

The Water Services Act 2021 – Rural Communities

The Water Services Act 2021 has somewhat flown under the radar amidst the contested Three Waters Reform.

However, it is the Water Services Act that may provide the largest implications for the rural communities of New Zealand. The Act came into force on 15 November 2021 and has created extensive requirements and duties of anyone classified as a drinking water supplier under the Act.

A 'drinking water supplier' is defined under the Act as someone who supplies drinking water through a 'drinking water supply', and includes *a person who reasonably ought to know that the water they are supplying is or will be used as drinking water*, but does not include a domestic self-supplier. Therefore, the definition can catch suppliers of water such as irrigation schemes that do not intend to be suppliers of drinking water, but are caught where there are users on the scheme using the irrigation water as potable water. The fact that drinking water is an unauthorized use for the scheme is not sufficient and if the scheme is aware, or suspects that certain users are using the scheme water as drinking water, then it will be caught by the new Act. The Act means the scheme can no longer turn a blind eye.

Schemes in this situation may need to take proactive steps to ensure that the water is not taken as drinking water or seek to comply with the Act.

Duties for drinking water suppliers involve providing drinking water that meets drinking water standards, the creation of drinking water safety plans, protecting against risks of backflow and a requirement to register the supply of drinking water with a new Government regulator – Taumata Arowai. These requirements can be onerous and expensive for small water schemes.

Taumata Arowai, under the Act, has been given extensive powers to obtain information and to enter properties without warrants to perform inspections. The regulator, upon finding fault can issue compliance orders and even prosecute drinking water suppliers.

For small rural communities and irrigation schemes that provide drinking water, the requirements and consequences for failure to comply can seem a daunting prospect.

The Act allows for some reprieve for these small drinking water suppliers by permitting Taumata Arowai to issue drinking water suppliers with the ability to forego the onerous duties and requirements if they adopt an acceptable drinking water solution or verification method as specified in the Act.

For example, an acceptable solution could consist of "point of entry" devices such as UV and filter devices that treat drinking water where it enters a user point such as a house. Devices such as these are a cost-effective way for small rural suppliers to provide safe drinking water.

Drinking Water Suppliers not previously registered under the Health Act 1956 have until November 2025 to register with Taumata Arowai, and until November 2027 to meet the compliance requirements of the Act.

Want to know more?

If you have any questions about the Water Services Act in relation to your business, please contact [David Goodman](#) and [Peter Sangster](#).