

# Exposure Draft for Safe Drinking Water Regulations

## Exposure Draft

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**Victoria**

## **Exposure Draft for Safe Drinking Water Regulations**

### **Exposure Draft**

#### **PART 1—PRELIMINARY**

##### **1. Objective and outline**

- (1) The objective of these Regulations is to make further provision for the supply of safe drinking water.
- (2) In outline these Regulations—
  - (a) set out the further matters to be addressed in risk management plans and the risks to be specified in risk management plans;
  - (b) describe the documents that are to be available for inspection in a risk management plan audit;
  - (c) prescribe the form of audit certificates to be given to the person who has commissioned a risk management plan audit at the completion of the audit;

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- (d) set out the risk management plan auditor approval criteria;
- (e) set out drinking water quality standards;
- (f) set out requirements relating to the frequency of collection of samples of water for analysis;
- (g) empower the Secretary to—
  - (i) divide areas supplied by water suppliers into water sampling localities;
  - (ii) specify locations within a water sampling locality at which samples of water are to be collected;
  - (iii) vary the frequency of collection for samples of water in certain circumstances;
  - (iv) accredit persons to be accredited water analysts;
- (h) require all samples of water collected to be analysed by an accredited water analyst and the results of the analyses to be reported to the Secretary;
- (i) specify the issues relating to the quality of drinking water and regulated water, in an annual report in respect of every financial year to be given to the Secretary by a water supplier and water storage manager;
- (j) set out details to be included in an annual report to the Secretary referred to in sub-regulation (2)(i).

**2. Authorising provision**

These Regulations are made under section 56 of the **Safe Drinking Water Act 2003**.

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### 3. Definitions

In these Regulations—

**"accredited water analyst"** means a person accredited under regulation 13;

**"emergency"** and **"emergency management"** have the same meanings as in the **Emergency Management Act 1986**;

**"geographic co-ordinate"** includes—

- (a) a meridian of longitude by itself; and
- (b) a parallel of latitude by itself;

**"hazard"** means a biological, chemical, physical or radiological agent;

**"NATA"** means National Association Of Testing Authorities Australia, A.C.N. 004 379 748;

**"relevant sampling frequency"** means—

- (a) the frequency specified in column 2 of the Table in Schedule 2 opposite the parameter set out in column 1 of that Table; or
- (b) if there is a notice under regulation 11(3) in force, the frequency specified in that notice;

**"the Act"** means the **Safe Drinking Water Act 2003**;

**"water sampling locality"** means an area specified by the Secretary under regulation 4;

**"water sampling point"** means a location within a water sampling locality specified by the Secretary under regulation 5.

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**4. Water sampling localities**

- (1) The Secretary, by notice published in the Government Gazette, may specify an area that is supplied with drinking water by a water supplier to be a water sampling locality for the purposes of these Regulations.
- (2) In specifying an area as a water sampling locality under sub-regulation (1), the Secretary may have regard to—
  - (a) the nature and design of the distribution system used by the water supplier to supply drinking water generally and in that area; and
  - (b) the sources of the drinking water supplied to the water supplier for supply by it generally or in that area; and
  - (c) any other matter that the Secretary considers relevant.
- (3) The area of a water sampling locality specified under sub-regulation (1) must be described by reference to its boundaries.
- (4) The boundaries of an area of water sampling locality specified under sub-regulation (1) may be described—
  - (a) using geographic coordinates; or
  - (b) by reference to any one or more of the following—
    - (i) a freeway, highway, road, street or other thoroughfare;
    - (ii) a railway line;
    - (iii) a municipal boundary;
    - (iv) a physical feature of terrain;

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(v) a waterway;

(vi) a property boundary.

**5. Water sampling points**

- (1) For the purpose of ensuring that samples of drinking water collected within a water sampling locality in accordance with these Regulations are, so far as practicable, representative of the drinking water supplied in that locality, the Secretary may, in writing, specify as a water sampling point—
    - (a) a tap connected to the water supplier's system of supply within a water sampling locality that is designed solely for the purpose of collecting samples of water; or
    - (b) if there is no tap of the kind referred in paragraph (a), another tap connected to the water supplier's system of supply within a water sampling locality.
  - (2) The number of taps specified as water sampling points for each water sampling locality—
    - (a) must not be a number that is greater than a number that is reasonably necessary to ensure that samples of drinking water collected within the water sampling locality in accordance with these Regulations are, so far as practicable, representative of the drinking water supplied in that locality; and
    - (b) in any case, must not exceed 100.
  - (3) The Secretary must establish and maintain a register of water sampling points and ensure that the register is available for inspection by any person at the principal office of the Department of Human Services at all reasonable times.
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Part 2—Management of Risks to Water Supply

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**PART 2—MANAGEMENT OF RISKS TO WATER SUPPLY**

**6. Risk management plan**

- (1) For the purposes of section 9(1)(e) of the Act, a risk management plan must contain the following matters—
  - (a) the names and contact details of, and the positions held by, the persons responsible for managing hazards, and risks to the quality of the water identified in the risk management plan; and
  - (b) details of the activities undertaken, and measures taken, to manage hazards and risks to the quality of the water identified in the risk management plan, including the method by which the effectiveness of these activities and measures is verified; and
  - (c) details of the features of the system of supply designed to assist in the management of risks to the quality of the water identified in the risk management plan, including the method by which the effectiveness of these features is verified; and
  - (d) in the case of a water supplier, details of the procedures for consultation with water storage managers and other water suppliers for the purpose of achieving agreement on the risks and hazards to quality of the water supplied—
    - (i) to the water supplier by water storage managers or other water suppliers; and
    - (ii) by the water supplier to other water suppliers; and

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Part 2—Management of Risks to Water Supply

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- (e) details of procedures and management systems for—
    - (i) ensuring that the amount and purity of chemicals added to drinking water does not adversely affect the quality of that water or pose a risk to human health; and
    - (ii) controlling any residue or chemical by-products imparted to drinking water as a result of the addition of chemicals to water supplied for drinking purposes; and
  - (f) details of emergency management arrangements and procedures for dealing with an incident, event or emergency that may adversely affect the quality or safety of drinking water, or result in water being supplied that poses a risk to human health, including—
    - (i) the names and contact details of, and the positions held by, the persons responsible for dealing with such an incident, event or emergency; and
    - (ii) methods for communicating or disseminating information to the public in relation to any such incident, event or emergency.
- (2) For the purposes of section 9(2) of the Act, a risk management plan must address the following risks—
- (a) the risk to human health that arises from the presence in water of—
    - (i) pathogenic micro-organisms; and
    - (ii) inorganic chemicals, including inorganic disinfection by-products; and
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- (iii) organic chemicals, including pesticides, pesticide residues and organic disinfection by-products; and
  - (iv) radiological parameters; and
  - (v) algae toxins; and
- (b) the risks arising from an incident or event that may cause the organisms, substances and matters referred to in paragraph (a) to enter or be present in the system of supply of the water supplier or the water supplied by the water storage manager (as the case requires); and
- (c) the risk of transfer of the organisms, substances and matters referred to in paragraph (a) in water being supplied by the water supplier or water storage manager (as the case requires).

**7. Risk management plan audits**

For the purposes of section 10(2) of the Act, the specified documents are—

- (a) the risk management plan; and
  - (b) any document or operating manual, procedure or protocol created pursuant to the risk management plan or containing material relating to the content of the risk management plan; and
  - (c) any training and competency manual relating to the responsibilities of the staff of the water supplier or water storage manager (as the case requires) to manage and deal with—
    - (i) risks identified in the risk management plan; and
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- (ii) emergencies, incidents or events that may adversely affect the quality of—
  - (A) in the case of a water supplier, drinking water;
  - (B) in the case of a water storage manager, the water supplied or to be supplied; and
- (iii) emergencies, incidents or events that result in—
  - (A) in the case of a water supplier, drinking water;
  - (B) in the case of a water storage manager, water—  
being supplied that poses a risk to human health.

**8. Audit certificate**

For the purposes of section 12(2) of the Act, a risk management plan audit certificate must be in the form of Schedule 1.

**9. Approval of risk management plan auditors**

- (1) For the purposes of section 13(2) of the Act, the auditor approval criteria are that the applicant for approval—
  - (a) holds an accreditation by an institution which, in the opinion of the Secretary, makes the applicant suitable for approval as a risk management plan auditor; or
  - (b) demonstrates to the Secretary that he or she has the experience, qualifications and skills necessary to independently conduct audits of risk management plans.

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- (2) In addition, the applicant for approval must provide to the Secretary a written declaration that he or she has no conflict of interest that would impinge on their ability to objectively conduct an audit of a risk management plan.
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Part 3—Drinking Water Quality Standards

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**PART 3—DRINKING WATER QUALITY STANDARDS**

**10. Drinking water quality standards**

For the purposes of section 17 of the Act, the quality standards specified for drinking water supplied within a water sampling locality are—

- (a) if the drinking water contains a parameter specified in column 1 of the Table in Schedule 2 that is a microbiological organism, that the parameter meet the standard set out in column 3 of that Table opposite that parameter;
- (b) if the drinking water contains a parameter specified in column 1 of the Table in Schedule 2 that is not a microbiological organism, that the parameter not exceed the standard set out in column 3 of that Table opposite that parameter;
- (c) if the drinking water contains an algae toxin, or any other pathogen, or any substance or chemical not specified in column 1 of the Table in Schedule 2, that the water not contain that toxin, pathogen, substance or chemical, whether alone or in combination with another toxin, pathogen, substance or chemical, in such amounts that may pose a risk to human health.

**11. Frequency of sampling for drinking water**

- (1) A water supplier must, in respect of each parameter specified in column 1 of the Table in Schedule 2, collect a sample of drinking water at a relevant water sampling point located within each water supply locality at the relevant sampling frequency.

Penalty: 20 penalty units.

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- (2) In sub-regulation (1) "**relevant water sampling point**" means any water sampling point within a water sampling locality other than the water sampling point from which a sample of drinking water was last collected.
- (3) The Secretary, on his or her own motion, or on the application of a water supplier, may, by notice published in the Government Gazette, vary the frequency at which samples of drinking water are to be collected at a water sampling point located within a water sampling locality in respect of a parameter specified in column 1 of the Table in Schedule 2.
- (4) In determining whether to vary the frequency at which a sample of drinking water is to be collected at a water sampling point located within a water sampling locality, the Secretary may have regard to—
- (a) the number of persons taking water from the water supplier's system of supply within the water sampling locality, including any difference in the number of persons taking water at different times in the year;
  - (b) the need to have a sufficient number of samples of drinking water to be collected to ensure that those samples are, so far as practicable, representative of the drinking water supplied in the water sampling locality;
  - (c) any other matter the Secretary considers relevant.

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Part 3—Drinking Water Quality Standards

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- (5) A notice under sub-regulation (3) must specify—
- (a) the water supplier to whom the notice applies;
  - (b) the relevant water sampling locality being supplied drinking water by the water supplier; and
  - (c) the water sampling points located within the relevant water sampling locality at which samples are to be collected at the frequency specified in the notice; and
  - (d) the parameter specified in column 1 of the Table in Schedule 2 in respect of which the frequency for the collection of samples of drinking water has been varied; and
  - (e) the frequency at which samples of drinking water are to be collected in respect of the parameter specified in column 1 of the Table in Schedule 2; and
  - (f) the period for which the frequency specified in the notice will apply; and
  - (g) date on which the notice takes effect.

**12. Samples of water must be analysed**

A water supplier must cause an analysis of every sample of drinking water collected in accordance with these Regulations to be conducted by an accredited water analyst.

Penalty: 20 penalty units

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Part 3—Drinking Water Quality Standards

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**13. Accreditation of water analysts**

- (1) A person may apply to the Secretary to be accredited to conduct an analysis of samples of drinking water collected in accordance with these Regulations.
  - (2) An application under sub-regulation (1) must be—
    - (a) in writing; and
    - (b) accompanied by a written declaration that the person is not directly or indirectly engaged in any activity connected with the supply of drinking water that would conflict with that person's duty as an accredited water analyst.
  - (3) On receipt of an application under sub-regulation (1), the Secretary may accredit, in writing, that person.
  - (4) The Secretary must not accredit a person under this regulation unless—
    - (a) the Secretary considers the person to be appropriately qualified to conduct analyses of samples of drinking water; and
    - (b) the person is employed by a person or body that operates a laboratory that is accredited by NATA to conduct analyses of, and report on, samples of water.
  - (5) An accreditation under this regulation—
    - (a) may be limited to a particular type of parameter specified in the accreditation; and
    - (b) may, at any time, be varied or revoked by the Secretary.
  - (6) The Secretary must, at the request of an accredited water analyst, revoke the accreditation given to that person.
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Part 3—Drinking Water Quality Standards

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- (7) The Secretary must—
- (a) maintain a list of accredited water analysts;  
and
  - (b) make sure that—
    - (i) the list is published; and
    - (ii) copies of the list are available for inspection by any person at the principal office of the Department of Human Services at all reasonable times.
- (8) A person is not be prohibited from being an accredited water analyst by reason only that he or she is employed by or on behalf of a government department to carry out analyses of water samples and that government department is engaged in any activity connected with the supply of water.

**14. Reports of results of water samples**

A water supplier must cause a summary of the results of every analysis of a sample of drinking water taken in accordance with these Regulations, and analysed by an accredited water analyst, to be reported, in writing, to the Secretary by the end of the first month after the month in which the sample was collected.

Penalty: 20 penalty units.

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Part 4—Other Matters

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**PART 4—OTHER MATTERS**

**15. Additional details to be included in annual reports of water suppliers or water storage managers**

- (1) For the purposes of section 26(1) and (2) of the Act, the required contents of the annual report of a water supplier are—
- (a) information evidencing compliance or non-compliance (as the case requires) with regulations 10, 11 and Schedule 2; and
  - (b) any issues the water supplier had with the operation of, and compliance with, regulations 10, 11 and Schedule 2; and
  - (c) information about actions taken by the water supplier when a drinking water quality standard set out in regulation 10 and Schedule 2 has not been met; and
  - (d) information about actions taken by the water supplier in respect of each emergency, incident or event that has arisen that has affected—
    - (i) quality of the drinking water supplied generally; and
    - (ii) the quality of drinking water supplied where that supply posed a risk to human health; and
  - (e) any issues that may have arisen out of the actions referred to in paragraph (d); and
  - (f) an analysis of water sample information, data and results relating to the quality of drinking water supplied and a comparison of that information and data, and those results, with water sample information, data and results from the previous financial year; and
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Part 4—Other Matters

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- (g) a summary of every—
    - (i) variation in aesthetic standards approved under section 19 of the Act in respect of drinking water supplied by the water supplier and any conditions imposed under section 21 of the Act; and
    - (ii) exemption from a water quality standard approved under section 20 of the Act in respect of drinking water supplied by the water supplier and any conditions imposed under section 21 of the Act; and
    - (iii) written undertaking by the water supplier accepted by the Secretary under section 30 of the Act; and
  - (h) a summary of complaints received by the water supplier relating to the quality of drinking water supplied and the responses and any analysis of the issues arising from the complaints; and
  - (i) a summary of the process by which the drinking water supplied by the water supplier is disinfected and any other processes applied to the water by the water supplier, and any issues arising out of the application of those processes; and
  - (j) a list of all the chemicals and other substances used by the water supplier to disinfect the drinking water supplied by it; and
  - (k) a summary of steps taken by the water supplier to manage the aesthetic characteristics of the drinking water supplied by it, including steps taken to manage the
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Part 4—Other Matters

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- taste, odor, clarity and pH of the drinking water supplied; and
- (l) details of any regulated water supplied by the water supplier and the declaration under section 6 of the Act in respect of that regulated water; and
  - (m) a summary of the findings of the most recent risk management plan audit and any issues that the approved auditor raised during the risk management plan audit.
- (2) For the purposes of section 26(1) and (2) of the Act, the required contents of the annual report of a water storage manager are—
- (a) information about actions taken by the water storage manager in respect of each emergency, incident or event that has arisen that has affected—
    - (i) the quality of the water supplied for drinking purposes generally; and
    - (ii) the quality of the water supplied where that supply posed a risk to human health; and
  - (b) any issues that may have arisen out of the taking of the actions referred to in paragraph (a); and
  - (c) a summary of every—
    - (i) exemption under section 8 of the Act and any condition imposed in relation to every exemption; and
    - (ii) written undertaking by the water storage manager accepted by the Secretary under section 30 of the Act; and
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Part 4—Other Matters

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- (d) a summary of the process by which the water supplied by the water storage manager is disinfected and any other processes applied to the water by the water storage manager, and any issues arising out of the application of those processes; and
  - (e) a list of all the chemicals and other substances used by a water storage manager to disinfect the water supplied, or to be supplied, by it for drinking purposes; and
  - (f) a summary of the findings of the most recent risk management plan audit and any issues that the approved auditor raised during the risk management plan audit.
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**SCHEDULES**

**SCHEDULE 1**

Regulation 8

Safe Drinking Water Regulations 2004

**RISK MANAGEMENT PLAN AUDIT CERTIFICATE**

Certificate Number: *(insert a number to specifically identify this certificate from any other audit certificate issued by the approved auditor)*

Audit period: *(insert period of audit relevant to this certificate)*

To: *(insert full name and address of person who commissioned the audit)*

Australian Business Number (ABN): *(insert the business number of the water supplier or water storage manager)*

I, *(print full name of approved auditor)*, after conducting a risk management plan audit of the water supplied by *(insert name of the water supplier or water storage manager)*, am of the opinion that—

\**(insert name of water supplier)* has/has not complied with the obligations imposed by section 7(1) of the **Safe Drinking Water Act 2003** during the audit period.

\**(insert name of water storage manager)* has/has not complied with the obligations imposed by section 8(1) of the **Safe Drinking Water Act 2003** during the audit period.

\*The details of the reasons for non-compliance are—

\**insert/attach the details of the reasons for non-compliance*

Signature of approved auditor:

Date:

\* delete if not applicable

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**SCHEDULE 2**

Regulation 10

**DRINKING WATER QUALITY STANDARDS**

**TABLE**

<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Parameter</b>	<b>Relevant sampling frequency at water sampling points for each water sampling locality</b>	<b>Quality standard for each water sampling locality</b>
<b>Microbiological organisms</b>		
<i>Escherichia coli</i>	one sample per week	at least 98% of all samples of drinking water collected in any 12 month period in accordance with these Regulations contain no <i>Escherichia coli</i>
<b>Chlorine based chemicals</b>		
Chloroacetic acid	one sample per month	95% Upper Confidence Limit of 95th percentile must be less than or equal to 0.15 milligrams per litre
Dichloroacetic acid	one sample per month	95% Upper Confidence Limit of 95th percentile must be less than or equal to 0.1 milligrams per litre
Trichloroacetic acid	one sample per month	95% Upper Confidence Limit of 95th percentile must be less than or equal to 0.1 milligrams per litre
Trihalomethanes	one sample per month	95% Upper Confidence Limit of 95th percentile must less than or equal to 0.25 milligrams per litre

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<i>Column 1</i>	<i>Column 2</i>	<i>Column 3</i>
<b>Parameter</b>	<b>Relevant sampling frequency at water sampling points for each water sampling locality</b>	<b>Quality standard for each water sampling locality</b>
<b>Ozone based chemicals</b>		
Bromate	one sample per month	95% Upper Confidence Limit of 95th percentile must be less than or equal to 0.02 milligrams per litre
Formaldehyde	one sample per month	95% Upper Confidence Limit of 95th percentile must be less than or equal to 0.50 milligrams per litre
<b>Aluminium based chemicals</b>		
Aluminium	one sample per month	95% Upper Confidence Limit of mean must be less than or equal to 0.2 milligrams per litre (acid-soluble)
<b>Other parameters</b>		
Turbidity	one sample per week	95% Upper Confidence Limit of mean must be less than or equal to 5.0 Nephelometric Turbidity Units