Introduction - drinking water and public health

Water is essential to life. It is used for drinking, cooking, bathing and washing. Water can also carry disease-causing organisms and toxic materials. It is critical that water is protected from these hazards. Corporations applying for licences under the Water Industry Competition Act 2006 need to demonstrate how they will protect the health of consumers. Licensed operators are responsible for providing consumers with water that is safe to use.

Common requirements for licensees

The Water Industry Competition (General) Regulation 2008 requires that applications for a network operator’s licence include a comprehensive statement describing how the twelve elements of the Framework for the Management of Drinking Water Quality have been addressed and will be implemented. Before commencing to operate, a licensed network operator must submit to IPART an Infrastructure Operating Plan and a Water Quality Plan (that is consistent with the Australian Drinking Water Guidelines and addresses the Framework for the Management of Drinking Water Quality).

The Framework is part of the Australian Drinking Water Guidelines 2004 (ADWG), published by the National Health and Medical Research Council and the Natural Resource Management Ministerial Council. The ADWG define the quality of water that is considered fit for human consumption. The Framework describes a preventive risk management approach for drinking water supply systems.

A Water Quality Plan must address all elements of the Framework and include:

- the undertaking of a comprehensive risk assessment of the water supply system
- the design of the system to apply multiple barriers against contamination of the water supplied to consumers
- a comprehensive water quality monitoring plan
- a plan to report monitoring results and any incident to NSW Health (and the Ministers and organisations required by the Regulation)
- a protocol for responding to incidents that threatens (or could threaten) water quality, public health or safety
- a means to investigate and manage complaints of water quality
- a plan to provide reports of water quality to consumers
- a process for monitoring and auditing implementation of the Framework

These actions will also inform the preparation of a Water Quality Plan, as required by the Regulation. While the application of a preventive risk management approach should ensure adequate water quality this will be verified by monitoring of the water supplied. The characteristics of the water must be evaluated against the ADWG guideline values.

Requirements for community water supplies

Where a licensee is operating a community water supply (e.g. reticulated supply for a town or part of a city) the licensee will be required to comply with
the requirements of NSW Health. Guidance on NSW Health’s sampling and reporting requirements, for most size systems, is contained in the NSW Health Drinking Water Monitoring Program; which includes minimum number and type of drinking water samples to be collected and reporting arrangements to NSW Health.

A licensee operating a community water supply may be directed to fluoridate under the Fluoridation of Public Water Supplies Act 1957.

**Requirements for private water supplies**

Where a licensee is operating a private water supply (that serves a business or facility, other than individual household supplies) the licensee will be required to comply with the requirements of NSW Health determined on a case by case basis. Information on management, sampling and reporting is contained in the NSW Health Private Water Supply Guidelines.

**Further information**

For any further information on the audit framework or the licensing scheme generally, please contact IPART’s Utility Licensing team either by:

- **phone**
  (02) 9290 8400 (general number)

- **email**
  compliance@ipart.nsw.gov.au

There is a link to the ADWG from IPART’s website (http://www.ipart.nsw.gov.au/water/private-sector-licensing/scheme-documents.asp). Copies of the ADWG can also be downloaded from http://www.nhmrc.gov.au/publications/synopses/eh19syn.htm or printed copies obtained from the Australian Water Association (send an email to bookshop@awa.asn.au).

NSW Health Private Water Supply Guidelines

**Legal context for this fact sheet**

IPART has prepared this Fact Sheet as a general summary of relevant parts of:

- **relevant Acts**
  Fluoridation of Public Water Supplies Act 1957.

- **the Regulation**
  Water Industry Competition (General) Regulation 2008.

The Regulation requires a licensee to ensure that the water supplied complies with any requirements under the Public Health Act 1991 in relation to the supply of safe drinking water.

The **Public Health Act 1991** defines the powers of NSW Health in relation to drinking water supplies. These include powers to require:

- the testing of drinking water
- the production of information including the results of testing
- the rectification or closure of a water supply that is a risk to public health.

This Fact Sheet should not be relied on as a substitute for legal advice, and is designed to be read in conjunction with the above source documents.