



Ref: s.7(2)(a) -

Civic House, 110 Trafalgar Street
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15 September 2021

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s.7(2)(a) - protect
the privacy of
natural persons

Dear s.7(2)

OFFICIAL INFORMATION REQUEST FOR THREE WATERS REFORM PROGRAMME

I refer to your official information request dated 29 July 2021, which was responded to by the Chief Executive on 26 August 2021 and to your further email in response on the same date. Your questions have been set out below along with Council's responses:

1. Who is this Mana whenua (Maori tribe) that is to co-direct this Water Services Entity? Is it one entity or multiple? What is their governance structure? Is the average person able to contact the controlling Mana whenua? Is the average person able to file a complaint and receive a hearing? Are its leaders democratically elected? If so, what specifically defines the constituents and what is the electoral process? What protections are there to limit the various, inherent conflicts of interest? Is any of this documented? If NCC is to cede control of truly vital infrastructure and resource to a Ruling Class (i.e. to avoid any doubt - an unelected group with control over the general population), due diligence demands understanding their structure and governance.

Will the Local Authorities (entity owners) have authority to restructure the governance model, including the Ruling Class representation?

What protections are there from future central government overrides, say a public referendum provision?

What does "Reflection of a holistic te ao Māori perspective" mean in terms of the practical delivery of the Three Waters?

What does "Integration of iwi/Māori rights and interests within a wider system." mean in terms of the practical delivery of the Three Waters?

What does "Improving outcomes at a local level to enable a step change improvement in delivery of water services for iwi/Māori." mean? Is there current discrimination of Maori by Local Authorities regarding water services?

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How is ceding control of a vital resource to a Ruling Class going to result in lower costs?

The Three Waters Reform programme is being led by central government. Council has the same information as the public from the Department of Affairs (DIA) regarding the reform proposals. The proposal is that the four water services entities will each be governed by an independent, competency based board. Councils and Mana Whenua will have representation on a regional representative group which will appoint an independent selection panel to appoint the board. This information is provided on Council's website which also contains links (as below) to the DIA's website which may help answer your questions about the role of iwi/Māori in the proposed new water supply system:

[https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/faqs-transforming-the-system-for-delivering-three-waters.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/faqs-transforming-the-system-for-delivering-three-waters.pdf)

<https://www.dia.govt.nz/three-waters-reform-programme-frequently-asked-questions#other-features-of-the-reform-proposals>

[https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/\\$file/cabinet-paper-three-and-minute-protecting-and-promoting-iwi-maori-rights-and-interests-30-june-2021.pdf](https://www.dia.govt.nz/diawebsite.nsf/Files/Three-waters-reform-programme/$file/cabinet-paper-three-and-minute-protecting-and-promoting-iwi-maori-rights-and-interests-30-june-2021.pdf)

Council is providing ongoing updates on our website as we receive information regarding the reform process and proposals. This is available at <https://shape.nelson.govt.nz/three-waters-reform> and includes Frequently Asked Questions, links to the Department of Internal Affairs website for more information and recordings of the Council workshops on 31 August and 9 September 2021 where councillors spent time receiving information on the proposals and asking questions.

2. What is NCC's legal opinion regarding its obligation to consult the community regarding the "...transfer [of] ownership or control of a strategic asset from the local authority..."?

Council has not requested a legal opinion regarding consultation on this matter. All councils have until 1 October 2021 to provide feedback on the Three Waters proposals and financial support package. Council will be provided with the opportunity to provide questions and feedback to central government on the current proposal. Councils have been advised that the Government will consider then next steps and revised timing for decision making, which would accommodate the time required for any community or public consultation. At this stage it is not possible to confirm any date for a decision. The information, at this stage, will be for noting rather than any decision making. Council is not being asked to opt in/out at this stage just consider the proposal and provide feedback to Government.

Council had planned to host public meetings but due to the 2m spacing restrictions at alert level 2, Council is now holding two public webinars online with the opportunity for the public to ask questions. The first one was held on 14 September and the second one will be held on Thursday 16 September 2021 at 5.30pm. The webinars will be recorded and put on Council's website as well. Please check Council's website to access the webinars and for any further information on them.

You have the right to seek an investigation and review by the Ombudsman of this response. Information about how to make a complaint is available at www.ombudsman.parliament.nz or Freephone 0800 802 602.

If you wish to discuss this decision with us, please feel free to contact Jennie McFarlane, Strategic Adviser Infrastructure (jennie.mcfarlane@ncc.govt.nz).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Alec Louverdis', with a long horizontal flourish extending to the right.

Alec Louverdis

Group Manager Infrastructure