



Water Services (Fees and Charges) Regulations 2021

Cindy Kiro, Governor-General

Order in Council

At Wellington this 15th day of November 2021

Present:

Her Excellency the Governor-General in Council

These regulations are made under section 200 of the Water Services Act 2021—

- (a) on the advice and with the consent of the Executive Council; and
- (b) on the recommendation of the Minister of Local Government.

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Regulations

1 Title

These regulations are the Water Services (Fees and Charges) Regulations 2021.

2 Commencement

These regulations come into force on 16 December 2021.

3 Interpretation

In these regulations, unless the context otherwise requires, **Act** means the Water Services Act 2021.

4 Transitional, savings, and related provisions

The transitional, savings, and related provisions (if any) set out in Schedule 1 have effect according to their terms.

Fees and charges payable

5 Fees and charges payable

- (1) The following fees and charges are payable to Taumata Arowai in respect of the applications to which they relate:
 - (a) the application fees set out in Schedule 2; and
 - (b) the assessment charges set out in Schedule 2 and determined under regulation 7; and
 - (c) the expert advice charges set out in Schedule 2 and determined under regulation 8; and
 - (d) the incidental costs charges set out in Schedule 2 and determined under regulation 9.
- (2) The fees and charges are exclusive of goods and services tax.

6 Requirement to provide estimate if charges likely to exceed \$1,000

- (1) This regulation applies if—

- (a) an application is likely to incur an assessment charge, an expert advice charge, an incidental costs charge, or any combination of those charges; and
 - (b) the total amount of those charges is likely to exceed \$1,000.
- (2) The person empowered by the Act to assess the application—
- (a) must, before the assessment of the application starts, provide the applicant with an estimate of the amount of each charge that is likely to be payable; and
 - (b) may revise the estimate,—
 - (i) for an incidental costs charge, to reflect changed circumstances or to correct errors; and
 - (ii) for any other charge, to more accurately reflect the amount that is likely to be payable.
- (3) Except as provided in regulation 9(3), an estimate is only an indication of the final charge.

How charges are determined

7 Assessment charge

- (1) This regulation applies if—
- (a) Schedule 2 specifies that an assessment charge is payable for an application; and
 - (b) time is spent on assessing the application beyond the first period of time specified for that application in the schedule.
- (2) The amount of the charge must be determined as follows for each hour (and final part-hour) that is spent by a person on assessing the application beyond that first period of time:
- (a) for each hour (excluding the final part-hour), \$130; and
 - (b) for each 15-minute block in the final part-hour, \$32.50.

8 Expert advice charge

- (1) This regulation applies if—
- (a) Schedule 2 specifies that an expert advice charge is payable for an application; and
 - (b) the chief executive decides that, in order to assess the application, they need expert advice from a person engaged (but not employed) by Taumata Arowai.
- (2) The amount of the charge must be determined as follows for each hour (and final part-hour) that is spent by the person on providing the advice:
- (a) for each hour (excluding the final part-hour), the lesser of—

- (i) the amount (excluding GST) that the person charges Taumata Arowai per hour to provide the advice; and
- (ii) \$400; and
- (b) for each 15-minute block in the final part-hour, the lesser of—
 - (i) one-quarter of the amount referred to in paragraph (a)(i); and
 - (ii) \$100.

9 Incidental costs charge

- (1) This regulation applies if—
 - (a) Schedule 2 specifies that an incidental costs charge is payable for an application; and
 - (b) in relation to Taumata Arowai's assessment of the application, costs are incurred for travel, accommodation, or reasonable associated expenses.
- (2) It does not matter whether the person incurring the costs is employed by Taumata Arowai.
- (3) The amount of the charge is the actual and reasonable amount (excluding GST) of the costs incurred, but it must not exceed the higher of—
 - (a) \$1,000; and
 - (b) the total amount finally estimated for this charge under regulation 6 plus 10%.

When fees and charges are payable

10 When application fees are payable

An application fee set out in Schedule 2 is payable—

- (a) when the Act requires the fee to be paid; or
- (b) if the Act does not specify when the fee must be paid, when the relevant application is made.

11 When charges are payable

- (1) This regulation applies if—
 - (a) a person makes an application for which an assessment charge, an expert advice charge, an incidental costs charge, or any combination of those charges is payable; and
 - (b) the total amount of the charges payable is more than zero.
- (2) The chief executive must issue the person with an invoice that states—
 - (a) the amount of each charge that the person is liable to pay; and
 - (b) the due date for payment of the charges (which may be before the person is notified of Taumata Arowai's decision on their application).

- (3) The charges are payable on or before the due date.

Refunds, waivers, reductions

12 Chief executive may refund, waive, or reduce fees and charges

- (1) The chief executive may refund, waive, or reduce a fee or charge that is payable under these regulations if satisfied that—
- (a) the refund, waiver, or reduction is necessary to correct an administrative error; or
 - (b) it is unreasonable to recover the fee or charge.
- (2) The fee or charge may be refunded, waived, or reduced in whole or in part or in any particular case or class of case.

Schedule 1
Transitional, savings, and related provisions

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Part 1
Provisions relating to these regulations as made

There are no transitional, savings, or related provisions in these regulations as made.

Schedule 2 Fees and charges

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Application for which fee is payable	Application fee (\$)	Charges
1 Application under section 33 of the Act for registration of temporary drinking water supply for planned event	1,300	Assessment charge on hourly basis after the first 10 hours as determined under regulation 7 plus expert advice charge as determined under regulation 8 plus incidental costs charge as determined under regulation 9
2 Application under section 57 of the Act for general exemption	780	Assessment charge on hourly basis after the first 6 hours as determined under regulation 7 plus expert advice charge as determined under regulation 8 plus incidental costs charge as determined under regulation 9
3 Application under section 58 of the Act for exemption from requirement to use residual disinfection	5,200	Assessment charge on hourly basis after the first 40 hours as determined under regulation 7 plus expert advice charge as determined under regulation 8 plus incidental costs charge as determined under regulation 9

Rachel Hayward,
for Clerk of the Executive Council.

Explanatory note

This note is not part of the regulations, but is intended to indicate their general effect.

These regulations, which come into force on 16 December 2021, set fees and charges payable to Taumata Arowai for the following applications under the Water Services Act 2021 (the **Act**):

- an application under section 33 of the Act to register a temporary drinking water supply for a planned event:
- an application under section 57 of the Act to exempt a drinking water supplier or a class of drinking water suppliers from compliance with the general requirements listed in that section:
- an application under section 58 of the Act to exempt a drinking water supplier or class of drinking water suppliers from compliance with the requirement to

use residual disinfection in a water supply or part of a water supply that includes reticulation.

Regulation 5 sets out the fees and charges payable in respect of an application, which are—

- the application fee specified in *Schedule 2*; and
- the assessment charge determined under *regulation 7*; and
- the expert advice charge determined under *regulation 8*; and
- the incidental costs charge determined under *regulation 9*.

Before an application is assessed, the person assessing it must provide the applicant with an estimate of the amount of each charge that is likely to be payable, unless that total is likely not to exceed \$1,000 (*regulation 6*). The estimate for an incidental costs charge may be revised to reflect changed circumstances or to correct errors. The estimate for any other charge may be revised to more accurately reflect the amount that is likely to be payable. The amount of the incidental costs charge must not exceed by more than 10% the amount finally estimated for that charge.

Regulations 10 and 11 set out when the fees and charges are payable.

Regulation 12 authorises the chief executive of Taumata Arowai to, in certain circumstances, refund, waive, or reduce a fee or charge that is payable under these regulations.

Regulatory impact statement

The Department of Internal Affairs produced a regulatory impact statement on 22 October 2021 to help inform the decisions taken by the Government relating to the contents of this instrument.

A copy of this regulatory impact statement can be found at—

- <https://www.dia.govt.nz/Three-Waters-Consultation-on-proposed-regulations-fees-and-charges-for-drinking-water-suppliers>
- <https://treasury.govt.nz/publications/informationreleases/ris>

Issued under the authority of the Legislation Act 2019.

Date of notification in *Gazette*: 18 November 2021.

These regulations are administered by the Department of Internal Affairs.