

18 September 2009

Mr Graham Hill
Clerk of the Committee
Transport and Industrial Relations Committee
House of Representatives
Parliament House
WELLINGTON

Dear Mr Hill

Infrastructure Bill

Water New Zealand thanks you for your invitation to comment on the above Bill. Our comments will generally focus on Part 1 of the Bill which we understand is intended to become the stand alone Utilities Access Bill, incorporating a national code of practice for working in the roads (the Code).

Water New Zealand is represented on the New Zealand Utilities Advisory Group (NZUAG) and has contributed to the development of the proposed National Code of Practice for Utilities' Access to the Transport Corridors (the Code). We support the general intent of the measures encapsulated in the Bill intended to better facilitate utilities activities in the transport corridors.

In reference to water infrastructure we wish to advise the Committee that section 4(d) requires specific attention and revision.

Section 4 defines a utility operator dealing with water and wastewater infrastructure as, *a local authority as defined in section 5 of the Local Government Act 2002*. Section 5 of the Local Government Act 2002 identifies a local authority as being either a regional council or a territorial authority.

Section 6 of the same act discusses the meaning of various other entities such as "council-controlled organisations", "council-controlled trading organisations", and council organisations". It is of note the section also lists various entities who are deemed not to be council-controlled organisations. Included on that list is, "Watercare Services Limited and any subsidiary of Watercare Services Limited".

Members will be aware that there is currently work underway to establish one water entity to cover the whole of the proposed new amalgamated Auckland City. This means that the definition of a water and wastewater infrastructure services provider before you in this Bill, if not amended, will potentially see an entity responsible for

water infrastructure provision to a third of the national population not covered by the Code.

Similar doubts over coverage could also apply to entities such as MetroWater, Manukau Water Ltd, Wellington Water Management Ltd (Capacity), or other forms of water services provision that may emerge in the future.

We also note that a private water company, United Water, provides water, wastewater and stormwater across several regional areas in both the North and South Island. This includes a 30-year franchise agreement with Papakura District Council.

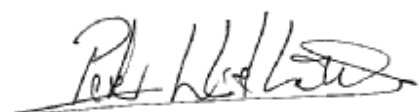
To clarify this matter it is Water New Zealand's recommendation that section 4(d) be amended to read as follows;

*In relation to water and wastewater infrastructure, **any provider of water and wastewater infrastructure services, irrespective of their ownership or governance structures.***

We support the recommendations made in the NZUAG's submission to the Committee.

Water New Zealand would be happy to appear before the Committee if members have questions on the specific recommendation we have made.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Peter Whitehouse', written over a horizontal line.

Peter Whitehouse
Manager Advocacy & Learning