

Memorandum of Understanding

Between NSW Health and MidCoast Council

October 2023



Document History

Date of adoption	Description	MidCoast Council/ MidCoast Water signatory	NSW Health signatory
11/04/2007	Original Memorandum of Understanding prepared by NSW Health and MidCoast Water	N. Hannington: General Manager MidCoast Water	D. Durrheim: Director Hunter New England Population Health
17/10/2013	Updated to include recycled water	R. Loadsman: General Manager MidCoast Water	D. Durrheim: Director Hunter New England Population Health
19/04/2018	Updated to MidCoast Council	B. Guiney: Director Water Services MidCoast Council	D. Durrheim: Director Hunter New England Population Health
24/10/2023	Updated regulation changes and position titles and added new members according to organisational structure	A. Panuccio General Manager MidCoast Council	D. Durrheim: Director Hunter New England Population Health

Introduction

This Memorandum of Understanding has been prepared by NSW Health and MidCoast Council. The original Memorandum of Understanding was signed in 2007, with updated versions signed in 2013, 2018, and the current version signed in 2023.

The Memorandum of Understanding is designed to align with the long-term strategic direction of both organisations.

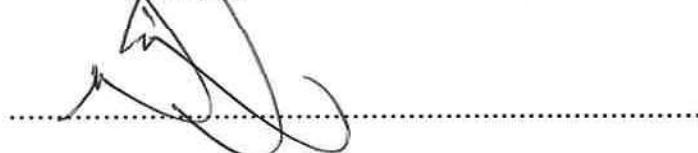
Copies of the Memorandum of Understanding between NSW Health and MidCoast Council can be obtained from:

Hunter New England Population Health at <https://www.hnehealth.nsw.gov.au/>

MidCoast Council at <https://www.midcoast.nsw.gov.au/>

Signatories

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



Prof David Durrheim

Director Hunter New England Population Health

Hunter New England Local Health District

SIGNED for and on behalf of **MidCoast Council**



Adrian Panuccio

General Manager

MidCoast Council

This **Memorandum of Understanding** is entered into on the **24 day of October 2023**.

Context

- A. MidCoast Council has a responsibility to supply safe drinking water, and provide wastewater and recycled water services to customers in accordance with the:
- *Local Government Act 1993*
 - Local Government Regulation 2021
 - *Public Health Act 2010*
 - Public Health Regulation 2022
 - *Fluoridation of Public Water Supplies Act 1957*
 - NSW Code of Practice for Fluoridation of Public Water Supplies (April 2018)
 - Fluoridation of Public Water Supplies Regulation 2022
 - *Australian Drinking Water Guidelines 2011 (updated April 2023)*
 - *Protection of the Environment Operations Act 1997*
 - Australian Guidelines for Water Recycling: Managing Health and Environmental Risk 2006
 - Other relevant and subordinate legislation
 - Customer satisfaction
 - Industry best practice management.
- B. NSW Health has a role in providing advice to the NSW Government on standards in relation to drinking water quality and to commit MidCoast Council to supply drinking water which is safe to drink, and recycled water fit for purpose having regard to public health.
- C. The NSW Minister for Health and Secretary of NSW Health has certain responsibilities in relation to the protection of public health under the *Public Health Act 2010*, Public Health Regulation 2022, and other relevant legislation. The Ministry's roles and responsibilities, as outlined in this Memorandum of Understanding are in addition to any functions conferred upon the Ministry, Secretary of NSW Health or Minister for Health under the *Public Health Act 2010* and Public Health Regulation 2022.
- D. The objective of this Memorandum of Understanding is to align the long-term strategic direction of both organisations, formally set out the terms of a cooperative relationship between the parties, establish their respective roles, and facilitate the fulfilment of each party's function in relation to the protection of public health.

1. Interpretation

- 1.1 **NSW Health** refers to NSW Ministry of Health, Hunter New England Population Health, and Hunter New England Local Health District.
- 1.2 **Water supply system** includes all those systems, from the catchment, including groundwater systems, to the consumer's tap, utilised by MidCoast Council to supply drinking water.
- 1.3 **Aesthetic guideline value** means the concentration or measure of a physical or chemical characteristic of water that is associated with good water quality as stated in the *Australian Drinking Water Guidelines*.
- 1.4 **Australian Drinking Water Guidelines** means collectively National Health and Medical Research Council (NHMRC) and National Resource Management Ministerial Council (NRMMC) *Australian Drinking Water Guidelines 2011 (updated April 2023)* and any subsequent amendments, updates or supplements to the Guidelines.
- 1.5 **Health guideline value** means the concentration or measure of a physical, chemical, biological or radionuclide characteristic of water that, based on present knowledge, does not result in any significant risk to the health of a person over a lifetime of consumption, as stated in the *Australian Drinking Water Guidelines*.
- 1.6 **Physical characteristics of drinking water** means those physical characteristics of drinking water specified in the *Australian Drinking Water Guidelines* including hardness, pH, taste and odour, total dissolved solids, true colour and turbidity.
- 1.7 **Headings and numbering** are for convenience only and do not affect the interpretation of this Memorandum of Understanding.

2. Term

- 2.1 The term of this Memorandum of Understanding shall be for the period commencing on the date of execution hereof and remaining in force for five (5) years or as otherwise agreed by both parties, at which time it should be reviewed and renewed.

3. Liaison between NSW Health and MidCoast Council

- 3.1 The parties shall continue to liaise via the established Joint Strategic Group and meet at least twice a year in April and October. The strategic group is comprised of the following or their nominee, or any other officers as agreed to by both organisations:
- Director Health Protection, Hunter New England Population Health, Hunter New England Local Health District;

- Environmental Health Manager, Hunter New England Population Health, Hunter New England Local Health District;
- Manager NSW Health Water Unit NSW Health;
- Regional Manager Water and Sewerage, NSW Department of Planning and Environment;
- General Manager, MidCoast Council
- Director Infrastructure and Engineering Services, MidCoast Council;
- Executive Manager Water and Systems, MidCoast Council;
- Manager Water Management and Treatment, MidCoast Council;
- Manager Water Planning and Assets, MidCoast Council;
- Manager Water Project Delivery, MidCoast Council;
- Coordinator Water Quality and Process, MidCoast Council;
- Strategic Water Officer, MidCoast Council;
- Water Quality Systems Officer, MidCoast Council; and
- Environmental Scientist Quality and Source, MidCoast Council.

The group is responsible for discussing the broad principles, strategic directions and policies underlying the roles and responsibilities of the parties under this Memorandum of Understanding and to:

- review progress on the implementation of this Memorandum of Understanding;
- consider long term strategic issues and policies, and to define and implement processes for the interchange of strategic planning information;

and specifically to:

- coordinate the implementation of this Memorandum of Understanding;
- establish data sharing programs;
- establish programs of investigations, feasibility studies and economic analyses to be undertaken by MidCoast Council to meet public health objectives in relation to drinking water, wastewater and recycled water;
- make recommendations to Director Hunter New England Population Health, Hunter New England Local Health District, and General Manager, MidCoast Council regarding the updating of this Memorandum of Understanding; and
- facilitate co-ordination of the collection of data on water quality for use by all relevant agencies.

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

The Joint Strategic Group will report their activities to Director Hunter New England Population Health, Hunter New England Local Health District, General Manager MidCoast Council and Director Infrastructure and Engineering Services MidCoast Council.

3.2 The parties shall continue to liaise via the established Joint Operational Group and meet at least twice a year in February and July and in addition as deemed necessary to manage MidCoast Councils' drinking water, wastewater and recycled water systems. This group is comprised of the following, their nominee, or any other officers as agreed to by both organisations:

- Environmental Health Manager, Hunter New England Population Health, Hunter New England Local Health District;
- Manager Water Management and Treatment, MidCoast Council;
- Coordinator Water Quality and Process, MidCoast Council;
- Strategic Water Officer, MidCoast Council;
- Water Quality Systems Officer, MidCoast Council; and
- Environmental Scientist Quality and Source, MidCoast Council.

The operational group is responsible for;

- implementing provisions of the Memorandum of Understanding on a day-to-day basis;
- making recommendations to the Joint Strategic Group on the management, operation and evaluation of the water, wastewater and recycled water systems; and
- monitoring the day-to-day operation of the water, wastewater and recycled water systems.

3.3 Dispute resolution between the parties will be resolved by the Joint Strategic Group. If resolution is not forthcoming, the General Manager, MidCoast Council and Director Hunter New England Population Health Hunter New England Local Health District shall mediate the dispute. In the event that the dispute cannot be resolved by the General Manager, MidCoast Council and Director, Hunter New England Population Health, Hunter New England Local Health District, a third-party mediator shall be used to progress a resolution. If no resolution is forthcoming the view of NSW Minister for Health shall prevail.

4. Amendment

4.1 This Memorandum of Understanding can be amended at any time upon agreement between the parties. Where agreement is not reached, the disputes provisions shall prevail.

5. MidCoast Council' Roles and Responsibilities

5.1 MidCoast Council shall ensure that all drinking water it supplies is safe to drink having regard to the health of the public. MidCoast Council shall satisfy itself of the safety of the drinking water supply, including but not limited to the analysis of microbial, chemical, physical, pesticide and radiological properties.

5.2 Drinking Water Quality

5.2.1 MidCoast Council must take all reasonable measures to comply with the following relating to drinking water:

- *Australian Drinking Water Guidelines* values relating to health;
- *Australian Drinking Water Guidelines* values relating to aesthetic properties of water as agreed between NSW Health and MidCoast Council; and
- To fluoridate major drinking water supplies as required by *Fluoridation of Public Water Supplies Act 1957* and comply with the fluoridation plant operating targets set out in *NSW Code of Practice for Fluoridation of Public Water Supplies*.

5.2.2 In delivering services, MidCoast Council must have regard to the concepts of risk minimisation practices and system management of public water supplies set out in the Framework for Management of Drinking Water Quality in *Australian Drinking Water Guidelines*.

5.3 Drinking Water Quality Management

5.3.1 MidCoast Council will prepare and maintain, to the satisfaction of NSW Health, a Drinking Water Quality Management System, which applies the Framework for the Management of Drinking Water Quality as a requirement of *Public Health Act 2010*.

5.3.2 The Drinking Water Quality Management System is to:

- specify MidCoast Council' commitment in relation to drinking water quality including the level of service to be achieved;
- include strategies for the comprehensive management of all aspects of the supply cycle necessary to ensure the quality of drinking water supplied to customers and consumers;
- identify hazards, assess risks and adopt the 'multiple barrier' approach to protection of drinking water outlined in the Framework considering catchment management and bulk supply, treatment, disinfection and supply system management; and

- include details of water quality monitoring, reporting and incident management.

5.3.3 MidCoast Council should consider mechanisms for establishing an independent auditing schedule as agreed with NSW Health.

5.3.4 MidCoast Council and NSW Health, through the Joint Strategic Group, are to annually review the Drinking Water Quality Management System. Where necessary, the Drinking Water Quality Management System is to be amended to address any issues identified or changes to infrastructure and processes for water quality improvement.

5.4 Drinking Water Quality Monitoring

5.4.1 MidCoast Council will prepare, to the satisfaction of NSW Health, an annual Drinking Water Quality Monitoring Plan. The Drinking Water Quality Monitoring Plan will assess the quality of drinking water in MidCoast Council' Water Supply Systems. The plan is to be agreed with NSW Health each year.

5.4.2 The annual Drinking Water Quality Monitoring Plan is to incorporate monitoring recommended for MidCoast Council under NSW Health Drinking Water Monitoring Program including:

- health parameters and aesthetic parameters for which compliance is required, as agreed between NSW Health and MidCoast Council;
- assessment of risks to the water supply system and, where necessary, tests for other characteristics. These might include and are not necessarily limited to pesticides, disinfection by-products, other organic compounds, cyanobacteria (blue-green algae), specific pathogens, and radionuclides; and
- monitoring and reporting of fluoride concentrations in accordance with the requirements of *NSW Code of Practice for the Fluoridation of Public Water Supplies*.

5.4.3 All drinking water analyses will be undertaken by a laboratory accredited by National Association of Testing Authorities (NATA) for that purpose. MidCoast Council will notify NSW Health as soon as practicable of any result that exceed a health guideline value.

5.4.4 MidCoast Council will monitor treated water and initiate action to identify any sources of contamination where values are above the levels set in the Drinking Water Quality Management System. All drinking water quality monitoring samples forwarded to NSW Health laboratories will be collected and sent according to procedures included in the current version of publication titled NSW Health Drinking Water Monitoring Program.

5.4.5 MidCoast Council is to ensure that results of drinking water quality monitoring are to be entered into the NSW Drinking Water Quality Database within five (5) working days of the test result being reported to MidCoast Council.

5.5 Drinking Water Quality Reporting

- 5.5.1 MidCoast Council will, by the Joint Strategic Group Meeting in October of the following financial year, produce an Annual Report on the performance of the Drinking Water Quality Management System, including water quality data and trends, incidents, critical control points and system improvements.

A summary of the Annual Report will be placed on MidCoast Council' website and copies made available on request.

5.6 Recycled Water Management, Monitoring and Reporting

- 5.6.1 Recycled water supplied by MidCoast Council must be supplied according to *Australian Guidelines for Water Recycling* and requirements prescribed by Office of Environment and Heritage, NSW Environment Protection Authority, NSW Health, NSW Department of Planning and Environment, and any other relevant Government agencies.

- 5.6.2 MidCoast Council will use its best endeavours to reach agreement with persons to whom recycled water is supplied, as to the water quality standards that are to apply to that water supplied to those persons for purposes other than human consumption. The terms of the arrangements must at minimum include:

- the standard of the quality of water supplied;
- the purpose of the supply; and
- identify any restrictions on its use.

5.7 Wastewater Management

- 5.7.1 MidCoast Council is responsible for providing wastewater services to customers in a manner which protects public health, as well as complying with relevant legislation. Pollution Incident Response Management Plans for each licenced premise must be followed including notification to NSW Health of events with the potential to adversely impact public health. Requirements include, but are not limited to the following:

- pollution incident risk assessment;
- emergency response procedures;
- notification to external agencies and community; and
- work health and safety.

6. Other Responsibilities

- 6.1 MidCoast Council will provide NSW Health with all data and all information on the planning, design, maintenance, operation and administration of MidCoast Council

activities that NSW Health reasonably requires to make informed judgements regarding matters relating to the protection of public health.

- 6.2** MidCoast Council, as a service provider, has a role in ensuring public health protection. This role must be recognised in any conflict or matters of mutual concern to both public health and environmental protection approaches and will require consultation between MidCoast Council, NSW Office of Environment and Heritage, NSW Environment Protection Authority and NSW Health.

7. NSW Health's Roles and Responsibilities

- 7.1** NSW Health will provide general advice to MidCoast Council on matters regarding the supply of water that is safe to drink and on other public health issues in regard to drinking water, wastewater and recycled water that relate to MidCoast Council' activities.
- 7.2** NSW Health will maintain a Public Water Supply Regulatory Program for the purpose of making independent judgements on public health matters related to MidCoast Council' activities and exercising its powers and functions under the *Public Health Act 2010* and Public Health Regulation 2022.
- 7.3** Where any drinking water supplied by MidCoast Council is failing to meet the required provisions of the *Australian Drinking Water Guidelines* or where the provision of drinking water takes place in such a manner that a hazard to public health may arise, MidCoast Council shall be responsible for assessing the problem and proposing rectification action. 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 MidCoast Council. Where NSW Health gives any advice to MidCoast Council under this clause, it shall be entirely the responsibility of MidCoast Council to take appropriate rectification action to ensure that the drinking water it supplies is safe to drink and meets the requirements of *Australian Drinking Water Guidelines*, and that other activities are conducted in a manner that do not pose a potential hazard to public health.
- 7.4** NSW Health will provide advice to MidCoast Council in relation to the supply of recycled water which is safe to use in accordance with recommended uses and on other public health issues regarding recycled water. NSW Health will use *Australian Guidelines for Water Recycling: Managing Health and Environmental Risk (AGWR) 2006* for guidance in providing such advice in relation to recycled water.
- 7.5** Where funding is available and appropriate, NSW Health may provide assistance to MidCoast Council to implement the Drinking Water Quality Management System.

8. Emerging Public Health Issues Related to Drinking Water, Wastewater and Recycled Water

- 8.1 The parties will work to establish common direction in research and development in relation to emerging public health issues relating to water supply wastewater and recycled water services.
- 8.2 MidCoast Council will participate in appropriate research and development on emerging public health issues relating to drinking water, wastewater and recycled water services so as to enable them to make well informed judgements regarding action to be taken to maintain the protection of public health.
- 8.3 The parties will independently provide input to public discussion and debate on future revisions of *Australian Drinking Water Guidelines*, *Australian Guidelines for Water Recycling* and other documents involving the provision of drinking water, recycled water as well as developments that may impact on water quality.

9. Events of Public Health Significance

- 9.1 MidCoast Council will report to NSW Health any information or event within its drinking water supply system, wastewater treatment and release operations or recycled water supply system, which may have significant implications for public health or do not comply with the relevant legislation or related guidelines.
- 9.2 The report of information by MidCoast Council will include maps depicting locations of systems, in addition to tables or text as required by NSW Health.
- 9.3 The parties shall develop a comprehensive Incident and Emergency Management Plan covering MidCoast Council' drinking water supplies, wastewater and recycled water systems. The Incident and Emergency Management Plan should include, where appropriate, reference to any Incident Management Plan developed between MidCoast Council and other agencies. The parties will nominate an Incident Management Control Point for the coordination of responses to any event of public health significance. The contact point will be an officer of each organisation who is familiar with the Plan and the Incident Management Procedures and Protocols thereunder. The Incident and Emergency Management Plan shall contain procedures and protocols for the coordinated management of incidents including the notification of public health advice to customers, and media communication of public health information.
- 9.4 The parties shall ensure that all relevant personnel in their respective organisations are competent to respond to and execute the Incident and Emergency Management Plan.

10. Knowledge Exchange

- 10.1** The parties will work to establish common understanding of best practice and measures to protect public health in drinking water supply, wastewater services and recycled water schemes.
- 10.2** Both parties will exchange mutually relevant information, reports and studies.

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