



New South Wales

Public Health Amendment (Quality Assurance Programs of Drinking Water Suppliers) Regulation 2018

under the

Public Health Act 2010

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Public Health Act 2010*.

TANYA DAVIES, MP
Acting Minister for Health

Explanatory note

The objects of this Regulation are the following:

- (a) to set out the matters to be included in the quality assurance programs of suppliers of drinking water (including private water suppliers and water carters),
- (b) to require private water suppliers to keep certain records in relation to their drinking water supply systems.

This Regulation is made under the *Public Health Act 2010*, including sections 25 (2) (b) and (c) and 134 (the regulation-making power).

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1 Name of Regulation

This Regulation is the *Public Health Amendment (Quality Assurance Programs for Drinking Water Suppliers) Regulation 2018*.

2 Commencement

This Regulation commences on 1 October 2018 and is required to be published on the NSW legislation website.

Schedule 1 Amendment of Public Health Regulation 2012

[1] Part 5, Divisions 1 and 2

Omit clause 34. Insert instead:

Division 1 Definitions

34 Definitions

In this Part:

private water supplier has the same meaning as in section 4 (3) of the Act.

water carter has the same meaning as in section 4 (3) of the Act.

Division 2 Quality Assurance Programs

34A Matters to be included by all suppliers of drinking water

The following matters are to be included in the quality assurance program of a supplier of drinking water:

- (a) identification of potential health risks associated with the supply of drinking water,
- (b) a process for controlling those risks in accordance with the Framework for Management of Drinking Water Quality (as set out in the *Australia Drinking Water Guidelines* published from time to time by the National Health and Medical Research Council),
- (c) documentation of the identification and the process referred to under this clause.

Note. See clauses 34B, 34C and 34D for additional matters to be included in the quality assurance programs of certain types of suppliers.

34B Matters to be included by suppliers of drinking water who are not private water suppliers or water carters

In addition to clause 34A, the following matters are to be included in a quality assurance program of a supplier of drinking water who is not a private water supplier or water carter:

- (a) documentation that sets out the following:
 - (i) a commitment by the supplier to drinking water quality management and a description of how that commitment is communicated to staff and included in planning and policy documents,
 - (ii) research and development carried out in relation to maintaining or improving the quality of the drinking water, including a list of any previous water quality studies and plans for future studies,
 - (iii) systems or procedures for record keeping,
 - (iv) systems or procedures for reviewing the monitoring of the operation, and the verifying, of the drinking water supply system and for reporting the results of those reviews to management and external parties,
 - (v) preventive measures, critical control points and communication of those measures and points to staff,
 - (vi) procedures for the validation of equipment used, and the treatment processes carried out, for the drinking water supply system,

- (b) in relation to the management of the drinking water supply system and the quality of the drinking water, the following:
 - (i) an assessment of the risks to the drinking water supply system,
 - (ii) an assessment of the maximum and residual risks to the drinking water supply system,
 - (iii) identification of hazards to the drinking water supply system,
 - (iv) measures to prevent any hazards to the drinking water supply system (*preventive measures*),
 - (v) actions to improve the drinking water supply system,
 - (vi) management, if possible, of any risks to the drinking water supply system assessed (*control points*),
 - (vii) communication to staff about control points that are critical to the drinking water supply system and drinking water quality (*critical control points*),
 - (viii) documentation of the matters referred to under this subclause,
- (c) processes and procedures in relation to the drinking water supply system for the following:
 - (i) managing critical control points and recording non-compliance with critical control points,
 - (ii) operational monitoring and correction of the drinking water supply system,
 - (iii) procurement, delivery and testing of chemicals and equipment used in relation to the drinking water supply system,
 - (iv) primary disinfection and recording of primary disinfection conditions (including recording of the concentration and contact time of the disinfectant and the temperature and pH level of the water),
 - (v) calibration, operation and maintenance of critical treatment equipment,
- (d) processes for verifying the quality of the drinking water and documentation that sets out the following:
 - (i) a comprehensive program for monitoring the drinking water supply distribution system,
 - (ii) procedures to review and respond to results from monitoring the drinking water supply distribution system,
- (e) processes for managing incidents and emergencies in relation to the quality of the drinking water and the following:
 - (i) a process to notify the Secretary of incidents in relation to the drinking water quality,
 - (ii) identification of the types of incidents and emergencies that may occur and that would require management,
 - (iii) procedures, including communication procedures, to be followed in the case of an incident or emergency,
 - (iv) procedures for the control of document versions,
 - (v) documentation of the contact details (including name, business name and telephone number) of individuals who should be contacted in the event of an incident or emergency in relation to the quality of the drinking water (*emergency contact details*),
 - (vi) documentation of where to locate emergency contact details,

- (f) in relation to employee training about the quality of the drinking water, the following:
 - (i) training for employees about, and awareness of issues relating to, the quality of the drinking water,
 - (ii) processes for managing and reviewing the training for employees and maintaining and improving awareness of employees and contractors about drinking water quality issues,
- (g) in relation to the local community, the following:
 - (i) processes for engaging and raising awareness in the local community about the quality of the drinking water and informing the community at the time of any drinking water supply system incidents,
 - (ii) consideration of local community and consumer objectives in the management of the drinking water supply system,
- (h) in relation to evaluations and audits, the following:
 - (i) long term evaluation of the drinking water quality,
 - (ii) processes for updating or improving the quality assurance program where required,
 - (iii) scheduling of internal and external reviews of the quality assurance program and processes for such reviews.

34C Matters to be included by private water suppliers

In addition to clause 34A, the following matters are to be included in a quality assurance program of a private water supplier:

- (a) documentation that sets out the following:
 - (i) contact details of the private water supplier (including name, address and telephone number),
 - (ii) a description of the drinking water supply system from source to use (including the treatment and distribution of the water),
 - (iii) a diagram not to scale of the drinking water supply system from source to use (including any pumps, storage treatment, pipelines, uses, location of wastewater systems and physical control measures and possible sources of contamination),
 - (iv) activities required to manage the drinking water supply (including inspections, maintenance and monitoring of the quality of the drinking water),
 - (v) actions to resolve problems or emergencies in relation to the quality of the drinking water,
 - (vi) contact details (including name, business name and telephone number) of individuals who should be contacted when there is a problem or emergency in relation to the quality of the drinking water,
- (b) assessment of the risks to the drinking water supply system, and the following:
 - (i) management of those risks (the *control points*),
 - (ii) monitoring of those control points (including who is responsible for the monitoring and the keeping of records in relation to the monitoring),
- (c) planning for the following activities required to manage the drinking water supply system:

- (i) inspections of the drinking water supply (including identifying the items to be inspected such as the water source, tanks and distribution system, the timing of and persons to conduct the inspections and the equipment or procedures required),
 - (ii) maintenance of the drinking water supply (including identifying the items to be maintained, the timing of and persons to conduct the maintenance and the equipment or procedures required),
 - (iii) monitoring of the quality of the drinking water (including identifying the items to be monitored, the timing and location of, and person to conduct the monitoring and the equipment or procedures required for the monitoring),
- (d) a system for recording the following:
- (i) inspections and maintenance carried out (including the date and explanation of, the response to, and the person who carried out, the inspections or maintenance),
 - (ii) results from monitoring the quality of the drinking water (including the date, location and type of monitoring and the person who conducted, and the response to, the monitoring),
 - (iii) the supply of drinking water by a water carter (including the date and volume of the supply and the name and details of the water carter),
 - (iv) equipment used for the drinking water supply system (including procedures for the operation, the maintenance, maintenance history, the manufacturer, supplier and repairer of the equipment and the manufacturer's instructions for the equipment),
 - (v) information provided to consumers (including the location of warning signs, the wording and inspection of such signs, and whether the sign is permanent or temporary),
 - (vi) problems and emergencies that have occurred in relation to the drinking water quality,
- (e) planning for the resolution of problems or emergencies in relation to the drinking water supply system and the following:
- (i) identification of the possible problems or emergencies that may occur (including a failed water quality test or complaints by customers) and possible actions that could be taken in response to any problems or emergencies,
 - (ii) identification of ways in which to communicate with consumers and arrangements for alternate drinking water supplies for when there is a problem or emergency.

34D Matters to be included by water carters

- (1) In addition to clause 34A, the following matters are to be included in the quality assurance program of a water carter:
- (a) documentation that sets out the following:
 - (i) contact details of the water carter (including name, address and telephone number),
 - (ii) contact details (including name, business name and telephone number) of individuals who should be contacted in emergencies in relation to the drinking water supply system,
 - (iii) the frequency and method of, and equipment used for, flushing, cleaning and disinfecting a tank,

- (iv) the capping and storing of, and the frequency of cleaning, the hoses and fittings in relation to the tank,
- (v) if chlorine is added to the drinking water by the water carter, the location and method of storing the chlorine and the frequency and method of, and equipment used for, testing and adjusting the concentration of the chlorine in a tank used by the water carter,
- (b) documentation that sets out the following about each carting vehicle:
 - (i) the registration number of the vehicle,
 - (ii) in relation to a tank transported by the vehicle, the type, lining materials, volume and certification (if any) evidencing conformity with applicable standards published by Standards Australia, of the tank,
 - (iii) in relation to any hoses connected to the tank, the fittings materials and certification (if any) evidencing conformity with applicable standards published by Standards Australia, of the hoses,
- (c) documentation that sets out the following about the process of filling a carting vehicle with water by the water carter (the **filling process**):
 - (i) the locations of where the carting vehicle is filled (the **filling points**),
 - (ii) the methods of access to the filling points,
 - (iii) the steps taken to protect the quality of the drinking water during the filling process.

(2) In this clause:

carting vehicle means a vehicle used by a water carter to transport water.

tank means a tank used for holding water that sits on a tanker and is transported by a carting vehicle.

34E Matters exempt from a quality assurance program

- (1) The Chief Health Officer may, by written notification, exempt any person or class of person from including, whether required or not, a matter under clauses 34A–34D in a quality assurance program.
- (2) The Chief Health Officer may grant an exemption under this clause if satisfied that the exemption is unlikely to pose a risk to public health.
- (3) The exemption may be given unconditionally or subject to conditions.
- (4) Where an exemption is given subject to conditions, the exemption does not have effect while a condition is not being complied with.
- (5) A notification of an exemption given by the Chief Health Officer under this clause to a class of persons must be published on the website of the Ministry of Health.
- (6) A water supplier may apply to the Chief Health Officer for an exemption under this clause.
- (7) The Chief Health Officer may, by further written notification, vary or revoke an exemption granted under this clause.

34F Review of quality assurance programs

The Secretary may arrange for the review of a quality assurance program of a supplier of drinking water at any time.

[2] Part 2, Division 3, heading

Insert before clause 35:

Division 3 Miscellaneous

[3] Clause 35 Records to be kept by suppliers of drinking water

Omit clause 35 (3). Insert instead:

- (3) A private water supplier must make, and keep for at least 24 months, a record of the following:
- (a) inspections and maintenance carried out (including the date and explanation of, the response to and the person who carried out the inspections or maintenance),
 - (b) results from monitoring the quality of the drinking water (including the date, location and type of monitoring and the person who conducted, and the response to, the monitoring),
 - (c) the supply of drinking water by a water carter (including the date and volume of the supply and the name and details of the water carter),
 - (d) equipment used for the drinking water supply system (including procedures for the operation, the maintenance, maintenance history, the manufacturer, supplier and repairer of the equipment and the manufacturer's instructions for the equipment),
 - (e) information provided to consumers (including the location of warning signs, the wording and inspection of such signs, and whether the sign is permanent or temporary),
 - (f) problems and emergencies that have occurred in relation to the drinking water quality.

Maximum penalty: 10 penalty units.