



# Memorandum of Understanding between the

Department of Health

and

Water Corporation

for

Drinking Water





## MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM is entered into on the        day of        2007.

**BETWEEN** THE WATER CORPORATION ("*the Corporation*")

**OF THE ONE PART**

**AND** THE DEPARTMENT OF HEALTH ("*the Department*")

**OF THE OTHER PART**

### CONTEXT

- A. The Corporation is a corporatised body under the Water Corporation Act 1995. The Corporation has the responsibility for providing a supply of drinking water in line with sound commercial practices and in accordance with its operating licence.
- B. The Corporation may also provide specialist advice to the Department on drinking water matters.
- C. The Department is the regulatory agency for drinking water quality in Western Australia.
- C. The Department has a role in providing advice to the Government on standards in relation to drinking water quality and associated risks to public health.
- D. The Department has certain responsibilities in relation to the protection of public health under the Health Act 1911 and other relevant legislation.

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## 1.0 Foreword

This Memorandum of Understanding (MoU) continues the strong co-operative relationship that exists between the Water Corporation (Corporation) and the Department of Health (the Department) for managing drinking water quality in Western Australia.

This MoU acknowledges that significant changes have occurred in the water industry in Western Australia since 1996. The 2006 amendment incorporates the 2004 Australian Drinking Water Guideline 'Framework', approach and is designed to integrate all facets of the drinking water quality management and assurance system.

Foremost in this MoU is the reinforcement of the Department of Health as the regulator of drinking water quality in the State. Consequently this MoU enables the Department to audit the Corporation's water quality, management and reporting systems to provide assurance of ongoing satisfactory performance.

Both the Department and the Corporation recognise that the practices and processes used to establish and maintain high levels of drinking water quality need to be open and transparent to the community. Both organisations commit to ensure that performance will be reported in a timely manner and open to public scrutiny. As this momentum develops, the requirement to educate the public on water quality issues will need to be jointly addressed by both agencies.

This MoU has been designed to respond to change, as significant water quality issues continue to emerge, both in Australia and around the world. The 2004 Guidelines for Drinking Water Quality published by the World Health Organization and the 2004 Australian Drinking Water Guidelines identify catchment management and source protection as key elements of the multi barrier approach to ensure safe drinking water. Both agencies are committed to maintain and improve these primary barriers.

Both agencies have contributed to the development of the Drinking Water Quality Framework arising from the rolling revision of the 1996 Australian Drinking Water Guidelines. Both agencies now commit to apply the 2004 Australian Drinking Water Guidelines (2004 ADWG) throughout Western Australia. This will provide a significant opportunity to reinforce the importance of protecting drinking water through the co-operation and support of many other parties in all aspects of drinking water supply from the catchment to the tap.

## 1.1 Design of the MoU

This Memorandum of Understanding is modelled, as far as possible, to reflect the twelve guiding elements of the Framework for Drinking Water Quality contained within the 2004 Australian Drinking Water Guidelines.

Element		MoU Sections
1	Commitment to drinking water quality	3.1, 3.2, 3.3, 3.4, 3.5, 4.1, 4.2, 4.3, 4.4, 4.5, 4.6, 4.7, 4.8, 14.1
2	Assessment of the drinking water supply system	6.1, 6.3
3	Preventative measures for drinking water quality management	6.1, 10.0, 12.0
4	Operational procedures and process control	7.1, 7.2, 7.3, 7.4, 7.5
5	Verification of drinking water quality	6.1, 6.4
6	Management of emergencies	9.1, 9.2, 9.3, 9.4, 9.5, 9.6, 10.1, 10.2, 10.3, 10.4
7	Employee awareness and training	9.7
8	Community involvement and awareness	11.1, 11.2, 11.3, 14.1.3
9	Research and development	8.3, 8.4, 13.1
10	Documentation and reporting	8.1, 8.2, 8.5, 8.6
11	Evaluation and audit	16.5
12	Review and continual improvement	9.8, 13.1

In addition this MoU makes reference to:

- Schedules – documents prepared by the Department for general publication and application within the water industry.
- Binding Protocols – documents developed by both the Department and Corporation for detailing processes and procedures to be followed for prescribed events. These documents may not necessarily be publicly available as they may contain operationally sensitive details; and
- Water Quality Management Processes and Procedures - documents prepared by the Corporation to facilitate the operational implementation of water quality management processes and procedures. These documents are not publicly available as they may contain operational specific details



## 2.0 Interpretation

Corporation means	Water Corporation
Department means	Department of Health
Drinking Water means	Water intended primarily for human consumption but which has other domestic uses.
Guidelines means	2004 Australian Drinking Water Guidelines published by National Health and Medical Research Council and as amended from time to time.
MoU means	Memorandum of Understanding
Operating Licence means	A licence granted for the purpose of Section 18 of the Water Services Licensing Act 1995.

### **3.0 Commitment to Drinking Water Quality**

The Corporation and Department are committed to ensure that the community of Western Australia are provided with safe drinking water now and into the future. To facilitate this both agencies will:

#### **3.1 Resource the MoU**

The Corporation and Department agree to provide adequate resources to meet the requirements of this Memorandum of Understanding.

#### **3.2 Identify Responsible Officers**

An officer will be identified within each organisation who will be responsible for monitoring, facilitating and reporting to their relevant Chief Executive Officer (CEO) on the implementation of this Memorandum of Understanding. Binding Protocol 1 – Responsible Officers identifies the Responsible Officers for the Corporation and Department.

#### **3.3 Recognise and Support the Advisory Committee for the Purity of Water**

The Advisory Committee for the Purity of Water will continue to operate under its terms of reference under the chairmanship of the Health Department. Both organisations are committed to the ongoing work of this Committee.

#### **3.4 Develop and Improve Drinking Water Quality Regulation**

The Department and Corporation will work cooperatively to develop and improve health based drinking water regulation in Western Australia.

#### **3.5 Work to Protect Drinking Water Catchment Areas**

The Department and Corporation will cooperate in areas of mutual interest to ensure adequate consideration is given to protect sources of drinking water. The Department and Corporation will promote primacy of drinking water over other non-compatible activities in drinking water catchment areas.

### **4.0 Administration of Drinking Water Quality**

The processes for adopting, amending, implementing national and international drinking water quality processes, procedures, standards and guidelines are as follows:

#### **4.1 Adoption of Drinking Water Guidelines**

Prior to implementation in Western Australia the Guidelines for drinking water quality are endorsed by the Hon. Ministers for Health and Water Resources.

#### **4.2 Current Drinking Water Quality Requirements**

The Department's current requirements for drinking water quality are contained within Schedule 1 – Drinking Water Quality Requirements.

#### **4.3 Variations to Standard Quality Specifications**

The Department specifies the quality criteria for drinking water in accordance with the Guidelines, but has the power to vary the quality criteria in specific circumstances or for identified supplies, so long as public health is not compromised.

#### **4.4 Additional Quality Specifications**

The Department may set additional quality criteria for the Corporation to comply with or make interpretations where the Guidelines are considered to lack relevant specificity. The Department shall consult with the Corporation and/or the Advisory Committee for the Purity of Water before taking such action.

#### **4.5 Exemptions**

The Department may grant exemptions for certain requirements. Exemptions may be found in Schedule 2 – Exemptions from Compliance.

#### **4.6 Schedules to the MoU**

The Department in consultation with the Corporation and other members of the water industry may develop schedules to this MoU. The Schedules are intended to provide supporting information to this MoU and for other drinking water quality requirements.

#### **4.7 Ministerial Approval to vary Standard Quality Specifications**

Variations, additions or exemptions to drinking water quality criteria as specified in sections 4.3, 4.4 and 4.5 shall be approved by the Minister for Health.

#### **4.8 Water Corporation Quality Obligation**

The Corporation shall supply drinking water that complies with the Department's requirements in sections 4.2, 4.3, 4.4, 4.5 and 4.6.

#### **4.9 Safe Water Supply**

Where the Corporation supplies drinking water that complies with the Departments requirements it shall be deemed to be safe.

### **5.0 Other Forms of Water Supply**

#### **5.1 Water Supply Classifications**

The Corporation may supply other "water supply services", defined under four different classifications:

- Standard drinking water service;
- Farmlands area water service;
- Service provided by agreement; and
- Non-potable water.

## **5.2 Water Quality Regulation**

The Department regulates standard drinking water services. However, the Department may also regulate other service types to the extent that there is a risk posed to public health. The Department's conditions for the various service types are listed in Schedule 3 – Requirements for Various Water Types.

## **6.0 Systems Analysis and Management**

The Corporation and Department shall maintain and apply an effective system to assure drinking water quality. To facilitate this, the Corporation and the Department may develop:

### **6.1 Monitoring Programs**

In consultation with the Department the Corporation shall develop, maintain and implement a drinking quality water monitoring program throughout its organisation that identifies all relevant regulatory and formal requirements.

### **6.2 Water Quality Management Processes and Procedures.**

In consultation with the Department, the Corporation may develop, maintain and review drinking water quality management processes and procedures. Processes and procedures that have been endorsed by the Department are shown in Binding Protocol 2 – List of Water Quality Management Processes and Procedures .

### **6.3 Source Protection**

The Corporation and the Department recognise their responsibility in source protection and will carry out hazard identification and risk assessment where required to ensure reliability of public water supplies. Where risks are identified within catchments, the Corporation and Department will respond to reduce the risks.

### **6.4 Monitoring Programs**

The Corporation shall develop and maintain monitoring programs in accordance with specifications approved by the Department. The Department may develop and undertake monitoring programs itself in special circumstances.

### **6.5 Water Analysis**

All samples shall be submitted to laboratories that perform analyses and tests that are registered by the National Association of Testing Authorities unless by agreement with the Department.

## **7.0 Materials and Chemicals**

### **7.1 Materials in Contact with Water**

The Corporation shall only use materials in contact with drinking water that have been approved either under Australian Standard AS 4020 or by the Department. Materials approved for contact with water are listed in Schedule 5 - Approved Materials and Schedule 6 - Materials Assessed - Not Requiring Approval (Subject to Condition). Materials that have been submitted to the Department but have not been approved are listed in Schedule 4 - Chemical and Materials Assessed - Not approved.

### **7.2 Chemicals Approved for Addition to Drinking Water.**

The Corporation shall only add chemicals to drinking water that have been approved for use by the Department. Chemicals that have been approved for addition to drinking water by the Department are listed in Schedule 7 - Chemicals Approved for Addition to Drinking Water.

### **7.3 Chemicals Used to Maintain Water Treatment and Distribution Systems.**

The Corporation shall only use chemicals to maintain drinking water treatment and distribution systems that have been approved by the Department. The Department may specify operational procedures to be followed to ensure that drinking water contamination does not occur. Approved chemicals and operational procedures are listed in Schedule 8 - Chemicals and Procedures used to maintain water treatment and distribution systems.

### **7.4 Chemicals and Materials Used in Drinking Water Catchment Areas.**

The Corporation shall ensure that chemicals applied to and used within catchment areas for purposes other than direct improvement of water quality have been approved by the Department. The Department may specify operational procedures to be followed to ensure that drinking water contamination does not occur. Approved chemicals and procedures are listed in Schedule 9 Chemicals and Materials Used in Catchment Areas.

### **7.5 Seeking Approval**

The Corporation may seek advice from the Department with respect to the suitability of materials, chemicals and procedures described in sections 7.1, 7.2, 7.3 and 7.4.

## **8.0 Data Exchange**

### **8.1 Corporation Data**

The Corporation will undertake to make available statistically valid results to the Department of its water-sampling program in a format and with a frequency agreed to by the Department. The Corporation will also provide the Department with access to the full results of its water sampling if and when required.

## **8.2 Department Data**

The Department will provide the Corporation with reports and studies it undertakes which are relevant to those activities of the Corporation which impact on public health.

## **8.3 Special Investigations**

The Corporation will provide access to reports and studies undertaken by the Corporation as part of its business which are relevant to public health.

## **8.4 Information Exchange**

Each party will provide a program of their respective public health related research and development activities associated with the provision of water services. Either party can place confidentiality constraints on the information and data that it provides.

## **8.5 Confidentiality**

Information provided by either party shall not be published without the approval of the information source.

## **8.6 Reporting Formats**

The Department and Corporation will work cooperatively to establish reporting formats.

## **9.0 Events of Public Health Significance**

### **9.1 Framework**

From time to time it may be necessary for the Corporation to notify the Department of events that may have a potential to affect public health. The joint response action will depend upon the nature of the event and the potential risk to public health.

There are three levels of response to events that affect the safety of drinking water:

- Activation of the Joint Agency Coordination Plan (JACP)
  - high level public health impact, immediate public notification required.
- Events Level 1
  - medium level public health impact with potential to require public notification and activation of the JACP
- Events Level 2
  - low level public health impact requiring exception notification.

### **9.2 Notifiable Events**

Notifiable events and the corresponding response protocols are described in Binding Protocol 3 - Joint Agency Co-ordination Plan and Binding Protocol 4 - Water Provider Exception Protocol.

### **9.3 Corporation to Report**

The Corporation shall report to the Executive Director Public Health any event within its own water supply systems, schemes or assets operated under contract which may have significant implications for public health in accordance with Binding Protocol 4 - Water Provider Exception Protocol.

### **9.4 Department to Respond**

The Department will provide a 24 hour point of contact for the reporting of any such events, in order that the Executive Director Public Health can determine whether any action should be taken in accordance with Binding Protocol 4 - Water Provider Exception Protocol.

### **9.5 Declaration of Unsafe Drinking water**

Where necessary, the Executive Director Public Health shall declare water to be unfit for human consumption and specify methods of treatment or alternative sources of supply. The Executive Director Public Health shall also rescind such declarations promptly when no longer necessary.

### **9.6 Maintenance of Incident Response Plans**

The Corporation and Department agree to jointly maintain and review incident response plans for the Corporation's drinking water supply systems.

### **9.7 Incident Response Plan Training and Exercises**

The Corporation and Department agree to jointly undertake staff training for incident response plans and conduct joint exercises.

### **9.8 Monthly Coordination Meeting**

The Water Corporation and Department agree to meet on a monthly basis to review and analyse joint management systems.

## **10.0 Public Health Necessity**

### **10.1 Background**

There are times when the failure of the Corporation's assets could pose a threat to public health, e.g. the loss of water supply etc. Under normal conditions the Corporation will take action to rectify such occurrences. However, situations such as industrial action may arise to prevent the Corporation from meeting these obligations.

### **10.2 Determination**

In the event of a public health necessity the Corporation may request the Executive Director Public Health to determine whether the event constitutes a risk to public health.

### **10.3 Declaration**

The Executive Director Public Health may declare an event to constitute a risk to public health and require immediate preventative or remedial action to be taken.

### **10.4 Communication**

The communication protocols outlined in Binding Protocol 4 - Water Provider Exception Protocol Events Level 1 shall be used.

## **11.0 Public Education and Information**

### **11.1 Public Education**

The Department and Corporation shall jointly develop public education programs relating to drinking water quality as required.

### **11.2 Corporation Annual Quality Report**

The Corporation shall prepare a report for the Department each year that lists drinking water quality testing conducted and their results in an agreed format.

### **11.3 Department Annual Quality Report**

The Department shall prepare a summary annual drinking water quality report incorporating data from all water providers.

## **12.0 Implementing the 2004 Australian Drinking Water Guidelines**

### **12.1 Background**

The 2004 Australian Drinking Water Guidelines (2004 ADWG) continues the rolling revision process described in the Guidelines. The 2004 ADWG incorporates an integrated quality assurance framework that is designed to manage drinking water quality from catchment to tap. This approach is significantly different to the existing management structure and will require the adoption of a multi agency continual improvement system.

### **12.2 Implementation of Framework**

The Department and Corporation will work cooperatively with other stakeholders to implement the 2004 ADWG within Western Australia during the period of this MoU.

## **13.0 Emerging Issues**

### **13.1 Monitoring and Response**

The Department and Corporation will monitor and discuss emerging issues currently not addressed by the Guidelines or this Memorandum of Understanding that may be of public health significance.

## **14.0 Statutory Requirements**

### **14.1 Fluoridation of Public Water Supplies**

#### **14.1.1 Administration**

The Department is the agency principally assisting the Minister for Health in the administration of the Fluoridation of Public Water Supplies Act 1966 (the Act) and the provisions of the Act are binding on the Corporation.

#### **14.1.2 Operational Review**

The Department and Corporation will work to review the operational and monitoring requirements of the Act to ensure that the requirements of the Act are effectively met in a cost efficient manner.

#### **14.1.3 Public Education**

The Department will be responsible for public communication and education with respect to issues of fluoridation.

### **14.2 Pesticides**

The Department and Corporation are committed to the protection of drinking water from pesticides and will continue to cooperate and encourage involvement of key stakeholders to minimise the risk of drinking water contamination.

#### **14.2.1 Use of Pesticides in Catchments**

The Corporation shall not use nor permit the use of pesticides in drinking water catchments and areas of water storage except in accordance with PSC 88 "Use of Herbicides in Water Catchment Areas" or its replacement.

#### **14.2.2 Review of PSC 88**

The Department, in consultation with the Corporation and other key stakeholders, shall review PSC 88 and develop Guidelines for use of Pesticides in Water Catchment and Storage Areas.

## **15.0 General Administration**

### **15.1 Contracts**

The Corporation may contract to operate and maintain water supply schemes and assets that are owned by others. Unless specifically stated in the contract the Corporation may not be in a position to accept responsibility for ultimate scheme or asset performance. The Corporation shall notify the Department in the event that a contract restricts the ability to respond to an issue of public health significance. The Department will seek to initiate remedial actions of all parties concerned.

## **16.0 Role of the Department of Health**

### **16.1 Role**

The Department's roles are to:

- minimise human exposure to environmental health hazards that pose or have the potential to pose a health risk;
- reduce the incidence and impact of communicable disease.

### **16.2 As Regulator**

The Department is the Regulator of drinking water quality and sets out its requirements to the Economic Regulation Authority for incorporation into the Operating Licence.

### **16.3 As Adviser to the Corporation**

The Department shall provide advice to the Corporation on matters regarding the supply of water from catchment to tap.

### **16.4 As Resource**

The Department in consultation with the Corporation shall provide public comment on issues related to drinking water from catchment to tap.

### **16.5 As Auditor**

The Department may audit the Corporation's systems and databases used to manage and report drinking water quality in relation to the following sections of this MoU as required. (Generally this will occur prior to the Economic Regulation Authority audit):

- 4.0 Administration of Drinking Water Quality.
- 6.0 Systems Analysis and Management
- 7.0 Materials and Chemicals
- 8.0 Data exchange
- 9.0 Events of public health significance

The audit scope will be prepared by the Department and discussed with the Corporation. The audit report should include recommendations for improvements. The CEO's shall endorse the audit report and timetable for improvements. The responsible officers shall provide regular progress reports. The Cost of the audit shall be borne by the Corporation.

### **16.6 As Adviser to the Public**

In consultation with the Corporation, the Department will provide prompt advice to the public, including media, with respect to water quality issues

### **16.7 To Provide Public Notification – Specific needs**

In consultation with the Corporation the Department is responsible to notify health care providers of drinking water quality issues that may effect the public. For example:

- In the case of nitrate concentrations between 50 and 100 mg/L the Department shall notify community health nurses in the areas effected.

## **17.0 Term Review and Amendment**

### **17.1 Expiry**

The term of this Memorandum shall be five (5) years.

### **17.2 Amendment of MOU Upon Agreement**

The CEOs can amend this Memorandum at any time upon agreement.

### **17.3 Amendment of Binding Protocols and Schedules upon Agreement**

The responsible officers can amend the Binding Protocols and Schedules to this Memorandum of Understanding at any time upon agreement.



## 18.0 Endorsements

Signed



Dr Neil Fong  
**DIRECTOR GENERAL**  
**DEPARTMENT OF HEALTH**

Signed



Dr J I Gill  
**CHIEF EXECUTIVE OFFICER**  
**WATER CORPORATION**

Date: 5<sup>th</sup> November 2007