Private Water Supplies and Water Carters

Summary

The Public Health Act 2010 requires drinking water suppliers to develop and adhere to a 'quality assurance program' (or drinking water management system). This applies to private water suppliers and water carters, who are also required to keep certain records.

This Information Bulletin has been drafted in consultation with the NSW Food Authority to summarise the responsibilities and powers of local government, NSW Health and NSW Food Authority in relation to private water suppliers and water carters under the Public Health Act 2010, Public Health Regulation 2012 and the Food Act 2003.

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Applies to

Environmental Health Officers of Local Councils, Public Health Units

Audience

Public Health Units, NSW Food Authority, Water Carters, Water Utilities, Food Surveillance Officers

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PRIVATE WATER SUPPLIES AND WATER CARTERS

INTRODUCTION

This Information Bulletin summarises the responsibilities and powers of local government, NSW Health and NSW Food Authority in relation to private water suppliers and water carters under the NSW Public Health Act 2010, NSW Public Health Regulation 2012 and the NSW Food Act 2003. Information is provided on applying the NSW Guidelines for Water Carters and Private Water Supply Guidelines, as are suggested roles for local government and Public Health Units.

This information bulletin replaces PD2005_269 Water Carters and IB2007_037 Private Water Supplies.

The Public Health Act 2010 defines a supplier of drinking water to include any person who supplies drinking water in the course of a commercial undertaking, where that water is not either sourced from another water supplier (e.g. water utility) or bottled water. NSW Health considers water suppliers to be a private water supply if they source water from an independent source such as rainwater, private bore or dam. The Public Health Act definition also includes any person who receives water from another water supplier and who supplies drinking water from a water carting vehicle in the course of a commercial undertaking. Drinking water refers to any water that is intended for human consumption, or purposes associated with human consumption including contact with food.

The Public Health Act 2010 and the Public Health Regulation 2012 commenced on 1 September 2012. The Act and Regulation require drinking water suppliers to develop and adhere to a ‘quality assurance program’ (or Drinking Water Management System) from 1 September 2014. This requirement applies to water suppliers defined in the Act, which includes water carters and private water suppliers.

What is a Drinking Water Management System (DWMS)?

A DWMS consists of documents, procedures and other supporting information for the safe supply of drinking water. The DWMS must address the 12 elements of the Framework for Management of Drinking Water Quality (Australian Drinking Water Guidelines 2011, National Health and Medical Research Council) and be relevant to the operations of the supplier. At the heart of the Framework are Critical Control Points (CCPs). A CCP is an activity, procedure or process that is critical to control a water quality hazard (for example chlorination and filtration/particle removal).


ROLE FOR LOCAL GOVERNMENT AND PUBLIC HEALTH UNITS

A register of premises with a private water supply and reports of inspections should be maintained by agreement between the local Public Health Unit and local council. It is recommended that premises be inspected if considered at high risk. Local councils can provide inspections on a fee-for-service basis under the Local Government Act 1993 (section 608). The Public Health Regulation 2012 now requires any water supplier, including councils, that supplies water to a water carter to keep and maintain records.
When considering development applications for premises serving the public and/or employees where a private water supply is used, local councils should make the provision of a safe water supply a development consent condition. A suggested condition of consent is:

- “If the proposed development cannot be connected to a potable water supply then the applicant must demonstrate that the drinking water supplied to the premises will consistently meet the Australian Drinking Water Guidelines 2011 and any subsequent amendments to the Guidelines.”; and
- “An appropriate drinking water management system, in compliance with NSW Health requirements and the Public Health Act 2010 and Regulation 2012 is to be provided”.

**LEGISLATIVE PROVISIONS**

There are a number of Acts and Regulations that support local government by requiring the provision of safe water in premises that serve the public and/or employees.

Part 3 Division 1 of the Public Health Act 2010 and Part 5 of the Public Health Regulation 2012 contain provisions concerning the safety of drinking water. The Public Health Act 2010 section 126(2) enables a local government authority to appoint any member of its staff (or a member of the staff of another government authority) to be an authorised officer, either generally or in relation to a particular function exercisable by authorised officers under this Act or the Local Government Act 1993, relating to public health. NSW Health recommends that all councils authorise officers to exercise functions under the Public Health Act 2010.


The Local Government Act 1993 section 124, provides that orders can be issued requiring necessary action(s) to be taken so that food can be handled in clean and sanitary conditions, to bring a water supply into compliance with plumbing and drainage standards, and to require the connection of premises to councils’ water supply and/or sewerage system. The orders may include that the owner or operator of water carting vehicle take action to render that vehicle in a clean and sanitary condition.

A water carter must obtain approval from the water supplier (council/water utility) before drawing and selling water (for councils, under Local Government Act 1993, clause 2 of Part B of the table). A water carting vehicle must have an aperture that is large enough to allow easy inspection and thorough cleaning of the interior and must have a cover that is able to be kept clean (Local Government (General) Regulation 2005 Part 3, Clause 93).

The Local Government (Manufactured Home Estates, Caravan Parks, Camping Grounds and Moveable Dwellings) Regulation 2005 Clause 27 (4) states that the water supplied for human consumption or domestic purposes must comply with the Australian Drinking Water Guidelines.

NSW Health can provide information to assist councils in managing risks associated with private water supplies and water carters. NSW Health may take action with respect to unsafe water,
require an operator of a drinking water supply to issue warnings to consumers about the safety of drinking water, may issue a boil water advice or other advice, and may require operators to carry out testing and report the results to NSW Health.

Full details on requirements and recommendations are contained in the NSW Health Private Water Supply Guidelines and NSW Guidelines for Water Carters. It is recommended that a copy of the relevant document be provided to the operators of these businesses. The NSW Health document on Rainwater Tanks contains useful information. These can be obtained from the NSW Health website.

**SPECIFIC POWERS FOR FOOD PREMISES**

The Food Act 2003 defines a food as any substance for human consumption, used as an ingredient or used in preparing a substance for human consumption, and a food business as a business or activity that handles food for sale or sells food. A water carter is a food business and the operator must notify their business to the NSW Food Authority. Any private water supplier preparing or selling food (including in-kind rewards) in a commercial undertaking is also defined as a food business. This includes bed and breakfast establishments and other home based businesses such as childcare centres. These businesses must also notify the NSW Food Authority and may require licensing.

The Food Act 2003 requires compliance with the Australia New Zealand Food Standards Code. Under the Food Standards Code food businesses must use potable water for food related activities, including cleaning. Potable water is defined as water that is acceptable for human consumption (i.e. drinking water). Where businesses do not have access to a potable water source (usually reticulated water from a water utility), they must be able to demonstrate that the water they use is safe. The Food Standards Code refers to the Australian Drinking Water Guidelines for guidance on what constitutes acceptable water for food businesses.

As a result of the Food Act provisions, local government should be aware of the water carters operating in their area, and the location and activities of private water suppliers that are food businesses. Inspection of these businesses would reasonably include consideration of water quality and checking that there is an appropriate drinking water management system. These systems will play a valuable role ensuring water quality and food safety.

For more information, see:


For more information contact your local Public Health Unit (under “Health” in the Telstra White Pages) or at http://www.health.nsw.gov.au/Infectious/Pages/phus.aspx