

Hawke's Bay Drinking Water Governance Joint Committee

Terms of Reference

1. Background

- 1.1. In August 2016 a significant water contamination event occurred that affected the Hawke's Bay community of Havelock North. The Government established an Inquiry into the Havelock North water supply.
- 1.2. It became apparent during the Government Inquiry that in order to achieve a systematic approach to ensuring safe drinking water, there was a need to strengthen interagency working relationships, collaboration and information sharing pertaining to drinking water.
- 1.3. The Inquiry asked a Joint Working Group (JWG) initially comprising staff representatives of the Hawke's Bay District Health Board, Hawke's Bay Regional Council and the Hastings District Council to implement its 17 initial recommendations. As this group has evolved it has become apparent that many drinking water issues will require an ongoing forum for regional collaboration and decision making. Napier City Council have also joined the Joint Working Group.
- 1.4. Ngati Kahungunu Iwi Incorporated have called for the agencies involved in water management to view water as a taonga, the lifeblood of the land and people. They consider that drinking water should be set as the number one priority for water use in decision-making processes related to water.
- 1.5. It is within this context that the Hawke's Bay Drinking Water Governance Joint Committee has been established. The principal focus of the Committee is on drinking water, however drinking water cannot be considered in isolation from other fresh water management issues. For that reason the focus of the Committee will be twofold: 1. To provide governance oversight for planning and decision making on regional drinking water matters; and 2. To consider and make recommendations where appropriate to decision-making bodies with responsibility for broader freshwater management issues or planning or infrastructure issues that have implications for drinking water or drinking water safety.

2. Purpose

- 2.1. The parties agree that water is a taonga, the lifeblood of the land and people. They further agree that the Joint Committee established under this Terms of Reference is intended to give practical meaning and effect to this agreement.
- 2.2. The Committee is established to provide governance oversight to the existing JWG regarding the implementation of recommendations from the Inquiry Panel and then the evolution of the JWG into a more permanent officials working group.
- 2.3. In the context of this agreement including a. and b. above, the purpose of the Hawke's Bay Regional Drinking Water Security Joint Committee is to give governance oversight and direction in respect of the following matters:
 - 2.3.1. Programmes and initiatives to protect and enhance drinking water quality and safety.
 - 2.3.2. Improving and maintaining effective inter-agency working relationships relating to drinking water, including the extent and effectiveness of cooperation, collaboration and information sharing between the agencies, and mechanisms to achieve these desired outcomes.
 - 2.3.3. Provision of governance oversight of strategies and work programmes related to drinking water management, including drinking water sources and infrastructure matters.
 - 2.3.4. To recommend to the relevant bodies and decision making for changes to strategies and work programmes to protect and enhance drinking water quality and safety.

- 2.3.5. To encourage the member parties to give adequate consideration of the safety of drinking water in the carrying out of their range of functions.
- 2.3.6. To make recommendations as appropriate to relevant agencies and decision making fora on initiatives and priorities related to water, having regard to the needs of the region for adequate and secure water resources suitable for the supply of safe drinking water.

2.4. The geographic scope of the Joint Committee's jurisdiction shall be over drinking water related matters on the land and catchment areas within territorial authorities who elect to be members of the Joint Committee (the participating territorial authorities) plus such other land and catchment areas within the authority of the Hawke's Bay Regional Council that have an impact upon drinking water within the participating territorial authorities.

3. Members/Parties

3.1. If they elect to take up membership and establish the Joint Committee, each of the following shall be a Member of the Hawke's Bay Drinking Water Governance Joint Committee and a party to this document and the establishment of the Joint Committee:

- 3.1.1. Hawke's Bay District Health Board
- 3.1.2. Hawke's Bay Regional Council
- 3.1.3. Central Hawke's Bay District Council
- 3.1.4. Hastings District Council
- 3.1.5. Napier City Council
- 3.1.6. Wairoa District Council

3.2. Each member may appoint two (2) representatives.

3.3. To ensure the work of the joint Committee is not unreasonably disrupted by absences each party may appoint alternative representatives.

3.4. The Joint Committee shall appoint an Independent Chair of the Joint Committee.

3.5. Water is of particular importance to Maori, and Maori have certain statutory rights in respect of decision making relating to water under the Resource Management Act 1991 and the Local Government Act 2002. Some iwi representatives have been involved in discussions leading to the proposal for this Joint Committee but have not determined whether or not they wish to formally participate in the Joint Committee. Provision is made for iwi representation to be added to the Committee should iwi organisations with authority in respect of the geographic areas over which this Joint Committee has jurisdiction indicate that they wish to formally join the Committee.

3.5.1. Notwithstanding any decision by iwi organisations under e. above, the member organisations will take steps to consult with, and take into account the interests of, Maori as appropriate in terms of local authority decision making requirements in respect of matters before the Joint Committee.

4. Name

4.1. The Hawke's Bay Drinking Water Governance Joint Committee shall be known as the **Hawke's Bay Drinking Water Governance Joint Committee (HBDWGJC)**.

5. Status

5.1. By agreement of the local authority members, the Hawke's Bay Drinking Water Governance Joint Committee is to be established as a Joint Committee under clause 30 and clause 30A of Schedule 7 of the Local Government Act 2002.

6. Delegated Authority

6.1. The Hawke's Bay Water Governance Joint Committee shall have authority to undertake such steps as are necessary to give effect to the purpose of the Hawke's Bay Water Governance Joint Committee including but not limited to;

6.1.1. Establishing and amending as it sees fit the Terms of Reference for the JWG.

6.1.2. Receiving reports from and giving direction to the officials Joint Working Group that leads interagency cooperation and work programmes on drinking water quality and safety and/or from the Chief Executives of the member agencies.

6.1.3. Commissioning reports and studies

6.1.4. Making recommendations to members related to the security and safety of drinking water.

6.1.5. Making recommendations to members relating to strategies and work programmes.

6.1.6. Making recommendations to appropriate parties on matters within the purpose of the Joint Committee.

7. Administering authority and Servicing

7.1. The members of the Hawke's Bay Drinking Water Governance Joint Committee shall work with the JWG established to lead interagency cooperation and work programmes on drinking water quality and safety.

7.2. The Administering Authority of the Joint Committee shall be the Hawke's Bay Regional Council.

8. Remuneration/Costs

8.1. Each member of the Hawke's Bay Drinking Water Governance Joint Committee shall be responsible for the cost of its participation in the Joint Committee.

8.2. The Joint Committee shall agree on the apportionment of the costs of the independent chair on the recommendation of the JWG.

8.3. The JWG shall agree the apportionment of any costs arising from the work of the Joint Committee.

9. Meetings

9.1. The Standing Orders of the Hawke's Bay Regional Council will be used to conduct Joint Committee meetings.

9.2. The Joint Committee shall meet not less than 6 monthly or at such other times and places as agreed for the achievement of the purpose of the joint committee.

10. Quorum

10.1. The quorum at any meeting shall be not less than eight (8).

11. Voting

11.1. The members shall strive at all times to reach a consensus.

11.2. Each member representative and the independent Chairperson shall be entitled to one vote at any meeting.

11.3. There shall be no casting vote.

12. Chairperson and Deputy Chairperson

12.1. Member representatives shall appoint by agreement an independent chairperson who shall be entitled to a vote.

12.2. The Joint Committee shall also appoint by simple majority vote, from among the representatives, a Deputy Chairperson.

13. **Variations**

13.1. Any Member may propose an amendment (including additions or deletions) to the Terms of Reference which may be agreed to by the Joint Committee and the member organisations.

13.2. Amendments to the Terms of Reference shall have no effect until each member organisation agrees to the amendment.

14. **Good Faith**

14.1. The parties to this Terms of Reference agree to act in good faith towards each other and to give effect to the purpose of the Joint Committee.

Dated:

Signed on behalf of: