



# Health (Drinking Water) Amendment Act 2019

Public Act 2019 No 41  
Date of assent 31 July 2019  
Commencement see section 2

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**The Parliament of New Zealand enacts as follows:**

**1 Title**

This Act is the Health (Drinking Water) Amendment Act 2019.

**2 Commencement**

This Act comes into force on the day after the date on which it receives the Royal assent.

**3 Principal Act**

This Act amends the Health Act 1956 (the **principal Act**).

**Part 1**

**Amendments to Part 2A of principal Act**

**4 Section 69C amended (Application of sections 69S to 69ZC generally)**

In section 69C(2) to (7), delete “or operator of a designated port or airport”.

**5 Section 69H replaced (All practicable steps)**

Replace section 69H with:

**69H All practicable steps**

- (1) In this Part, **all practicable steps**, in relation to the achievement of any particular result by a person, means all steps to achieve that result that it is reasonably practicable to take in the circumstances, taking into account and weighing up all relevant matters, including—
  - (a) the nature and severity of the harm that may be suffered if the result is not achieved; and
  - (b) the current state of knowledge about the likelihood that harm of that nature and severity will be suffered if the result is not achieved; and
  - (c) the current state of knowledge about harm of that nature; and
  - (d) the current state of knowledge about the means available to achieve the result, and about the likely efficacy of each; and
  - (e) their availability; and
  - (f) their affordability, in light of the person’s financial position.
- (2) To avoid doubt, a person required by this Part to take all practicable steps is required to take those steps only in respect of circumstances that the person knows or ought reasonably to know about.
- (3) A person who wishes to rely on subsection (1)(f) as a reason for not taking any step or steps to achieve a result—
  - (a) must keep a full and complete record of that person’s financial position and those of any associated person (as defined in section YA 1 of the Income Tax Act 2007); and
  - (b) must, as soon as practicable and in any event not more than 28 days after being so requested by a drinking-water assessor or designated officer,—
    - (i) produce evidence that the step or steps are not affordable, including a copy of the records referred to in paragraph (a); and
    - (ii) justify to the assessor or officer why it was not practicable to take the step or steps.

**6 Section 69P amended (Minister must consult before issuing, adopting, or amending drinking-water standards)**

- (1) In section 69P(1), delete “over a period of at least 3 years”.
- (2) In section 69P(1)(a), replace “in a daily newspaper in each of the cities of Auckland, Wellington, Christchurch, and Dunedin” with “in accordance with subsection (3)”.
- (3) After section 69P(2), insert:
  - (3) The notice under subsection (1)(a) must be published—
    - (a) on an Internet site to which the public has free access; or

- (b) in 1 or more newspapers circulating in the area likely to be affected by the matter to which the notice relates.
- (4) The Minister may also publish the notice in any other way the Minister considers desirable.

#### **7 Section 69R replaced (Commencement of drinking-water standards)**

Replace section 69R with:

#### **69R Commencement of drinking-water standards**

Drinking-water standards (and any amendments to those standards) come into force on a day specified in a notice under section 69Q(1) that is at least 28 days after the date of publication of that notice in the *Gazette*.

#### **8 Section 69S amended (Duty of suppliers in relation to provision of drinking water)**

In section 69S(1), delete “take all practicable steps to”.

#### **9 Section 69U amended (Duty to take reasonable steps to contribute to protection of source of drinking water)**

Repeal section 69U(4).

#### **10 Section 69V amended (Duty to take all practicable steps to comply with drinking-water standards)**

- (1) In the heading to section 69V, delete “take all practicable steps to”.
- (2) In section 69V(1), delete “take all practicable steps to”.
- (3) In section 69V(2), after “standards”, insert “to the satisfaction of a drinking-water assessor”.

#### **11 Section 69Z amended (Duty to prepare and implement water safety plan)**

- (1) In section 69Z(8)(b), delete “risk management”.
- (2) After section 69Z(8)(b), insert:
  - (c) take all reasonable steps to—
    - (i) comply with the timetable set out in the supplier’s water safety plan in accordance with subsection (2)(a)(v) and (b)(iv); and
    - (ii) manage and control the critical points identified in the supplier’s water safety plan.

#### **12 Section 69ZF amended (Duty to take remedial action if drinking-water standards breached)**

After section 69ZF(b), insert as subsection (2):

- (2) If a drinking-water supplier implementing provisions of an approved water safety plan for the purpose of section 69V(2) becomes aware of a risk to the

drinking-water supply, the supplier must take all practicable steps to correct the problem.

**13 Section 69ZK amended (Director-General may appoint drinking-water assessors)**

- (1) In section 69ZK(1), replace “persons or agencies” with “individuals”.
- (2) In section 69ZK(2), replace “a person or agency” with “an individual”.
- (3) In section 69ZK(2), replace “the person or agency” with “the individual”.
- (4) Repeal section 69ZK(2)(b) and (3).
- (5) In section 69ZK(4), replace “person” with “individual”.

**14 Section 69ZP amended (Powers of drinking-water assessors and designated officers)**

Replace section 69ZP(1)(a) with:

- (a) exercise the powers in sections 128 and 128A for that purpose in their own right (whether or not they hold any office or authorisation referred to in section 128), as long as they comply with sections 69ZR (which restricts the exercise of their powers) and 69ZS (which requires a warrant to enter a dwellinghouse); and

**15 Section 69ZZZB amended (Director-General must publish annual report)**

Replace section 69ZZZB(1) with:

- (1) The Director-General must ensure that a report on drinking water is prepared and published, by or on behalf of the Director-General, before 1 July in each year.

## Part 2

### Further amendments to principal Act

**16 Section 69E amended (Application of sections 69S to 69ZC to water carriers)**

In section 69E(1) and (2), delete “or operator of a designated port or airport”.

**17 Section 69F amended (Bulk suppliers, networked suppliers, water carriers, and designated ports or airports may elect earlier compliance)**

- (1) In the heading to section 69F, replace “water carriers, and designated ports or airports” with “and water carriers”.
- (2) In section 69F(1) and (2), replace “water carrier, or designated port or airport” with “or water carrier” in each place.

**18 Section 69G amended (Interpretation)**

- (1) In section 69G, definition of **critical points**, repeal paragraph (b)(v) and (vi).

- (2) In section 69G, repeal the definitions of **designated port or airport** and **medical officer of health**.
- (3) In section 69G, replace the definition of **drinking-water assessor** with:  
**drinking-water assessor** means an individual appointed under section 69ZK as a drinking-water assessor
- (4) In section 69G, definition of **drinking-water supplier**, repeal paragraph (b)(iii).
- (5) In section 69G, definition of **rural agricultural drinking-water supply**, paragraph (a)(i), delete “commercial”.
- (6) In section 69G, definition of **rural agricultural drinking-water supply**, paragraph (b), replace “a drinking-water supply using” with “that part of a drinking-water supply that uses”.

**19 Section 69J amended (Drinking-water register)**

- (1) In section 69J(1)(a), delete “operators of designated ports or airports.”.
- (2) In section 69J(3)(e), delete “the operator of a designated port or airport.”.

**20 Section 69K amended (Applications for registration)**

Repeal section 69K(4)(a)(iii).

**21 Section 69O amended (Minister may issue, adopt, amend, or revoke drinking-water standards)**

In section 69O(3)(b), delete “designated port or airport.”.

**22 Section 69ZR amended (Restrictions on exercise of powers)**

In section 69ZR(1)(c), delete:

- (a) “or designated officer who is not a medical officer of health”; and
- (b) “or officer”.

**23 Section 69ZX replaced (Register of drinking-water assessors)**

Replace section 69ZX with:

**69ZX Register of drinking-water assessors**

- (1) The Director-General must maintain a register of individuals who have been appointed as drinking-water assessors.
- (2) The following particulars must be recorded in the register in respect of every individual registered as a drinking-water assessor:
  - (a) the individual’s name and any business contact details; and
  - (b) the date and term of the individual’s appointment; and
  - (c) any conditions on the individual’s appointment; and

- (d) any other particulars that may be required by or under this Part or regulations made under section 69ZZY.
- (3) The register may also include any other information relevant to an individual's appointment as a drinking-water assessor that the Director-General considers appropriate.

### Legislative history

5 July 2018	Introduction (Bill 69–1)
8 November 2018	First reading and referral to Health Committee
7 May 2019	Reported from Health Committee (Bill 69–2)
27 June 2019	Second reading
23 July 2019	Committee of the whole House
25 July 2019	Third reading
31 July 2019	Royal assent

This Act is administered by the Ministry of Health.