



9 March 2022

Statement from Dr Jason Smith following release of the Recommendations Report of the Three Waters Working Group into Representation, Governance and Accountability

Kia ora,

It was an honour to represent all the people of Northland on this Three Waters Working Group. Gaining new insights into the proposed Three Waters Reforms was helpful to me, as Kaipara District Council had and still has many questions about the proposed reforms. The other two District Councils of the North had opted-out of the reforms last year, Auckland Council is also out. I was seeking greater understanding, in the hope that I would be able to then share that with others. Being on the Working Group I got many new understandings, but regrettably they sit uncomfortably with me. I now join my fellow Mayors of northern New Zealand in not supporting these reforms.

Here are some key reflections about the Three Waters Reforms for me now:

Strengthen democratic institutions

I believed the reforms could be an opportunity for mana enhancement for councils and for iwi, that strengthening our democratic institutions is vital. I'm saddened that I believe the output of the Working Group does not seek to strengthen our democratic institutions or the work those institutions do with and for their people. I will set out my basis for this thinking below.

Accountability

Accountability is a key matter of the utmost importance in good governance and democracy.

In Kaipara District we know the importance of accountability, as our elected Council in 2012 made itself accountable for a bad situation and resigned *en masse*, to be replaced by a Commission. Local Democracy ended for a time in this place, restoration of faith and confidence in elected members was badly damaged and it's slow to come back from that.

With that sensitivity I approach the idea of accountability here with a principled view that **public systems must be accountable to everyone when they are for everyone**. This Three Waters Review has not demonstrated that will be the case.

Participation and belonging

The “belonging to everyone” part is core to what makes accountability tick. People who are able to actively engage with and participate with an idea or in a process put themselves into the story, creating a personal sense of belonging with that thing. They share the idea, hold others to account for it. People denied the opportunity to participate have less chance of belonging with an idea or process, no matter how worthy it may be.

Te Mana o Te Wai is a worthy idea but with the Working Group recommendations not everyone is able to participate equally. I feel this is both a missed opportunity and a risk. It is a missed opportunity not to have participation and engagement of all people into the same presentations locally of these ideas that clearly affect everyone. Considering the size and scale of problems to be fixed with the Three Waters tasks we need the ideas of everyone to help lift us out of the mud. There’s a risk if people aren’t allowed to participate in the input and creation of all the plans and, instead, plans and directives are imposed on them by others, then they are more likely to reject what’s imposed.

Public engagement and everyone being allowed to participate equally in the creation of plans or ideas is simply good governance. If this is done with transparency and integrity then the ideas belong to all the people. And, later on, those people can hold the leaders to account to follow through with those ideas. In these recommendations, **with not everyone / only some people participating in the creation of Te Mana O Te Wai Statements as recommended there can be no accountability in this system, as public accountability is about everyone together not only some people, as a core principle of democracy**. The recommendations in the report relating to this are not constructive for our democratic institutions.

Trojan Horse

As a Doctor of Public Policy at the end of the work on this policy with the Working Group, I’m reflecting that the **Three Waters Reforms are most likely a Trojan Horse for “ending the tyranny of the majority”**. I’d never heard of such an idea before being involved in the Working Group but I’ve heard it frequently now and it makes sense of many things that were unclear before. In August 2020 I was interviewed by TVNZ Sunday programme as the Government’s Three Waters Reforms came into view. I said at the time that I believed the Three Waters Reforms were probably a Trojan Horse for something else that wasn’t in view at the time, that we couldn’t see then. Now, here it is.

Looking at the proposed reform programme in its entirety, including its new recommendations which have potentially increased the geographic scope away from local broken pipes now to every square inch of New Zealand and 12 miles out to sea, these reforms are becoming about something much larger than infrastructure.

Based on the current direction, the Three Waters Reforms bring New Zealand to an extraordinary moment. New Zealand deserves to have a national conversation about what happens next because we have been led to a place between an immovable object and an irresistible force where we can't stay.

While this has started to become clear, I see it as bad policy and a recklessness of the Government to allow this situation to develop. "Ending the tyranny of the majority" is potentially a revolutionary development for New Zealand society, as the majority is where the safe seat of society is found and to up-end that is a very uncertain path. Ending the tyranny of the majority could well mean stopping democratic institutions from doing their best for all the people and I can't support that.

Conclusions

I participated in the Working Group in good faith. There is much that's good in this journey but at the end it's become clear to me that while there is a need for some kind of water system reform, this one fails to address the fundamental issue of funding investment in our infrastructure and seeks to adjust governance in a way that limits the ability of all people and communities to engage. In light of this I don't support the direction of the reforms and believe these Three Waters Reforms are the wrong answer to the right question.

At the end of all this journey I'm sad to say these Three Waters Reforms get a "yeah, nah" from me and on behalf of the people I represent I reject these proposed reforms.

Nga mihi



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