

South Australia

# Safe Drinking Water Regulations 2012

under the *Safe Drinking Water Act 2011*

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## Legislative history

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### 1—Short title

These regulations may be cited as the *Safe Drinking Water Regulations 2012*.

### 2—Commencement

These regulations will come into operation on the day on which the *Safe Drinking Water Act 2011* comes into operation.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Safe Drinking Water Act 2011*.

#### **4—General obligation to observe Australian Drinking Water Guidelines**

The *Australian Drinking Water Guidelines 2011* prepared by the National Health and Medical Research Council and the Natural Resources Management Ministerial Council, as in force from time to time, must be observed in relation to the quality and supply of drinking water by a drinking water provider.

#### **5—Bulk water suppliers taken to be drinking water providers**

For the purposes of section 3(3) of the Act, persons who supply water in bulk are excluded from the ambit of section 3(2) of the Act.

#### **6—Meaning of water supplied in bulk**

For the purposes of section 3(5)(b) of the Act, the prescribed volume is 100 litres.

#### **7—Application of Act**

- (1) For the purposes of section 4(1)(a) of the Act, the following are domestic premises of a prescribed class:
  - (a) a Class 1A, 4 or 10 building under the *Building Code*;
  - (b) a sole-occupancy unit in a Class 2 building under the *Building Code*.
- (2) For the purposes of section 4(1)(b) of the Act—
  - (a) a place of a prescribed kind means—
    - (i) premises at which short term accommodation is offered or provided in the course of a business or for fee or reward (for example, a hotel, motel, holiday resort, guest house, hostel, boarding house, bed and breakfast, farmstay, houseboat, caravan park, camping ground or other premises at which accommodation is offered or provided under a holiday rental agreement); or
    - (ii) premises that are used or capable of being used for an event or recreational or community activity of any kind, whether admission is open to the public, gained by the payment of money or restricted to members of a club or a class of persons with some other qualification or characteristic (for example, a function, community, civic, conference, sporting or recreation and leisure centre); or
    - (iii) premises used by a church; or
    - (iv) a public building under the care, control or management of a Minister or other agency or instrumentality of the Crown or a council,but does not include regulated care or education premises or regulated food premises; and
  - (b) a notice, in relation to a place of a prescribed kind, must be—
    - (i) in the form set out in Schedule 1 clause 1; and
    - (ii) displayed in a prominent position—
      - (A) within 30 centimetres of each tap supplying rainwater for human consumption at the place; and

- (B) in—
- all promotional material for the place published in brochures, newspapers, magazines or on the Internet; or
  - application forms or information material for the place.
- (3) For the purposes of section 4(1)(c) of the Act, the prescribed requirements, in relation to rainwater supplied as an optional alternative at a place, are as follows:
- (a) a notice must be displayed in the form set out in Schedule 1 clause 1 in a prominent position—
- (i) within 30 centimetres of each tap supplying rainwater for human consumption at the place; and
- (ii) in—
- (A) all promotional material for the place published in brochures, newspapers, magazines or on the Internet; or
- (B) application forms or information material for the place;
- (b) in addition—
- (i) in the case of regulated care or education premises—the taps supplying the rainwater at the premises must not be accessible to vulnerable persons at the premises; and
- (ii) in the case of regulated food premises—the rainwater is not used in the preparation of food or beverages intended—
- (A) for consumption by vulnerable persons at regulated care or education premises; or
- (B) for direct sale or supply to the public at licensed premises or at a restaurant, café or other retail food or beverage outlet.
- (4) In this regulation, unless the contrary intention appears—
- Building Code** has the same meaning as in the *Development Act 1993*;
- child** means a person under the age of 18 years;
- regulated care or education premises** means—
- (a) a hospital within the meaning of the *Health Care Act 2008*; or
- (b) premises at which a health service is provided for the purposes of—
- (i) the promotion of health and well-being; or
- (ii) the prevention of disease, illness or injury; or
- (iii) intervention to address or manage disease, illness or injury; or
- (iv) the management or treatment of disease, illness or injury; or
- (v) rehabilitation or on-going care for persons who have suffered a disease, illness or injury; or
- (c) a residential aged care facility; or

- (d) premises at which care is provided to persons whose ability to care for themselves is significantly impaired through physical or mental disability, illness or infirmity; or
- (e) premises at which care or pre-school education is provided to children (for example, a nursery, childcare centre, kindergarten or pre-school or premises at which out of school hours care or vacation care is provided); or
- (f) premises at which courses of instruction in primary or secondary education are provided to children; or
- (g) a park, outdoor area or grounds provided for use in connection with premises referred to in paragraphs (a) to (f),

but does not include premises at which care or education is provided to persons in their own home by their parents or guardians or by other persons;

**regulated food premises** means premises used in the course of a business for the preparation of food or beverages intended—

- (a) for consumption by vulnerable persons at regulated care or education premises; or
- (b) for direct sale or supply to the public at licensed premises (within the meaning of the *Liquor Licensing Act 1997*) or at a restaurant, café or other retail food or beverage outlet;

**short term accommodation** means accommodation for a period not exceeding 60 days;

**vulnerable person**, in relation to regulated care or education premises, means a person to whom care or education (as the case may require) is provided at those premises.

## 8—Persons ceasing to supply drinking water

For the purposes of section 7(1) of the Act, the prescribed period is 14 days.

## 9—Risk management plan

- (1) For the purposes of section 13(1)(e) of the Act, the following matters are prescribed in relation to a risk management plan prepared or adopted by a drinking water provider:
  - (a) the full name and contact address of the drinking water provider;
  - (b) records of all documents relied on in the implementation of the risk management plan (for example, operating manuals and any other documents detailing procedures).
- (2) The drinking water provider must ensure that any change in details referred to in subregulation (1)(a) is recorded in the risk management plan within 14 days of the occurrence of the change.

Maximum penalty: \$1 250.

Expiation fee: \$160.

- (3) For the purposes of section 13(2)(a) of the Act, a risk management plan must be consistent with—
- (a) the *Australian Drinking Water Guidelines 2011* prepared by the National Health and Medical Research Council and the Natural Resources Management Ministerial Council, as in force from time to time; or
  - (b) the *Community Water Planner 2011* prepared by the National Health and Medical Research Council and the National Water Commission, as in force from time to time.
- (4) A drinking water provider must ensure that—
- (a) testing of drinking water under the monitoring program set out in the drinking water provider's risk management plan, other than—
    - (i) testing of a characteristic that is subject to variation during transportation to a laboratory or in laboratory conditions (for example water temperature or disinfectant residual); or
    - (ii) testing of a kind authorised by the Chief Executive,is carried out at an approved laboratory; and
  - (b) the results of testing of drinking water carried out under the monitoring program during an audit or inspection period are furnished to the Chief Executive—
    - (i) in the case of a drinking water provider who supplies drinking water to more than 50 000 customers during that period—in the manner and form approved by the Chief Executive; or
    - (ii) in any other case—within 21 days after the completion of the audit or inspection and in the form approved by the Chief Executive.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) A drinking water provider must keep copies of the following documents for at least 5 years:
- (a) each risk management plan prepared or adopted by the drinking water provider;
  - (b) all documents generated in the implementation of the risk management plan (for example, records and results of monitoring and testing and records of maintenance activity, incident notification and remedial action).

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **10—Audits and inspections**

- (1) For the purposes of section 21(1)(d) of the Act, the following functions are prescribed:
- (a) determining whether the drinking water provider has complied with the requirements of these regulations during the audit or inspection period, and if not, the circumstances of the non-compliance;

- (b) determining whether any remedial action has been taken by the drinking water provider in relation to circumstances of non-compliance with these regulations;
  - (c) making recommendations as to changes to any component of the risk management plan and the reasons for such recommendations;
  - (d) making recommendations as to any other matters that require improvement or remedial action or are otherwise of concern to the auditor or inspector.
- (2) For the purposes of section 21(2)(a) of the Act, the following documents are specified:
- (a) the risk management plan prepared or adopted by the drinking water provider;
  - (b) records of all documents generated in the implementation of the risk management plan (for example, records and results of monitoring and testing and records of maintenance activity, incident notification and remedial action).

### **11—Reporting requirements**

- (1) For the purposes of section 22(2)(b) of the Act, the following matters are indicated:
- (a) the results of investigations carried out for the purposes of section 21(1)(a) and (b) of the Act and regulation 10(1);
  - (b) recommendations required to be made under regulation 10(1).
- (2) For the purposes of section 22(3) of the Act, the prescribed period within which a report of an audit or inspection must be furnished to the Chief Executive is 21 days after the completion of the audit or inspection.

### **12—Water quality monitoring information to be made publicly available**

For the purposes of section 27(2) of the Act, the results of testing of drinking water under a drinking water provider's monitoring program must be made available—

- (a) in the case of testing carried out at an approved laboratory—within 14 days after the results are received from the laboratory by the drinking water provider; and
- (b) in any other case—within 14 days after the results are produced.

### **13—Approved laboratories**

For the purposes of section 29(1) of the Act, laboratories that are accredited by the National Association of Testing Authorities Australia for testing of a particular kind are a prescribed class of laboratory in relation to testing of that kind.

### **14—Meaning of enforcement agency**

For the purposes of paragraph (c) of the definition of *enforcement agency* in section 33 of the Act, the Eastern Health Authority is brought within the ambit of the definition.

### **15—Fees**

- (1) The fees set out in Schedule 2 are payable to the Minister.

- (2) A fee is payable to an enforcement agency for the carrying out of an inspection of any premises or vehicle by an authorised officer appointed by the enforcement agency reasonably required in connection with the administration or enforcement of the Act or these regulations.
- (3) A fee under subregulation (2)—
- (a) must not exceed the reasonable costs of the enforcement agency with respect to the inspection by the authorised officer and in any event must not exceed \$200; and
  - (b) may be recovered by the enforcement agency as a debt from the occupier of the premises, or from the owner or operator of the vehicle (as the case may be).

## Schedule 1—Form of rainwater notice

### 1—Form of rainwater notice (regulation 7)



## Schedule 2—Fees

Application fee for—

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|-----|---|-------|
| (a) | approval of auditor (section 15 of Act) | \$130 |
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**Note—**

No fee applies if the applicant is a Public Service employee or an approved food safety auditor under the *Food Act 2001*.

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| (b) | approval of inspector (section 15 of Act) | no fee |
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## Legislative history

### Notes

- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Principal regulations

Year	No	Reference	Commencement
2012	246	<i>Gazette 6.12.2012 p5459</i>	1.3.2013: r 2