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## **Council Kaunihera OPEN MINUTES**

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**Minutes of a meeting of the Council held in Council Chamber and Audio Visual Link, Municipal Building, Garden Place, Hamilton on Wednesday 20 July 2022 at 9.30am.**

### **PRESENT**

**Chairperson** Mayor P Southgate

*Heamana*

**Deputy Chairperson** Deputy Mayor G Taylor

*Heamana Tuarua*

#### **Members**

Cr M Bunting  
Cr M Gallagher (via Audio Visual Link)  
Cr R Hamilton  
Cr D Macpherson (via Audio Visual Link)  
Cr K Naidoo-Rauf  
Cr M Donovan  
Cr A O'Leary (via Audio Visual Link)  
Cr R Pascoe  
Cr S Thomson  
Cr M van Oosten (via Audio Visual Link)  
Cr E Wilson (via Audio Visual Link)

#### **In Attendance**

Sean Murray – General Manager Venues, Tourism and Major Events  
Chris Allen – General Manager Development  
Eeva-Liisa Wright – General Manager Infrastructure Operations  
Andrew Parsons – Executive Director Strategic Infrastructure  
Stephen Halliwell - Water Reform Financial Advisor  
Julie Clausen – Unit Manager, Strategy and Planning  
Tegan Andrews – Research Lead  
Michelle Hawthorne – Governance and Assurance Manager  
Maire Porter – Waters Manager  
Nigel Ward – Community and Relationship Manager

#### **Governance Team**

Amy Viggers – Governance Lead  
Narelle Waite and Tyler Gaukrodger – Governance Advisors  
Arnold Andrews – Governance Officer

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*The meeting was opened with karakia from Tame Pokaia.*

### **1. Apologies - Tono aroha**

**Resolved:** (Mayor Southgate/Cr Naidoo-Rauf)

That the apologies for early departure from Crs Naidoo-Rauf, Bunting and Donovan are accepted.

**2. Confirmation of Agenda - *Whakatau raarangi take***

**Resolved:** (Mayor Southgate/Cr Thomson)

That the agenda is confirmed noting that the late attachments (listed below) for item 5 (Three Waters Reform - Water Services Entities Bill - Submission) is accepted. The attachment was circulated to Elected Members to enable the most up to date information to be included.

- a) Attachment 1 – The Water Services Entities Bill Submission to the Finance and Expenditure Committee and Appendix A, the Detailed Technical Submission;
- b) Attachment 2 – Analysis of Submissions from the Three Waters Reform public consultation process;
- c) Attachment 3 – Copy of the general survey undertaken as part of the consultation;
- d) Attachment 6 – Copy of the representative survey submissions received as part of the public consultation process; and
- e) Attachment 7 – Analysis of representative survey submissions from the Three Waters Reform public consultation process.

**3. Declarations of Interest - *Tauaakii whaipanga***

No members of the Council declared a Conflict of Interest.

**4. Public Forum - *AAtea koorero***

Written submissions were circulated to members prior to the meeting and are attached to these minutes as **Appendix 1**.

**5. Three Waters Reform – Water Services Entities Bill – Submission**

The Executive Director Strategic Infrastructure outlined the report in particular; the purpose of the current bill which was to address the governance and organisational structure of the entities, that the subsequent bills were expected to address finance and process arrangements, and that the draft Council submission was in opposition of the bill. Staff responded to questions from Members concerning the deadlines for Council's submission, the public consultation undertaken by Council including the submissions received, membership of the Select Committee, the draft Council submission, the ability to include comments received through social media posts with the final submission to the Select Committee, alternative waters ownership models including the Tasmanian model, opportunities to engage with Select Committee members, the establishment period if all related bills were to be passed by Central Government, and clarifications of the Community's views received via Council consultation being included as part of the final submission to the Select Committee.

**Resolved:** (Cr Hamilton/Mayor Southgate)

That the Council:

- a) receives the submissions and analysis of submissions from the public consultation on Government's Three Waters Reform legislation (Analysis **Attachments 2 and 7**, Submissions **Attachments 3 and 6**)
- b) approves the Water Services Entities Bill Submission to the Finance and Expenditure Committee and Appendix A, the Detailed Technical Submission (**Attachment 1**), subject to inclusion of the changes agreed within the meeting
- c) notes the following information will be attached to the Water Services Entities Bill Submission:
  - i. Representative Survey Results from Hamilton's Three Waters Reform public consultation process (**Attachment 2**)
  - ii. General Survey Results from Hamilton's Three Waters Reform public consultation process (**Attachment 7**);

- iii. Representative Survey submissions received as part of the public consultation **(Attachment 3)**;
  - iv. General Survey submissions received as part of the public consultation **(Attachment 6)**;
  - v. Council's "Three Waters Reform Formal Feedback to Government" September 2021 **(Attachment 4)**;
  - vi. Council's previous submission to the "Working Group on Representation, Governance and Accountability of new Water Services Entities" **(Attachment 5)**;
  - vii. Comments (verbatim) received through Council Social Media platforms during the consultation period;
- a) notes the Chief Executive will sign and submit the resolution on Council's behalf prior to the 22 July 2022 closing date; and
  - b) notes Mayor and Chair of Infrastructure Operations will speak to the submission at the Finance and Expenditure Select Committee on the Water Services Entities Bill.

**The meeting was adjourned from 10.39am to 11.05am during discussion of the above matter.**

**The meeting was declared closed at 12.01pm.**

## Appendix 1

### Feedback message

I'm opposing to the 3 waters bill, and want the Hamilton City Council to oppose it as well.

I know I'm probably writing this in the wrong place/form, but not sure where to find the correct slot to do that, but anyways, this is what I think and compelled to write.

1. HCC do not have my consent or permission, to sell my assets as a ratepayer. They are ours and you have no right to sell them unless we all agree.
2. You have not engaged with all ratepayers and not consulted over the proposed confiscation of ratepayer funded infrastructure and services. Again, you do not have my consent to sell our assets as a ratepayer.
3. The modelling and assumptions cannot be relied on.
4. The estimates of lower prices cannot be trusted.
5. The debt that will be generated will create a huge burden for future generations
6. The co-governance arrangements are discriminatory and anti-democratic.
7. This is a total money grab for elitist tribes and will make me a second-class citizen again.
8. I'm a New Zealand born citizen and this proposal absolutely saddens and disgusts me.
9. We are not separate peoples. We are one peoples!!!
10. HCC should resign from the LGNZ now!!! Then we no longer have to put up with their rubbish ideas and we get to look after the ratepayers of Hamilton how we want, and not how the Government wants us to. We know our City and I'm sure we also know how to look after it.

This Bill is NOT in the best interests of New Zealand, and I ask the HCC to recommend to the Government that the Bill be withdrawn.

Thank you for the opportunity to oppose the Water Services Entities Bill.

Yours sincerely,  
Wilhelmina N Staheli

**Subject:** Three Waters I have paid rates for over 40yrs and part of those payments were to provide for the 3 waters services....and the council have done a good job doing so. These are the citizens assets and should remain so. Another level of snouts in the trough will be created and with it the ratepayer will suffer. Eventually the many committees formed will work their way around to needing the very people who know their business and are currently doing the job on behalf of the ratepayers through the Council. The many snouts will realise that they have little to contribute to any improvements but they will clap their hands as they are on the payroll. I recall when Waikato Regional Council went on their own and much was made of reducing our rates bill ...100 dollars off HCC rates but a \$350 bill from WRC. which is now at \$650. This will happen again it's unavoidable....the many snouts will need to be fed. If this slippery government think 3 waters is such a issue....make interest free loans

K Shearer

Mayor and Councillors,

I attach my submission on Three Waters. Following Mrs. Southgate's suggestion I will formally send this submission to Wellington. I may make a few minor changes but I will see how matters develop. If you have any suggestions please contact me.

In regard to Hamilton City I have read many recent press reports on your Council's debate.

My figures show Three Waters assets in Hamilton of about \$1.5 billion. Against this are borrowings of about \$370 million. Without deducting any compensation – if any – the net figure is a loss of about \$1.1 billion. I am incredulous to read that the City believes that it will be better off if everything goes ahead. Take this comment to its logical conclusion, the more assets you give away the better off the city is ! This sort of conversation only supports Government's rip-off.

In the commercial world if any CEO was looking at a billion dollar loss he/she would immediately be revising their career path.

This reduces the city's net assets by about one third and in addition the city is looking at this amount being a charge in Profit & Loss Account. Do not forget that over the years the ratepayers have paid for the capital expenditure and loan repayments through their rates. Even depreciation on the revaluation reserve has been charged to the P & L which ratepayers fund.

The main feature of my submission is that talk of Councils having ownership of Three Waters entities is a complete myth.

I believe that Government should at least pay the City a sum sufficient to pay off all the three waters debts.

Best regards,

John Aubrey

**Subject:** Re: Three Waters Reform consultation enters final week

Hi HCC,

I'm not bothered about doing some consultation/submission process. I'm busy enough running my business and servicing the inhabitants of the Waikato. I do however thank you for putting the effort in to consult with us civvys. So many many decisions made of late (that effect everyone) at both local and state level have not be made with any consultation whatsoever, and we are just expected to conform, with well reasoned feedback being seemingly ignored.

The Three Waters Paper is seemingly an information bomb too long winded and convoluted (likely intentionally) for the average civvy to be bothered reading, let alone submitting feedback on.

It is my vote that **WE DO NOT** loose our cities water asset account and that **WE DO NOT** entertain the idea of a co-governance model.

We are all New Zealanders and we all have (more or less) equal opportunity.

Our strength comes from unity and understanding of one another, not segregation and putting people into boxes.

Small business **MUST SURVIVE** else we are all screwed.

Sincerely

Daniel Walker

Small Business Operator/Owner, Hamilton East

**Taking the above information into consideration, do you think that the proposed reforms will make it more likely or less likely that, in future:**

	much more likely	slightly more likely	won't make a difference	slightly less likely	much less likely	don't know
Water services for Hamilton residents will be more affordable than they would be without the reforms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water services for New Zealand residents will be more affordable than they would be without the reforms	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water services provided to Hamilton residents will be efficient and to a high standard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Water services provided to New Zealand residents will be efficient and to a high standard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Water services across New Zealand will be delivered more fairly and equitably	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. At the bottom of the page, there is a decorative blue wavy pattern that resembles a stylized wave or a cloud. The pattern is light blue and has a soft, blended appearance. The overall design is clean and minimalist, suitable for writing or drawing.



Government says communities, through their councils, are the owners of the assets via a shareholding based on population. Mana whenua have no ownership or shareholding in the structure.

### Protections against privatisation

Government says the legislation provides safeguards against future privatisation.

Shares in the entities are held by councils on behalf of their communities. This share-holding model will help protect against privatisation, as all shareholders would have to unanimously agree to any privatisation proposal. Should this happen, there is provision for a public referendum with any future proposal for privatisation requiring 75 per cent of votes in favour to carry it.

### What are your views on the Government's protections against privatisation?

There would have to be a referendum

**Taking the Governance information above into consideration, do you think the proposed reforms will make it more likely or less likely that:**

	much more likely	slightly more likely	won't make a difference	slightly less likely	much less likely	don't know
Any views or concerns I might have about the water services my household receives will be better heard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Any views or concerns I have about water services in Hamilton will be better heard	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

**Do you think that the proposed make-up and roles of each of the following levels is appropriate or should be changed?**

	appropriate	should be changed	no opinion.	don't know
Proposed entity board structure	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Proposed Regional Representation Group structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sub-regional representative groups structure	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**If you said that the make-up/roles of any of the levels should be changed, please write in how or why you think they should be changed below:**

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There is uncertainty on the detailed financial impact on Council. Government data indicates transfer of debt following reform may give Council \$256 million more borrowing capacity at the time of transfer. Government has also said it will provide \$67 million in extra funding to Council to offset transition costs and for projects which improve Hamilton's community wellbeing.

**The current forecast figures will change depending on Council's actual financial position at 1 July 2024 and are subject to agreement with Government. Council is still working out what the full transition costs might be and is asking Government to commit to further funding if needed.**

The new entity could borrow more than individual councils. This means it could invest more and sooner. It could spread these costs over a longer period to reduce the impact on customers.

Around 30 per cent of our rates income is allocated to water services. It is too early to predict council rates for Hamiltonians after reform, but the reform would remove water services costs, reducing rates.

Under the reform, water users would pay water services costs to the new entities, instead of through their council rates. Each entity will decide the best way to recover these costs for their region. Charging could be on a capital value rating system (like Hamilton's rates now), through a standardised charge, through metering as for business customers now, through a combination of these and other mechanisms. Those decisions are yet to be made.

In coming years Council will need to consider the needs of the community and other planned Government reforms to make sure it is best set up to deliver services to its community.

**Taking the information above into consideration, do you think that the proposed reforms will make it more likely or less likely that, in future:**

	much more likely	slightly more likely	won't make a difference	slightly less likely	much less likely	don't know
Costs of improvements to Hamilton's water services will be managed better	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Costs of improvements to New Zealand's water services will be managed better	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Hamilton City Council will be able to focus more on the services other than water that it delivers to the community	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Councils throughout New Zealand will be able to focus more on the services other than water that they deliver to their communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

## Overall - what are your views?

**To what extent do you agree or disagree that the reforms will result in each of the following for Hamilton residents in the future**

	agree strongly	agree	neither agree nor disagree	disagree	disagree strongly	don't know
Better environmental outcomes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greater investment for growth and housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lower costs for communities than would be the case under the status quo	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**To what extent do you agree or disagree that the reforms will result in each of the following for New Zealand residents generally in the future**

	agree strongly	agree	neither agree nor disagree	disagree	disagree strongly	don't know
Better environmental outcomes	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Better water quality	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Greater investment for growth and housing	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reduced costs for communities	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



**Taking everything into consideration, do you** *(please select one)*

- ☐ A. Support the Government's proposal for the three waters reform
- ☐ B. Mainly support the proposal, but would want to see some changes (please specify)
- ☒ C. Not support the proposal because you believe Hamilton City Council and other councils should keep control of their water assets
- ☐ D. Not support the proposal for another reason (please specify)

Please specify

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**If you don't support the proposal (you selected C or D above)**

Government says one of the benefits of the reforms is saving on water costs. Government data shows Hamilton residents pay around \$1,000 annually for water services through their rates. Government data says these costs would more than double over the next 30 years without the reforms.

**Would you be willing to give up any savings the reform might offer in exchange for Hamilton City Council continuing to deliver water services for its residents?**

- ☐ Yes      ☐ No      ☒ Don't know

**Please feel free to add any final comments here:**


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## Hamilton City Council Three Waters Consultation – General Survey

Record: 2924

Name: Helena McKeever

Organisation: n.a

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### SECTION 1: The big picture – public health and the environment

*What are your views on the public health and environment aspects of the Government's reform?*

I live in Havelock North and the only effect of the Havelock North contamination to be was that I bought a water filter and went without water for a week 6 year ago. I don't like seeing Havelock North used as an excuse for these reforms. It is too much exaggeration and there have been more than four deaths for any other cause ( eg car crash on faulty bridge) to justify this constant scare mongering over Havelock north 6 years ago. I lived it and it was an excuse to buy a water filter and take bottled water for a week that's it. We don't want Havelock North water owned by government we want less big government and local councils supported. We don't want Wellington Water to be an expense that damages public good and public health and public business and food businesses. We want nursing mothers in Auckland able to access free water for their infants. We want free water for drinking and we want councils to retain their full assets.

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### SECTION 2: Operations – services to customers and costs

*What are your views on the services and costs aspects of the Government's reform?*

The services of water to the New Zealand community should not be privatized, commercialized or taken from them. The cost will be too much and all profits instead of going back to council will be dispersed over the country meaning there is less incentive to be cost effective and this will damage the overall infrastructure. Water has been free to us from since the 18th century to current day 2022. It is an absolute betrayal of New Zealanders to centralise, and/or privatize Water services in New Zealand

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### SECTION 3: Governance – How the entities are managed and governed

*What are your views on the governance aspects of the Government's reform?*

Maori can not be defined ethnically. Just as Jewish people with 2 % heritage can not be allowed defining national rights. Even Indigenous Taiwanese share 60% DNA with modern Maori and definition of Maori as a race is not adequate to allow this governance of 50 % Maori. All board members to be democratically elected . with no UNited nations/ local government apartheid system

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yesterday he announced he would not seek re-election to council, and will instead seek the National nomination for the parliamentary electorate of Northland.

His turning point came when he was sitting in Zoom meetings with council and iwi leaders from around the country, as a member of a working group to address concerns about the governance of the new water incorporations. "I had this moment of clarity," he tells Newsroom.

It was about the threat posed by the Three Waters changes to local control of their drinking water, wastewater and stormwater. "I looked this taniwha right in the eye, and it has a very cold heart," he says. "I was extremely frustrated and disillusioned at what was afoot, and just went 'New Zealand deserves better. And the people of Northland deserve better'."

He will make a submission to the select committee, saying that in the first instance he opposes the water reforms – but if they are to proceed, they should include a clause allowing as few as 25 percent of MPs to veto any proposal to privatise New Zealand's water infrastructure. "We need as great a privatisation protection as we can possibly have. The privatisation provisions should go back to at least 75 percent parliamentary approval for any sale."

Smith may have a more colourful turn of phrase than some, but he is not alone in his concerns about the Water Services Entities Bill, introduced to Parliament yesterday. Communities 4 Local Democracy, a makeshift coalition of Christchurch and 30 smaller district councils, says it too will oppose the Government's reforms at select committee hearings.

Manawātū District Mayor Helen Worboys, who chairs the lobby group, says the new bill will take community property with no compensation. "With the introduction of this bill we can see this set out in black and white."

That's not quite correct. Councils will continue to legally own the water assets; the question is just how meaningful that ownership is. So three councils in the group will go to the High Court at Wellington, next week, seeking declarations on the rights and interests that property ownership entails.

Timaru mayor Nigel Bowen, who is leading the court case, says: "If the Government can single-handedly redefine ownership of three waters infrastructure in this manner, then where else could it apply these concepts? Could roads or port companies be next?"

The new bill provides that the councils will retain ownership of their water assets through a "community share", but effective control will pass to the four new body corporates, each encompassing multiple councils and iwi. Council opponents express concern that this constitutes an effective expropriation of council property, they are unhappy at their limited oversight of the boards of the new entities, and they fear that future councils or governments might sell the water assets.

The council-iwi working group, on which Smith was a member, had recommended an entrenched clause to stop the water assets' privatisation. The sale or transfer of even a single pipe would require the agreement of at least 75 percent of all MPs.

The Government agreed. "Cabinet agrees that this provision would safeguard these services against privatisation for all New Zealanders into the future. The Government is seeking cross-party support to entrench these provisions to protect against privatisation of water services infrastructure – this will require a 75 percent majority by Parliament at the Committee of the whole House."



"Entity A includes Auckland, which is New Zealand's great global city. It will be the first of the opportunities to be cherry picked by an international buyer. That would be catastrophic."

– Jason Smith, Kaipara mayor

Constitutional law expert Professor Andrew Geddis, from the University of Otago, explains that in order to set in place a 75 percent Parliamentary support entrenchment provision, the Government needs 75 percent support in the first place.

He points to Parliamentary Standing Order 270, which says a proposal for entrenchment must itself be carried by the House by the majority that it would require for the amendment to be entrenched.

In April, Local Government Minister Nanaia Mahuta said she had written to all political parties to seek their support for entrenchment.

Infrastructure Minister Grant Robertson called on opposition parties to "step up" if they believed in public ownership. "We've heard certainly from the National Party that they've been throughout this process concerned about the loss of ownership in communities," he said. "Now they can step up and say 'we will agree that these assets won't be sold'."

But it's understood the National Party did not agree to support the entrenched clause, protecting against privatisation – it is ironic for Jason Smith that it is the party he has just joined that has effectively blocked the requirement for a super-majority.

Today National Party leader Christopher Luxon, in response to questions from Newsroom, says: "National's totally opposed to these reforms. We will never privatise three waters assets and that's because we want them to remain as assets owned by local councils and ratepayers. That's why we don't support the reforms, we will repeal them, and frankly the privatisation letter is just Labour playing politics."

To the question of who had blocked the recommended super-majority safeguard, a spokesperson for Mahuta will say only that "cross-party support for entrenchment of the privatisation provisions has not emerged".

"The Minister has not received written responses from other parties to her letter which sought agreement. However she will keep engaging across Parliament to secure the strongest possible protections against privatisation."

Andrew Geddis argues that either National or Labour could break that deadlock – if they were so inclined.

If National wished, it could support the 75 percent entrenchment requirement and yet still vote against the policy as a whole, as Jason Smith seems to advocate. The easiest way to do this would be through a Supplementary Order Paper requiring the 75% majority. "Then, National would be free to vote against the Bill as a whole at the third reading."

On the Government side, Labour could simply work the Greens to set in place a smaller entrenchment. Together, the parties have 62.5 percent of seats in the House, so they could put in place an entrenchment requirement saying that this proportion of MPs is needed to privatise in the future. "There's no magic around 75 percent," Geddis says.

Yet, with neither side of Parliament seemingly inclined to pursue such solutions, the Bill has now been introduced without any parliamentary entrenchment to protect against privatisation. There are other safeguards, though.



***What are your views on the Government's protections against privatisation?***

Privatization is currently not guaranteed

<https://web.archive.org/web/20220604120548/https://www.newsroom.co.nz/three-waters-entrenchment>. Council to seek 75% (not 50% to privatize) or even more if possible what can council vote for on this the higher the % required to vote in privatization the better.

Government protections against privatization are too low. 12.5 % of profits should be returned to councils. 75% of Profits should be reinvested to upgrade infrastructure. 12.5 % of profits should be returned to local kiwi. All board members to be democratically elected . with no United nations/ local government apartheid system

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**SECTION 4: Financial structure – assets, debt and borrowing**

***What are your views on the financial structures of the reform?***

The structures for finance are too far removed from real households and affected people. The centralised bureaucracy will only worsen the cost of living crisis in New Zealand. The difference to households with reform and without reform over the next 5, 10, 15, 20 years is not very large. Particularly when you consider the changing makeup of council, government and boards over this amount of time. Lots of time to get this right rather than mess up households and costs of living for everyone.

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**Overall – what are your views?**

***Overall, what are your thoughts on the Government's Three Waters Reform?***

This reform brings in water charges for consumers, opens the threat of privatization and depletes councils of income and assets. The reform is unwanted and only has financial motives behind it that do not benefit most New Zealanders. Privatization must be avoided and the race based policy is merely a beginning of other race based policies and this is a dangerous precedent to take and should be debated and refuted vigorously.

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***Additional submission sent:***

Jonathan Milne

Jonathan Milne is the managing editor for Newsroom Pro.

COMMENTS BY John Potter, Richard Hamilton, Bruce Rogan, Laurence Jenner & others

Infrastructure

New Three Waters bill fails to provide final privatisation safeguard

Government assurances that Three Waters assets would be protected from privatisation by a parliamentary super-majority have been foiled by political wrangling.

For Kaipara mayor Jason Smith, his involvement with central government in the Three Waters reforms has provided a defining political moment. This week he joined the National Party;

It does provide for local protections: for one of the four big water body corporates to divest any assets, or for its council owners to privatise it, would require the agreement of 75 percent of the council and iwi members of the regional representative body that appoints its board and signs off its strategy.

It would also require a local referendum – and that poll must achieve 75 percent support for the privatisation to proceed.

"The Bill still contains very strong safeguards that are significant obstacles to privatisation," Mahuta's spokesperson emphasises. "These protections will, in practical terms, make it very difficult for any privatisation proposal to proceed."

"Continued public ownership of water services is a bottom line for the Government. Safeguards against future privatisation are written into this legislation to maintain ongoing public ownership of the new entities."

Although the final protection of a parliamentary super-majority will not be there, the country's critical water assets should be better protected from privatisation than they are under existing law.

At present, under the Local Government Act 2002, a 75 percent majority at local referendum is required to completely shut down a small drinking water service, but just a 50 percent referendum vote to transfer its ownership.

So in requiring a 75 percent majority just to transfer ownership of water assets, Mahuta is upping the ante.

But the big change is from the perspective of small councils. Jason Smith points to so-called Entity A – the new water incorporation taking in all of the Far North, Whangārei, Kaipara and Auckland. He worries that with Auckland council and iwi holding a majority on the incorporation's regional representative body, they could run roughshod over his small district and privatise.

To be fair, it should be noted that the bill introduced this week does require all the shareholders to agree to any privatisation – so if the Entity A assets were to be divested, Kaipara would also have to sign off.

An example of the scale and value of the infrastructure is the new Central Interceptor wastewater pipe – the biggest tunnel ever bored in New Zealand, which will allow an additional 360,000 houses to be built in Auckland. Workers are beginning digging beneath Auckland's Manukau Harbour as they extend the tunnel from Māngere to Grey Lynn.

"Entity A includes Auckland, which is New Zealand's great global city. It will be the first of the opportunities to be cherry picked by an international buyer because entity A will be the largest," he says.

"That would be catastrophic for the water entities to be owned by offshore interests, especially for the vulnerable people in Northland and anywhere in New Zealand. This is not who we are, is New Zealanders."

Help us create a sustainable future for independent local

## Hamilton City Council Three Waters Consultation – General Survey

Record: [2826](#)

Name: [Jackie Broughan](#)

Organisation: -

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### SECTION 1: The big picture – public health and the environment

*What are your views on the public health and environment aspects of the Government's reform?*

The existing provisions for public health are adequate and the Water Services Bill adds very little.

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### SECTION 2: Operations – services to customers and costs

*What are your views on the services and costs aspects of the Government's reform?*

[See my submission attached to my email](#)

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### SECTION 3: Governance – How the entities are managed and governed

*What are your views on the governance aspects of the Government's reform?*

They are disastrous [See my submission attached to my email](#).

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*What are your views on the Government's protections against privatisation?*

The only initiator for privatization is the Entity - so they have all the ownership rights and can do what they want. They, including 50% iwi Maori, are the real owners. It seems wrong the HCC for example can no longer sell off land or facilities it no longer needs.

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### SECTION 4: Financial structure – assets, debt and borrowing

*What are your views on the financial structures of the reform?*

[See my submission attached my email](#). [See also the Castalia Report](#).

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Overall – what are your views?



***Overall, what are your thoughts on the Government's Three Waters Reform?***

See my submission attached to my email. I strongly believe that the Hamilton City Council in its submission to the Select Committee should ask for the bill to be withdrawn.

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***Additional submission sent:***

Jackie Broughan's Submission on the Three Waters Bill. ID: 2826

Firstly and frankly, I oppose Government taking over HCC 3-Water assets and the Four-Entity model.

Ownership: It seems clear that the HCC will not own the 3 waters assets. Shares do not carry rights and without rights you cannot have ownership. Along with the loss of the assets, the HCC will lose a large part of its links with the citizens and its abilities to work to meet the city's needs.

Human organisations do not hand over their communities to avoid the community's problems. Communities and individuals usually achieve change by looking at the needs and problems through local eyes and taking careful and well-planned steps to achieve suitable change. Radical and 'foreign' change rarely works – which citizen would manage his or her needs in this way? I believe that setting up of special groups like a Metro Advisory Group if put in place by Central Government would lead to so many differing set-ups, that Central Government would be more able to forcibly seize and completely control assets. On the other hand, an informal group (e.g. a Metro Advisory Group) could be formed by, e.g. similarly-sized communities that might be one very useful tool for the HCC

I think that technical representation on the Regional Representational Groups in the Big Water Entities is insufficient – Hamilton cannot be sure that it will obtain 1 of the 6 or 8 slots. (I think that the group who represent only the people with some Maori genes are vastly over-represented on the RRGs and I think that the HCC should protect the people without any Maori genes from the planned under-representation i.e. the HCC should serve all its citizens. The same applies to the mooted RRG sub-groups. Without protection, the citizens will be captive and the HCC powerless because if Co-Governance model proposed, further HCC responsibilities are liable to be stripped away.

I recognize that the HCC will be concerned by the big hurdles ahead of them. It will need to be careful and take suitable precautions. There are no free lunches and citizens will have to foot necessary bills with adjustment of priorities must take occur where necessary. (Even if unpopular)

I agree that the HCC must retain planning control over the new entities. Without that, I see that disastrous decisions will be made by Central Government/Entities because of their lack of local knowledge, or because of the usual small-large lack of competence that accompanies every new human project, and because they will likely have pre-conceptions of how an entity region should be shaped.

I do not believe that that water service costs can be reduced by losing the assets and their control. I quote the Castalia Report which states that the 3 Waters 'scenario is based on faulty assumptions and flawed analysis. Required investment for WDC and for New Zealand as a whole is overstated. I don't think that such precise changes claimed for the take-over can be

adequately assessed/calculated at this point. I think that the government will borrow to the hilt for the first few years and that when the time comes to repay these loans – in a yet unknown year, general taxpayers including those of Hamilton will face a big interest bill. Furthermore, I don't think Hamilton could expect to get more than the first instalment of the \$58 million that has been mentioned

As implied above, I do not believe that centralization - or rather four big 'entities' with an unproven success likelihood (and with the Minister having wide and possibly dictatorial powers), will provide economies of scale or adequate handling of local problems. Hamilton's growth and therefore its water systems and its needs will keep growing. And then there's all the new projects/repairs/extensions. And then here's the new 200 extra jobs promised, with regular wage increases, etc etc etc

Most importantly I think that city or town councils are an essential part of communities. Not all councillors or council staffs are perfect, but neither is the Public. To remove from the Public however, their lack of input into decision making is unthinkable. We need you.

**Hamilton City Council Three Waters Consultation – General Survey**

**Record:** 2371

**Name:** Garry Mohn

**Organisation:**

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**SECTION 1: The big picture – public health and the environment**

*What are your views on the public health and environment aspects of the Government's reform?*

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**SECTION 2: Operations – services to customers and costs**

*What are your views on the services and costs aspects of the Government's reform?*

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**SECTION 3: Governance – How the entities are managed and governed**

*What are your views on the governance aspects of the Government's reform?*

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*What are your views on the Government's protections against privatisation?*

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**SECTION 4: Financial structure – assets, debt and borrowing**

*What are your views on the financial structures of the reform?*

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**Overall – what are your views?**

*Overall, what are your thoughts on the Government's Three Waters Reform?*

To the HCC Three Waters Submission from xxxx xxxx : We all need to challenge (and stop) Nanaia Mahuta and this Labour government, with regards to the Three Waters Project that is being forced upon all New Zealanders. Somewhere, we as a nation need to rescue the democratic processes that we have enjoyed to date and not have it eroded as is happening at the present time. We all need to look further than the supposed water quality and infrastructure issues which are being used for another mandate ... and this is Maori ownership of water. The assets and water are owned by all New Zealanders and the Councils are the guardians on behalf of all. I'm against Labour's model of four water entities for several reasons: • Centralising local water assets into bureaucratic mega entities will take power away



from communities. • Ratepayers will no longer control the assets they have paid for decades to own. • Decisions will no longer be made by elected councillors who are directly accountable to their communities, but by unelected appointees and officials (No influence what's so ever). • The touted scale benefits are unrealistic. • Ratepayers will be put at risk of cross-subsidising neighbouring communities. Rate payers, those renting, will be hit with very high water bills. I was amused when I heard MP Mahutu clearly state "lower rates and council will retain ownership of the assets" ... These claims are a gross miss management of the truth and I repeat ... Rate payers, those renting, will be hit with very high water bills. • What is the effect of ownership of private assets? • What is the end game ... who will ultimately own the rights to all water? • Councils have little to no assets to borrow against. Labour's plans conflict with several core beliefs of limited government (creating large bureaucratic organisations), property rights (ratepayers will no longer own the assets they spent decades paying for), and loyalty to democratic principles (local people should decide, not the Beehive). For these reasons, government needs to leave the 3 waters in council control. While there is some investment needed to improve our water infrastructure, The four entity model is not the solution as those who can least afford it (and general rate payers), will be hit hard. While the Government has estimated a \$185 billion cost over the next 30 years, the Hastings/Havelock North water infrastructure was upgraded and brought up to standard with an \$80 million investment. A one-size-fits-all fix is inherently unfair because the problems and scale of investment needed are not uniform across the country – some councils manage their water services extremely well and have excellent infrastructure. In my view, Labour's model is fundamentally broken and unworkable, and I don't believe adequate consideration has been given to alternatives. Having a new water regulator (Taumata Arowai is mentioned) may help, as we've never had a body to both set and, importantly, enforce drinking water standards which would play a pivotal role. When councils fall short of the standards that a regulator (Taumata Arowai) set, there are a range of options and actions available including: • Some councils may choose to collaborate with other neighbouring councils to pool their water management resources and capabilities, and others (as they already do today) may contract high performing councils with good water management practice to manage their assets for them. • Various councils are proactively wishing to form Council Controlled Organisations (CCOs) with like-minded neighbouring councils, so they maintain local control of the assets and can also get some efficiencies too. • Co-funding partnerships between central government and local councils to fix specific water infrastructure challenges. This could be through ideas like "city deals" as seen in Australia and the UK; creating a National Infrastructure Bank I am gravely concerned that the Three Waters Reforms would erode local accountability and be a continuation of the same centralisation and control agenda we have seen in other areas, like polytechnics and DHBs (Auckland and Tauranga mega councils have not been a runaway success). Surely protecting community decision-making is a priority for all parties and communities. We need to keep the 'local' in local government, and we need the Government to dump their Three Waters plans. 3Waters is an obvious "play" to give Maori (activists particularly), but notionally, all Maori control of our water resources and assets. What is ownership now? If Government can forcibly seize our/council 3water assets, what's to stop them seizing other privately owned assets? Summary: • Democratic process has been eroded/removed. • Ownership has been removed, assets stripped. • Gives councils little influence. • Councils need to be able to promote the best outcomes for the community but councils will have no confidence its concerns will be heard. • The proposal says councils still technically own the water assets but without the ability to influence, without the ability to hold the board to account, they have no teeth," "What good is owning an asset if you have no say over how it is managed?"

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***Additional submission sent:***

To the HCC

We all need to challenge (and stop) Nanaia Mahuta and this Labour government, with regards to the Three Waters Project that is being forced upon all New Zealanders.

Somewhere, we as a nation need to rescue the democratic processes that we have enjoyed to date and not have it eroded as is happening at the present time.

We all need to look further than the supposed water quality and infrastructure issues which are being used for another mandate ... and this is Maori ownership of water.

The assets and water are owned by all New Zealanders and the Councils are the guardians on behalf of all.

I'm against Labour's model of four water entities for several reasons:

- Centralising local water assets into bureaucratic mega entities will take power away from communities.
- Ratepayers will no longer control the assets they have paid for decades to own.
- Decisions will no longer be made by elected councillors who are directly accountable to their communities, but by unelected appointees and officials (No influence what's so ever).
- The touted scale benefits are unrealistic.
- Ratepayers will be put at risk of cross-subsidising neighbouring communities.

Rate payers, those renting, will be hit with very high water bills.

I was amused when I heard MP Mahutu clearly state "lower rates and council will retain ownership of the assets" ... These claims are a gross miss management of the truth and I repeat ... Rate payers, those renting, will be hit with very high water bills.

- What is the effect of ownership of private assets?
- What is the end game ... who will ultimately own the rights to all water?
- Councils have little to no assets to borrow against.

Labour's plans conflict with several core beliefs of limited government (creating large bureaucratic organisations), property rights (ratepayers will no longer own the assets they spent decades paying for), and loyalty to democratic principles (local people should decide, not the Beehive).

For these reasons, government needs to leave the 3 waters in council control.

While there is some investment needed to improve our water infrastructure, The four entity model is not the solution as those who can least afford it (and general rate payers), will be hit hard.

While the Government has estimated a \$185 billion cost over the next 30 years, the Hastings/Havelock North water infrastructure was upgraded and brought up to standard with an



\$80 million investment. A one-size-fits-all fix is inherently unfair because the problems and scale of investment needed are not uniform across the country – some councils manage their water services extremely well and have excellent infrastructure.

In my view, Labour's model is fundamentally broken and unworkable, and I don't believe adequate consideration has been given to alternatives.

Having a new water regulator (Taumata Arowai is mentioned) may help, as we've never had a body to both set and, importantly, enforce drinking water standards which would play a pivotal role.

When councils fall short of the standards that a regulator (Taumata Arowai) set, there are a range of options and actions available including:

- Some councils may choose to collaborate with other neighbouring councils to pool their water management resources and capabilities, and others (as they already do today) may contract high performing councils with good water management practice to manage their assets for them.
- Various councils are proactively wishing to form Council Controlled Organisations (CCOs) with like-minded neighbouring councils, so they maintain local control of the assets and can also get some efficiencies too.
- Co-funding partnerships between central government and local councils to fix specific water infrastructure challenges. This could be through ideas like "city deals" as seen in Australia and the UK; creating a National Infrastructure Bank

I am gravely concerned that the Three Waters Reforms would erode local accountability and be a continuation of the same centralisation and control agenda we have seen in other areas, like polytechnics and DHBs (Auckland and Tauranga mega councils have not been a runaway success).

Surely protecting community decision-making is a priority for all parties and communities. We need to keep the 'local' in local government, and we need the Government to dump their Three Waters plans.

3Waters is an obvious "play" to give Maori (activists particularly), but notionally, all Maori control of our water resources and assets.

What is ownership now? If Government can forcibly seize our/council 3water assets, what's to stop them seizing other privately owned assets?

Summary:

- Democratic process has been eroded/removed.
- Ownership has been removed, assets stripped.
- Gives councils little influence.
- Councils need to be able to promote the best outcomes for the community but councils will have no confidence its concerns will be heard.
- The proposal says councils still technically own the water assets but without the ability to influence, without the ability to hold the board to account, they have no teeth,"

"What good is owning an asset if you have no say over how it is managed?"

## Hamilton City Council Three Waters Consultation – General Survey

Record: 2237

Name: Kevin Broughan (Prof)

Organisation:

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### SECTION 1: The big picture – public health and the environment

*What are your views on the public health and environment aspects of the Government's reform?*

The bill allows for the Mana Whenua as groups or individuals to make so-called Te Mana a Te Wai statements and claims to the Entities which must be answered. This gives rights to the Mana Whenua which are not held by other citizens of New Zealand and so is discrimination. This is in breach of the Bill of Human Rights Act of NZ. and so the bill is inconsistent with that Act. Crown Law, in its statutory advice to Parliament on the bill was in error when it stated the bill is apparently consistent with the Bill of Human Rights Act. Since Parliament has been misled in this important manner, the HCC in its submission must recommend to the Select Committee that the bill be withdrawn, since other serious flaws mention elsewhere in this submission are also present. Such flaws will be well know to the Minister of Local Government, who is an experienced politician. She should be called to account also.

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### SECTION 2: Operations – services to customers and costs

*What are your views on the services and costs aspects of the Government's reform?*

The government claims there will be a great savings in costs because of the oft repeated statement by the Minister there will be economies of scale. However the minister also said there would be 8,000 or so additional positions created, that is over and above the total water services positions we have currently in NZ. Not only that, even though it might be possible to pipe drinking water between towns, doing the same for wastewater will be not only very expensive, but also highly inefficient. The same applies to storm water. Thus there will be a much smaller set of opportunities for building fewer treatment plants. Then there are the costs of transferring and melding together the different LA's systems. Yes, there is a need for some amalgamations, but to merge 22 together, given the complexity of a city like Hamilton's 3 Waters infrastructure and assets, the setting up of this new system will involve NZ in an astronomical amount of unnecessary extra expense. This finance would be better spent on real needs. The real costs of the proposed system will be hidden, because borrowed money at a high level will be used through the early years of its establishment. This money will have to be paid back, and the bill clearly states consumers and users will need to cover all costs. The offers by government to the LA, including HCC, to enable funding of the entities using a higher loan threshold, is regarded as attractive. But that is an illusion, since the current LA threshold is an imposition which could be adjusted by central government through legislation and by enabling the LAs to offer, for example, infrastructure bonds, as do many states in the US. And lastly in



this box, we the people will have no say as the costs are adjusted upwards, and no ability to influence decision of the Entities re the scope of services. I will say it again because its of fundamental importance - we are losing constitutional democratic rights here, and the HCC as the local government arm of government must protect these rights, and be much more vocal in its opposition.

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### **SECTION 3: Governance – How the entities are managed and governed**

#### ***What are your views on the governance aspects of the Government's reform?***

In summary: the governance structure changes the constitution of NZ from being a democratic nation state to an ethno state. It endangers our membership of the UN which requires democracy. The UN declaration on the rights of indigenous peoples requires in Article 46 that democracy of a state should not be impacted. There are no declaration obligations. The Crown and the non-Crown treaty parties are not treaty partners. These are not matters of opinion but of law, and the HCC should read carefully the notes I have made and attached to an email, explaining how the gross and dangerous misunderstandings of these concepts have come about. On average the Entities for their RRGs have more than 4 times the representation per capita as the LA representatives. A city such as Hamilton will have at most 1 representative on the RGG of Region B. That person will have to consider the needs of all the the LA so is not a true representative. Thus, effectively, HCC will have no democratic access to the RGG. Currently we elect or not elect counselors every 3 years, and part of our decision as citizens relates to their performance for as you say 40% of the provision of services. Under the proposals we lose this right. We expect HCC to protect this right, and to see this attempted protection in the HCC submission to the select committee and in a podcast of the xxxx presentation to that committee.

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#### ***What are your views on the Government's protections against privatisation?***

Its the RGG that could initiate privatisation proceedings, and there is I recall the need for all LA's to agree and 75% of the public in a referendum. That seems wise, but does it stop part of the assets being sold off? Does it stop the non-Crown treaty parties charging a royalty for drinking water and irrigation water or even water used to generate hydro power? Its interesting, but this question reveals the governments cynicism in the wording of the bill. All through there is the phrase local authority owners, except for one section where the minister has nodded off maybe and not see the legal drafters mistake in referring to the Entities as the owners. And so they are, since the have all of the rights of owners, with a restricted right to sell (all, part?) of the assets. The LAs are not the owners, since they have NO ownership rights. Finally HCC holds and manages these water assets in trust for we the people. They have been confiscated by the Crown, which creates a very large grievance. See my notes on ownership attached to the email sent to haveyoursay@hcc.govt.nz.

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### **SECTION 4: Financial structure – assets, debt and borrowing**

#### ***What are your views on the financial structures of the reform?***

Why is it that central government (the Minister) first stated joining the proposed system would be optional and then made it compulsory? Why is it that the debt which LAs have with respect to water services is still at issue, namely whether or not it will be transferred to the Entity? Is central government acting in good faith here? I have made some comments on the financial structure in a box above, but one further comment is in order. Wellington and some other LAs have very large bills to come relating to delayed maintenance of their 3 waters infrastructure. Auckland also. Charging of users throughout regions is expected to be uniform, which means LAs which have been prudent and for which citizens have paid appropriate amounts, will have to subsidize LA's who have not made sensible earlier decisions. Is this fair? In addition, the costs of implementing these reforms is deeply troubling, around \$500M I believe. It may be, as I say attractive to HCC to be free of its water burden, but as taxpayers we are not and will be paying for these cost+ reforms. Remember you represent us, not just yourselves. How much do you care about the situation of the citizens in the HCC jurisdiction?

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### **Overall – what are your views?**

#### ***Overall, what are your thoughts on the Government's Three Waters Reform?***

Overall the three waters reform, in particular the Water Services Entities bill, instigates significant constitutional change, without proper consultation with the citizens, so therefore without a mandate to do so. This is serious. The bill is undemocratic in that it gives to the non-Crown treaty parties more than 4 times on average the representation on the core RRG committee than the LAs which represent all citizens, including the non-Crown treaty parties. Both central and local government by our constitution and membership of the UN are absolutely required to be democratic, one person, one vote of equal value. This fracturing of democracy along racial lines introduces a racial divide which, scientifically, has no validity. It will introduce a dangerous divide where none exists. The mentioning of bad statistics for the non-Crown parties group is a red-herring if you read carefully He Puapua, where the goal is co-governance at the highest and lowest levels, plus self-determination of the nation state type. This is a quest for overarching political power by a minority. It is also undemocratic because it takes away the effective vote of citizens in their relationship with the water assets and services. It is also 'a taking' of rights in water assets and services without consent and intended to be a permanent. This relates to the Crimes Act 1961. More details on all of these points are in the attached documents. Because of these facts and the law, I hope that you will recommend in your Select Committee submission that the bill be withdrawn and that widespread community consultation and discussion be initiated.

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#### ***Additional submission sent:***

Dear Survey Management Team,

I have filled in the boxed for the survey, but need to give more explanation because of the importance of the issues. There are two attachments. The first is quite short, two pages. It covers important legal issues which have not been aired in the media, loss of democratic rights for citizens, and a personal anecdote from my working through the changes in the education sector reforms in 1989 to illustrate the difficulties in dealing with government. If you are too



busy or tired to read what I have written, you MUST read and think seriously about this short statement.

The second attachment goes into the direction of government controlled reform, including the notion of 'partnership' and '50/50'. How it came about, how it is not in accordance with legal precedents, and why it is bad for our country. The second part concerns 'ownership and democracy'. I have tried to make these readable. They are not compact like the short statement.

You put a lot of information in front of us on the web pages between the boxes of your survey. Lots of information from government. The main stream media has not helped us by giving a variety of opinions on the reforms, but seems to have taken on board the requirements of the Public Interest Journalism Fund of \$55M, and not reported the variety of view which are 'out there' regarding the assets and co-governance proposals. It is natural that you will have been influenced by this bias also, so please read what I have written as an antidote. I have tried to make it objective, evidence based.

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Some legal, democracy and financial issues regarding the Water Services Entities bill

Legislation must be internally consistent and written according to existing law. The oath of office of all MPs requires this. However, the water services entities bill includes a taking of rights from existing local authority owners who administer the services on behalf of the citizens under their jurisdiction. This taking then is also from the citizens. The taking is in breach of section 219 of the NZ Crimes Act 1961. There is no formal consent process for the taking either from the local authorities or the citizens.

As well as the local authorities losing all ownership rights, the citizens lose all of their democratic rights. This is in breach of the NZ constitution which requires us to be a democratic nation state. This is in breach of article 46 part 3 of the UN Declaration of the Rights of Indigenous Peoples, which requires, in asserting indigenous rights, the rights must be interpreted in accordance with the principles of democracy. Because of these serious issues and underlying flaws, the bill must be withdrawn.

Unbridled power? One often hears that 'parliament is sovereign', so it can do what it wishes no matter what. All that is required to pass a bill effectively into law is a simple majority vote in the House of Representatives. In the words of Geoffrey and Mathew Palmer, they have "Unbridled power". However this is not completely so. MP's must act in accordance with their oath of allegiance, and not do anything which contradicts existing law or write a law which is self-contradictory. This would be "Ultra Vires".

Such errors might be deliberate, due to an oversight or be of minor consequence. However, if a significant error is pointed out, either by Crown Law, or by the Select Committee through a written and/or spoken submission from a citizen, or otherwise, then the error would need to be fixed, or the bill withdrawn if the error was fundamental to the bill's structure.

The law is paramount: The weighty requirement that MPs act 'according to law' is required by the oath of allegiance sworn by each new MP at the start of their first parliamentary session:

"I, [name], swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth

the Second, Her heirs and successors, according to law. So help me God."

The bill initiates a taking: Currently the local authorities are the actual owners of the water services assets. Should the bill become law then all of their ownership rights will have been removed. Once all rights have been removed, they no longer can be validly called 'owners'. To call them 'local authority owners', as the bill so frequently does (except for the odd place where the Entities are called the 'owners' revealing the real intent of the Minister and Government), is *ultra vires*.

Since they could no longer be called owners, the true nature of the actions which would be initiated by the bill are immediate, using the phrase of the Crimes Act 1961 section 219, it is 'a taking'.

Intent is present: the Minister on behalf of the Crown has the mental purpose to take the water services, and to deprive the LAs, and the citizens of NZ permanently of their rights regarding the services.

Consent is not present: the Minister has not sought consent. If it is the Hamilton City Council that will be giving or not giving consent to the proposals it is invalid, because the formal seeking of consent is not part of the bill. In addition, there has been no consultation with the citizens other than during the short time before the select committee hearings, and other than with the major beneficiaries, the non-Crown treaty parties. The Select Committee hearings are not suitable for the government to obtain consent or otherwise.

Even so, the transfer of assets and services to the proposed Entities is very large, the loss of democratic rights very significant, and the consequences of the proposed actions very complex. Since what is proposed alters the NZ constitution in a major way, and could effect our standing with the UN, a major public debate accompanied by a Royal Commission, or referendum should be required.

The deprivation is intended to be permanent: By encoding the proposed changes in legislation and establishing the Entities, the Minister and Government intend the proposed structures to be permanent. Thus they intend a permanent loss of ownership rights and a permanent loss of democratic rights. That a future government might repeal the bill should it become law is not at all relevant to this deprivation and its permanency.

Individual Loss of interest in water services properties: My wife and I have paid rates to the Hamilton City Council for over 50 years. This rate has included a component for water services, which includes a part for the needed capital investment and part for the use of the services. In addition, when each of our several homes were built, a development fee was paid for the cost of reticulating water services in the related subdivision. This contribution was part of the cost of the land we bought, so we contributed that way as well. Thus, we have 'an interest' in the water services that we use which is being 'taken', it is being taken without our consent, and there is no part of the bill which would indicate that any rights in the water services, either ownership or democratic, will be returned. Thus, we are being permanently deprived of our interest in the water service properties.

In short, the bill for Water Services Entities has three ingredients: it is a taking, there is no consent, and the taking is permanent. Therefore, the bill is not according to law, so must be withdrawn. In addition, the proposed structures represent a loss of democratic rights for individual citizens of New Zealand. This loss is serious and significant and endangers our status



According to Justice Bisson in 1987, "it is in accordance with principles of the Treaty that the Crown should provide laws and make related decisions for the community as a whole, having regard to the economic and other needs of the day." Bisson, G. NZLR [1987] 716.

Thanks to some loose wording by Judge Cooke in 1987, 'partnership' came to be used in a restricted informal sense

Legally, in English law and in NZ law, a partnership is a business agreement wherein the parties agree to work together to make profits. The parties have a fiduciary duty, to act in good faith towards each other. So the relationship between the parties to the Waitangi treaty created what the judges in the 1987 case said was 'akin to a partnership', i.e. it was like, but was not, a 'partnership'. Using that word was the second error.

Very rapidly 'partnership' became - in many circles, 'a 50/50 partnership'

According to Justice Richardson, "Regrettably, in some quarters, more was drawn from references in the judgements to 'partners' and 'partnership' as extending somehow to equal sharing, than was ever intended by the Judges." Richardson, I. "In good faith" 2007 p16. The third error 50/50.

Cooke spells it out:

In a later case, Lord Cooke felt the need to spell out his notion but continued to use the misleading word 'partnership', rather than the correct 'parties to the treaty' designation, when he stated "Partnership certainly does not mean that every asset or resources in which the non-Crown parties (my words) have some justifiable claim to share must be divided equally. There may be national assets or resources as regards which, even if the non-Crown parties have some fair claim, other initiatives have still made the greater contribution." Cooke, P. NZLR 1989 2 [NZLR] 142,152.

Having seen the way people were misunderstanding his words , Cooke repeated his view:

"As regard to those Crown assets to which the principles do apply, this Court has already said in the forests case, that partnership certainly does not mean that every asset or resource in which the non-Crown parties have some justifiable claim to share must be divided equally." Cooke. P. 2 NZLR 1989 513, 527.

The above are all judgements, clarifying and qualifying the 1987 case use of the word 'partnership'. The are all important presidents, but have been universally ignored. This needs to be fixed.

We need to undo Cooke's rewriting of the Treaty/Te Tiriti – it is fracturing our society:

Dame Anne Salmond speaks out against 'co-governance. "In very recent times, Sir Robin Cooke's rewriting of Te Tiriti as a binary 'partnership between races' has been interpreted as a split in kawanatanga or governance at the national level. The division of populations into 'races' however is a colonial artefact that cuts across whakapapa and is scientifically obsolete. It is not a sound basis for constitutional arrangements in the 21st century."

Can you answer the question, who is a Kiwi? Who is a Maori?

Dame Anne continues: "As human beings appear, whakapapa traces their migrations,

as a democracy. It also endangers our membership of the United Nations and is being done without a mandate. For this reason alone, the bill must be withdrawn, and that must be the main thrust of your submission.

Financial doubts: It is understandable that HCC will be focusing on the financial side of the proposals. Please beware. The 4th Labour government in 1989 promised universities a rolling triennium for funding, rather than a year by year 'adjusted for student numbers' structure. This was in exchange for removing the University Grants Committee and introducing a government controlled Tertiary Education Commission. The universities agreed then with the proposed changes, but never got the triennium, never in the last 30 years. In addition, the assets of the Grants Committee, built up from small student examination fees over many years and sufficient to run their operations, was used to pay off the redundancies of the closed Education Department, rather than given back to the students by way of scholarships for example. So please don't trust government promises, and concentrate on the loss of ownership rights and democratic rights. You hold these in trust for each of us. Again, say to government that in the opinion of HCC, the bill must be withdrawn.

Kevin Broughan (Prof) 7 July 2022

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"The truth shall set you free"

The first problem: The direction of government controlled reform

I need to set out the background because it has been misunderstood by many leaders.

The Treaty:

At the heart of The Treaty is an exchange of gifts and the creating of a compact. The parties to the Treaty were the Crown represented by Governor Hobson, and each of the separate tribes or sub-tribes who signed one of the versions. We call these the "non-Crown parties". The gift given by the non-Crown parties was the ceding to the Crown of the right to govern all of New Zealand. In exchange, the non-Crown parties were granted the Crown's/Governor's protection of their chieftainships, lands, forests, fisheries, treasures, and all of the rights of British subjects. The settlers either already in NZ or expected to come, were already mainly British subjects. In this way the NZ became one people, in the form of at first a British colony and quite a lot later, an independent nation in the form of a sovereign democracy. There was no notion of partnership in the treaty. There are no immediately explicable principles underlying the treaty, which has the form of a domestic contract or compact. (NZ has signed almost 2000 treaties. It should not be called a treaty since it was not between sovereign states.)

Rights of the Crown:

The Crown has the right to govern – according to Chief Justice Cooke, (a judge in 1987). He said when the Appeal Court was asked to clarify some principles, that the principles of the treaty "do not authorize unreasonable restrictions on the right of a duly elected government to follow its chosen policy. Indeed, to try and shackle the government unreasonably would itself be inconsistent with those principles." He used the word "principles" because the government had used the word in legislation without saying what it meant. The first error. Cooke, P. NZLR [1987] 665-666.

There is to be no co-governance:



settlement and alliances. It focuses on complex networks animated by exchange, rather than by static binary oppositions; and is non-racial, constituting identities and groups through relationships based on descent, kinship, affiliations, and places of origin, rather than racial polarities." My paraphrasing of the findings of a landmark 2002 Stanford University study, there is so much variation with distinct social groups, that for example two people of European descent may be more genetically similar to an Asian person than they are to each other!

Clearly, you can't say who is in which group with any validity. The Government asks citizens to self-identify which group they are in, non-Crown parties or something else which cannot be named because it is not a party to the treaty. This is a nonsense, because under current approaches to legislation, one group has more rights than the other, so it is invalid and discriminatory. It cuts across human rights legislation in which all are equal. They translate to a real contradiction, especially when the Crown entered into prior, meaningful and effective consultations with the non-Crown parties, but does not include the rest of the citizens of NZ in similar consultations. Full consultations would have clearly revealed the contradictions which make the bill 'ultra vires'.

The problem with co-governance:

In conclusion, co-governance is invalid and unwise. The Crown cannot give away part of its right and duty to govern. There is no true partnership created by the treaty between the Crown and a subgroup of subjects. Co-governance represents a racial division which is both detrimental to our progress as a nation and invalid scientifically. Yet the racial divide is there practically on every page of the bill. This is not helpful for the future of the non-Crown parties and of New Zealand as a whole. It will deepen the divide between the peoples of our nation.

The second problem: ownership and democracy

New Zealand is a constitutional monarchy.

Sir Kenneth Keith in the Introduction to the Cabinet Manual, 2017 sets out the main components of the "Constitution of New Zealand", and states in the second paragraph, that one of the main features of our constitution is "that it is a democracy."

What does it mean to be a democracy?

In order for NZ to continue to be a member state of the United Nations, it must remain a democracy. Democratic rights, including the right to vote in elections where there is one person with one vote for every voter of sufficient age, and where every vote is of equal value. This right applies to both parliamentary elections and local authority elections. The loss or reduction of this right is a serious issue for our democracy, and should only occur after widespread consultation, discussion, and resolution. This has not occurred in the case of the Water Services Entities bill. The United Nations Charter starts with the phrase "We the peoples ..." reflecting that all political power in a democracy derives from the people.

Is He Puapua the path forward?

Looking at the present situation, the Three Waters plans, (including the bill for Water Services Entities), as part of the plan for constitutional change which is in the report He Puapua, represents significant change to the inherent democracy of our institutions. This has not been recognized either by the drafters of He Puapua in their advice to Cabinet regarding the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), or by Crown Law in their advice to Cabinet which states that the Water Services Entities bill is "apparently consistent with

the Bill of Rights act." This report (made in June 2022) has been described in non-government legal circles as "Extraordinary and disgraceful casuistry".

He Puapua does not mention democracy!

There are 103 references to 'constitution' or 'constitutional' in He Puapua, but, in the document body, 'democracy' in the body of the document. One has a sense that this fundamental right is somewhat 'in the way', as is the United Nations Declaration on Human Rights, which also does not get a single mention.

But UNDRIP requires adherence to democracy

In Article 46 part 2 of the United Nations Declaration on Indigenous Rights we read "In the exercise of the rights enunciated in the present Declaration, human rights, and fundamental freedoms of all shall be respected. The exercise of the rights set forth in this Declaration shall be subject to only such limitations as are determined by law and in accordance with international human rights obligations. Any such limitations shall be non-discriminatory and strictly necessary solely for the purpose of securing due recognition and respect for the rights and freedoms of others and for meeting the just and most compelling requirements of a democratic society."

And In part 3 we read "The provisions set forth in this Declaration shall be interpreted in accordance with the principles of justice, democracy, respect for human rights, equality, non-discrimination, good governance and good faith." Both parts 2 and 3, require states to be democratic and nothing to be done which would damage the unity of a state, whatever other rights are aspired to in the earlier part of the Declaration.

BUT The Water Services Entities Bill removes democratic rights

In all local authority jurisdictions, citizens vote every three years for members of the council of the area where they reside. They also through a rating system or otherwise pay for the three water services which they receive. These services are owned and maintained by the local authority on behalf of the residents. It is the residents democratic right to interact directly with the authority when there are issues, and to vote for or against individual councilors depending on their perceived performance. The water services are a very large part of the business of council, and thus an important part of the evaluation of performance of councilors. By taking these resources and giving them to a body which will have, at most one (in the case of where we live, Hamilton City) representative, who will need to consider the needs of 21 other local authorities, and whose ability to influence events is highly restricted by the need for the representative body to make decisions by consensus or a 75% majority vote, the democratic influence of all citizens of Region B is completely removed.

As of writing there has been very little consultation with the citizens of Hamilton, and the scheduled two-week period is much less than even adequate, given the complexity of the proposed changes and the difficulties of foreseeing their consequences. This should be compared with the non-Crown treaty parties who have had two rounds of consultation covering three waters reform and related matters, even though they would be gaining rights broader in scope than the local authorities.

And it is undemocratic in its administrative and effective ownership structures - for example the bill "Water Services Entities" would give the non-Crown parties more than 4 times on average the representation per capita as the Local Authorities, who in fact represent all of the people of NZ.



The bill plays fast and loose with the notion of ownership, by for example referring to the local authorities as owners but stripping away ownership rights, and here and there referring to the water services entities as owners. Whatever the fine distinctions applying here about \$150 billion dollars of peoples' assets are being taken despite having no mandate from the public. One poll put the opposition to Three Waters at 75%.

What is ownership?

So, the local authorities are to be called "owners" of the stripped assets. Ownership in English and NZ law is identified with "rights". These rights are for the "owners" specifying what they can do with a particular object or property and specifying what non-owners cannot do with that object or property. When all rights have been extinguished, then no ownership remains. It is debatable whether appointing a person to a Regional Representation Group is an ownership right, given that non-Crown treaty parties can appoint at more than 4 times on average the number of representatives per head of population as the local authorities. So, assuming that it is not then the local authorities cannot be called "owners". Assuming that it is so then the non-Crown parties group must also be called "owners". In either case the act of confiscation and transfer inherent in the bill is plain to see.

Now please go back and read "Cooke spells it out" again

To see that this confiscation and transfer is quite wrong, consider again the above finding of Chief Justice Cooke. 'Partnership certainly does not mean that every asset or resources in which Maori have some justifiable claim to share must be divided equally. There may be national assets or resources, as regards which, even if Maori have some fair claim, other initiatives have still made the greater contribution.' Then ask yourself, have the non-Crown parties made a comparable contribution to the development and maintenance of three waters assets compared with the local authorities or not?

Please read the quotes from Dame Anne Salmond again

Then decide whether or not the present Government is acting fairly, legally and in the best interests of all New Zealanders, and whether the Present Government is in grave danger of making the racial divide much worse.

As a local authority, the Hamilton City Council holds the water assets in trust for the ratepayers and rental users who have paid for them. Central Government knows there are other models than the one proposed. These proposals would give a greater share of taxpayer income to local authorities, so they could borrow to a higher level and build the infrastructure that is needed. They also might include facilities for local authorities to offer for example infrastructure bonds to fund major works. Central Government is spending many millions of taxpayer revenue to induce local authorities to cooperate with this process. It has no hesitation in allowing the entities to have high borrowing limits, even though the Entities are untried and the paying back of large loans would need to be accounted for.

Legal action against these reforms is underway.

The Timaru, Waimakariri and Whangarei District Councils have made an application to the High Court seeking a declaration on the rights and interests that property ownership entails. They have supported their citizens by employing a distinguished QC for this task. They are seeking legal clarity, because they take the view that under the three waters proposals, the government is expropriating council owned property without conceding that it is 'a taking', and without fair compensation being paid to communities for their property. In addition they are taking the

action because they believe the government's actions are incompatible with long standing and fundamental laws around property ownership and democratic accountability. The case has been heard and the outcome is reserved.

The Water Users Group have made an application to the High Court claiming that Cabinet was falsely advised by Crown Law that iwi/Maori have rights in water which they do not in fact have. As part of this they are seeking a reexamination of the 1987 "partnership" case, (but often called the "lands case") well covered above. They have employed two distinguished QC's for this task. A claim has been made, but a substantive hearing date not set.

It is a constitutional convention that an act should not be passed into law until all legal challenges have been discharged. Both of these challenges are important to clarify the law. It is not too late for the Hamilton City Council to support these efforts in some material way and either join with other local authorities or on its own slow the process so that the public can understand what is at stake sufficiently well to either give informed consent or support alternative models for reform if its needed. Our local authority might also consider seeking an injunction to ensure the cases are able to be completed and citizens have sufficient time and opportunity to consider the issues. A select committee process is far from adequate consultation, when such important and far-reaching constitutional issues are at stake.

Whatever decision you come to for your report, I plea with you to ensure there is no further attempt at a reduction in the democratic rights of individuals who are not in the non-Crown parties group, through the installation of co-governance at any level, or otherwise.

Forget the idea of opportunity - just to protect those democratic rights will be an achievement. If you are constrained, through financial inducements or otherwise, to agree to constitutional change, please ensure that it is put to the people as either a referendum, Royal Commission, or as an election manifesto promise, rather than being pushed through parliament as a Government bill. Please remember, all power in a democracy derives from the people, but at times like this it is hard to see, since substantial democratic rights are being removed without consent or even proper consultation. You will only meet everyone's needs fairly if you succeed in maintaining peoples direct democratic rights and protect their ownership rights.

If we cease to be a democracy, and He Puapua would have it so (I doubt many of you have read it – its not easily read being in the dialect Maori-English with no glossary, parts obscured with blue background, multiple footnotes and a telegraphic style), then we would potentially need to leave the UN, with many other impacts on our reputation internationally. This surely is more important than the relief you might be looking forward to not having to worry about all of the pipes, pumps, and plants!

Kevin Broughan (Prof)

7 July 2022



## Hamilton City Council Three Waters Consultation – General Survey

Record: 658

Name: Ngawai Robinson

Organisation:

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### SECTION 1: The big picture – public health and the environment

*What are your views on the public health and environment aspects of the Government's reform?*

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### SECTION 2: Operations – services to customers and costs

*What are your views on the services and costs aspects of the Government's reform?*

xxxx Hamilton xxxx 24 June 2022 Re: Consultation on government's 3 water reform legislation. Thank you, xxxx and Hamilton City Councilors for the opportunity to present my whānau response to the 3 Water Reform debates. We are grateful for this speaking right today, mauri ora. For many uncivilized citizens, the 3 waters debate has brought to light the outright racist and misogynistic tantrums directed at our Prime Minister Jacinda Ardern, Minister Nanaia Mahuta, and members of government. The government is not at fault for everything under the sun including the current inflation problems. We'll likely be living with runaway inflation through to Matariki 2023. I trust the government will navigate us through the troubled waters we find ourselves in. Background The opponents to the 3 waters debate would have us believe that Councils rule by reason of infrastructure wealth is community-owned. Today we're seeing the kind of Harry Potter-themed powerplay by 4LD with its 27 strong council backers and 1.3 million group viewer likes. From a total population of 4,899,348 million people. That leaves us with 3 million six hundred and eighty thousand observers. The Opposition Applicants. I understand xxxx and Councilors that you are all united in your dissatisfaction with the 3 waters debate. A difference of opinion has escalated into something more than it needs to be. It has turned outright ugly. xxxx and Communities for Local Democracy xxxx acknowledges the Taumata Arowai Water Services Regulator Act 2020. The four Three Waters entities grew out of this progression. Alternative Models. "The council-owned enterprise model would see councils owning shares in a regional organisation that would own and manage the three waters services for the area. The councils would remain accountable to voters and water customers. It's our core business according to xxxx he believes they know this business best. The communities paid for it, our fathers and grandfathers paid for it, and in most places [the infrastructure] is in pretty good condition. Their alternative models would achieve better outcomes on accountability, iwi Māori partnership, incentives of management and governance, access to financing, scale and scope efficiencies and flexibility for the future than the Government's four entities model." The Asset Sale Model Let's retrace the steps from where former Prime Minister John Key set the stage scene in 2011. National party fiscal policies led to some of our most disastrous Law and Order policy outcomes in recent times. A 1.5 billion dollar 4-year police budget freeze and

1.8 billion SFO budget cut-back sent shockwaves throughout our justice law and order budgets. A crummy 3 million dollar return led to the skyrocketing crime rates you see today. Nationals' preposterous use of blaming beneficiary beat-ups cascaded into other national portfolios. The partial sale of state-owned enterprises (SOEs) and MOMs (Mixed ownership models) in a broader three-to-five-year, \$7 billion dollar asset sale programme. Including other state-owned power companies, a coal mine, and the national airline continued under the watchful eyes of Matariki. Their economic management stripping of the country's wealth goes on and on. Yes, the political irony is staggering – the system-gaming by opposition National and Act parties and now the 27 local councils all engaged in a level of “social engineering” is unprecedented. It falls in line with our colonial history. The Supreme Court Decision Common sense prevails. The Government is no longer free to implement the asset sales without consideration for Māori rights to water but rather has to abide by the “concessions” made by the Supreme Court. Minister Mahuta has delivered on the Supreme Court Decision by removing the obstacle course of eroding pipelines and the cocktail of stagnant drinking water et al, to be replaced by a powerful new challenge to set things right. My Whānau Submission Response On the matter of the Labour government 3 water legislative reforms, we support the new legislation. We acknowledge and congratulate the outstanding body of work completed by the local government Minister Nanaia Mahuta and her teams. This mahi unites us all as we reach for the stars in celebration of Matariki season. We appreciate your time today. Please pass on our views to the government in the upcoming consultation process. Kia ora ra, have a good day everyone. Nga mihi xxxx

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### **SECTION 3: Governance – How the entities are managed and governed**

*What are your views on the governance aspects of the Government's reform?*

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*What are your views on the Government's protections against privatisation?*

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### **SECTION 4: Financial structure – assets, debt and borrowing**

*What are your views on the financial structures of the reform?*

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**Overall – what are your views?**

*Overall, what are your thoughts on the Government's Three Waters Reform?*

I have submitted our full responses to the questionnaire in my letter in a previous section thank you

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***Additional submission sent:***

Thank you, Mayor Paula Southgate and Hamilton City Councilors for the opportunity to present my whānau response to the 3 Water Reform debates. We are grateful for this speaking right today, mauri ora.

For many uncivilized citizens, the 3 waters debate has brought to light the outright racist and misogynistic tantrums directed at our Prime Minister Jacinda Ardern, Minister Nanaia Mahuta, and members of government. The government is not at fault for everything under the sun including the current inflation problems. We'll likely be living with runaway inflation through to Matariki 2023. I trust the government will navigate us through the troubled waters we find ourselves in.

**Background**

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**The Opposition Applicants.**

I understand Mayor Southgate and Councilors that you are all united in your dissatisfaction with the 3 waters debate. A difference of opinion has escalated into something more than it needs to be. It has turned outright ugly.

Manawatu District Council Mayor and Communities for Local Democracy chairwoman Helen Worboys acknowledges the Taumata Arowai Water Services Regulator Act 2020. The four Three Waters entities grew out of this progression.

**Alternative Models.**

"The council-owned enterprise model would see councils owning shares in a regional organisation that would own and manage the three waters services for the area. The councils would remain accountable to voters and water customers.

It's our core business according to Mayor Ash Tanner he believes they know this business best. The communities paid for it, our fathers and grandfathers paid for it, and in most places [the infrastructure] is in pretty good condition."

Their alternative models would achieve better outcomes on accountability, iwi Māori partnership, incentives of management and governance, access to financing, scale and scope efficiencies and flexibility for the future than the Government's four entities model."

**The Asset Sale Model**



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Nationals' preposterous use of blaming beneficiary beat-ups cascaded into other national portfolios. The partial sale of state-owned enterprises (SOEs) and MOMs (Mixed ownership models) in a broader three-to-five-year, \$7 billion dollar asset sale programme. Including other state-owned power companies, a coal mine, and the national airline continued under the watchful eyes of Matariki. Their economic management stripping of the country's wealth goes on and on.

Yes, the political irony is staggering – the system-gaming by opposition National and Act parties and now the 27 local councils all engaged in a level of "social engineering" is unprecedented. It falls in line with our colonial history.

#### The Supreme Court Decision

Common sense prevails. The Government is no longer free to implement the asset sales without consideration for Māori rights to water but rather has to abide by the "concessions" made in the Supreme Court. Minister Mahuta has delivered on the Supreme Court Decision by removing the obstacle course of eroding pipelines and the cocktail of stagnant drinking water et al, to be replaced by a powerful new challenge to set things right.

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