



MIDCENTRAL DISTRICT HEALTH BOARD

Te Pae Hauora o Ruahine o Tararua

30 August 2017

MidCentral District
Health Board
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David Clapperton,
Chief Executive,
Horowhenua District Council,
Private Bag 4002,
LEVIN.

BY EMAIL: davidc@horowhenua.govt.nz

Dear Mr Clapperton,

Termination of Potable Water Supply

I am writing to you in relation to Mr Phillip Taueki who currently resides at the nursery buildings at the northern end of Lake Horowhenua.

There is clearly a dispute over legal ownership of the land on which Mr Taueki resides. I am aware of other disputed facts, including that Mr Taueki has been trespassed and/or evicted from the nursery buildings. I do not have a view on those matters other than to note that my understanding is that Mr Taueki continues to reside in the nursery buildings.

However, I am concerned to ensure that Mr Taueki is able to enjoy an adequate supply of drinking water.

I understand that at Easter this year the Horowhenua District Council disconnected the water supply to the nursery building. I understand this action was taken at the request of the trustees of the Lake Horowhenua Trust.

This means that Mr Taueki has no water supply. This creates a situation where Mr Taueki is residing in unsanitary conditions.

You will be aware that under section 69S of the Health Act 1956 every networked supplier, bulk supplier, and water carrier must take all practicable steps to ensure that an adequate supply of water is supplied to each point of supply to which that supplier supplies drinking water.

While a local authority may restrict water supply it must not create unsanitary conditions (see section 193 of the Local Government Act 2002). Even where a person has committed an offence under the Local Government Act, a local authority is only entitled to restrict water supply rather than disconnecting the water supply.

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Section 130 of the Local Government Act makes it quite clear that a local authority cannot, in relation to a property to which it supplies water, restrict or stop water supply unless section 193 of the Local Government Act or section 69S of the Health Act apply. As set out above, both of those sections set out strict conditions under which water supply could be restricted rather than terminated.

On one view it seems that the Lake Horowhenua Trust has requested that the Council disconnect the water supply to the nursery in order to induce Mr Taueki to leave the property. It seems clear that under both the Health Act and the Local Government Act any direction from Lake Horowhenua Trust to disconnect the water supply to the nursery building (regardless of whether it is the property owner or not) is illegal.

If you have a different view of the issues I would be happy to discuss this further. If you agree with the views I have set out above I would be grateful if you could advise me as soon as possible as to any action the Council will take to reconnect the water supply to the nursery building.

Yours sincerely



Dr Rob Weir
Clinical Director/Medical Officer of Health,
Public Health Services
MidCentral Health

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