

NZ Water Services Act 2021 (2021/36)

On the 15th Nov 2021, the Water Services Bill passed into legislation as the Water Services Act 2021 (2021/36) <https://legislation.govt.nz/bill/government/2020/0314/latest/LMS374564.html>

The purpose of the Act is ensuring that drinking water suppliers provide safe drinking water to consumers by

(a) providing a drinking water regulatory framework that is consistent with internationally accepted best practice, including a duty on drinking water suppliers to

- (i) have a drinking water safety plan; and
- (ii) comply with legislative requirements (such as drinking water standards) on a consistent basis; and

(b) providing a source water risk management framework that, together with the Resource Management Act 1991, regulations made under that Act, and the National Policy Statement for Freshwater Management, enables risks to source water to be properly identified, managed, and monitored; and

(c) providing mechanisms that enable the regulation of drinking water to be proportionate to the scale, complexity, and risk profile of each drinking water supply.

The Act has the following additional purposes:

- a) to establish a framework to provide transparency about the performance of drinking water, wastewater, and stormwater networks and network operators; and
- b) to provide mechanisms that build and maintain capability among drinking water suppliers and across the wider water services sector; and
- c) to establish a framework for the continuous and progressive improvement of the quality of water services in New Zealand.

The meaning of drinking water in the Act, unless the context otherwise requires, drinking water;

(a) means water that is used for

- (i) human consumption; or
- (ii) oral hygiene; or
- (iii) preparing food, drink, or other products for human consumption; or
- (iv) washing utensils that are used for eating and drinking, or for preparing, serving, or storing food or drink for human consumption; but

(b) does not include

- (i) bottled water that is prepared or manufactured by a food business, and is regulated, under the Food Act 2014; and
- (ii) water, if its use is regulated under the Food Act 2014, the Animal Products Act 1999, or the Wine Act 2003.

Previously the management of Drinking water was the responsibility of the Department of Health.

With the introduction of the act, an entity has been formed, Taumata Arowai who are the dedicated water services regulator for Aotearoa. <https://www.taumataarowai.govt.nz/>

What does this mean for me?

First you need to identify whether you fall into the category of a 'Drinking Water Supplier' or whether your situation is 'Domestic Self supply' as defined by the act.

If you own or operate a water supply (that you know, or ought reasonably to know) is being used as drinking water by people outside of your own home, you are a drinking water supplier and will have responsibilities under the Water Services Act 2021.

Meaning of drinking water supplier

In this Act, unless the context otherwise requires, drinking water supplier—

- (a) means a person who supplies drinking water through a drinking water supply; and
- (b) includes a person who ought reasonably to know that the water they are supplying is or will be used as drinking water; and
- (c) includes the owner and the operator of a drinking water supply; and
- (d) includes a person described in paragraph (a), (b), or (c) who supplies drinking water to another drinking water supplier; but
- (e) does not include a domestic self-supplier.

Meaning of domestic self-supply and domestic dwelling

- (1) In this Act, unless the context otherwise requires, domestic self-supply means a stand-alone domestic dwelling that has its own supply of drinking water, and domestic self-supplier has a corresponding meaning.
- (2) In this Act, domestic dwelling means a building that is used as a single household unit, whether
 - (a) tenanted on a long- or short-term basis; or
 - (b) occupied permanently or temporarily (for example, a holiday home) household unit has the meaning given to it by section 7 of the Building Act 10 2004.

Examples

- A single property with tenants on a lease that is supplied by a rainwater tank is a domestic self-supply.
- A single holiday house that is supplied by a rainwater tank and is rented to tourists 15 on a short-term basis is a domestic self-supply.
- A multi-dwelling building (for example, multiple separate apartments contained in a single building) that has its own bore water supply is not a domestic self-supply.
- A marae wharekai (dining hall) or community hall that has its own river water supply is not a domestic self-supply.
- A café building supplied by a rainwater tank is not a domestic self-supply.

UV Compliance

To meet drinking water standards UV, drinking water suppliers (*not domestic self-suppliers*) will need to use UV units which meet one of the following standards:

NSF 55 Class A

DVGW Technical Standard W294 (DVGW 2006)

öNORM M5873 (Osterreichisches Normungsinstitut 2001)

OR equivalent (i.e. to deliver at least 40 mJ/cm² validated reduction equivalent dose at the UV transmittance and turbidity present)



What's involved?

Drinking water suppliers have a duty to ensure the drinking water they supply is safe. It is important that drinking water will not cause a serious risk of death, illness, or injury immediately or over time.

If you are given a direction or compliance order by Taumata Arowai you must comply with it. These duties are apply from 15 November 2021.

If you are a drinking water supplier who is not currently registered, you'll need to register with Taumata Arowai by 15th November 2025.

Your responsibilities will include:

- Ensuring the drinking water you supply is safe
- Ensuring the drinking water you supply complies with the current [Drinking-water Standards for New Zealand](#)
- Annually updating your registration details
- Proving a sufficient quantity of drinking water to meet the ordinary drinking water needs of consumers who use your supply
- Drinking water safety planning
- Taking action to resolve any risks to drinking water safety or quantity. This includes keeping consumers informed
- Notifying Taumata Arowai in specified circumstances. This includes when you have, or may have, supplied drinking water that is unsafe or that doesn't comply with the current Drinking-water Standards for New Zealand

Water safety planning means assessing your water supply, treatment and distribution system and creating a plan suitable for managing risks.

The requirements depend on the water source and the number of people who are being supplied.

To see what is proposed Taumata Arowai have information available here

<https://www.taumataarowai.govt.nz/for-water-suppliers/new-compliance-rules-and-standards/>

In particular the Water Quality Assurance Rules lay things out clearly and structures the rules around source water, treatment systems and distribution systems

<https://www.taumataarowai.govt.nz/assets/Uploads/Drinking-Water-Quality-Assurance-Rules-.pdf>

Water supplies are grouped into 4 categories;

- < 50 (Very Small Supplies).
- 50 – 500 (Small Supplies).
- >500 (Large Supplies).
- Varying Population Size Supplies.
Varying Population Size Supplies are supplies where for most of the time there is a stable base population but at certain times the population increases significantly. An example is a small community with a number of holiday homes where the population may double over the holiday season.

Rule categories are introduced and the complexity of the rules is governed by the number of people the water supply is intended for.

Rule type codes

- G = General rules
- S = Source water rules
- T = Treatment rules
- D = Distribution rules
- WC = Water Carrier Service Rules
- PTE = Planned Temporary Event /Drinking Water Supplies Rules

Rules complexity levels

- (1) = simple
- (2) = moderate
- (3) = complex

Supply categories and rules that apply to them

1. On-demand	Rule modules that compliance is demonstrated against
a) Very Small Supplies (<50)	G + S1 + T1 + D1
b) Small Supplies (50-500)	G + S2 + T2 + D2
c) Large Supplies (>500)	G + S3 + T3 + D3
d) Varying Population Size	G + S2 + T2 + D2³
2. Trickle Feed Water Supplies	
Any population size	G + S2 + T2 + D2
3. Self-supplied Building Drinking Water Supplies	
a) <50	G + S1 + T1
b) >50	G + S2 + T2
4. Water Carrier Services	
Any population size	G + WC
5. Planned Temporary Event Drinking Water Supplies	
Any population size	G + PTE⁴
6. Community Drinking Water Stations/Water Carrier Supplies	
Any population size	G + S2⁵ + T2

It may be possible that one of the 'Acceptable Solutions' will fit the bill.

Drinking Water Acceptable Solution for Roof Water Supplies

<https://www.taumataarowai.govt.nz/assets/Uploads/Acceptable-Solutions-etc/Drinking-Water-Acceptable-Solution-for-Roof-Water-Supplies-.pdf>

Drinking Water Acceptable Solution for Spring and Bore Drinking Water Supplies

<https://www.taumataarowai.govt.nz/assets/Uploads/Acceptable-Solutions-etc/Drinking-Water-Acceptable-Solution-for-Spring-and-Bore-Drinking-Water-Supplies.pdf>

Drinking Water Acceptable Solution for Rural Agricultural Water Supplies

<https://www.taumataarowai.govt.nz/assets/Uploads/Acceptable-Solutions-etc/Drinking-Water-Acceptable-Solution-for-Rural-Agricultural-Water-Supplies.pdf>

Whichever point you start from, your water safety plan will form the basis for designing a system and selecting equipment suitable for ensuring a safe drinking water supply is achieved.

Key to this is employing a Multi-Barrier Approach.

Water suppliers should consider the following four types of barriers.

- Preventing hazards entering the raw water
- Removing particles and hazardous chemicals from the water by physical treatment
- Killing or inactivating pathogens in the water by disinfection
- Maintaining the quality of the water in the distribution system.



White International can assist with designing a system. Our experience and expertise partnered with quality North American and European suppliers provides effective, peace of mind solutions

