



# Memorandum of Understanding

between NSW Health and  
Hunter Water Corporation

December 2022

## 1. Introduction and purpose

- 1.1 This Memorandum of Understanding (**Memorandum**) between NSW Health (**NSW Health**) and Hunter Water Corporation ABN 46 228 513 446 (**Hunter Water**) has been entered into in accordance with Clause 32 of the Hunter Water Operating Licence 2022-2027 (**Operating Licence**).
- 1.2 The purpose of this Memorandum is to form the basis for a co-operative relationship between the two parties and include arrangements for Hunter Water to report to NSW Health information on any events in relation to Hunter Water's systems or services which may pose a risk to public health.
- 1.3 This Memorandum recognises the role of NSW Health in providing advice on public health issues to the NSW Government in relation to:
  - (a) quality standards for drinking and recycled water;
  - (b) the supply of drinking water which is safe to drink; and
  - (c) wastewater and by-products of wastewater treatment.

## 2. Context

- 2.1 Hunter Water is a statutory State owned corporation under the *State Owned Corporations Act* 1989. Its principal functions include providing, constructing, operating, managing or maintaining systems or services for storing or supplying water, sewerage, stormwater drainage and wastewater disposal in accordance with the Hunter Water Act 1991 (**HW Act**) and the Operating Licence.
- 2.2 A principal objective of Hunter Water under the HW Act is to protect public health by supplying safe drinking water to its customers and other members of the public in compliance with the requirements of its Operating Licence.
- 2.3 Clause 32 of the Operating Licence requires Hunter Water to maintain the memorandum of understanding with NSW Health. Under clauses 15 and 16 of the Operating Licence, and Section 3 of the Hunter Water Reporting Manual Operating Licence 2022-2027 (**Reporting Manual**) Hunter Water is required to implement systems to maintain drinking and recycled water quality, including notifying, consulting with and complying with requirements of NSW Health in certain circumstances.
- 2.4 NSW Health has a role in providing advice to the NSW Government on standards in relation to drinking water and recycled water quality and to commit Hunter Water to supplying water which is safe to use for appropriate purposes having regard to public health.
- 2.5 The Minister for Health and the Secretary of NSW Health also have certain responsibilities in relation to the protection of public health under the *Public Health Act* 2010 (NSW) and other relevant legislation. NSW

Health's roles and responsibilities as outlined in this Memorandum are in addition to any functions conferred upon NSW Health, the Chief Health Officer, the Secretary or the Minister for Health under the *Public Health Act 2010*.

- 2.6 The objective of this Memorandum is to set out the terms of a cooperative relationship between the parties and facilitate fulfilment of each party's role in relation to the protection of public health, fulfilling the requirements and clause 32 of the Operating Licence.
- 2.7 Hunter Water's responsibilities under this Memorandum apply to the whole of Hunter Water's operations, including those performed on behalf of Hunter Water by a third party.
- 2.8 The parties acknowledge that Hunter Water is not responsible for infrastructure or an activity that is the subject of a network operator's licence or a retail supplier's licence under the Water Industry Competition Act 2006 (NSW).

### **3. Interpretation**

- 3.1 A defined term in this Memorandum has the meaning given to that term or, if not specified, it shall have the same meaning as in the Operating Licence.
- 3.2 In this Memorandum:
  - (a) the function of NSW Health as specified in this Memorandum will generally be delegated to the Hunter New England Local Health District;
  - (b) 'Water Supply System' includes all infrastructure for the supply of drinking water existing in Hunter Water's area of operations from the extraction point or point of handover to Hunter Water from a third party (for example Central Coast Water Corporation) to the Customer's point of connection;
  - (c) 'Recycled Water Supply System' includes all infrastructure from Hunter Water's treatment facilities to the Customer's point of recycled water connection supplied by Hunter Water, and includes any associated stormwater infrastructure used for water recycling managed by Hunter Water;
  - (d) a reference to a singular includes a reference to the plural and vice versa;
  - (e) a reference to a "party" or "parties" means a "party" or "parties" to this Memorandum
  - (f) a reference to "includes" or "including" means "includes" without limitation or "including" without limitation;

- (g) a reference to a clause is a reference to a clause in this Memorandum; and
- (h) a reference to a legislative provision or legislation (including subordinate legislation) is to that provision or legislation as amended, re-enacted or replaced and includes any subordinate legislation issued under it.

## **4. Term**

- 4.1 This Memorandum shall commence on the date of execution by both parties, remaining in force for the term of Hunter Water's Operating Licence and subsequently until such time as a new Memorandum is agreed between the two parties. The Memorandum will be reviewed within 6 months of a new Operating Licence commencing.

## **5. Liaison between Hunter Water and NSW Health**

- 5.1 The parties shall continue to liaise via the established joint operational group comprised of representatives described under clause 5.3 (the **Joint Operational Group**).
- 5.2 The Joint Operational Group shall meet quarterly to:
  - (a) coordinate implementation of this Memorandum;
  - (b) discuss and confirm the roles and responsibilities of each party;
  - (c) establish relevant information and data sharing programs;
  - (d) establish programs of investigations and/or feasibility studies to be undertaken by Hunter Water to meet public health objectives in relation to drinking and recycled water, or wastewater by-products management (such as effluent and biosolids);
  - (e) facilitate coordination of the collection of data on drinking water and recycled water quality for use by NSW Health;
  - (f) Update NSW Health on the implementation of the Drinking Water and Recycled Water Quality Management Systems including actions in the improvement registers.

The Joint Operational Group may establish joint working parties to investigate and formulate recommendations on specific and technical issues, as required.

- 5.3 The Membership of the Joint Operational Group (unless otherwise agreed between the parties) may be as follows:

### **Hunter Water**

- Executive Manager Customer Delivery
- Group Manager Water Resilience
- Group Manager Operations

- Manager Asset Assurance

### **NSW Health**

- Director Health Protection Hunter New England Population Health
- Environmental Health Manager Hunter New England Population Health
- Manager, Water Unit
- Project Officers and Policy Advisers, Water Unit

- 5.4 Hunter Water and NSW Health may invite other officers or persons to attend meetings of Joint Operational Group or joint working parties to assist or advise on specific issues.
- 5.5 Both parties shall endeavour to maintain and share a list of key liaison officers.

## **6. Dispute resolution**

- 6.1 Where a dispute between the parties cannot be resolved by the Joint Operational Group or more senior officers, it should be referred to the Chief Executive Officers of each party for resolution. In the event that the Chief Executive Officers cannot resolve the dispute on an issue that has the potential to impact public health, the view of NSW Health shall prevail.

## **7. Amendment of Memorandum**

- 7.1 Where Hunter Water's Operating Licence is amended then the parties shall meet to discuss the implications of the amendments and, acting reasonably, revise the Memorandum as required.

## **8. Hunter Water's roles and responsibilities**

- 8.1 Hunter Water shall ensure that all drinking water, recycled water and any other grades of water it supplies is safe for their intended use having regard to the health of the public and that it is supplied in accordance with its Operating Licence.
- 8.2 Hunter Water shall ensure it complies with all relevant conditions relating to drinking and recycled water as outlined in its Operating Licence.
- 8.3 Hunter Water shall perform recycled water monitoring in accordance with the Recycled Water Quality Management System and the specific Recycled Water Quality Management Plans (RWQMPs) for each individual recycled water scheme, which are consistent with the *Australian Guidelines for Water Recycling (phase1)*.

- 8.4 Hunter Water shall, in consultation with NSW Health, maintain an effective system of quality assurance for monitoring, sampling, testing, reporting and other processes in relation to the Water Supply Systems and Recycled Water Supply Systems. Hunter Water will require that the laboratory has National Association of Testing Authorities (NATA) accreditation, where available, for the analysis to be performed, as described in the Water Quality Monitoring Program. The laboratory should demonstrate satisfactory performance in NATA inter-laboratory proficiency testing.
- 8.5 Hunter Water shall participate in appropriate research and development on emerging public health issues related to drinking and recycled water so as to enable the parties to make well informed decisions in relation to Hunter Water's Water Supply System to maintain the protection of public health.
- 8.6 Hunter Water shall fluoridate, monitor and report on all drinking water supplies as required by the Fluoridation of Public Water Supplies Act 1957.
- 8.7 Hunter Water shall consult with NSW Health on its management systems related to public health issues no less frequently than every five years, or whenever changes occur that substantially alter the basis of the existing strategies as required by the Operating Licence. Relevant management systems include the Drinking Water Quality Management System, Recycled Water Quality Management System and other relevant management systems relating to protection of public health. Hunter Water should ensure that all relevant management systems, plans and protocols are kept current and the most recent copies are provided to NSW Health. Hunter Water will invite NSW Health to participate in public health-related risk assessments related to the Drinking Water Quality Management System and Recycled Water Quality Management System.
- 8.8 Hunter Water shall provide NSW Health with data and information on the planning, design, maintenance, operation and administration of Hunter Water's activities that NSW Health reasonably requires to make informed judgements regarding matters relating to the protection of public health.
- 8.9 Hunter Water shall, on reasonable request, allow officers of NSW Health to enter any premises under its care and control, including facilities performing water supply, wastewater reticulation, treatment and disposal systems and wastewater reclamation and reuse systems, for the purposes of carrying out any inspections or viewing any records which NSW Health reasonably requires to make informed decisions regarding matters relating to the protection of public health.

- 8.10 Hunter Water has a role in ensuring both public health and environmental protection. Accordingly, Hunter Water may need to liaise with NSW Health, NSW Environment Protection Authority (EPA) and other government organisations for the protection of both public health and the environment.
- 8.11 Hunter Water shall seek endorsement from NSW Health of any proposed public communication which references NSW Health. Hunter Water shall make changes to the proposed public communication requested by NSW Health prior to publishing any such proposed communication.
- 8.12 Hunter Water shall refrain from making public statements containing public health advice, unless such a statement is aligned with public health guidelines, NSW Health public health advice or endorsed or directed by NSW Health.

## **9. NSW Health's role and responsibilities**

- 9.1 NSW Health shall provide advice to Hunter Water on matters regarding the supply of water which is safe to drink and on other public health issues which relate to Hunter Water's activities.
- 9.2 NSW Health shall provide advice to Hunter Water on matters regarding the safe reuse of water (including stormwater) and on other public health issues in regard to water recycling which relate to Hunter Water's activities.
- 9.3 NSW Health shall review and provide advice on any significant changes that Hunter Water proposes to make to the Drinking Water Quality Management System or Recycled Water Quality Management System. NSW Health shall provide advice to Hunter Water on any further changes required to obtain NSW Health's satisfaction.
- 9.4 NSW Health shall advise Hunter Water as soon as practicable if it is not satisfied with the implementation of all relevant activities by Hunter Water in accordance with the Drinking Water Quality Management System or Recycled Water Quality Management System.
- 9.5 NSW Health may provide advice to Hunter Water on other activities (including wastewater management) that impact on public health, where appropriate.
- 9.6 NSW Health shall make independent decisions on public health matters related to Hunter Water's activities in the exercise of its powers and functions under the *Public Health Act 2010*.

9.7 NSW Health is responsible for providing public health advice where it relates to drinking water, recycled water, wastewater and stormwater in accordance with the *Public Health Act 2010*.

9.8 Where:

- (a) any drinking or recycled water supplied by Hunter Water fails to comply with the requirements for drinking water or recycled water under;
  - i. the *Australian Drinking Water Guidelines*; or
  - ii. *Australian Guidelines for Water Recycling*; or
  - iii. to the extent that NSW Health specifies otherwise,
- (b) the provision of drinking water, recycled water or the disposal or treatment of wastewater takes place in such a manner that a risk to public health may arise,

Hunter Water shall be responsible for assessing the problem, proposing rectification action and issuing advice to consumers if required. If NSW Health is of the opinion that it is appropriate to do so, it may provide advice on rectification action that may be taken by Hunter Water.

Where NSW Health gives any advice to Hunter Water under this clause 9.8, it shall be the responsibility of Hunter Water to take appropriate rectification action to ensure that the drinking water and recycled water it supplies is safe for the intended use and meets the requirements of the Operating Licence and clause 8.2 of this Memorandum. NSW Health will use the relevant *Australian Drinking Water Guidelines* or *Australian Guidelines for Water Recycling* and other relevant information in providing any such advice in relation to drinking water and recycled water.

9.9 NSW Health shall report to IPART on Hunter Water's compliance with the provisions of this Memorandum and upon any public health matters related to Hunter Water's operations, as required by IPART or as considered appropriate by NSW Health, to enable IPART to carry out its functions under the HW Act.

9.10 Where there may be foreseeable impacts on Hunter Water's operations or Hunter Water's own Drinking Water Quality Management System, NSW Health and Hunter Water shall consult about arrangements with third party water providers regarding relevant changes or exemptions to a third party's Drinking Water Quality Management System.

## **10. Events of public health significance**

10.1 Hunter Water shall immediately report to NSW Health any information or event within its area of operations including the Water Supply System, Recycled Water Supply System or wastewater reticulation, treatment



and disposal operations which may adversely affect public health. The report shall include information depicting geographical locations and systems in addition to relevant tables or text, if reasonably required by NSW Health.

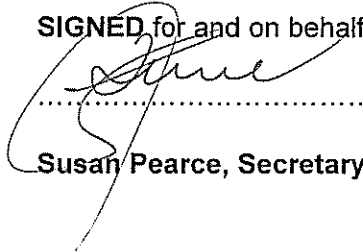
- 10.2 Hunter Water shall, in consultation with NSW Health and other government organisations where appropriate, develop and implement incident management protocols covering Hunter Water's activities.
- 10.3 The parties shall nominate a 24 hour incident management contact point for the coordination of responses to any event of public health significance. That contact point will be an officer of each organisation who has been trained in the relevant incident management plans, protocols and procedures. The incident management plans may contain procedures and protocols for the coordinated management of incidents including media and stakeholder liaison and any notification of public health advice from NSW Health.
- 10.4 The parties shall ensure that all relevant personnel in their respective organisations are trained to respond to and execute the incident management plans and that appropriate training exercises are jointly developed and conducted.

## **11. General**

- 11.1 The parties shall independently provide input to public consultation and discussion on revisions of the *Australian Drinking Water Guidelines* and the *Australian Guidelines for Water Recycling*.
- 11.2 The parties shall discuss proposed changes to the *Australian Drinking Water Guidelines* and the *Australian Guidelines for Water Recycling* in the context of Hunter Water's planned response to these changes.

This memorandum of understanding is made between **NSW Health** and **Hunter Water** on  
18th day of January 2023

**SIGNED** for and on behalf of NSW Health

  
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Susan Pearce, Secretary

  
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Witness Signature

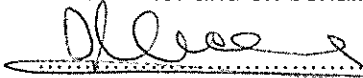
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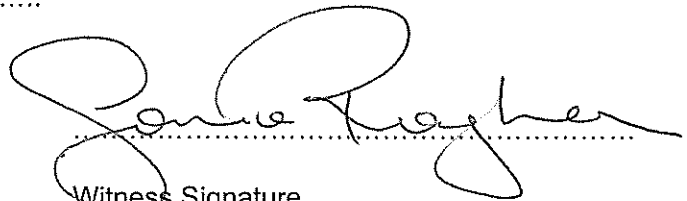
56 Solstice St, Box Hill NSW 2765  
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(Print Address)

**SIGNED** for and on behalf of Hunter Water Corporation

  
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Darren Cleary, Managing Director

  
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Witness Signature

Sonia Roughan  
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(Print Name)

36 Honeysuckle Drive  
Newcastle NSW  
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(Print Address)