

Draft Terms of Reference for the Government Inquiry into the Havelock North Water Supply Contamination Incident

Background

On 12 August 2016 Hastings District Council and the Hawke's Bay District Health Board became aware of a widespread situation of gastroenteritis in Havelock North. Due to the nature of the outbreak and the receipt of an initial “positive presence” test for E. coli in the water supply, suspicion fell on the Havelock North water supply. Subsequent analysis confirmed the presence of E. coli in the water supply, and sample testing through the health system led Council and District Health Board staff to suspect that Campylobacter was the primary infectious agent.

As of 21 August, there have been 168 confirmed cases and 355 suspected cases of campylobacteriosis, with current estimates suggesting that approximately 4,500 people have been affected. The length of the incubation period (up to ten days) and secondary spread mean that further cases are still being reported despite chlorination of the tap and tanker-provided water, and the ongoing advice to boil tap water. Gastrointestinal illness caused by microorganisms with longer incubation periods (e.g. cryptosporidiosis, giardiasis) may also start to be reported. In addition, about 1% of people with campylobacteriosis (approx. 40 people) may develop reactive arthritis and 0.1% may develop Guillain-Barré Syndrome (approx. 3-6 people). The Testing of the Havelock North bores continues to show faecal contamination and the District Council is considering the options for restoring a safe supply of drinking water to Havelock North.

Drinking water supplies across New Zealand rely on different methods of take and treatment, depending on the nature and security of the water source. Drinking water supplies are regulated under the Health Act 1956 and the source of drinking water is regulated under the Resource Management Act and National Environmental Standards for sources of drinking water. The National Environmental Standards are given effect to by the Hawke's Bay Regional Council. New Zealanders expect that water reticulated to their homes and businesses for drinking purposes will be safe to consume and use. The Havelock North water contamination incident risks damaging public confidence in local drinking water supplies.

This Inquiry is about determining the cause of the current contamination in Havelock North, whether relevant parties complied with their obligations, how local and central government agencies responded to the public health situation that occurred as a result of the contamination, and how to prevent future such occurrences.

The Inquiry will also consider the potential for similar situations to occur in other New Zealand water supplies and the lessons for local and central government agencies with relevant responsibilities, including whether the regulatory regime is operating effectively.

Appointment and order of reference

This Inquiry will inquire into and report (making any recommendation that you think fit) upon the following:

Inquiry into how the Havelock North water supply system became contaminated, how this was subsequently addressed and how local and central government agencies responded to the public health outbreak that occurred as a result of the contamination

- a. In relation to this incident of contamination of water at Havelock North in August 2016, to inquire into:
- i. The causes of this incident including, but not limited to, engineering, catchment and infrastructure management, containment and process management, aquifer management, district and regional consenting processes, and monitoring and enforcement activities;
 - ii. The timing and adequacy of steps taken by the Hastings District Council, the Hawke's Bay District Health Board and any other party, with regard to testing and diagnostics, reporting, public communication and ensuring a safe water supply in the short and long term;
 - iii. The practices used at each stage, from identifying that a contaminant was present, through to (and inclusive of) the response and recovery stages of the public health incident, including, but not limited to, timeliness, adequacy, effectiveness, coordination & information sharing, readiness of systems, and triggers for action;
 - iv. The response by central government agencies and the adequacy of support provided by them at the local level;
 - v. The actions that should be taken in response to any identified and confirmed contamination source, and actions to ensure a safe water supply can be provided to Havelock North;
 - vi. Practices to ensure the prevention of future such occurrences;
 - vii. The implementation of contingency plans for responding to water contamination and public health outbreak incidents by the relevant agencies;
 - viii. Any lessons and improvements that can be made more broadly in the management of the water supply network in Havelock North and/or more broadly across New Zealand;
 - ix. Any lessons and improvements that can be made to local and central government systems to expedite the identification of public health outbreaks.
 - x. Any improvements that can be made in any future response to emergency events of this nature.

Matters upon or for which recommendations required

The Inquiry will report on and make any recommendations it considers fit on:

- a. The adequacy of the management of drinking water supplies, the implementation of drinking water standards, contingency planning, preparedness and the response of local and central government agencies;
- b. Any legal or regulatory changes or additions necessary and desirable to prevent or minimise similar incidents;
- c. Any changes or additions to operational practices for reporting, management of drinking water supplies, implementation of drinking water standards, contingency planning and response by local and central government, to address the lessons from this incident; and
- d. To the extent necessary to provide a complete report on these matters.

Exclusions from inquiry and scope of recommendations

The Inquiry is not to inquire into, determine, or report in an interim or final way, or otherwise prejudice any of the following matters:

- a. Questions of civil , criminal, or disciplinary liability; and
- b. The structural arrangements for local government.

Other investigations may be considered by Inquiry

The Inquiry may take account of the outcome of any other investigations into these matters undertaken by local or central government agencies, but is not bound in any way by the conclusions or recommendations of any such investigation.

Definitions

Operational 'Practice/s' or 'arrangements' includes, without limitation, each of the following:

- a. Decision-making;
- b. Capability and capacity;
- c. Procedures;
- d. Processes;
- e. Services;
- f. Systems.

Reporting sequence

The Inquiry is to report findings and opinions, together with recommendations, required and otherwise, that you think fit to make in respect of them, to the Attorney-General in writing no later than the date to be specified in the Gazette notice establishing the Inquiry.