



16 August 2016

Chair

Government Administration Committee

Parliament Buildings

Wellington

SUBMISSION: FIRE AND EMERGENCY NZ BILL

INTRODUCTION

1. Water New Zealand (“Water NZ”) appreciates the opportunity to provide a submission on the Fire and Emergency New Zealand Bill (“the Bill”).
2. Water NZ is a national not-for-profit organisation which promotes the sustainable management and development of New Zealand’s three waters (freshwater, wastewater and storm water). Water New Zealand is the country's largest water industry body, providing leadership and support in the water sector through advocacy, collaboration and professional development. Its 1,500 members are drawn from all areas of the water management industry including regional councils and territorial authorities, consultants, suppliers, government agencies, academia and scientists.
3. The District and City Councils who in part make up our membership are providers of three waters services, and have an existing relationship with the existing New Zealand Fire Service with regard to Fire Service use of the water system for firefighting.
4. Water NZ is primarily concerned with changes that affect the water sector and our comments in this submission are therefore directed at changes affecting that sector. Water NZ has a number of overarching or general comments as well as comments on specific provisions.

OVERARCHING / GENERAL COMMENTS

Need for Proactive Consultation

5. There is a need for proactive consultation between Fire and Emergency New Zealand (“FENZ”) and local water business (whether it be a local authority, a council controlled organisation (“CCO”) or some other shared service arrangement) for both day to day service issues including drills, in emergency situations and when developing and making changes to the Code where it affects (or has potential to

effect) services provided by water organisations. Consultation is important to ensure that Fire Service operations do not detrimentally impact on the system and to maintain the integrity and performance of the network.

6. A fire service that is proactive with water organisations would seek improvements, give feedback on network performance issues and integrate resilience planning.
7. Water NZ sets out some changes to specific provisions of the Bill below which partially address these issues, however, further changes may be required to fully address this issue.

Need for Co-ordination

8. In addition to proactive consultation, Water NZ also considers that there is a need for co-ordination between organisations operating in the emergency sphere - FENZ, Civil Defence and Emergency Management (“CDEM”) and councils. This is particularly important in the immediate aftermath of an emergency such as a fire where there is a dual purpose – to save lives and to contain the fire. Water NZ considers that the CDEM framework is appropriate for this purpose but that it would be useful for this Bill to also prioritise co-ordination and clarify the procedures to apply. Some suggestions are made in this regard in the next section.
9. Water NZ also considers that it would be beneficial if FENZ were required to appoint a relationship manager in each region with responsibility for liaising with local water organisation(s) to encourage increased alignment and collaboration. This is important from a customer point of view so there is no confusion about who to contact in certain situations (e.g. flooding) but also in the context of water organisations (especially CCO's for water) operating more regionally across council boundaries - which is the way of the future (as encouraged under the current Local Government Amendment Bill (no 2)).

Recommendations

10. To address these overarching concerns, Water NZ recommends that:
 - a. The Bill be amended to require proactive consultation between FENZ and water organisations;
 - b. Consideration is given to appointing a regional relationship manager to liaise with local water organisations to assist with alignment and collaboration.

COMMENTS ON SPECIFIC PROVISIONS

11. In addition to the above high level issues, there are a number of specific issues arising with the wording of particular provision in the Bill. These relate to:
 - a. Clauses 20 – local committee appointments;
 - b. Clause 41 – resilience and emergency issues;
 - c. Clause 45 – water for emergency and training purposes;
 - d. Clause 63 – code of practice;
 - e. Clause 64 – water supply check notifications.

Clauses 20 – Local Committees Appointments

12. The Bill provides for the establishment of local committees to advise FENZ on local issues and undertake local engagement. While the Bill contains a list of criteria for the Board of FENZ to consider when appointing local committees, there is no requirement for committees to contain representatives of any particular sector, including local government and water. Given the overlapping powers in these areas, and the existing engagement networks in place (particularly for councils), Water NZ considers that it would be helpful for committees be required to include representatives from the local council and any local water services organisation (CCO or utility).

Recommendation

13. Water NZ recommends that clause 20 of the Bill be amended to require the local committee to include representatives from the local council and any local water services organisation.

Clause 41 - Resilience and Emergencies

14. Clause 41 of the Bill states:

41 Other powers of authorised person

(1) The authorised person who is in charge of personnel engaged in a fire or other emergency:

- (a) may, subject to section 45, cause water to be shut off from, or turned into, any main or pipe in order to obtain a greater pressure and supply of water.*

15. Water NZ has three concerns with this clause: the potential conflict between water required for firefighting and for drinking water; the ability of persons other than Councils to alter water pressure; and the need for co-ordinated emergency response planning.

Firefighting versus Drinking Water

16. While the Bill and other existing legislation (such as section 648 of the Local Government Act 1974) require councils to allow water to be taken for extinguishing fire, there is no apparent mechanism for FENZ to resolve with a local authority whether the provision of water for firefighting should take precedence over the provision of drinking water in a post emergency situation.
17. An example of the impact of service level agreements between a service provider and a Council is with Wellington Water. They are part way through a significant consultation/engagement exercise with its five councils to ask them what services/assets they would like to increase or decrease investment in. Services include potential increase in system resilience for events such as earthquakes.
18. Proposed levels of service for water supply post a major earthquake mean that there would not be water available for firefighting for between 7 and 30 days after an event. Any water within the network would be needed for critical customers and consumption to sustain life.

19. In an emergency, lives could be lost if ineffective and uncoordinated decisions were made about whether water is used to fight fires or used for drinking water. This issue needs to be worked through in a collaborative manner taking into account levels of service, cost, geography and risk management.

Water Pressure

20. Water NZ's second concern is about the proposal to allow a person authorised by the board of FENZ to change water pressure. Water pressure is controlled by councils who operate different pressure zones within the reticulation network. These zones protect/limit the pressure customers receive. Too high a pressure will result in damage to internal household plumbing and fittings. There may also be health and safety issues associated with allowing a different person to determine water pressure. Water NZ consider that only a council approved person should be able to operate the reticulation to gain greater pressure of water.

Need for Co-ordinated Emergency Response Planning

21. The Bill and supporting regulations need to clarify the FENZ and local fire services working relationship with the relevant regional Emergency Management Office. For example, under the Civil Defence Emergency Management Act, post event potable water may come under the control of Civil Defence who would then have the power to determine how it is allocated. This could have significant implications for the FENZ and making drinking water available to save lives in both instances.
22. To avoid possible tension/confusion, the Regulations/Bill could consider requiring FENZ to identify/develop its own (non-drinking) water supplies for firefighting in an emergency.
23. Given that an additional function in Clause 12 of the Bill for FENZ is "responding to severe weather-related events, natural hazard events, and disasters" we suggest that it should be a requirement for FENZ to ensure that they undertake coordinated emergency response planning. The plans should ensure there are workable solutions that are integrated with other critical service providers such as water utilities and road transport authorities to respond to severe weather-related events, natural hazard events, and disasters

Recommendations:

24. To address the above issues Water NZ recommends:
 - a. That the Bill is amended to clarify the relationship between FENZ and territorial local authorities in terms of the priority of provision for firefighting water or for essential human drinking water in post emergency situations.
 - b. That the Bill be amended so that authorised persons may extract water from fire hydrants but are not empowered to alter water pressure unless council authorises otherwise.
 - c. That the Bill address the relationship between FENZ and the Ministry of Civil Defence and Emergency Management to ensure coordinated emergency response planning in an integrated and collaborative manner with critical water service providers (such as councils, CCO's and water utilities).

- d. That consideration is given to requiring FENZ to identify/develop its own (non-drinking) water supplies for firefighting in an emergency.

Clause 45 – Use of Water for Emergency and Training Purposes

25. Under the current Act water from water mains may only be taken for training purposes where the council's (or relevant authority's) consent is obtained. Clause 45 of the Bill has left in the ability to take water for training purposes but removed the requirement for prior consent. Water NZ considers that the requirement to obtain consent should be reinstated.

Recommendation

26. That clause 45 of the Bill is amended to require the prior consent of the relevant authority prior to use of water from water mains for training purposes.

Clause 63 – Code of Practice

27. The Bill contains provisions empowering FENZ to develop a code of practice to ensure adequate firefighting water supplies. The code will be developed with input from stakeholders. Clause 63(2) states:

63 (2) FENZ must develop a code of practice in consultation with:

(a) local committees; and

(b) any association of local authorities or any other appropriate authorities; and

(c) the NZ Standards Organisation

28. Water NZ has three concerns with this proposal. The first relates to how the new Code fits with the current Code of Practice; the second relates to the list of consultees and the third relates to the need to consider local water supply limitations.

New Code and the Current Code of Practice

29. The Bill does not expressly state whether the Code of Practice developed under clause 63 is to replace the current Code of Practice (New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008). It appears that that may be the intention given the requirement to consult with Standards New Zealand. Water NZ supports the replacement of the current Code as there are a number of issues with the current Code. These include:

- a. Inconsistencies with other standards, such as the Code of Land Development, such as in relation to the design of reservoirs and how much residual storage is required for firefighting purposes;
- b. How firefighting flows are to be combined with providing water for sprinkler systems;
- c. How adequacy of supplies is to be assessed;
- d. A lack of requirement to comply with the Code of Practice;

- e. Lack of clarity regarding funding; and
 - f. Inconsistencies in approach regarding charging for costs of fighting fires in rural as opposed to urban areas.
30. Water NZ considers that it would helpful if the Bill were to provide further guidance on the matters that the Code should cover as well as confirming that the new Code once approved will replace the earlier (2008) Code.

Recommendations

31. Water NZ recommends that the Bill be amended to:
- a. Provide further guidance around the matters that the Code should cover;
 - b. Confirm that the new Code will replace any earlier Codes.

List of Consultees

32. In relation to the first concern, there is no requirement for FENZ to consult with individual councils or water services CCOs or other shared services structures (where water services have been delegated to such organisations) in the development of the proposed Code of Practice. Consultation with the local government sector is limited to consultation local government representative bodies (effectively Local Government New Zealand) and any representatives' local government may have on the relevant New Zealand Standards body or committee.
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33. Most councils have specific service level agreements and service goals with their communities in relation to the supply of potable (drinking) water. These are effectively performance measures that may state – for example – what percentage of the time water can expect to be available for potable purposes, or how soon following an emergency water will be restored. Given that these service goals will be different for every council in the country it may make more sense for FENZ to consult directly with councils (or the relevant CCOs/shared services structures) where water services have been delegated to the CCOs) in the development of the Code.

Local Water Supply Limitations

34. The Bill does not expressly require that consideration be given to local conditions and community specific levels of service relative to security of supply, levels of fire risk, and levels of drinking water required. Water NZ considers that consideration of such factors is crucial to ensure that any subsequent standards imposed could be achieved. For example if the Code were to mandate a set water pressure from fire hydrants which all councils were required to comply with (e.g. 25l/s from two fire hydrants), some councils may struggle to achieve this. Accordingly, in Water NZ's view the Bill should be amended to require any local limitations to be taken into account and/or to enable apply different standards in those areas.

Recommendations:

35. To address the above issues Water NZ recommends:

- a. That the Bill be amended to clarify the new Code of Practice replaces the earlier (2008) code.
- b. That the Bill be amended to include a provision that consultation in the development of the Code of Practice is with individual territorial local authorities (and where relevant water CCOs/shared services structures), rather than with representative bodies.
- c. If the Committee decides this is not appropriate then we would suggest Water NZ be added to the list of groups to be consulted, as we are the only significant Association representing the interests of water supply in New Zealand.
- d. That the Bill be amended to require consideration of local water supply limitations the Code is being developed and enable different standards to apply in different districts where necessary to address such limitations.

Clause 64 – Water Supply Check Notifications

36. Clause 64 authorises FENZ to both carryout and require checks in relation to the adequacy of water supplies. Water NZ has two concerns with this clause.
37. The first is that there does not appear to be a requirement to notify Councils/CCOs of when such tests are being undertaken. Water NZ considers there should be if it may affect the water supply while the checks are being undertaken.
38. Secondly, because such checks are not emergency situations, Water NZ considers that it would be helpful for further clarification to be provided around traffic management matters and any approvals or corridor access requests which may be required when FENZ is going to be working in the roads.

Recommendations:

39. To address the above issues Water NZ recommends:
 - f. That the Bill be amended to require prior notification to affected councils when FENZ is carrying out or requiring checks of water supplies.
 - g. That the Bill be amended to clarify whether FENZ is required to prepare traffic management plans and obtain approvals when carrying out such testing in the roads.

Conclusion

40. Water NZ thanks the Committee for the opportunity to provide comments on the Bill.



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Chief Executive