-water supplier’s public health risk management plan, or the drinking-water standards; or

“(b) a refusal to approve that drinking-water supplier’s public health risk management plan, or to certify its implementation.

- “(2) Any request for a review made under this section must be forwarded to the Director-General within 2 months after the date when the decision of the drinking-water assessor is made known to the drinking-water supplier.
- “(3) The Director-General must, after seeking any advice that he or she considers necessary, confirm, vary, or reverse the decision of the drinking-water assessor.

“69ZX Register of drinking-water assessors

- “(1) The Director-General must maintain a register of agencies who have been appointed as drinking-water assessors.
- “(2) The following particulars must be recorded in the register in respect of every agency registered as a drinking-water assessor:

- “(a) the agency’s name and business contact details; and
 - “(b) the date and term of the agency’s appointment; and
 - “(c) any conditions on the agency’s appointment; and
 - “(d) any other particulars that may be required by or under this Part or regulations made under section 69ZZY.
- “(3) The register may also include any other information relevant to an agency’s appointment as a drinking-water assessor that the Director-General considers appropriate.

“Recognised laboratories

“69ZY Director-General may recognise laboratories

- “(1) The Director-General may recognise 1 or more laboratories to conduct tests and analyses of raw water and drinking water for the purposes of—
- “(a) this Part; and
 - “(b) the drinking-water standards.
- “(2) The Director-General must not recognise a laboratory under subsection (1) unless that laboratory—
- “(a) is—
 - “(i) registered under the Testing Laboratory Registration Act 1972; or
 - “(ii) accredited by International Accreditation New Zealand (**IANZ**) or any other prescribed body, for the purposes of this section; or
 - “(iii) recognised by the International Organization for Standardization (**ISO**) or the International Electrotechnical Commission (**IEC**) as meeting the ISO/IEC 17025: 1999 (General requirements for the competence of testing and calibration laboratories) standard or an equivalent standard, for the purposes of this section; and
 - “(b) complies with any criteria for the recognition of laboratories that are specified in regulations made under section 69ZZY(1)(d).
- “(3) A laboratory may be recognised on whatever terms and conditions the Director-General considers appropriate (including, without limitation, terms enabling the Director-General to suspend or withdraw recognition in any specified circumstances).

- “(4) The Director-General must maintain a register of recognised laboratories.
- “(5) The following particulars must be recorded in the register in respect of every recognised laboratory:
 - “(a) the name and business details of the person or agency that operates the laboratory;
 - “(b) the date of the laboratory’s recognition;
 - “(c) any conditions relating to the recognition of the laboratory;
 - “(d) the test methods and determinands in respect of which the laboratory has—
 - “(i) expertise; and
 - “(ii) the appropriate testing equipment;
 - “(e) any other particulars that may be required by or under this Part or regulations made under section 69ZZY.

“69ZZ Compliance tests must be carried out by recognised laboratory

- “(1) If, under this Part or the drinking-water standards, a drinking-water supplier or a drinking-water assessor is required to obtain an analysis of, or to perform a test on, raw water or drinking water, that analysis or test must be performed at a laboratory that has been recognised under section 69ZY unless—
 - “(a) it is not reasonably practicable to do so; and
 - “(b) the Director-General has approved, in writing, the alternative procedures that are to be used to analyse or test the raw water or drinking water.
- “(2) A copy of the results of any analysis or test referred to in subsection (1) that indicate any non-compliance with a maximum acceptable value set out in the drinking-water standards must be forwarded to the Director-General by the operator of the laboratory or the person who performs the analysis or test as soon as practicable after the test or analysis is conducted.

“Emergency powers

“69ZZA Minister may declare drinking-water emergency

- “(1) If the Minister believes, on reasonable grounds, that there is a serious risk of harm to the health or safety of any people arising from the drinking water supplied to those people, or

from a lack of drinking water available to those people, the Minister may declare a drinking-water emergency in relation to—

- “(a) a drinking-water supply; or
 - “(b) all drinking-water supplies within an area specified in the declaration.
- “(2) A drinking-water emergency declaration must specify—
- “(a) the nature of the emergency; and
 - “(b) the purpose of the declaration; and
 - “(c) the geographical area, or specific drinking-water supplies, to which the declaration relates; and
 - “(d) the period of time during which the declaration remains in force.
- “(3) The Minister may amend a drinking-water emergency declaration.
- “(4) As soon as possible after making or amending a drinking-water emergency declaration, the Minister must—
- “(a) give a copy of the declaration or amended declaration to every affected drinking-water supplier; and
 - “(b) publish a copy of the declaration or amended declaration—
 - “(i) in the *Gazette*; and
 - “(ii) in a daily newspaper circulating in the affected area.
- “(5) Despite section 28 of the State Sector Act 1988, the Minister may not delegate any of the powers conferred by subsection (1) or (2).

“69ZZB Maximum duration of drinking-water emergency declaration

No drinking-water emergency declaration may remain in force for longer than 28 days unless regulations are made under section 69ZZY(1)(e) extending the period of the drinking-water emergency.

“69ZZC Drinking-water emergency may be declared or continued even if other emergency declared

- “(1) A drinking-water emergency—
- “(a) may be declared even if an emergency has been declared under another enactment:

- “(b) remains in force in accordance with section 69ZZB, even if an emergency has been declared under another enactment.
- “(2) Despite subsection (1), if an emergency is declared under the Civil Defence Emergency Management Act 2002 or the Hazardous Substances and New Organisms Act 1996, unless the Director-General directs otherwise, any designated officer is, when exercising any powers conferred by section 69ZZD, subject to the direction of—
- “(a) in the case of an emergency declared under the Civil Defence Emergency Management Act 2002, the Controller (within the meaning of section 4 of the Civil Defence Emergency Management Act 2002); or
- “(b) in the case of an emergency declared under the Hazardous Substances and New Organisms Act 1996, the relevant office-holder who appointed the enforcement officer who declared the emergency.

“69ZZD Special powers of designated officers during drinking-water emergency

- “(1) If a drinking-water emergency in relation to drinking water has been declared, a designated officer may exercise all or any of the emergency powers given by subsection (2) for the purpose of preventing, reducing, or eliminating the risk of harm to people arising from the drinking water supplied to them.
- “(2) The emergency powers are to—
- “(a) take immediate action, or require any person to take immediate action, to prevent, reduce, or eliminate any risk to public health arising from a drinking-water supply:
- “(b) require any drinking-water supplier to stop supplying, or, as the case requires, transporting drinking water that is not potable:
- “(c) require all persons within a specified area to use an alternative drinking-water supply:
- “(d) require emergency work to be done to provide an alternative supply of drinking water, and, subject to subsection (4), to recover the reasonable costs of that work from—

- “(i) any 1 or more drinking-water suppliers specified in the drinking-water emergency declaration; or
 - “(ii) any 1 or more drinking-water suppliers within the geographical area specified in the drinking-water emergency declaration:
 - “(e) forbid the discharge of any substance or organism that might contaminate or pollute a source of drinking water or a drinking-water supply system:
 - “(f) require any place, building, vehicle, vessel, rail wagon, or thing to be isolated, quarantined, or disinfected, or any thing to be relocated or secured:
 - “(g) close any public place, or any part of a public place, that does not have an adequate supply of safe drinking water:
 - “(h) cancel any public event, function, or gathering at any place that does not have an adequate supply of drinking water:
 - “(i) require any person to leave any place, or not to enter any place, in the vicinity of the emergency:
 - “(j) require any person to stop any activity that, in the designated officer’s opinion, may be contributing to the drinking-water emergency:
 - “(k) grant to any drinking-water supplier or other person a conditional or unconditional exemption from the duty to comply with all or any of the provisions of this Part or the drinking-water standards during the period of the drinking-water emergency:
 - “(l) take any other action reasonably necessary to control, reduce, or avoid the risk of harm to people arising from the drinking water supplied to them.
- “(3) Every person who is required by a designated officer, under subsection (2), to take any action, or not to take any action, must comply with that requirement.
- “(4) Costs may not be recovered from a drinking-water supplier under subsection (2)(d) unless the emergency was caused or contributed to by the acts or omissions of that drinking-water supplier.
- “(5) If a designated officer decides to recover costs from a drinking-water supplier under subsection (2)(d), that drinking-water supplier may appeal to the District Court against that decision.

- “(6) If a drinking-water supplier appeals, under subsection (5), against a decision to recover costs from that drinking-water supplier, the Court must inquire into the circumstances of the emergency work and must determine—
- “(a) whether any costs are to be recovered from that drinking-water supplier; and
 - “(b) the amount of the costs (if any) to be recovered.

“69ZZE Compensation for property requisitioned or destroyed

- “(1) Reasonable compensation is payable for any loss or destruction of property if a designated officer, or any person acting at a designated officer’s request made under section 69ZZD,—
- “(a) requisitions any property from any person for use in a drinking-water emergency; or
 - “(b) destroys any property in order to prevent, remedy, or mitigate any risk to public health from a drinking-water supply.
- “(2) Reasonable compensation under subsection (1) is payable, on written application by any person having an interest in the property, by the Director-General or out of money appropriated by Parliament for the purpose.
- “(3) Compensation is not payable under this section to any person who caused or contributed substantially to the emergency that brought about the requisition or destruction.
- “(4) The Director-General may—
- “(a) require a drinking-water supplier who has caused or contributed substantially to an emergency to reimburse the Crown for all or part of any compensation paid on behalf of the Crown under this section in relation to that emergency;
 - “(b) require 1 or more territorial authorities whose district or districts were affected by that emergency to reimburse the Crown for any shortfall between the amount of compensation paid under this section and the amount of any reimbursement received under paragraph (a).
- “(5) If there is any dispute as to the entitlement of any person to compensation under this section, or as to the amount of that compensation, or as to the liability of the Crown to pay compensation, or as to the liability of any person to reimburse the

Crown under subsection (4), the matter must be determined by a court of competent jurisdiction.

“69ZZF Actions taken under emergency powers may be exempted from requirements of Part 3 of Resource Management Act 1991

- “(1) If any action under section 69ZO or 69ZZD would be in breach of the provisions of Part 3 of the Resource Management Act 1991, the Minister may exempt the action taken from the provisions of Part 3 of the Resource Management Act 1991 for up to 28 days.
- “(2) Before making a decision under subsection (1), the Minister—
- “(a) must consult with the relevant consent authority (to the extent that is possible in the circumstances); and
 - “(b) may consult with any other persons that the Minister considers appropriate.
- “(3) A failure to comply with the provisions of subsection (2) does not affect the validity of any exemption given under this section.
- “(4) Despite subsection (1), if, during any period while an exemption by the Minister is in force, a consent authority refuses to issue a resource consent in respect of the action which is the subject of the exemption, the exemption, if not expiring earlier, expires at the close of 5 working days after the date of the decision of the consent authority unless—
- “(a) regulations continuing the exemption are made under subsection (5); or
 - “(b) any appeal is lodged against the decision of the consent authority, in which case the exemption expires on the determination of the appeal or at the time specified by the Court that determines the appeal.
- “(5) If any action has been exempted from Part 3 of the Resource Management Act 1991 under subsection (1) and the Minister considers that it is necessary to continue the action beyond the duration of the exemption in order to prevent, reduce, or eliminate the risk of harm to people arising from the drinking-water supplied to them,—
- “(a) the Minister may recommend that regulations be made continuing the exemption; and

- “(b) the Governor-General may, by Order in Council, make regulations for that purpose.
- “(6) Regulations made under this section—
 - “(a) come into force on the date of their notification in the *Gazette* or at the time specified in the regulations, whichever is the later; and
 - “(b) continue in force until revoked or until a date not later than the day 2 years after the regulations came into force, on which date the regulations expire and are deemed to have been revoked.

“69ZZG Effect of exemption

If an exemption is granted under section 69ZZF, the provisions of Part 3 of the Resource Management Act 1991 do not apply to the actions taken under section 69ZO or section 69ZZD to which the exemption relates while the exemption remains in force.

“Compliance orders

“69ZZH Medical officer of health may issue compliance order

- “(1) A medical officer of health may serve a compliance order on any drinking-water supplier or temporary drinking-water supplier—
 - “(a) requiring that person to stop, or prohibiting that person from starting, anything done or to be done by, or on behalf of, that person that the medical officer of health believes, on reasonable grounds,—
 - “(i) contravenes, or is likely to contravene, this Part; or
 - “(ii) will or may create a risk to public health arising from that person’s drinking-water supply; or
 - “(b) requiring that person to do something that the medical officer of health believes, on reasonable grounds, is necessary to—
 - “(i) ensure compliance by, or on behalf of, that person with this Part; or
 - “(ii) prevent, remedy, or mitigate any risk to public health arising from that person’s drinking-water supply.

- “(2) A compliance order may be made subject to conditions.
- “(3) A compliance order may specify the time within which compliance must be achieved.

“69ZZI Compliance with compliance order

- “(1) A drinking-water supplier or temporary drinking-water supplier on whom a compliance order is served must—
 - “(a) comply with the order within the period specified in it; and
 - “(b) unless the order directs otherwise, pay all the costs and expenses of complying with it.
- “(2) This section is subject to the rights of appeal in section 69ZZK.

“69ZZJ Form and content of compliance order

Every compliance order must state—

- “(a) the name of the drinking-water supplier or temporary drinking-water supplier to whom it is addressed; and
- “(b) the reasons for the order; and
- “(c) the action required to be taken, stopped, or not taken; and
- “(d) the period within which the action must be taken or stopped, being a reasonable period within which to take the action required or to stop the action; and
- “(e) the consequences of not complying with the order or lodging a notice of appeal; and
- “(f) the rights of appeal under section 69ZZK; and
- “(g) the name and office address of the medical officer of health who issued the order.

“69ZZK Appeals

- “(1) Any drinking-water supplier or temporary drinking-water supplier on whom a compliance order is served may appeal to the District Court in accordance with subsection (2) against the whole or any part of that order.
- “(2) A notice of an appeal must—
 - “(a) state the reasons for the appeal and the relief sought; and
 - “(b) be lodged with the District Court and served on the medical officer of health who issued the order.

- “(3) An appeal against a compliance order does not operate as a stay of that order unless a stay is granted by the District Court under section 69ZZL.
- “(4) On an appeal under this section, the District Court may—
 - “(a) confirm the compliance order; or
 - “(b) vary the compliance order; or
 - “(c) set the compliance order aside.

“69ZZL Stay of compliance order pending appeal

- “(1) Any drinking-water supplier or temporary drinking-water supplier who appeals under section 69ZZK may also apply to a District Court Judge for a stay of the compliance order pending a decision on the appeal.
- “(2) An application for a stay must—
 - “(a) state the reasons why the drinking-water supplier or temporary drinking-water supplier considers it unreasonable to comply with the compliance order; and
 - “(b) state the likely effect on the people who will drink the drinking water supplied or transported by the drinking-water supplier or temporary drinking-water supplier if the stay is granted; and
 - “(c) state the likely effect on the drinking-water supplier or temporary drinking-water supplier or, if relevant, their drinking-water supply, if the stay is not granted; and
 - “(d) be lodged with the District Court and served immediately on the medical officer of health who issued the order.
- “(3) If a drinking-water supplier or temporary drinking-water supplier applies for a stay, a District Court Judge must consider the application for a stay as soon as practicable after the application has been lodged.
- “(4) Before granting a stay, the District Court Judge must consider—
 - “(a) the likely effect of granting a stay on the people who will drink the drinking water supplied or transported by that drinking-water supplier or temporary drinking-water supplier, if the stay is granted; and
 - “(b) whether it is unreasonable for the drinking-water supplier or temporary drinking-water supplier to comply

with the compliance order pending the decision on the appeal; and

“(c) any other matters that the Judge considers appropriate.

- “(5) The District Court Judge may grant or refuse a stay and, if the Judge grants a stay, may impose any terms and conditions on that stay that the Judge considers appropriate.
- “(6) Any drinking-water supplier or temporary drinking-water supplier to whom a stay is granted must serve a copy of it on the medical officer of health who issued the order.
- “(7) A stay does not have effect until it is served in accordance with subsection (6).

“69ZZM Variation and cancellation of compliance order

- “(1) If a medical officer of health considers that a compliance order is no longer required, he or she may cancel the compliance order.
- “(2) The medical officer of health must give written notice of his or her decision to cancel a compliance order to the drinking-water supplier or temporary drinking-water supplier who is subject to that compliance order.
- “(3) Any person who is directly affected by a compliance order may apply in writing to the medical officer of health to change or cancel the compliance order.
- “(4) The medical officer of health—
- “(a) must, as soon as practicable, consider the application, having regard to—
 - “(i) the purpose for which the compliance order was issued; and
 - “(ii) the effect of a change or cancellation on that purpose; and
 - “(iii) any other matter that the medical officer of health considers appropriate; and
 - “(b) may confirm, change, or cancel the compliance order.
- “(5) The medical officer of health must give written notice of his or her decision to the person who applied under subsection (3) for a change or cancellation of the compliance order.

“69ZZN Appeals against decision on change or cancellation of compliance order

- “(1) If the medical officer of health, after considering an application made under section 69ZZM(3) by a person who is directly affected by a compliance order, confirms that compliance order or changes it in a way other than that sought by that person, that person may appeal to the District Court in accordance with section 69ZZK against the whole or any part of the compliance order.
- “(2) No person who lodges an appeal under subsection (1) may apply for, or be granted, a stay of the compliance order pending a decision on that appeal.

*“Contamination of water supplies and sources***“69ZZO Contamination of raw water or pollution of water supply**

- “(1) Every person commits an offence who does any act likely to contaminate any raw water or pollute any drinking water, knowing that the act is likely to contaminate or pollute that water, or being reckless as to the consequences of that act.
- “(2) Every person who commits an offence under subsection (1) is liable on conviction on indictment to imprisonment for a term not exceeding 5 years, or to a fine not exceeding \$200,000, or both.

“69ZZP Local authority may be required to warn users of self-supplied building water supplies about contamination

- “(1) A medical officer of health who believes that a source of water for a drinking-water supply is contaminated in a way that affects or is likely to affect self-supplied building water supplies provided from that source may issue a notice to the territorial authority or regional council responsible for the area to which water is supplied from that source, or to both.
- “(2) A territorial authority or regional council that receives a notice under subsection (1) must—
- “(a) ensure that an assessment is made as to whether drinking water that is not potable has been or is being supplied to a self-supplied building water supply from the source specified in the notice; and

- “(b) if that assessment so requires, take all practicable steps—
 - “(i) to warn users of that supply—
 - “(A) that drinking water must not be used for domestic use and food preparation; or
 - “(B) that drinking water may only be used for domestic use and food preparation if certain steps are first taken (for example, boiling the water); and
 - “(ii) to exercise any other power or take any action to remedy the situation.

“Offences

“69ZZQ Offence to supply or transport water if not registered

- “(1) Every drinking-water supplier commits an offence who supplies water for more than 5 days unless that supplier is—
 - “(a) registered under section 69K; or
 - “(b) authorised to supply water by a medical officer of health.
- “(2) Every drinking-water supplier who is a water carrier commits an offence if the water carrier—
 - “(a) transports raw water or drinking water for more than 5 days in any 12-month period unless that carrier is—
 - “(i) registered under section 69K; or
 - “(ii) authorised to supply water by a medical officer of health:
 - “(b) exports raw water or drinking water while not registered under section 69K.
- “(3) Every person who commits an offence against subsection (1) or (2) is liable on summary conviction to a fine not exceeding \$10,000 and, if the offence is a continuing one, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues.

“69ZZR Offences against sections in this Part

- “(1) Every person commits an offence who contravenes, or permits a contravention of, any of the following:
 - “(a) section 69U (duty to protect source of drinking water):

- “(b) section 69V (duty to take all practicable steps to comply with drinking-water standards):
 - “(c) section 69Y (duty to monitor drinking water):
 - “(d) section 69Z (duty to prepare and implement public health risk management plan):
 - “(e) section 69ZA(5) (duty of certain drinking-water suppliers or temporary drinking-water suppliers to prepare and implement a public health risk management plan if required to do so):
 - “(f) section 69ZF (duty to take remedial action if drinking-water standards breached):
 - “(g) section 69ZZD(3) (duty to comply with requirements of a designated officer acting under emergency powers).
- “(2) Every person commits an offence who contravenes, or permits a contravention of, any of the following:
- “(a) section 69ZD (duty to keep records and make them available):
 - “(b) section 69ZG (duty to provide reasonable assistance to drinking-water assessors, designated officers, and medical officers of health):
 - “(c) section 69ZZI (compliance with compliance order).
- “(3) Every person commits an offence who contravenes, or permits a contravention of, any of the following:
- “(a) section 69K (applications for registration):
 - “(b) section 69L (renewal of registration by water carriers):
 - “(c) section 69M (duty to update details on register):
 - “(d) section 69S (duty of suppliers in relation to provision of drinking water):
 - “(e) section 69T (duties where risk to water is actual or foreseeable):
 - “(f) section 69X (duty to test new water sources):
 - “(g) section 69ZI (duty to notify medical officer of health of source and quality of raw water).
- “(4) Every person commits an offence who, without reasonable excuse, takes any water from a fire hydrant, unless—
- “(a) that person is a firefighter (as defined in section 2 of the Fire Service Act 1975); or
 - “(b) that person is a member of a volunteer fire brigade (as defined in section 2 of the Fire Service Act 1975); or
 - “(c) that person takes the water for the purposes of firefighting; or

- “(d) that person—
 - “(i) has the written approval of the drinking-water supplier who supplies water to the hydrant; and
 - “(ii) has been assessed by that drinking-water supplier as being competent to take water from that hydrant in a way that does not endanger the networked system of which the hydrant forms a part or the water in that system.

“69ZZS Strict liability and defence to offences

- “(1) In any prosecution for an offence under section 69ZZQ or 69ZZR, it is not necessary to prove that the defendant intended to commit the offence.
- “(2) It is a defence to prosecution for an offence under section 69ZZQ or 69ZZR if the defendant proves—
 - “(a) that the defendant did not intend to commit the offence; and
 - “(b) that the defendant took all practicable steps to prevent the commission of the offence.

“69ZZT Offences involving deception

- “(1) Every person commits an offence who, with intent to deceive,—
 - “(a) makes any false or misleading statement or any material omission in any communication, record, or return for the purpose of this Part or the drinking-water standards; or
 - “(b) destroys, cancels, conceals, alters, obliterates, or fails to provide, any document, record, return, or information that is required to be kept or communicated under this Part or under the drinking-water standards; or
 - “(c) falsifies, removes, suppresses, or tampers with any samples, test procedures, test results, or evidence taken by a drinking-water assessor in the exercise of that drinking-water assessor’s functions or powers under this Part; or
 - “(d) falsifies, removes, suppresses, or tampers with any samples, test procedures, or test results taken under, or for the purposes of,—
 - “(i) the drinking-water standards; or
 - “(ii) a drinking-water supplier’s public health risk management programme.

- “(2) Every person who commits an offence against subsection (1) is liable to the penalty set out in section 69ZZV(1).

“69ZZU Time for laying information

Despite section 14 of the Summary Proceedings Act 1957, an information in respect of an offence under this Part may be laid by any person at any time within 3 years of the time when the matter of the information arose.

“69ZZV Penalties

- “(1) Every person who commits an offence against section 69ZZR(1) or 69ZZT is liable on summary conviction to a fine not exceeding \$200,000 and, if the offence is a continuing one, to a further fine not exceeding \$10,000 for every day or part of a day during which the offence continues.
- “(2) Every person who commits an offence against section 69ZZR(2) is liable on summary conviction to a fine not exceeding \$10,000 and, if the offence is a continuing one, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues.
- “(3) Every person who commits an offence against section 69ZZR(3) or (4) is liable on summary conviction to a fine not exceeding \$5,000.
- “(4) The continued existence of any thing, or the intermittent repetition of any action, that constitutes an offence under section 69ZZR is a continuing offence for the purposes of this section.

“69ZZW Additional penalty for certain offences for commercial gain

- “(1) If a person is convicted of an offence against section 69ZZR or 69ZZT, the Court may, if it is satisfied that the offence was committed in the course of producing a commercial gain, and in addition to any penalty that the Court may impose under section 69ZZV, order that person to pay an amount not exceeding—
- “(a) 3 times the value of any commercial gain resulting from the commission of the offence; or
- “(b) if the person is a body corporate, and the value of any gain cannot be readily ascertained, 10% of the turnover

of the body corporate and all of its interconnected bodies corporate (if any).

- “(2) For the purposes of subsection (1), the value of any gain (if readily ascertainable) must be assessed by the Court, and any amount ordered to be paid under subsection(1)(a) or (b) is recoverable in the same manner as a fine.
- “(3) In this section, **interconnected** and **turnover** have the same meaning as in the Commerce Act 1986.

“69ZZX Liability of principal for acts of agents

- “(1) If an offence is committed against this Part by any person (**person A**) acting as the agent (including any contractor) or employee of another person (**person B**), person B is, without prejudice to the liability of person A, liable under this Part in the same manner and to the same extent as if he, she, or it had personally committed the offence.
- “(2) Despite subsection (1), if any proceedings are brought under that subsection, it is a good defence if the defendant proves,—
- “(a) in the case of a natural person (including a partner in a firm), that—
- “(i) he or she did not know, and could not reasonably be expected to have known, that the offence was to be or was being committed; or
- “(ii) he or she took all practicable steps to prevent the commission of the offence; or
- “(b) in the case of a body corporate, that—
- “(i) neither the directors nor any person concerned in the management of the body corporate knew, or could reasonably be expected to have known, that the offence was to be or was being committed; or
- “(ii) the body corporate took all practicable steps to prevent the commission of the offence; and
- “(c) in all cases, that the defendant took all practicable steps to remedy any effects of the act or omission giving rise to the offence.
- “(3) If any body corporate is convicted of an offence against this Part, every director and every person concerned in the management of the body corporate is also guilty of that offence if it is proved—

- “(a) that the act that constituted the offence took place with his or her authority, permission, or consent; and
- “(b) that he or she knew, or could reasonably be expected to have known, that the offence was to be or was being committed and failed to take all practicable steps to prevent or stop it.

“Miscellaneous

“69ZZY Regulations

- “(1) The Governor-General may, from time to time, by Order in Council, make regulations for all or any of the following purposes:
 - “(a) prescribing the quantity of drinking water, or a formula for determining the quantity of drinking water, that is an adequate supply to a property for the purposes of this Part:
 - “(b) regulating the carriage of raw water, drinking water, or both—
 - “(i) in trucks or other vehicles:
 - “(ii) by rail:
 - “(iii) in ships or other vessels:
 - “(c) requiring the Director-General to issue guidelines to facilitate compliance with the requirements of section 69U, and requiring the Director-General to follow any specified process before issuing those guidelines:
 - “(d) prescribing criteria, in addition to the criteria set out in section 69ZY(2), for the recognition of laboratories:
 - “(e) extending the period, up to a maximum of 2 years, during which a drinking-water emergency declaration under section 69ZZA remains in force:
 - “(f) prescribing specifications for metal and other materials that may be used for pipes, valves, taps, or other fittings susceptible to corrosion that come into contact with raw water or drinking water prior to the point of supply:
 - “(g) regulating the nature of substances permitted to come into contact with raw water or drinking water prior to the point of supply:
 - “(h) prescribing required competencies and other requirements in relation to the management, operation, and maintenance of drinking-water supply systems or components of those systems, or any of those matters:

- “(i) prescribing the form of warrant to be issued under section 69ZS:
 - “(j) providing for any other matters contemplated by this Part, necessary for its administration, or necessary for giving it full effect.
- “(2) Regulations may not be made for the purpose described in subsection (1)(a) except on the advice of the Minister provided after consultation with those bodies or organisations that appear to the Minister to be representative of persons likely to be substantially affected by the regulations.

“69ZZZ Protecting water supplies from risk of back-flow

- “(1) This section applies if a networked supplier considers that there is a need to protect the networked system from risks of pollution caused by water and other substances on properties connected to the networked system.
- “(2) A networked supplier may,—
- “(a) if the supplier considers it desirable or necessary,—
 - “(i) install a back-flow prevention system in the network on the side of the point of supply for which the supplier is responsible for maintaining; or
 - “(ii) allow the owner of property to which water is supplied to install a back-flow prevention system that incorporates a verifiable monitoring system (being a monitoring system approved by both the supplier and a drinking-water assessor):
 - “(b) require the owner of the property in respect of which the back-flow prevention system operates or the person who is required (whether under the Local Government Act 2002 or any contract) to pay for drinking water supplied to that property,—
 - “(i) if paragraph (a)(i) applies, to reimburse the supplier for the cost of that system (including the cost of installation, testing, and on-going maintenance); and
 - “(ii) if paragraph (a)(i) or (ii) applies, to repair or modify any back-flow prevention system that, in the opinion of the supplier, is not functioning adequately.

- “(3) A person who installs a back-flow protection device must take all reasonable steps to ensure it can operate in a way that does not compromise the operation of any automatic sprinkler system connected to the water supply.
- “(4) A networked supplier—
- “(a) must test each back-flow protection device operating in its network at least once a year; and
 - “(b) must advise the territorial authority in its area of the results; and
 - “(c) may require the occupier of the property in respect of which the device operates to pay the reasonable costs involved in conducting the test.

“69ZZZA Keeping, inspection, and copying of registers

- “(1) Any register that is required to be kept under this Part may be kept in any manner that the Director-General considers appropriate, including, either wholly or partly, by means of a device or facility that—
- “(a) records or stores information electronically or by other means; and
 - “(b) permits the information so recorded to be readily inspected or reproduced in usable form; and
 - “(c) permits the information in the register to be accessed by electronic means, including (without limitation) by means of remote logon access.
- “(2) The Director-General must keep any register that is required to be kept under this Part open for public inspection—
- “(a) on the Ministry’s website in an electronic form that is publicly accessible; and
 - “(b) during ordinary office hours, at—
 - “(i) the head office of the Ministry; or
 - “(ii) an office of the Ministry for the time being specified for the purposes of this subsection by notice published in the *Gazette*.
- “(3) The Director-General must supply to any person a copy of all or part of any register that is required to be kept under this Part, on request, and on payment of a reasonable charge for the production of the copy.

“69ZZZB Director-General must publish annual report

- “(1) The Director-General must prepare and publish a report on drinking water before 1 July in each year.
- “(2) A report under subsection (1) must include information about—
- “(a) the quality of drinking water supplied by each drinking-water supplier (other than neighbourhood drinking-water suppliers), including whether that drinking water is potable; and
 - “(b) the compliance or non-compliance of those drinking-water suppliers with this Part and the drinking-water standards.
- “(3) The Director-General must ensure that copies of the most recent report are available—
- “(a) on the Ministry’s website in an electronic form that is publicly accessible; and
 - “(b) for inspection by members of the public free of charge during ordinary office hours at the head office of the Ministry; and
 - “(c) for purchase by members of the public at a reasonable price.

“69ZZZC Statements by Director-General

The Director-General may, for the purpose of protecting the public, publish statements relating to any drinking-water emergency, or to the performance or non-performance of any duty imposed on any person by or under this Part.

“69ZZZD Protection of persons performing or exercising functions, duties, or powers under this Part

- “(1) No specified person who does or omits to do any act in connection with the performance or exercise of a function or power under this Part is under any civil or criminal liability in respect of that act or omission, unless the act or omission was done in bad faith or without reasonable care.
- “(2) Every statement, notice, warning, or declaration, issued under this Part, is protected by qualified privilege.
- “(3) In this section, a **specified person** is—
- “(a) the Director-General;
 - “(b) a drinking-water assessor;

- “(c) a designated officer:
- “(d) a local authority (other than when acting in its capacity as a drinking-water supplier).

“69ZZZE Relationship between this Part and other enactments

This Part does not apply to any water—

- “(a) supplied for food preparation use that is regulated under the Food Act 1981; or
- “(b) that is subject to regulations or specifications made or issued under the Animal Products Act 1999 or the Wine Act 2003.”

8 Regulations as to housing improvement and overcrowding

Section 120C(1)(d) is amended by omitting “wholesome” and substituting “potable”.

9 Protection of persons acting under authority of Act

Section 129 is amended by adding the following subsection:

- “(6) This section does not apply in respect of any person who does or omits to do any act in connection with the performance or exercise of a function or power under Part 2A.”

10 New sections 137A to 137H inserted

The following sections are inserted after section 137:

“137A Incorporation of material by reference into regulations and compliance documents

- “(1) The following material may be incorporated by reference into any regulations, standards, or other compliance documents (**instruments**) made or issued under the provisions of this Act (other than Part 4A):
 - “(a) standards, requirements, or recommended practices of national or international organisations:
 - “(b) any other written material that, in the opinion of the Minister or, as appropriate, the Director-General, is too large or is impractical to include in, or print as part of, the instruments concerned.
- “(2) Material may be incorporated by reference in an instrument—
 - “(a) in whole or in part; and

“(b) with modifications, additions, or variations specified in the instrument.

“(3) The incorporated material—

“(a) is the material as it exists at the time that the instrument is made or issued; and

“(b) forms part of the instrument for all purposes and has legal effect accordingly.

“137B Effect of amendments to, or replacement of, material incorporated by reference

An amendment to, or replacement of, material incorporated by reference in this Act or in an instrument has legal effect as part of the instrument only if—

“(a) the amendment or replacement material is made by the person or organisation originating the incorporated material; and

“(b) the amendment or replacement material is of the same general character as the material amended or replaced; and

“(c) either,—

“(i) in the case of material incorporated in this Act or in regulations, regulations are made that state that the particular amendment or replacement has that effect; or

“(ii) in the case of material incorporated in a compliance document, the Director-General, by notice in the *Gazette*, adopts the amendment or replacement.

“137C Proof of material incorporated by reference

“(1) A copy of material incorporated by reference in this Act or in an instrument, including any amendment to, or replacement of, the material (**material**), must be—

“(a) certified as a correct copy of the material by the Minister or, as appropriate, the Director-General; and

“(b) retained by the Minister or, as appropriate, the Director-General.

“(2) The production in proceedings of a certified copy of the material is, in the absence of evidence to the contrary, sufficient evidence of the incorporation in the instrument of the material.

“137D Effect of expiry of material incorporated by reference

Material incorporated by reference in this Act or an instrument that expires or that is revoked or that ceases to have effect ceases to have legal effect as part of the Act or the instrument only if the Minister or, as appropriate, the Director-General, by notice in the *Gazette*, states that the material ceases to have legal effect.

“137E Requirement to consult

“(1) This section applies if—

“(a) the Minister proposes to make a recommendation for—

“(i) regulations to be made under this Act that incorporate material by reference; or

“(ii) regulations under section 137B(c)(i) that state that an amendment to, or replacement of, material incorporated by reference in regulations has legal effect as part of the regulations; or

“(b) the Director-General proposes to—

“(i) issue a standard or other compliance document that incorporates material by reference; or

“(ii) publish, under section 137B(c)(ii), a notice in the *Gazette* that adopts an amendment to, or replacement of, material incorporated by reference in a standard or other compliance document.

“(2) Before doing any of the things referred to in subsection (1), the Minister or, as the case may be, the Director-General must—

“(a) make copies of the material proposed to be incorporated by reference or the proposed amendment to, or replacement of, material incorporated by reference (**proposed material**) available for inspection during working hours for a reasonable period, free of charge, at the Ministry’s office in Wellington; and

“(b) make copies of the proposed material available for purchase at a reasonable price at the Ministry’s office in Wellington; and

- “(c) give notice in the *Gazette* stating that—
 - “(i) the proposed material is available for inspection during working hours, free of charge, the place at which it can be inspected, and the period during which it can be inspected; and
 - “(ii) copies of the proposed material can be purchased and the place at which they can be purchased; and
 - “(d) allow a reasonable opportunity for persons to comment on the proposal to incorporate the proposed material by reference; and
 - “(e) consider any comments they make.
- “(3) Before doing any of the things referred to in subsection (1), the Minister or, as the case may be, the Director-General—
- “(a) may make copies of the proposed material available in any other way that he or she considers appropriate in the circumstances (for example, on an Internet website); and
 - “(b) must, if paragraph (a) applies, give notice in the *Gazette* stating that the proposed material is available in other ways and the details of where or how it can be accessed or obtained.
- “(4) The reference in subsections (2) and (3) to the proposed material includes, if the material is not in an official New Zealand language, an accurate translation in an official New Zealand language of the material.
- “(5) A failure to comply with this section does not invalidate an instrument that incorporates material by reference.

“137F Access to material incorporated by reference

- “(1) The Director-General—
- “(a) must make the material referred to in subsection (2) (**material**) available for inspection during working hours free of charge at the Ministry’s office in Wellington; and
 - “(b) must make copies of the material available for purchase at a reasonable price at all of the Ministry’s offices; and
 - “(c) may make copies of the material available in any other way that the Director-General considers appropriate in the circumstances (for example, on an Internet website); and

- “(d) must give notice in the *Gazette* stating that—
- “(i) the material is incorporated in an instrument and the date on which the instrument was made; and
 - “(ii) the material is available for inspection during working hours, free of charge, at the Ministry’s office in Wellington and the location of that office; and
 - “(iii) copies of the material can be purchased at all of the Ministry’s offices and the location of those offices; and
 - “(iv) if copies of the material are made available under paragraph (c), the material is available in other ways and the details of where or how it can be accessed or obtained.
- “(2) The material is—
- “(a) material incorporated by reference in this Act or in an instrument:
 - “(b) any amendment to, or replacement of, that material that is incorporated in the instrument or the material referred to in paragraph (a) with the amendments or replacement material incorporated:
 - “(c) if the material referred to in paragraph (a) or (b) is not in an official New Zealand language, as well as the material itself, an accurate translation in an official New Zealand language of the material.
- “(3) A failure to comply with this section does not invalidate an instrument that incorporates material by reference.

“137G Acts and Regulations Publication Act 1989 not applicable to material incorporated by reference

The Acts and Regulations Publication Act 1989 does not apply to material incorporated by reference in this Act or in an instrument or to an amendment to, or replacement of, that material.

“137H Application of Regulations (Disallowance) Act 1989 to material incorporated by reference

Nothing in section 4 of the Regulations (Disallowance) Act 1989 requires material that is incorporated by reference in this

Act or in an instrument made or issued under this Act to be laid before the House of Representatives.”

11 Existing drinking-water register continues

Every person who is entered on the Ministry’s register of community drinking-water suppliers in New Zealand immediately before the commencement of this section is deemed to be registered as a drinking-water supplier under section 69K of the principal Act (as inserted by section 7 of this Act).

12 Existing register of recognised laboratories continues

Every laboratory that is entered on the Ministry’s register of recognised laboratories immediately before the commencement of this section is deemed to be registered as a recognised laboratory under section 69ZY(4) of the principal Act (as inserted by section 7 of this Act).

13 Existing register of accredited drinking-water assessors continues

Every person or agency who is entered on the Ministry’s register of accredited drinking-water assessors immediately before the commencement of this section is deemed to be registered as an accredited drinking-water assessor under section 69ZX of the principal Act (as inserted by section 7 of this Act).

14 Existing standards deemed to be issued

(1) The *Drinking-water Standards for New Zealand 2005*, published in September 2005 by the Ministry of Health (the **2005 Standards**), are deemed to have been issued in accordance with Part 2A of the principal Act (as inserted by section 7 of this Act).

(2) However,—

(a) subject to subparagraph (b) any guidelines referred to and incorporated in those standards do not impose any obligation on any person to comply with those guidelines; but

(b) those parts of the standards identified as guideline values for aesthetic determinands for avoiding adverse aesthetic effects in drinking water must be taken into

account when assessing whether the requirements of section 69W of the principal Act (as inserted by section 7 of this Act) have been complied with.

- (3) Despite subsections (1) and (2), drinking-water suppliers may elect to comply with the *Drinking-Water Standards for New Zealand 2000*, published in 2000 (the **2000 Standards**) for all or any part of the specified period (as defined in subsection (6)).
- (4) A drinking water supplier may—
 - (a) make an election under subsection (3) only in the period before section 69S begins to apply to that supplier; and
 - (b) make an election by giving written notice of the election to the Director-General; and
 - (c) at any time revoke an election made under subsection (3), in which case this Part continues to apply as if the election had not been made.
- (5) During any period in which an election under subsection (3) applies,—
 - (a) subsection (2) applies in respect of the drinking-water supplier who made the election as if each reference to standards were a reference to the 2000 Standards;
 - (b) the other provisions of this Part apply as if the standards in force were the 2000 Standards.
- (6) In this section, **specified period** means a period beginning with the commencement of this section and ending on 31 December 2014.

15 Annual report to Parliament on implementation issues

- (1) The Minister must, on or before 30 June in 2010, 2011, 2012, 2013, and 2014, report to Parliament on—
 - (a) progress in implementing the provisions of the Health (Drinking Water) Amendment Act 2007; and
 - (b) any problems or issues arising out of the provisions of that Act, the drinking-water standards, and the implementation or enforcement of those provisions and standards; and
 - (c) any problems or issues associated with the funding of changes required by those provisions and standards (whether identified in local authority plans or assessments or otherwise).

- (2) For the purposes of enabling the Minister to carry out his or her functions under this section, the Minister must appoint an advisory committee whose members collectively—
- (a) have expertise in technical aspects of drinking-water supply and sanitary safety; and
 - (b) are representative of the organisations, groups, or sectors of the economy with a particular interest in the operation of the law relating to the supply of drinking water.

Part 2

Amendments to other enactments

Amendments to Local Government Act 2002

16 Power to restrict water supply

Section 193 of the Local Government Act 2002 is amended by adding the following subsection:

- “(3) Restriction of the water supply under subsection (1) is subject to section 69S of the Health Act 1956.”

17 Section 194 repealed

Section 194 of the Local Government Act 2002 is repealed.

Amendment to Local Government Official Information and Meetings Act 1987

18 Land information memorandum

Section 44A(2) of the Local Government Official Information and Meetings Act 1987 is amended by inserting the following paragraphs after paragraph (b):

“(ba) any information that has been notified to the territorial authority by a drinking-water supplier under section 69ZH of the Health Act 1956:

“(bb) information on—

“(i) whether the land is supplied with drinking water and if so, whether the supplier is the owner of the land or a networked supplier:

“(ii) if the land is supplied with drinking water by a networked supplier, any conditions that are applicable to that supply:

“(iii) if the land is supplied with water by the owner of the land, any information the territorial authority has about the supply:”.

Consequential amendments and revocation

19 Consequential amendments

The enactments specified in the Schedule are amended in the manner specified in that schedule.

20 Revocation

The Water Supplies Protection Regulations 1961 (SR 1961/86) are revoked.

s 19

Schedule Consequential amendments

Part 1 Acts amended

Ombudsmen Act 1975 (1975 No 9)

Part 2 of Schedule 1: insert in its appropriate alphabetical order:
“Drinking-water assessors appointed under section 69ZK of the Health Act 1956”.

Summary Proceedings Act 1957 (1957 No 87)

Part 2 of Schedule 1: insert in its appropriate alphabetical order:

“Health Act 1956	69ZZR(1)	Offences against sections in Part 2A
	69ZZT	Offences involving deception”

Part 2 Regulations amended

Health and Safety in Employment Regulations 1995 (SR 1995/167)

Definition of **wholesome** in regulation 2: repeal and substitute:

“**wholesome**, in relation to water, means complying with the drinking-water standards issued or adopted under section 69O of the Health Act 1956”.

Legislative history

21 June 2006	Introduction (Bill 52–1)
25 July 2006	First reading and referral to Health Committee
3 August 2007	Reported from Health Committee (Bill 52–2)
13 September 2007	Second reading
18 September 2007	Committee of the whole House (Bill 52–3)
9 October 2007	Third reading
17 October 2007	Royal assent

This Act is administered by the Ministry of Health.
