

Hon Kieran McAnulty

Minister for Emergency Management
Minister of Local Government
Minister for Racing
Minister for Regional Development
Minister for Rural Communities
Deputy Leader of the House



REF: COR3181

15 August 2023

Gillian Blythe
Chief Executive, Water New Zealand
By email: gillian.blythe@waternz.org.nz

Dear Gillian

Thank you for your letter dated 9 June 2023, regarding the definition of Te Mana o te Wai in the water services reforms.

I passed your correspondence on to officials at the Department of Internal Affairs for their consideration and have sought further advice on these matters.

Definition of water body and water

Requirements for all persons to give effect to Te Mana o te Wai (to the extent that Te Mana o te Wai applies to a function, power or duty under legislation) are integrated in the Water Services Entities Act 2022, the Water Services Act 2021, and the Taumata Arowai – the Water Services Regulator Act 2020, in addition to the National Policy Statement on Freshwater Management. This ensures there is a consistent approach across regulation and service delivery arrangements with longstanding requirements in the resource management system.

In its consideration of the Amendment Bill, the Governance and Administration Committee received submissions regarding the lack of definition of ‘water body’ in water services legislation. The Committee agreed that a definition should be included to provide certainty across the water services system, particularly in relation to the scope and application of Te Mana o te Wai statements and community priority statements.

They also noted the importance of ensuring that definitions are aligned to the extent possible across the water services and resource management systems as obligations related to Te Mana o te Wai cross over multiple regulatory systems.

As you noted in your letter, the Resource Management Act provides a definition for “water” that does not include “water in any form while in any pipe, tank or cistern”. Some submitters expressed to the Committee that it would not be appropriate for water services legislation to determine whether water has mana depending on whether it is piped. The Committee agreed that Te Mana o te Wai should apply to all types of water.

Therefore, the revised Bill as reported back to the House includes new clause 4B to include definitions of “water” and “water body” in section 6 of the Water Services Entities Act, and to amend the definition of “Te Mana o te Wai” to refer to these definitions so that it applies to all types of water as recommended by the Committee. You can find the revised version of the Amendment Bill here:

https://legislation.govt.nz/bill/government/2023/0262/latest/whole.html?search=ts_act%40bill%40regulation%40deemedreg_Water+Services+Entities+Amendment+Bill_reselel_25_a&p=1

Thank you again for writing.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kieran McNulty', written in a cursive style.

Hon Kieran McNulty
Minister of Local Government