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| Guidance – notification and reporting requirements |
| Sections 18 and 22 of the *Safe Drinking Water Act 2003* and regulation 20 under the Safe Drinking Water Regulations 2025  |
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# Purpose

The *Safe Drinking Water Act 2003* (the Act) and Safe Drinking Water Regulations 2025 (the Regulations) outline requirements for water agencies to inform the Secretary of the Department of Health (the department) under certain circumstances where drinking water supplied or to be supplied may pose a risk to human health, cause widespread public complaint, or not comply with the drinking water quality standards.

The following guidance, when read in conjunction with the Act and the Regulations, provides information to assist water agencies to comply with regulatory requirements.

# Introduction

Under the Act and the Regulations, the department must be made aware when drinking water does not, or is unlikely to, comply with the drinking water quality standards or when there is known or suspected contamination. These obligations are set out in sections 18 and 22 of the Act and the complementary requirements of regulation 20.

# Guidance

## Section 22 – Officer to report known or suspected contamination

Under section 22(2) of the Act an officer of a water supplier, water storage manager or council must **immediately** report to the Secretary if the officer believes that water supplied, or to be supplied for drinking purposes:

1. *may be the cause of an illness; or*
2. *may be the means by which an illness is being, has been or will be, transmitted; or*
3. *may contain any pathogen, substance, chemical or blue-green algae toxin, whether alone or in combination, at levels that may pose a risk to human health; or*
4. *may cause widespread public complaint.*

### Verbal reporting and section 22 form

On forming a belief or suspicion that drinking water has been contaminated, an officer of a water agency must immediately report this to the Department by phone via the following means:

* During business hours: contact the Department’s Health Regulator
* If there is no response or if the report is to be made outside business hours: contact the Department’s public health emergency pager (24-hour service).

Following the immediate verbal report, the written section 22 report form should be submitted as soon as possible with as much relevant information as is available to the water agency at that time. The written section 22 form is a core part of the reporting process under the Act. While verbal notification to the Department ensures timely (immediate) awareness of a potential risk to public health, the written form ensures the report is properly documented, provides additional information about the known or suspected contamination, to support informed regulatory assessment, and enables appropriate follow-up action.

Reporting under section 22 is aligned to, but is not intended to duplicate, other reporting under the Act and Regulations.

Under section 18 of the Act, a water supplier must notify the Secretary in writing within 10 days of becoming aware of a non-compliance or likely non-compliance with a relevant water quality standard. Relevant water sampling results may also be required to be provided to the regulator within 10 days of their receipt, under the requirements of regulation 20. Further details on these provisions are outlined below.

Although section 22 reports may be triggered by the results of drinking water samples (either at customer taps or those taken of any drinking water, such as at the outlet of a treated storage or anywhere within the reticulation system), a section 22 report may also be triggered by other situations.

These may include failures in the barriers that protect drinking water from contamination, or widespread public complaint, or illnesses within the community that are suspected by the officer to have resulted from the drinking water supplied. Examples of situations which may lead to a scenario of known or suspected contamination where the department expects an immediate report under section 22 include:

* Failure or imminent potential for failure of one or more barriers to contamination or critical control points for that supply system, in such a way that may make the drinking water supplied, or to be supplied, to consumers the cause of an illness or a risk to human health.
* Inadequately disinfected water, being supplied, or which may be supplied, to consumers for drinking.
* Any *Escherichia coli* detection or any other human pathogens in drinking water that may be supplied to consumers.
* Reports of an illness or illnesses that are suspected to have resulted from the drinking water supplied.
* Overdose of a chemical applied in water treatment or disinfection processes, or dosing with contaminated water treatment chemicals, such that the water may pose a risk to health if supplied to consumers.
* Any detected chemical, toxin, substance or pathogen in drinking water at a level above a health-based drinking water quality standard. This includes short-term and long-term (chronic) exposure risks to public health.
* Suspected sabotage, vandalism, threat, or extortion bid at any drinking water facility that may affect the quality of drinking water supplied to consumers.
* Damage to water supply asset integrity due to extreme weather events or bushfires.
* Incidents and events that may lead to widespread public complaint about drinking water quality, such as during algal blooms.
* Raw water quality issues or reservoir contamination including accident or chemical spill, algal bloom, wildlife/fish deaths, turbid runoff or contamination from a rainfall event, flood or fire, in such a way that may affect treatment (degrade the performance of barriers to contamination or exceed the capability of treatment barriers)
* Evidence of vermin (birds, possums or other animals) found in treated water storages.

## Section 18 – Notification required if non-complying water supplied

Section 17(1) of the Act requires water suppliers to ensure that all drinking water supplied complies with the quality standards specified in the Regulations. Regulation 16 outlines the drinking water quality standards for the purposes of section 17. Under section 18, *a water supplier must notify the Secretary in writing if it becomes aware that the drinking water it is supplying to another person* ***does not comply, or is not likely to comply****, with any relevant water quality standard and must do so within 10 days after it becomes aware of the fact.*

In the above case ‘is not likely to comply’ can be regarded as meaning that at a point in time there is reasonable information indicating that drinking water to be supplied is not likely to comply. This may occur even in the absence of supporting analytical data. Examples of ‘not likely to comply’ include an overdose of a chemical applied in water treatment or disinfection processes, a known source water contamination event, high raw water organics leading to disinfection by-products or other scenarios resulting in a likely noncompliance with a water quality standard.

When a section 18 notification is being made in response to a routine sample analysis that indicates that the drinking water does not comply with a standard, the notification must be provided in writing within 10 days of the water supplier becoming aware of the results. Regulation 20 also requires that certain details relating to the non-complying results must be reported to the Secretary. Further information is outlined under the regulation 20 heading below.

## Regulation 20 – Requirement to give analysis results to the Secretary

Regulation 20 outlines the requirements for water suppliers to provide the Secretary with a written summary of analysis results that indicate non-compliance with a drinking water standard. These requirements complement information provided in a section 18 notification by providing evidence confirming any non-compliance. Regulation 20 also requires the reporting of a written summary of the analysis results received that relate to section 22 reports, such as when reporting known or suspected contamination that may pose a risk to public health or lead to widespread public complaint.

Regulation 20 summary reports must be submitted within 10 daysafter a water supplier receives sampling results that indicate that either:

1. A sample characteristic of the water contravenes a drinking water quantity standard; or
2. In the reasonable opinion of the water supplier, the level of a characteristic measured in the water may pose a risk to public health or result in widespread public compliant.

Regulation 20(2) outlines the required details to be provided in a summary report that contextualises the result or results reported with previous measurements and related tests. This also includes a requirement to outline steps taken or proposed to be taken in response to the contravention of a standard or risk.

### Section 18 notification and regulation 20 summary report

When a water supplier makes a notification to the Secretary under section 18 as a result of a non-compliant water sample, additional summary details must also be provided to the Secretary under the requirements of regulation 20(1)(a). The supporting regulation 20 summary report provides the Health Regulator with contextual information relating to the non-compliant sampling results, previous measurements of the sample characteristic, related results of other samples, and actions taken or proposed to be taken in response to the non-compliant sample result or results.

### Section 22 report with subsequent Regulation 20 summary report

Section 22 reporting requires the immediate reporting to the Secretary, via the Health Regulator, when there is a belief or suspicion that drinking water has been contaminated and may cause illness or cause widespread public complaint. Regulation 20(1)(b) requires water suppliers to submit a summary report within 10 days of receiving results that indicate *that in reasonable opinion of the water supplier, the level of a characteristic measured in the water may pose a risk to public health or result in widespread public compliant.* The details provided in the summary report outlined in regulation 20(2) provide the Health Regulator with context for the incident or event and include the actions taken or proposed to be taken in response.

If a section 22 report is made relating to a health risk from a non-compliance with a drinking water quality standard, such as an *E. coli* detection, the water supplier will be required to provide to the Secretary, within 10 days, the information required under section 18 and regulation 20 for sample results that do not comply with a drinking water quality standard.

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