

**"Rob Oke"**

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20/10/2004 12:51

To: <brian.labza@dhs.vic.gov.au>, <Julie.Hoy@dhs.vic.gov.au>  
cc: <john.siapantas@dhs.vic.gov.au>, (bcc: Brian Labza/HeadOffice/DHS)  
Subject: Safe Drinking Water Regulations 2004 - Submission

Dear Brian,

I appreciated the chance to participate in the Safe Drinking Water Regulations workshop on 8 October 2004.

Following the workshop NATA staff reviewed the draft regulations and this submission has been prepared.

NATA is pleased to note that it is the intention of the Department that testing of water samples for the parameters listed in Schedule 2 will be undertaken in NATA accredited laboratories. This is in line with the following clause in the MOU that the Victorian Government and NATA have recently signed:

"4.4 To the maximum extent practicable, departments and agencies of the State of Victoria, to satisfy their own testing needs, will use NATA accredited laboratories or laboratories accredited by organisations with which NATA has a mutual recognition agreement."

NATA notes that the Department interprets the reference to analysts in the Act to mean individual persons. As discussed previously we believe it would be much more appropriate for analysts to be defined as organisations that perform analyses.

If analysts continue to be defined as persons then we believe the Regulations should be worded to ensure that the analyses are done in a NATA accredited laboratory that has the parameters in its scope of accreditation.

The best way to do this would be to extend regulation 12 to include the requirement that the results of analyses are the subject of NATA endorsed reports.

With regard to analysts NATA strongly recommends that they be "approved" not "accredited". Note that in the NATA system we accredit "laboratories" but "approve" individuals as signatories. Does the Department have a particular reason for wanting to use the term "accredited"?

If our recommendations are accepted draft Regulation 12 could then state:

"A water supplier must cause an analysis of every sample of drinking water collected in accordance with these Regulations to be conducted by an approved water analyst and reported on a NATA endorsed test report."

With this change from "accredited" to "approved" draft regulation 3. Definitions: would then contain:

"approved water analyst" means a person approved under regulation 13"

Throughout regulation 13 "accredited" would be replaced with "approved" where it refers to the analyst. The reference in 4(b) to "accredited by NATA" continues to be appropriate.

In support of the above recommendations the Department's attention is drawn to the system used in the recent OHS (Asbestos) Regulations 2003. These regulations contain:

"105 Definitions

In these Regulations -

"approved analyst" means an analyst approved by NATA to perform asbestos fibre counting or to identify asbestos in samples, and to issue findings as endorsed reports under the authority of a NATA accredited laboratory or by some other scheme as determined by the Authority;"

We would expect it to be the Departments intention to only approve analysts for conduct of analyses that are included in the scope of the laboratory in which they are employed. NATA therefore also recommends that in regulation 13 4 (b) the laboratory be required to be accredited for the particular type of parameter for which approval is sought. This sub-regulation would then become:

"4 (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 for the parameters specified in their approval."

I trust that the Department finds these recommendations helpful.

NATA is keen to work closely with the Department on the implementation of the Regulations and in particular help the analyst approval system be as streamlined as possible. For example we would be happy to make sure it is clear in scopes of accreditation which the parameters specified in the Regulations are included.

Yours sincerely

Rob Oke

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