



**MEMORANDUM OF UNDERSTANDING**

**BETWEEN**

**THE NSW MINISTRY OF HEALTH**

**AND**

**SHOALHAVEN WATER – SHOALHAVEN CITY  
COUNCIL**

**Dated: 30 October 2012**

## **Introduction**

This Memorandum of Understanding (MOU) has been prepared by the NSW Ministry of Health and Shoalhaven Water.

The Memorandum is designed to outline the roles and responsibilities and to facilitate effective interaction between the two (2) organisations.

Copies of the Memorandum of Understanding between the NSW Ministry of Health and Shoalhaven Water can be obtained from:-

- ❑ Public Health Unit, Illawarra Shoalhaven Local Health District on [http://www.islhd.health.nsw.gov.au/Services/Public\\_Health/](http://www.islhd.health.nsw.gov.au/Services/Public_Health/); or
- ❑ Shoalhaven Water on <http://shoalwater.nsw.gov.au/>.

## MEMORANDUM OF UNDERSTANDING

**THIS MEMORANDUM** is entered into on **30 October 2012**.

**BETWEEN** Shoalhaven Water – Shoalhaven City Council (the Council)

**OF THE ONE PART**

**AND THE NSW MINISTRY OF HEALTH** (the Ministry)

**OF THE OTHER PART**

### Context

- A. The Council is a Local Government Council operating under the *Local Government Act 1993* and the *Water Management Act 2000*. The Council has a responsibility to supply water to its customers that is safe in accordance with its obligations to the *Local Government Act 1993*.
- B. The Ministry has a role in providing advice to the Government on standards in relation to drinking water quality, waste water and recycled water and to commit the Council to supplying water which is safe to drink and use having regard to public health.
- C. The Minister of Health and the Director-General of the Ministry have responsibilities in relation to the protection of public health under the *Public Health Act 2010* and other relevant legislation. The Ministry's roles and responsibilities as outlined in this Memorandum are in addition to any functions conferred upon the Ministry, the Director-General of the Ministry or the Minister of Health under the *Public Health Act 2010*.
- D. The objective of this Memorandum is to formally set out the terms of a co-operative relationship between the parties, establish their respective roles and facilitate fulfilment of each party's function in relation to the protection of public health.
- E. It is recognised that the Department of Local Government and the NSW Office of Water have a role in both setting the Council's prices and standards for services which takes into account community preferences including their willingness to pay or accept risk.
- F. This Memorandum forms part of Shoalhaven Water's Drinking Water Quality Management System and subsequent Management Plan, and is intended to function in conjunction with Shoalhaven Water's Drinking Water Quality Policy.

## 1 Interpretation

- 1.1 Unless otherwise specified, terms in this Memorandum shall have the same meaning as provided by the Act.
- 1.2 **PH Act** means the *Public Health Act 2010*.
- 1.3 **LG Act** means the *Local Government Act 1993*.
- 1.4 **WM Act** meaning the *Water Management Act 2000*.
- 1.5 **Ministry** refers to the NSW Ministry of Health, but for practical purposes functions of the Ministry as specified in this MOU will be delegated to Public Health Unit, Illawarra Shoalhaven Local Health District.
- 1.6 **Water Supply System** includes all those systems, from the catchment to the consumer's tap, utilised by the Council to supply drinking water in the Local Government area.
- 1.7 **Aesthetic Guideline Values** means the concentration or measure of a physical or chemical characteristic of water that is associated with water quality. Some examples include turbidity, pH and colour.
- 1.8 **Drinking Water Guidelines** means the National Health and Medical Research Council (NH&MRC) *Australian Drinking Water Guidelines* (ADWG) 2011.
- 1.9 **Updated Guidelines** means the ADWG (2011) amended, updated or supplemented from time to time as endorsed or specified by NSW Health.
- 1.10 **Health Guideline Values** means the concentration or measure of a physical, chemical, biological or radionuclide characteristic of water that, based on present knowledge, does not result in any significant immediate risk to the health of a person or the health of a person over a lifetime of consumption.
- 1.11 **Physical characteristics of Drinking Water** means those physical characteristics of Drinking Water specified in the Drinking Water Guidelines including dissolved oxygen, hardness, pH, taste and odour, total dissolved solids, true colour and turbidity.
- 1.12 **Potable Water Backflow Prevention Devices** are plumbing devices to prevent the reverse flow of water from a potentially polluted source into a potable water supply system.
- 1.13 **Wastewater** means wastewater generated from a toilet, urinals, bidette or bidet which is heavily and directly contaminated with human faeces and/or urine and may contain contaminated solid material, such as toilet paper. Wastewater also includes water from a hand basin, shower, laundry and kitchen.
- 1.14 **Recycled Water** means water derived from wastewater that is treated to a standard which is satisfactory for its intended reuse application.
- 1.15 **Integrated Water Cycle Management** means the integration of water supply, sewerage and stormwater, so that water is used optimally within a catchment

resource.

Headings and numbering are for convenience only and do not affect the interpretation of this Memorandum.

## **2      Term**

- 2.1      The term of this Memorandum shall be for the period commencing on the date of execution hereof and remaining in force for the term of the Council's obligations to the *Local Government Act 1993* and the *Water Management Act 2000*, which commences on **30 October 2012**.



### 3 Liaison between the Council and the Ministry

- 3.1 A Joint Operational Group shall be established consisting of the Director Public Health Unit, Illawarra Shoalhaven Local Health District, Environmental Health Officer Public Health Unit, Illawarra Shoalhaven Local Health District, Manager Water Unit NSW Health Environmental Health Branch, General Manager of the Council, Director of Shoalhaven Water and Manager of Operations (*or any other officers as agreed to by both agencies*) to discuss the broad principals, directions and policies underlying the roles and responsibilities of the parties under this Memorandum and to:-
- Review the Memorandum on a biennial basis to ensure that it is still relevant to the operating environment;
- and specifically to
- co-ordinate implementation of this Memorandum;
  - explore programs of investigations, feasibility studies and economic analyses that may be undertaken by the Council or NSW Health to meet changing public health objectives in relation to drinking water, waste water and recycled water.
  - make recommendations to the Director-General of NSW Health and the Director of Shoalhaven Water regarding the updating of this Memorandum; and
  - facilitate the co-ordination of the collection and sharing of data on water quality, waste water and recycled water for use by all relevant agencies.

The Joint Operational Group may establish joint working parties to investigate and formulate recommendations on specific and technical issues as required.

**4      Dispute Resolution**

- 4.1      Where a dispute between the parties cannot be resolved by the Joint Operational Group, then it should be referred to the Director General NSW Health for resolution. In the event that the dispute cannot be resolved by the Director General NSW Health, in the interests of public health protection the view of the Ministry shall prevail.

**5 Amendment**

- 5.1 This Memorandum can be amended at any time upon agreement between the parties. Where agreement is not reached the view of the Ministry is to prevail in the interests of public health protection.



## **6 The Council's Roles and Responsibilities**

6.1 The Council shall ensure that all drinking water it supplies is safe to drink having regard to the health of the public, and that it is supplied in accordance with its obligations to the *Local Government Act 1993* and the *Water Management Act 2000*.

### **6.2 *Drinking Water Quality - Monitoring***

6.2.1 The Council or its authorised agent shall fluoridate all drinking water supplies as required by the *Fluoridation of Public Water Supplies Act 1957*. Fluoride shall be sampled and reported in accordance with the requirements of the *Fluoridation of Public Water Supplies Act 1957*.

### **6.3 *Other Responsibilities***

6.3.1 The Council shall provide the Ministry with all information on the planning, design, maintenance, operation and administration of the Council's activities that the Ministry reasonably requires to make informed judgements regarding matters relating to the protection of public health.

6.3.2 As per the *Public Health Act 2010*, the Council shall allow officers of the Ministry to enter any premises under its care and control, including facilities performing water supply, wastewater reuse, or wastewater treatment and disposal, for the purposes of carrying out any inspections and risk assessments which the Ministry reasonably requires to make informed judgements regarding matters relating to the protection of public health.

6.3.3 The Council, as a service provider, has a role in ensuring public health and environment protection. This role must be recognised in any conflict or matters of mutual concern to both public health and environmental protection approaches, and may require consultation between the Council, Office of Environment & Heritage (OEH) and the Ministry.

## 7 The Ministry's Role and Responsibilities

- 7.1 The Ministry shall provide general advice to the Council on matters regarding the supply of water which is safe to drink and on other public health issues in regard to water which relate to the Council's activities such as waste water and recycled water.
- 7.2 The Ministry shall maintain a Public Water Supply Regulatory Program for the purpose of making independent judgements on public health matters related to the Council's activities and exercising its powers and functions under the *Public Health Act, 2010*.
- 7.3 Where any drinking water supplied by the Council is failing to meet the Drinking Water Guidelines which the Council is required by obligations to the *Local Government Act 1993*, the *Water Management Act 2000* and/or the *POEO Act 1997* to meet, or where the provision of drinking water, or the reuse, disposal, or treatment of wastewater takes place in such a manner that a hazard to public health may arise, the Council shall be responsible for assessing the problem and proposing rectification action.
- 7.4 If the Ministry is of the opinion that it is appropriate to do so, it may provide advice on rectification action that may be taken by the Council. Where the Ministry gives any advice to the Council under this Clause, it shall be entirely the responsibility of the Council to take appropriate rectification action to ensure that the drinking water it supplies is safe to drink and meets the requirements of the NHMRC's 2011 Australian Drinking Water Guidelines; and that other activities such as wastewater or recycled water are conducted in a manner that do not pose a potential hazard to public health.
- 7.5 The Ministry shall give such information to the Council as required, or the Ministry considers it appropriate to provide, for the purpose of the Regulator, which includes relevant NSW Government Departments exercising its functions.
- 7.6 The Ministry shall provide feedback on all plans and reports received.

**8. Emerging Public Health Issues**

- 8.1 The parties shall co-operatively exchange information and the Council if required shall participate in appropriate research and development on emerging public health issues related to drinking, waste water and recycled water so as to enable them to make well informed judgements regarding action to be taken in relation to the Council's Water Supply System to maintain the protection of public health.
- 8.2 The parties shall independently provide input to public discussion and debate on future revisions of the other guidelines in relation to waste water and recycled water.

## 9. Events of Public Health Significance

- 9.1 The Council shall report to the Ministry (Public Health Unit, Illawarra Shoalhaven Local Health District in the first instance) by phone (according to Shoalhaven Water's Emergency Response Plans) any information or event within its drinking water supply system, or within its wastewater treatment and wastewater reuse and disposal operations which may have significant implications for public health.

1. Events that have significant implications for public health include:

***Water Quality – Criteria for Potential Public Health Issues  
requiring notification to NSW Health.***

### **RAW WATER**

Blue Green Algae - >1.3ug/L Toxigenic Genera (TOXIN RECORDED)

### **TREATMENT PLANTS**

DISINFECTION FAILURE

TURBIDITY (TREATED from CWT) > 5 NTU

### **DISTRIBUTION SYSTEM**

DISTRIBUTION SYSTEM	(CLEAR WATER TANK TO CUSTOMER TAP)
<i>E.Coli</i>	+VE RESULT

### **TASTE & ODOUR**

Multiply Customer Complaints >10

### **OTHER COMPOUNDS**

Exceedance of ADWG "Health" Guidelines

### **MAJOR INCIDENTS**

- CONTAMINATION IN CATCHMENTS AND/OR STORAGES
- THREAT OF CONTAMINATION
- BACKFLOW AND/OR CONTAMINATION FROM INDUSTRY
- ADVICE FROM DOCTORS / MEDICAL CENTRES CAUSING PUBLIC HEALTH PROBLEMS AND SUPPORTED BY COUNCIL'S ENVIRONMENTAL HEALTH OFFICERS

2. Waste water/sewerage overflow with human exposure (contact) or discharge to the environment in public places such as bathing beaches or sporting grounds, in accordance with Council's Environmental Protection Licences (EPLs).
3. No water supply to high risk premises such as hospitals, childcare facilities, aged care facilities, institutions, boarding schools, schools where alternative supplies cannot be provided, in accordance with Shoalhaven Water's Emergency Response Plans.



Following the initial event report, the Council should ensure a follow up report outlining the action taken to prevent public health risk. This reporting allows the Ministry to instigate public health action to prevent further public health risk, to manage public enquiries, manage the media and ensure notification within the Ministry.

- 9.2 The report of information by the Council shall include maps depicting geographical locations and systems in addition to tables or text as required by the Ministry. Maps should be provided in all plans to indicate location of water storage systems, recycled water systems, sewerage plants and overflow points, water sampling points etc.
- 9.3 The parties shall maintain a comprehensive Emergency Response Plan covering the Council's drinking water supply systems, wastewater and recycled water. The Emergency Response Plan should include, where appropriate, reference to any Emergency Response Plan developed between the Council and other agencies regarding wastewater treatment and disposal operations. The parties shall nominate a 24 hour Incident Management Control Point for the co-ordination of responses to any event of public health significance, or refer to the DISPLAN and as directed by the General Manager. The contact point will be an officer of each organisation who has been trained in the Plan and the Incident Management Procedures and Protocols there under. The Emergency Response Plan shall contain procedures and protocols for the co-ordinated management of incidents including the notification of public health advice to customers, and media communication of public health information.
- 9.4 The parties shall ensure that all relevant personnel in their respective organisations are trained to respond to and execute the Emergency Response Plan, including participation in joint exercises.

**10 Information Exchange**

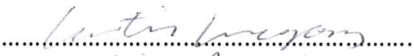
- 10.1 The Ministry will provide the Council with reports and studies it undertakes which are relevant to those activities of the Council which impact on public health.
- 10.2 The Council will provide reports and studies undertaken by the Council as part of its business, which are relevant to public health.


**Memorandum of Understanding Between  
NSW Ministry of Health and Shoalhaven Water**

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**IN WITNESS WHEREOF** the parties have executed this document at the date first mentioned.

**SIGNED** for and on behalf of the  
**NSW MINISTRY OF HEALTH**  
in the presence of

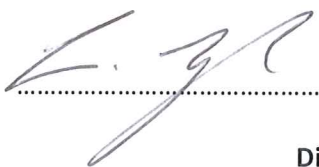
  
.....  
Acting Director  
**Director-General**  
**NSW Ministry of Health**

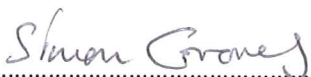
  
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**SIGNATURE OF WITNESS**

(PRINT) NAME OF WITNESS

**SIGNED** for and on behalf of  
**SHOALHAVEN WATER**

  
.....  
**Director**  
**Shoalhaven Water**

  
.....

**SIGNATURE OF WITNESS**

(PRINT) NAME OF WITNESS



