Fact Sheet:

Local Government (Water Services Preliminary Arrangements) Bill

Submissions to the Local Government (Water Services Preliminary Arrangements) Bill (the Bill) are being received by the Finance and Expenditure Select Committee [via their website](https://www.parliament.nz/en/pb/sc/make-a-submission/document/54SCFIN_SCF_6938CA52-4819-45DE-A6FF-08DC80370942/local-government-water-services-preliminary-arrangements-bill). Submissions close at 11.59 p.m. Thursday 13 June.

This Bill is part of the coalition governments framework to repeal previous water services legislation and replace the National Policy Statement for Freshwater Management (NPS-FM 2020).

This water repeal framework is called ‘Local Water Done Well’ and will be implemented in 3 stages:

1. Repealing previous water services legislation (3 Waters)
2. Establishing a framework for the new water service system; and
3. Establish settings and then begin the transition.

The Bill’s provisions has three broad categories around Council requirements, however in addition to the above the government has tabled and amendment paper [called the Local Government (Water Services Preliminary Arrangements) Bill].

This amendment is seeking to repeal the Te Mana o te Wai hierarchy obligations in the NPS-FM 2020 and that these obligations will not apply when Taumata Arowai sets wastewater environmental performance standards.

Te Mana o te Wai established a hierarchy of obligations structured to ensure that:

1. The health and well-being of water bodies and freshwater ecosystems are prioritised first.
2. The needs of the people (including safe drinking water) follow, once the first obligation is met.
3. Thirdly, the ability of people and communities to provide for their social, economic, and cultural well-being is considered, as long as it doesn't compromise the first two priorities.

Taumata Arowai is an independent Crown Entity water services regulator, established to oversee and ensure the quality and safety of the country’s drinking water, wastewater, and stormwater services. It was established following the Havelock North water contamination incident and officially established in March 2021.

Te Mana o Te Wai has been part of the National Policy Statement for Freshwater Managementsince 2014 and remains for now, but there are concerns that this bill is constructing alternative governance principles for water standards.

Concerns:

* Wai is protected under the second article of Te Tiriti o Waitangi. The degradation of the mauri of water deprives Māori of rangatiratanga.
* The Bill fails to incorporate the principles of Te Tiriti o Waitangi, particularly in terms of partnership and co-governance in appropriately managing this taonga (e.g.) some Treaty settlements have specific relationships with water bodies and their associated receiving environments.
* Wai is a taonga that holds deep cultural and spiritual significance for Māori. The Bill does not adequately reflect the importance of wai to Māori cultural identity and wellbeing.
* Taumata Arowai is still tasked with engaging with iwi and hapū when developing draft water standards, however the voices of iwi and hapū are largely marginalised and not considered in consenting processes and decisions when advocating around what environmental protection looks like for those receiving environments associated with wastewater treatment plants.
* Maintaining the hierarchical obligations of Te Mana o te Wai is fundamental as iwi and hapū have a key and crucial role to play in wastewater management in Aotearoa, including where resource consent permissions may be inconsistent with local tikanga and cultural values.
* The Bill’s approach to water services is undermining the mana of iwi and hapū over their water resources. Centralising control and limiting local input will conflict with the customary rights and responsibilities of Māori as kaitiaki of their waterways and water resources.
* The consultation process around the Bill is insufficient and has not adequately accounted for the unique relationship that Māori have with their water bodies.
* The financial and administrative burdens imposed by the Bill could disproportionately affect Māori communities, particularly those served by smaller Councils that might struggle to meet the new requirements. This could lead to increased costs for water services, impacting economically vulnerable Māori households.

Historically, governance of water under English Common Law, Catchment Commissions, and the RMA have failed to halt the deterioration of water quality. This Bill, in repealing the hierarchical obligations of Te Mana o te Wai, will further weaken the ability of communities to protect and enhance their water bodies.

NB: Just as an aside, whilst this Govt is looking to repeal the hierarchical obligations, the 6 principles attached to Te Mana o te Wai are still intact:

* Mana whakahaere
* Kaitiakitanga
* Manaakitanga
* Governance
* Stewardship; and
* Care and respect.

However, this government is looking to replace the NPS-FM 2020 as part of the wider RMA Reform package.