

MEMORANDUM OF UNDERSTANDING

BETWEEN THE

DEPARTMENT OF HEALTH

AND

POWER AND WATER CORPORATION

AND

INDIGENOUS ESSENTIAL SERVICES PTY LTD

FOR

DRINKING WATER

OCTOBER 2022

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Acknowledgement

This Memorandum of Understanding (MoU) is based upon a similar instrument developed by the Water Corporation of Western Australia and the Department of Health, Western Australia. The Department of Health (NT), the Power and Water Corporation and Indigenous Essential Services acknowledge the significant benefit achieved by being able to access the work undertaken by these organisations in the area of Drinking Water quality management.

Memorandum of Understanding

This MoU is entered into on the _____ day of _____ 2022.

Between:

Power and Water Corporation (ABN 15 947 352 360) ("the Corporation"),

Indigenous Essential Services Pty Ltd (ABN 50 105 269 636) ("IES")

and the Northern Territory of Australia as represented by the Department of Health (ABN 84 085 734 992) ("the Department").

Context

1. The Corporation is a government owned corporation under the *Government Owned Corporations Act 2001* (NT). The Corporation has the responsibility for providing a supply of Drinking Water to its urban customers in accordance with its Operating Licence granted under the *Water Supply and Sewerage Services Act 2000* (NT).
2. The Corporation may also advise the Department on matters relating to Drinking Water.
3. IES is a subsidiary of the Corporation and is responsible for providing a supply of Drinking Water to remote customers under the IES Agreement.
4. The Department is the regulatory agency for Drinking Water quality in the Northern Territory.
5. The Department has a key role in providing advice to the Northern Territory Government on standards in relation to Drinking Water quality and associated risks to public health.
6. The Department has responsibilities in relation to the protection of public health under the *Public and Environmental Health Act 2011* (NT) and other relevant legislation.

Contents

1. Foreword	1
1.1 Non-Binding	1
1.2 Design of the MoU	1
1.3 MoU and Supporting Documents	2
2. Interpretation	2
3. Role of the Department of Health	3
3.1 Role	3
3.2 Regulator	3
3.3 Advisor to the Corporation and Public	3
3.4 Declarations and Notifications – Public and Vulnerable Individuals	3
3.5 Reviews and audits	4
4. Role of the Power and Water Corporation	4
4.1 Advisor to the Department	4
4A. Role of IES	4
5. Commitment to Drinking Water Quality	5
5.1 Resource the MoU	5
5.2 Monitor Implementation of and Compliance with the MoU	5
5.3 Develop and Improve Drinking Water Quality Regulation	5
5.4 Work to Protect Sources and Catchment Areas	5
5.5 Identify Representatives Responsible for Requirements of the MoU	5
6. Administration of Drinking Water Quality	5
6.1 Adoption of Australian Drinking Water Guidelines	6
6.2 Current Drinking Water Quality Requirements	6
6.3 Variation to Standard Quality Specifications	6
6.4 Additional Quality Specifications	6
6.5 Schedules to the MoU	6
6.6 Executive Approval	6
6.7 Power and Water Corporation and IES Quality Obligation	7
6.8 Water Considered potable or non-potable	7
7. Other Forms of Water Supply	7
7.1 Regulation of Water Quality	7
7.2 Water Supply Service Classifications	7
7.3 Management of Water Quality	8
8. Systems Analysis and Management	8
8.1 Monitoring Programs	8
8.2 Water Quality Management System	8
8.3 Source Protection	8
8.4 Analysis of Water Samples	9
9. Materials, Products and Chemicals	9

9.1	Materials and Products in Contact with Water	9
9.2	Chemicals Approved for Addition to Water	9
9.3	Chemicals Used to Maintain Water Supply Systems	9
9.4	Chemicals Used in Catchments	10
9.5	Approved Chemical Use, Lists and Approval Conditions	10
10.	Data and Information Exchange	10
10.1	Corporation Water Sampling Data	10
10.2	Department’s Reports and Studies	11
10.3	Corporation’s Reports and Studies	11
10.4	Research and Development	11
10.5	Confidentiality	11
10.6	Data and Information Treatment and Analyses	11
10.7	Reporting Formats	11
11.	Events of Public Health Significance	11
11.1	Framework	11
11.2	Reportable Events	12
11.3	Department to Respond	12
11.4	Declaration of Drinking Water not Suitable for Drinking or other domestic Uses	12
11.5	Event Response Exercises and Training	12
12.	Formal Interaction between the Department and the Corporation	12
12.1	Joint Strategic Liaison Group	12
12.2	Joint Coordination Group	13
13.	Public Education and Information	13
13.1	Public Education	13
13.2	Annual Drinking Water Quality Reports	14
14.	Specific Aspects of Drinking Water Supply	14
14.1	Fluoridation of Public Water Supplies	14
14.1.1	<i>Lead Agency</i>	14
14.1.2	<i>Establishment of Regulatory Framework</i>	14
14.1.3	<i>Water Fluoridation by IES and the Corporation</i>	14
14.1.4	<i>Public Enquiries and Education</i>	14
15.	General Administration	15
15.1	Contracts – Bulk Water	15
15.2	Contracts – Funder/Purchaser/Provider Model	15
16.	Term, Review and Amendment	15
16.1	Term	15
16.2	Amendment of MoU	15
16.3	Amendment of Protocols, Schedules and Contact Lists	15
17.	Schedules and Contact Lists	16
18.	Execution	17
19.	Legislation	19

1. Foreword

This MoU seeks to formalise the cooperative relationship that already exists between the Department, the Corporation and IES for managing Drinking Water quality. It is applicable to the major and minor urban centres and those communities nominated under the Indigenous Essential Services program in the Northern Territory listed in *Schedule DW1: Major/Minor Urban Centres and Remote Indigenous Communities/Outstations*.

Foremost in this MoU is the reinforcement of the Department's role as the regulator of Drinking Water quality in the Northern Territory, and the Corporation is the service provider and principal entity that manages Drinking Water quality.

The Parties recognise that the practices and processes used to establish and maintain safe and aesthetically acceptable ("good quality") Drinking Water need to be open and transparent to the community. The Parties commit to making sure that performance will be reported in a timely manner, open to public scrutiny and improved upon during and beyond the life of this MoU.

The Parties recognise that Drinking Water quality management requires the cooperation and support of many other stakeholders and that their efforts to implement the *ADWG* provide an opportunity to promote an understanding of the importance these stakeholders play in the management of Drinking Water quality from the catchment to the tap.

1.1 Non-Binding

- a) The Parties acknowledge that this MOU is a statement of the mutual intentions of the parties and is not intended to be legally binding.
- b) The Corporation acknowledges and accepts that nothing in this MoU is intended to fetter the powers of Department, or limit its obligations under any law, including the laws specified in clause 3.2.

1.2 Design of the MoU

This MoU is modelled, as far as possible, to reflect the twelve guiding elements of the "Framework for Management of Drinking Water Quality" contained within the *ADWG*.

Element	Description	MoU Sub-clause and Schedules
1	Commitment to drinking water quality management	3, 4, 5, 6, 12, 14, A1, DW2
2	Assessment of the drinking water supply system	8.1, 8.3, DW1, DW3, DW6
3	Preventative measures for drinking water quality management	6.1, 8.1, 8.3
4	Operational procedures and process control	9, DW5, DW6, DW7, DW8, DW9, DW10, DW11, DW12
5	Verification of drinking water quality	3.5, 8.1, 8.4, DW3, DW4
6	Management of emergencies	11.1, 11.2, 11.3, 11.4
7	Employee awareness and training	11.5

Element	Description	MoU Sub-clause and Schedules
8	Community involvement and awareness	3.3, 3.4, 13, 14.1.4, 14.4
9	Research and development	10.2, 10.3, 10.4, 10.5, 12.2
10	Documentation and reporting	10.1, 10.2, 10.3, 10.5, 10.6, DW2
11	Evaluation and audit	3.5
12	Review and continual improvement	16.1, 16.2

1.3 MoU and Supporting Documents

This MoU makes reference to the following supporting documents:

- a) Schedules: documents prepared by the Department or the Corporation in consultation with the other Party and, if appropriate, other members of the water industry. The schedules provide supporting information to this MoU and for other Drinking Water quality requirements and may be for general publication and application within the water industry.
- b) Contact Lists: documents nominating representatives who undertake certain responsibilities. These documents are not publicly available as they contain business-hours contact details and may contain after-hours contact details of personnel from the Department and the Corporation.
- c) Protocols: documents developed by both the Department and the Corporation for detailing processes and arrangements which apply to the Department, the Corporation or both and are necessary for the effective discharge of the roles and requirements described in this MoU. These documents may not necessarily be publicly available as they may contain operationally sensitive details.
- d) Water Quality Procedures: documents prepared by the Department or the Corporation to facilitate the consistent implementation of processes that are related to or impact on managing Drinking Water quality. Procedures include various documents including instructions, process flow diagrams, forms etc. These are internal documents and are not publicly available as they may contain operational specific details.

This MoU replaces the previous version entered into in 2011. This MoU including its supporting documents also replace the *Power and Water Corporation Drinking Water Reporting and Triggers Protocol*. More importantly, however, this MoU and supporting documents more clearly separate the requirements and responsibilities of the previous protocol and allocate these to appropriate locations and those provisions identified in clause 1.1 will bind the Parties.

2. Interpretation

ADWG	The version of the <i>Australian Drinking Water Guidelines 6 - 2011</i> endorsed by the National Health and Medical Research Council ("NHMRC") and Natural Resources Management Ministerial Council ("NRMMC") agreed to be in force by the Department and Corporation.
Corporation	Power and Water Corporation (ABN 15 947 352 360).
Department	Northern Territory of Australia as represented by the Department of Health (ABN 84 085 734 992) and its successors.

Drinking Water	Water intended primarily for human consumption but which has other domestic uses.
Event	An occurrence, situation or change of importance which may be planned, anticipated or unexpected that is not an Incident but nevertheless requires a response.
Incident	An unexpected occurrence, situation or change of importance that causes or may cause an urgent response.
IES	Indigenous Essential Services Pty Ltd (ABN 50 105 269 636).
IES Agreement	<i>Agreement for Provision of Essential Services to Nominated Indigenous Communities 2019-2021</i> entered into by the Department and IES (as extended), and any replacement to that agreement.
Other Supplied Water	Water other than Drinking Water, including Partially Treated Supplied Water and Raw Water.
Partially Treated Supply Water	Water that is treated to potable standard, but may have deteriorated to the extent that it may no longer be potable.
Parties	Each of the parties to this MoU.
Potable Water Supply System	A system for the supply of water that produces water suitable for consumption.
Raw Water	Untreated water.

3. Role of the Department of Health

3.1 Role

The Department's roles are to:

- a) minimise human exposure to environmental health hazards that pose or have the potential to pose a health risk; and
- b) reduce the incidence and impact of communicable disease.

3.2 Regulator

The Department is the regulator of Drinking Water quality in the Northern Territory. Relevant legislation includes:

- a) *Water Supply and Sewerage Services Act 2000* (NT) Sections 45, 46, 49 and 50; and
- b) *Public and Environmental Health Act 2011* (NT) and *Public and Environmental Health Regulations 2014* (NT).

3.3 Advisor to the Corporation and Public

The Department will provide advice to the Corporation and IES regarding the supply of Drinking Water from catchment to tap particularly on matters such as Drinking Water safety and other public health issues in regard to Drinking Water which relate to the Corporation's activities.

In consultation with the Corporation and IES, the Department will provide prompt advice to the public, including the media, with respect to Drinking Water quality issues.

3.4 Declarations and Notifications – Public and Vulnerable Individuals

Pursuant to sub-clause 11.4 the Department is responsible for declaring that Drinking Water is temporarily non-potable, unsuitable for other domestic uses or both. The Department will inform

the Corporation and IES before issuing and rescinding such declarations and coordinate communication actions with the Corporation and IES as required.

The Department is also responsible for notifying health care providers of Drinking Water quality issues that may affect the public or vulnerable individuals, in situations that are prolonged in nature or perpetually ongoing. For example, in the case of nitrate concentrations above 50 mg/L the Department will regularly notify health care practitioners, including community health nurses in the areas affected.

3.5 Reviews and audits

If the Corporation instigates an external review of its Drinking Water quality management system, results of the review will be made available to the Department.

The Department may audit the Corporation's systems and databases used to manage and report Drinking Water quality in relation to the clauses of this MoU described below, as required:

- a) 6. Administration of Drinking Water Quality;
- b) 8. Systems Analysis and Management;
- c) 9. Material, Products and Chemicals;
- d) 10. Data and Information Exchange; and
- e) 11. Events of Public Health Significance.

Should the Department wish to audit the Corporation's systems and databases, then the Department and the Corporation agree that the:

- a) Corporation will be provided the opportunity to comment on the audit scope developed by the Department;
- b) Corporation will be provided the opportunity to comment on a draft audit report;
- c) final audit report may contain recommendations for improvement;
- d) final audit report and any timetable for improvements will be endorsed by the Department's CE and the Corporation's CE;
- e) Corporation's and the Department's representatives will provide regular progress reports on the implementation of the audit's recommendations; and
- f) Corporation will pay for the direct costs (e.g. auditor fees, reimbursable expenses etc.) of the audit incurred by the Department, subject to the costs being reasonable to achieve the agreed scope for the audit.

4. Role of the Power and Water Corporation

The Corporation is a corporatised body under the *Power and Water Corporation Act 1987* (NT). The Corporation has the responsibility for providing a supply of Drinking Water in line with sound commercial practices and in accordance with its operating licence through the *Water Supply and Sewerage Services Act 2000* (NT).

4.1 Advisor to the Department

The Corporation may also provide advice to the Department on Drinking Water matters.

4A. Role of IES

IES is a subsidiary of the Corporation and has responsibility under the IES Agreement for providing a supply of Drinking Water to remote customers.

4B. Allocation of responsibilities and accountabilities

- a) To the extent that this MOU and its schedules refer to the responsibilities and accountabilities of the "Corporation" or "the Corporation and IES": IES is responsible and accountable for matters as they specifically relate to supply and water quality in remote indigenous communities and outstations nominated in the IES Agreement; and
- b) the Corporation is responsible and accountable for supply and water quality in the major and minor urban centres and for all other matters under this MOU and its Schedules.

5. Commitment to Drinking Water Quality

The Department, the Corporation and IES are committed to making sure that major and minor urban centres and those communities nominated under the Indigenous Essential Services program in the Northern Territory are provided with Drinking Water that is safe for human consumption and palatable now and into the future. To facilitate this occurring the Parties will:

5.1 Resource the MoU

The Department, the Corporation and IES agree to provide adequate resources to meet the requirements of this MoU.

5.2 Monitor Implementation of and Compliance with the MoU

The Department, the Corporation and IES will separately monitor and report on their progress towards implementing this MoU, as well as assessing their compliance with this MoU. Parties will prepare a report which is suitable for consideration at the executive level of their respective organisation that addresses this requirement.

The Parties will meet at least annually to jointly discuss their report and determine actions if required. The Parties will agree on the format and time period to be covered by their report. Each Party will provide their report to the other Party before the Parties meet. *Schedule A1: Allocation of Responsibilities and Communications* specifies when the reports are to be provided.

5.3 Develop and Improve Drinking Water Quality Regulation

The Parties will work collaboratively to develop and improve health-based Drinking Water quality regulation in the Northern Territory.

5.4 Work to Protect Sources and Catchment Areas

The Parties will cooperate in areas of mutual interest to ensure adequate consideration is given to protect sources of Drinking Water and their catchments. The Parties will promote to stakeholders the primacy of Drinking Water supply over other non-compatible activities occurring on sources of Drinking Water and in their catchments.

5.5 Identify Representatives Responsible for Requirements of the MoU

Representatives from each Party will be identified to undertake the requirements contained within this MoU including specific responsibilities, obligations, activities etc. *Schedule A1: Allocation of Responsibilities and Communications* identifies the representatives.

6. Administration of Drinking Water Quality

The process for adopting, amending and implementing national and international Drinking Water quality processes, procedures, standards and guidelines are as follows:

6.1 Adoption of Australian Drinking Water Guidelines

The Department and the Corporation accept that pursuant to Section 45 of the *Water Supply and Sewerage Services Act 2000* (NT) no minimum standards for Drinking Water quality have been set in licensed areas. Similarly, the Department and IES accept that no minimum standards have been set for areas not subject to the Act. However, the *ADWG* will be used as the primary reference regarding the quality of Drinking Water and management of Drinking Water quality. The version of the *ADWG* that is in force is specified in *Schedule DW2: Water Quality Requirements*.

The *ADWG* incorporate information on the measurable characteristics of Drinking Water and includes guideline values for safe and palatable Drinking Water. The *ADWG* also describe an integrated quality assurance framework that is designed to manage the quality of Drinking Water from the catchment to the tap. The Department and the Corporation will work cooperatively with other stakeholders to implement the *ADWG*.

The Parties agree the adoption of any new version of the *ADWG* will occur in a planned way with an agreed transition date.

6.2 Current Drinking Water Quality Requirements

The Department's current requirements for Drinking Water quality are contained within *Schedule DW2: Water Quality Requirements*.

6.3 Variation to Standard Quality Specifications

The Department may vary water quality requirements generally or for specified urban centers or communities, subject to justification or an improvement plan. Variations to standard quality specifications for microbial and health-related (chemical and radiological) water quality compliance specifications are found in *Schedule DW3: Variations to Standard Quality Specifications*. The Department will consult with the Corporation and IES before taking any such action.

For the avoidance of doubt, the Department may not rely on this clause 6.3 to impose more stringent water quality requirements.

6.4 Additional Quality Specifications

The Department may set additional quality criteria for the Corporation or IES to comply with or make interpretations where the *ADWG* is considered to lack the relevant specificity. Such additional quality criteria must only be set in the interest of protecting public health outcomes or improving public health outcomes or both. The Department may make reference to other recognised Drinking Water quality guidelines, for example, the World Health Organization's *Guidelines for Drinking-water Quality*. The *ADWG* incorporate a hierarchical list of documents containing national and international Drinking Water guideline values. The Department will consult with the Corporation and IES before taking any such action. Additional Drinking Water quality criteria are found in *Schedule DW4: Additional Quality Specifications*.

6.5 Schedules to the MoU

The Parties have developed schedules to this MoU to provide supporting information to this MoU and for other Drinking Water quality requirements. A Party may revise these schedules or develop further schedules in consultation with the other Parties and, if appropriate, other members of the water industry.

6.6 Executive Approval

Variations or additions to Drinking Water quality criteria as specified in sub-clauses 6.3 and 6.4 will be approved by the Chief Health Officer. If the Department varies the quality criteria to certain requirements, then there will be no breach of the IES Agreement provided IES meets the varied requirements.

6.7 Power and Water Corporation and IES Quality Obligation

The Corporation's and IES's objective is to provide Drinking Water that complies with the Department's requirements in sub-clauses 6.3, 6.4, and 6.6. Where a variation to standard Drinking Water quality criteria is in place, the Corporation's and IES's objective is to also provide Drinking Water that complies with the Department's requirements in sub-clauses 6.3, 6.4, and 6.5 with the exception that some aspect of quality is expected to be in accordance with the variation. Further detail is contained in *Schedule DW2: Water Quality Requirements*.

The Corporation and IES also supply Other Supplied Water to customers. The Department's quality expectations for Other Supplied Water are specified in *Schedule DW2: Water Quality Requirements*.

It is understood by the Parties that the quality of Drinking Water (and if applicable also Other Supplied Water) supplied from some Potable Water Supply Systems does not currently comply with all of the health-related (chemical and radiological) and aesthetic (chemical and physical) guideline values in the *ADWG*, subject to any departures the Department may specify in schedules to this MoU. In response to this the Corporation and IES undertake various programs (e.g. capital works, research etc.) and activities to continually improve Drinking Water quality.

The Parties agree that the Corporation and IES will utilise a risk-based approach to determine priorities for improvement. The Department accepts that there are circumstances where the Corporation and IES would not pursue improvement of water quality. For example, where untreated supplied water from a Potable Water Supply system is supplied to a very small number of customers in a situation where the majority of customers are supplied Drinking Water and thus the expenditure to improve water quality for the affected customers is not warranted.

Additional details on the Department's expectations in relation to quality and improvements to water quality are contained in *Schedule DW2: Water Quality Requirements*.

6.8 Water Considered potable or non-potable

Where the Corporation or IES supplies Drinking Water that complies with the Department's:

- a) microbial compliance provisions;
- b) health-related (chemical and radiological) water quality compliance specifications; and
- c) aesthetic (chemical and physical) water quality compliance specifications,

(including as varied in accordance with clauses 6.3 and 6.4) then such Drinking Water, in the absence of evidence, or a view, to the contrary by the Corporation or IES (as applicable), is considered potable.

7. Other Forms of Water Supply

7.1 Regulation of Water Quality

The Department regulates all other forms of water supply to the extent that there is a risk to public health. The Department's requirements for the various water supply service classifications are contained in *Schedule DW6: Requirements for Various Water Supply Service Classifications*.

7.2 Water Supply Service Classifications

The Corporation and IES provide water supply services under five main classifications:

- a) Standard Drinking Water Supply Service;
- b) Limited Water Supply Service;
- c) Service for Water from a Potable Water Supply System by Agreement;
- d) Service for Water from a Non-potable Water Supply System by Agreement; and

e) Bundled Services by Agreement.

Within each main classification sub-classifications or types may be provided for.

The majority of the Corporation's customers that access Drinking Water are provided a Standard Drinking Water Supply Service. A Bundled Services by Agreement covers provision of a combination of services (e.g. more than one water supply service type with or without sewerage services). A summary of the water supply service classifications is contained in *Schedule DW6: Requirements for Various Water Supply Service Classifications*.

7.3 Management of Water Quality

The Corporation and IES are required to manage water quality in all water supply systems or schemes listed in *Schedule DW1: Major/Minor Urban Centres and Remote Indigenous Communities/Outstations*. The Corporation and IES elects to incorporate the management of the water quality of Other Supplied Water within the scope of its Drinking Water quality management system.

The Corporation and IES will implement the requirements in *Schedule DW6: Requirements for Various Water Supply Service Classifications* for Drinking Water and Other Supplied Water during the course of the MoU.

8. Systems Analysis and Management

8.1 Monitoring Programs

In consultation with the Department, the Corporation and IES will develop, maintain and implement a water quality monitoring program within their respective organisations that identifies all relevant requirements. The results of the water quality monitoring program must enable the assessment of the quality of Drinking Water against the Department's requirements, although its purpose does not necessarily have to be limited to only satisfying this requirement. The monitoring program will be in accordance with specifications approved by the Department. The Department may develop and undertake monitoring programs itself in special circumstances.

The Department accepts that water quality monitoring as described above is undertaken so that water quality that is representative of that supplied to the majority of customers is able to be assessed for compliance. Therefore, the Department accepts that the Corporation and IES do not monitor water quality in some parts of a Potable Water Supply System where small numbers of customers access water who are provided a service by agreement.

The program will be approved by the Chief Health Officer. *Schedule A1: Allocation of Responsibilities and Communications* specifies when the proposed program must be received by the Department and the timeframe in which the Department must determine its approval and advise the Corporation or IES, as applicable.

8.2 Water Quality Management System

In consultation with the Department, the Corporation and IES shall develop, maintain and review Drinking Water quality management policies, processes and procedures. The Department may also do the same.

8.3 Source Protection

The Parties recognise their responsibility in source protection and will carry out hazard identification and risk assessment where required to ensure reliability of public water supplies. Where risks are identified within the catchment, the Parties will respond to control these risks.

8.4 Analysis of Water Samples

Wherever possible, samples that require laboratory analysis will be submitted to laboratories that perform tests and analyses that are registered by the National Association of Testing Authorities ("NATA").

Analyses will, as far as practicable, be in accordance with the requirements of the *Standard Methods for the Examination of Water and Wastewater* or other recognised standards. Where in-house laboratory methods are used the Corporation and IES will work with the relevant laboratory to achieve NATA accreditation, where available, within a timeframe agreed to between the Corporation and the relevant laboratory.

9. Materials, Products and Chemicals

9.1 Materials and Products in Contact with Water

The Corporation and IES will only use materials and products in contact with Raw Water, Other Supplied Water and Drinking Water that comply with *AS/NZS 4020*, *BS 6920*, *NSF/ANSI 61*, a recognised standard published by International Organization for Standardization ("ISO") or are approved by the Department. The Corporation and IES are responsible for assessing and determining whether a material or product complies with an above mentioned standards and issuing an approval for a compliant material or product. When the Corporation or IES determines a material or product does comply then it does not require further approval by the Department.

Materials and products requiring approval by the Department will be submitted from time-to-time for approval and, if determined safe, will be approved within six months of submission for approval. When a material or product is submitted to the Department for approval the Corporation or IES (as applicable) is responsible for undertaking an assessment of the material or product and providing the Department an assessment report. Materials and products approved by the Department are listed in *Schedule DW7: Materials and Products Approved by the Department*.

9.2 Chemicals Approved for Addition to Water

The Corporation and IES will only add chemicals to treat Raw Water, Other Supplied Water and Drinking Water of a type that have been accepted for use by the National Health and Medical Research Council ("NHMRC") or approved by the Department. When a treatment chemical is of a type recommended by the NHMRC then the Corporation or IES is responsible for assessing and determining whether a proprietary treatment chemical complies with its specification and issuing an approval for a compliant proprietary treatment chemical. When an assessment by the Corporation or IES determines a proprietary treatment chemical does comply then it does not require further approval by the Department. Chemicals approved by the Corporation are listed in *Schedule DW8: Treatment Chemicals Approved by the Corporation – NHMRC Accepted*.

Chemicals proposed to be used that are not of a type recommended by the NHMRC will be submitted from time-to-time for approval by the Department before being used and, if determined safe, will be approved within six months of submission for approval. When a treatment chemical is submitted to the Department for approval the Corporation or IES is responsible for undertaking an assessment of the treatment chemical and providing the Department an assessment report. Chemicals approved by the Department are listed in *Schedule DW9: Treatment Chemicals Approved by the Department*.

9.3 Chemicals Used to Maintain Water Supply Systems

The Corporation and IES will only use chemicals for maintenance purposes that will come into contact with the surfaces of components comprising a Potable Water Supply System that are in contact with Raw Water, Other Supplied Water and Drinking Water that have been approved by the Department or the Corporation or IES. The Corporation or IES is responsible for assessing and determining whether a food-grade chemical used for maintenance is safe and issuing an approval

for a safe food-grade chemical. When an assessment by the Corporation or IES determines a food-grade chemical is safe then it does not require further approval by the Department.

Other chemicals proposed to be used that are not currently approved will be submitted from time-to-time for approval by the Department and, if determined safe, will be approved within six months of submission for approval. When a chemical used for maintenance purposes is submitted to the Department for approval the Corporation or IES is responsible for undertaking an assessment of the chemical and providing the Department an assessment report. Approved chemicals are listed in *Schedule DW10: Chemicals Approved by the Department or Corporation for Use in Maintenance*.

The Department may specify operational procedures to be followed to make sure contamination does not occur.

9.4 Chemicals Used in Catchments

The Parties are committed to the protection of Raw Water, Other Supplied Water and Drinking Water from herbicides and encourage involvement of key stakeholders to minimise the risk of contamination.

The Corporation and IES will only use chemicals applied to and used within catchment areas for purposes other than direct improvement of water quality that have been approved by the Department. Chemicals proposed to be used that are not currently approved will be submitted from time-to-time for approval by the Department and, if determined safe, will be approved within six months of submission for approval. When a chemical is submitted to the Department for approval the Corporation or IES is responsible for undertaking an assessment of the chemical and providing the Department an assessment report.

Approved chemicals are listed in *Schedule DW11: Chemicals Approved by the Department for Use in Catchments*. The Corporation or IES on behalf of the Department may also prepare schedules listing chemicals that were submitted for approval but do not require approval and chemicals that were submitted for approval and were not approved.

The Department may specify operational procedures to be followed to make sure contamination does not occur.

9.5 Approved Chemical Use, Lists and Approval Conditions

Approved materials and products may also be used in Non-potable Water Supply Systems or schemes.

The Corporation or IES on behalf of the Department may also prepare schedules listing materials and products that were submitted for approval but do not require approval (for example because they are commonly recognised as not being harmful) and materials and products that were submitted for approval and were not approved.

The Corporation or IES may seek advice from the Department with respect to the suitability of materials, chemicals and procedures described in sub-clauses 9.1, 9.2, 9.3 and 9.4.

10. Data and Information Exchange

10.1 Corporation Water Sampling Data

The Corporation and IES will make available the analytical results and calculated statistics derived from the execution of the water quality monitoring program to the Department in a format and at a frequency agreed to by the Department. The Corporation and IES will also provide the Department the analytical results of all or any part of its current or any previous water quality monitoring program if and when required.

10.2 Department's Reports and Studies

The Department will provide the Corporation and IES with reports and studies it undertakes which are relevant to those activities of the Corporation or IES which impact on public health.

10.3 Corporation's Reports and Studies

The Corporation and IES will provide access to reports and studies undertaken by the Corporation or IES as part of its business which are relevant to public health.

10.4 Research and Development

Each Party will provide a program of their respective Drinking Water quality health-related research and development activities.

10.5 Confidentiality

Information or data provided by a Party under this MOU will not be published or distributed beyond their organisation without the approval of the Party who provided the information or data, unless the:

- a) request for data or information expressly states that the provided information or data may or will be published or distributed;
- b) information or data when provided is publicly available or thereafter becomes publicly available;
- c) information or data must be released in accordance with an applicable law; or
- d) information or data is provided under *Protocol DW1: Protocol for the Notification by the Power and Water Corporation of Drinking Water Quality and Supply Reportable Incidents and Events to the Department of Health.*

10.6 Data and Information Treatment and Analyses

The Parties will work cooperatively to establish agreed approaches for the treatment or handling of analytical results and information including any analyses or assessments.

10.7 Reporting Formats

The Parties will work cooperatively to establish agreed reporting formats for analytical results and information including any analyses or assessments.

11. Events of Public Health Significance

11.1 Framework

From time to time it may be necessary for the Corporation or IES to notify the Department of Events that may have impacts including the potential to affect public health or alter aesthetic water quality. Events may be related to exceedances or exceptions of water quality trigger values, continuity of supply, failure of assets or suspected contamination of Drinking Water etc. The joint response action will depend on the nature of the Event and the potential risk to public health.

There are three main levels assigned to Events related to Drinking Water supply that determine the notification protocols to be implemented:

- a) Activation of Territory Emergency Management Policies and Plans;
- b) Priority 1 Events – Medium or higher impact to public health; and
- c) Priority 2 Events – Low or no impact to public health.

11.2 Reportable Events

Reportable Events and the corresponding notification protocols are detailed in *Protocol DW1: Protocol for the Notification by the Power and Water Corporation of Drinking Water Quality and Supply Reportable Events to the Department of Health*.

11.3 Department to Respond

The Department will provide a 24-hour point of contact to receive notification of reportable Events, in order that the Department can promptly determine whether any action should be taken to respond to the Event.

11.4 Declaration of Drinking Water not Suitable for Drinking or other domestic Uses

When necessary, the Department will declare Drinking Water to be Non-potable (e.g. temporarily due to microbial contamination), unsuitable for other domestic uses or both and specify methods of treatment that consumers and users can undertake or alternative sources of supply. The Department agrees that the number of potential consumers and users affected by a potential declaration is not a variable that determines whether a declaration is issued.

The Department will make such declarations after having taken into account situational information, including any assessment of the risk to public health, provided by the Corporation or IES. The Department will provide advance notification of the intention to issue a declaration. The Department will also rescind such declarations promptly when no longer necessary, after having consulted with the Corporation or IES. The Department will provide advance notification of the intention to rescind a declaration.

The Department is the lead agency responsible for communicating the issuing and rescinding of such declarations to consumers and users, including via the media and other networks. The Department will tailor its declaration to the circumstances including methods for communicating the issuing and rescinding such declarations. The Corporation and IES will assist with communication to consumers and users via inclusion of information on its public website.

11.5 Event Response Exercises and Training

During the term of this MoU, the Parties agree to undertake staff training to improve responses to the occurrence of Events and conduct joint exercises.

12. Formal Interaction between the Department and the Corporation

12.1 Joint Strategic Liaison Group

A Joint Strategic Liaison Group, or equivalent, comprising executive level representatives from the Department and Corporation (including the Corporation as representative for IES) will be established and hold an inaugural meeting within six months of entering this MoU. The Joint Strategic Liaison Group will meet regularly through a formalised process. The Joint Strategic Liaison Group must prepare and maintain a terms of reference covering but not limited to such aspects as its purpose, responsibilities, powers, membership, meeting frequency and operation.

The Joint Strategic Liaison Group may, subject to the agreement of the Parties from time to time, include executive level representatives from the Department of Territory Housing, Family and Communities, as appropriate.

12.2 Joint Coordination Group

A Joint Coordination Group comprising officer level representatives will be established and hold an inaugural meeting within six months of entering this MoU. The Joint Coordination Group will meet regularly through a formalised process. The Joint Coordination Group must prepare and maintain a terms of reference covering but not limited to such aspects as its purpose, responsibilities, powers, membership, meeting frequency and operation.

13. Public Education and Information

13.1 Public Education

The Department, IES and the Corporation are each responsible for undertaking public education and providing information as required on matters relating to Drinking Water quality and the management of Drinking Water quality.

The Corporation and IES are responsible for specific areas of public education and information including but not limited to:

- a) Quality of supplied Drinking Water: Information on the quality of Drinking Water provided by specific Potable Water Supply Systems;
- b) Drinking Water quality complaints: Identifying common types of quality problems that consumers and users may encounter with Drinking Water, whether these present a health risk, what consumers and users should or should not do, how to contact the Corporation, etc.

The Department is responsible for specific areas of public education and information including but not limited to:

- a) Alternative sources of Drinking Water: Bottled water, rainwater etc.;
- b) Drinking Water quality regulation:
 - explaining the regulation of Drinking Water quality in the Northern Territory; and
 - explaining the Department's specific roles and responsibilities arising from its regulatory function, including how it oversees and works with Drinking Water supply service providers, including the Corporation and IES; and
 - explaining the specific roles and responsibilities of Drinking Water supply service providers, including the Corporation and IES.
- c) Point-of-entry and point-of-use water filters: Types, suitability, maintenance, etc.
- d) Water fluoridation: Oral and other health benefits, regulation, etc. (refer 14.1.4);
- e) Drinking Water quality incidents: preparations ahead of severe weather events and natural disasters, precautions during such events, guidance on boiling or disinfecting contaminated Drinking Water etc.

The separation of responsibilities described above shall not prevent, restrict or limit a Party from undertaking public education and providing information in an area that is considered to be the responsibility of the other Party. Nevertheless, none of the Parties shall rely upon this to avoid, reduce or limit their fulfillment of their responsibility.

The Parties accept that there may be some necessary overlap, for example, in information content, when undertaking their respective activities to educate the public and provide information. The Parties may jointly publish information materials or promote that they are working together.

The Parties may be required to jointly work together when significant strategies, initiatives, programs, projects etc. are to be undertaken by one of the Parties that require education of the public and provision of information. During the term of the MoU, the Department will support the IES and Corporation's implementation of its approach to classifying water supply services. For example, the Department will ensure that public communication materials are available to support

understanding by consumers and users of microbial and other hazards that may be present in Drinking Water and their health effects. The focus of IES and the Corporation's public education materials will be to ensure understanding of other applicable requirements.

Schedule DW2: Water Quality Requirements contains further detail on increasing and strengthening education of the public in specific areas considered to require attention.

13.2 Annual Drinking Water Quality Reports

- a) An annual Drinking Water quality report will be prepared.
- b) The Corporation will address the major and minor urban centres as listed in *Schedule DW1: Major/Minor Urban Centres and Remote Indigenous Communities/Outstations*.
- c) IES will address those communities and outstations nominated under the Indigenous Essential Services program in the Northern Territory as listed in *Schedule DW1: Major/Minor Urban Centres and Remote Indigenous Communities/Outstations*.
- d) The report will describe monitoring undertaken during the reporting period and results obtained. The format of the report including presentation of monitoring results will be agreed with the Department.
- e) The Corporation and IES will provide a final working draft of the report to the Department for review and approval. A final hard proof of the report will also be provided to the Department for review and approval.
- f) *Schedule A1: Allocation of Responsibilities and Communications* specifies when the:
 - i. Department must determine its approval and advise the Corporation and IES; and
 - ii. The report is to be published.

14. Specific Aspects of Drinking Water Supply

14.1 Fluoridation of Public Water Supplies

14.1.1 Lead Agency

The Department is the lead agency in respect of fluoridation policy and regulation including that required for water fluoridation. The Department is responsible for the provision of advice to the Northern Territory Government with respect to public health issues of water fluoridation.

14.1.2 Establishment of Regulatory Framework

The Department will progress the establishment of a regulatory framework for water fluoridation. The Department will engage with the Corporation and IES to ensure the requirements of the regulatory framework can be effectively met operationally and in a cost effective manner.

14.1.3 Water Fluoridation by IES and the Corporation

IES and the Corporation will continue to undertake water fluoridation in two major urban centres and five communities, however, IES and the Corporation will not introduce water fluoridation to other locations. Potable Water Supply Systems or schemes that incorporate a water fluoridation process are listed in *Schedule DW5: Fluoridated Potable Water Supply Systems*.

14.1.4 Public Enquiries and Education

The Corporation can respond to enquiries from the general public regarding water fluoridation of public water supplies it operates but may decide that the enquiry be referred to the Department either when it is first received or, after initially responding, a further response is required and it is considered the Department is best placed to respond. The Department will be primarily responsible

for public education with respect to issues of fluoridation including water fluoridation, although the Corporation may support the Department in performing this function.

15. General Administration

15.1 Contracts – Bulk Water

The Corporation may contract for the supply of bulk Raw Water, Partially Treated Supplied Water or Drinking Water from a third party that involves the operation and maintenance by the third party of all or some of the water supply assets of a Potable Water Supply System or scheme. These assets may also be owned by that third party. The same arrangement may apply in respect of a Non-potable Water Supply System or scheme. Unless specified in the relevant contract, the Corporation may not be in a position to accept ultimate responsibility for the entire system's performance and water quality. The Corporation will notify the Department in the event that a contract restricts the ability of the Corporation to fulfill its role, responsibilities, requirements or obligations contained within this MoU, including its ability to respond to an issue of public health significance. The Department will seek to initiate remedial actions of all parties concerned.

15.2 Contracts – Funder/Purchaser/Provider Model

The Corporation or IES may contract to provide water supply (sewerage and electricity) services that are delivered using a funder/purchaser/provider model. Under such a model the Corporation or IES would enter into a Contract with the funding organisation containing various terms and conditions, including a requirement that the Corporation or IES operate within financial constraints determined by the funder. The Department acknowledges the Corporation or IES does not ultimately determine the level of funding it would receive under such a Contract. The Corporation or IES will notify the Department in the event that a Contract restricts the ability of the Corporation or IES to satisfactorily fulfill its role, responsibilities, requirements or obligations contained within this MoU, including its ability to respond to an issue of public health significance. The Department agrees to assist the Corporation or IES by engaging with the funding organisation on matters or issues related to public health in respect of the services provided by the Corporation or IES, including when these are related to specific programs, projects, initiatives or activities, with a view to seeking a resolution that is satisfactory to all parties concerned.

16. Term, Review and Amendment

16.1 Term

This term of this MoU is five years commencing on the date of execution contained herein and terminating on a business day. Should a new MoU not be established by such time, then this MoU will remain in force until a new MoU is established.

16.2 Amendment of MoU

This MoU may be amended at any time by agreement between the Parties in writing. *Schedule A1 – Allocation of Responsibilities and Communications* identifies the relevant positions of the representatives from each Party who are responsible for the review, amendment, requesting and approving changes (i.e. administration) of this MoU including execution of an amended MoU.

16.3 Amendment of Protocols, Schedules and Contact Lists

The nominated representatives of the Parties can amend the protocols, schedules and contact lists to this MoU at any time by agreement of the Parties. *Schedule A1 – Allocation of Responsibilities and Communications* identifies the relevant positions of the representatives from each Party who are responsible for the review, amendment, approval etc. (i.e. administration) of individual protocols, schedules and contact lists including (if applicable) execution of these. An amended

protocol, schedule or contact list will take effect on the day the amended document is signed by the last party to sign.

17. Schedules and Contact Lists

Schedule A1: Allocation of Responsibilities and Communications

Schedule DW1: Major/Minor Urban Centres and Remote Indigenous Communities/Outstations

Schedule DW2: Water Quality Requirements

Schedule DW3: Variations to Standard Quality Specifications

Schedule DW4: Additional Quality Specifications

Schedule DW5: Fluoridated Potable Water Supply Systems

Schedule DW6: Requirements for Various Water Supply Service Classifications

Schedule DW7: Materials and Products Approved by the Department

Schedule DW8: Treatment Chemicals Approved by the Corporation – NHMRC Accepted

Schedule DW9: Treatment Chemicals Approved by the Department

Schedule DW10: Chemicals Approved by the Department or Corporation for Use in Maintenance

Schedule DW11: Chemicals Approved by the Department for Use in Catchments

Schedule DW12: Chemical, Materials and Products Assessed – Not Approved

18. Execution

Signed by:

Department of Health

Signature

Signature

Name

Name

Position

Position

Date

Date

Power and Water Corporation

Signed for and on behalf of **POWER AND WATER CORPORATION ABN 15 947 352 360** by its authorised signatory:

.....

NAME (PRINT):
.....

Name (print):
.....

POSITION: CHIEF EXECUTIVE OFFICER
.....

Position: GENERAL COUSEL & COMPANY SECRETARY
.....

DATE:

Date:

Indigenous Essential Services Pty Ltd

Signed for and on behalf of **Indigenous Essential Services Pty Ltd** by its attorney under a power of attorney dated _____ in the presence of:

.....
NAME (PRINT):

Name (print):

.....
POSITION: CHIEF EXECUTIVE OFFICER

.....
Position: GENERAL COUNSEL & COMPANY SECRETARY

DATE:

Date:

19. Legislation

Government Owned Corporations Act 2001 (NT).

Power and Water Corporation Act 2002 (NT).

Public and Environmental Health Act 2011 (NT).

Public and Environmental Health Regulations 2014 (NT).

Water Supply and Sewerage Services Act 2000 (NT).