

# Regulated Water

Drinking Water Regulation Guidance Note No.1  
July 2006

## What is regulated water

Regulated water is water that is not intended for drinking but which could reasonably be mistaken as being drinking water.

Section 6 of the *Safe Drinking Water Act 2003* (the Act) allows the Minister for Health to declare certain water as regulated water.

The purpose of declaring water as regulated water is to protect public health.

The notice of a regulated water declaration is published in the *Government Gazette*.

## What is not regulated water

For the purposes of the Act, the following are examples of water that would not usually be considered to be regulated water, as they could not to be mistaken by a reasonable person as drinking water:

- Rivers
- Dams or reservoirs
- Open channels

## What is drinking water

The Act defines drinking water as:

*Water that is intended for human consumption or for purposes connected with human consumption, such as the preparation of food or the making of ice for consumption or for the preservation of unpackaged food, whether or not the water is used for other purposes.*

The definition of drinking water under the Act therefore relates to the intended purpose of the water supply, rather than to its quality or suitability for drinking.

## Intended use of the water

The initial step in determining whether a particular water could be declared as regulated water is determining the intended use of the water (Figure 1).

Water suppliers need to determine whether a particular water supply is intended for drinking or not for drinking.

The intended use of the water will determine the actions that will need to be taken to manage the water supply for the intended purpose.

## Where regulated water would apply

Regulated water would apply in circumstances such as where a piped water system exists that has outlet taps accessible to the public, including household supplies to customers, but the pipes contain water that is not intended for drinking.

The water in the piped system may, for example, be intended for:

- Watering gardens
- Flushing toilets
- Washing clothes
- Industrial processes that do not require water of a potable standard

This may include water supplied by agreement to customers of a water supplier.

In these circumstances, if there were insufficient warning signs, community notices, or other mechanisms alerting people who could access the water (including consumers) about the intended use and quality of this water, a reasonable person could make the assumption that the piped water system contained drinking water.

## Supply-by-agreements

Water that is supplied under "Supply-by-agreement" arrangements cannot be declared as regulated water if there is a clear intent that the water is to be solely or partly used as drinking water.

As stated previously, regulated water declarations can only apply to water that is not intended for drinking.

## Management of risks

Water suppliers should manage risks in relation to water that is not intended for drinking as part of their normal business practices.

Where the risk assessment process for a particular non-drinking water system reveals that the water in the system may be mistaken for drinking water, these supplies may be candidates to be declared as regulated water.

## Making regulated water declarations

The Drinking Water Regulatory Section will work with water suppliers to identify waters that may be candidates for regulated water declarations, and make recommendations to the Minister on such declarations.

The three primary pieces of information that will be required from water suppliers as part of this process are:

- Information on why the water is not intended for drinking
- Information that supports the notion that the water in question could be mistaken as drinking water.

- The risk assessment for the supply, including the source, method of supply and composition of the water in question.

## Water supplier obligations for declared regulated water

When the Minister declares water as regulated water, the water supplier responsible for the regulated water is required to:

- Prepare a risk management plan for the regulated water.
- Ensure that the risk management plan contains the matters detailed in regulation 6 of the Safe Drinking Water Regulations (except those that specifically relate to drinking water only).
- Have the plan audited, as required, by an approved auditor.
- Take all reasonable steps to minimise the likelihood of the water being mistaken as drinking water. Possible solutions include:
  - ❖ Having clear signage that warns the public that the regulated water is unfit for human consumption.
  - ❖ Removing publicly accessible taps or locking taps so that the regulated water cannot be accidentally consumed.
  - ❖ Advising all customers, particularly those operating food premises, health care facilities and schools that the water is not to be consumed.
- Include a summary of their management activities for regulated water supplies in their annual report.

## Changing the status of a supply of regulated water

Regulated water declarations need not remain in place in perpetuity.

They should be considered an interim measure until such time as risk management measures are firmly in place and have been evaluated to ensure that a reasonable person could not mistake the water as drinking water.

Regulated water status can also be amended in response to changing community demands or needs.

## Further information

For further information regarding regulated water, please contact the Drinking Water Regulatory Section: Department of Human Services

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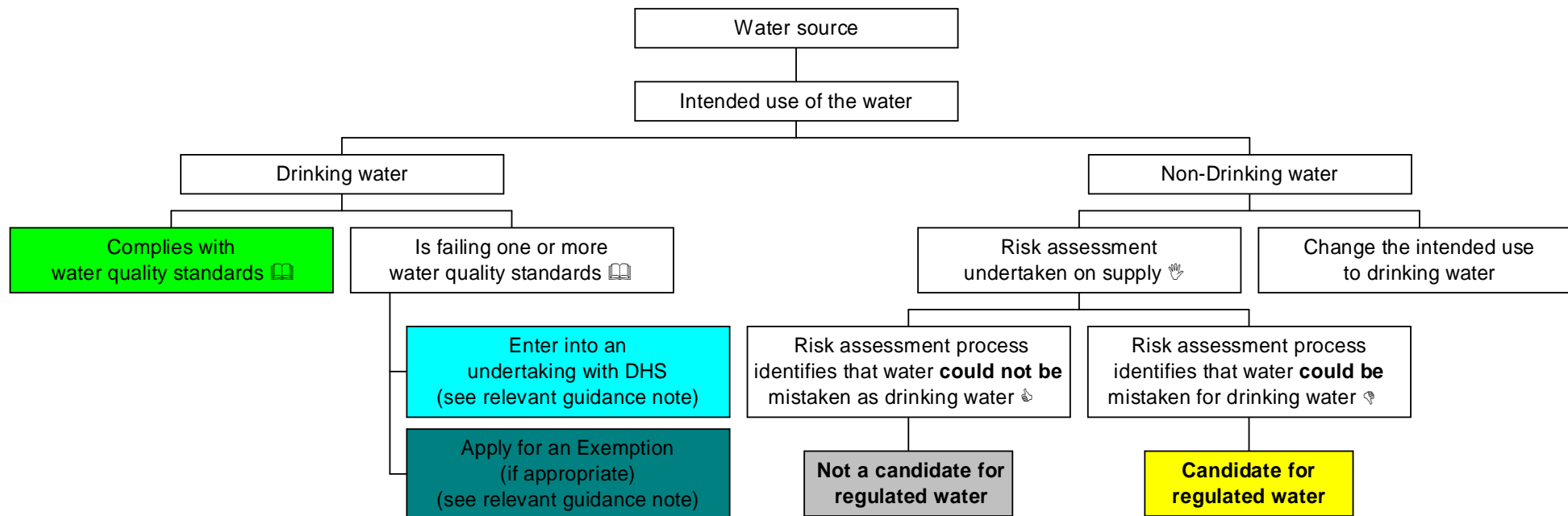
Website: [www.health.vic.gov.au/environment/water/drinking](http://www.health.vic.gov.au/environment/water/drinking)

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**Figure 1: Determining the nature of your water**



Key: Water quality standards are outlined in section 10 of the *Safe Drinking Water Regulations 2005*

- The water supplier has identified, analysed and evaluated the risks associated with a member of the community or visitors consuming water that is not intended for drinking.
- Risks associated with the community or visitors consuming water that is not intended for drinking have been controlled.
- Not all the risks associated with the community or visitors consuming water that is not intended for drinking have been controlled.