

Minister for Primary Industries and Water

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Tabled
5/10/10

Ms K Scott
Secretary
Lilydale District Progress Association Inc
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30 SEP 2010

Dear Ms Scott

Thank you for your letter dated 1 July 2010, in which you enquire about my responsibilities for the quality and quantity of water supplied to the township of Lilydale, in my capacity as the Minister for Primary Industries and Water.

As the CEO of Ben Lomond Water, Mr Cash, noted in his email to Mr Ian Scott on 6 March 2010, a copy of which you enclosed with your letter, from 1 July 2009 the responsibility for providing public water and sewerage services was transferred from the local councils and bulk water authorities to three regional water and sewerage corporations, as part of the Government's reforms of the water and sewerage sector. Ben Lomond Water is, therefore, accountable to its customers (in this case the Lilydale community), the regulator of drinking water standards in Tasmania (the Director of Public Health) and the corporation's owners (including the Launceston City Council) for the quality of the reticulated water it supplies to the town. Ben Lomond Water is also responsible for ensuring that there is sufficient supply to meet demand, notwithstanding the accepted use of demand management tools, such as water restrictions, to reduce demand at different times of the year, in recognition of seasonal variations in the availability of water.

As the Minister for Primary Industries and Water, I have overarching responsibilities under the *Water and Sewerage Industry Act 2008* to develop and coordinate policies relating to regulation of the water and sewerage industry. Those responsibilities include enforcing the conditions of the interim licences issued to the regional water and sewerage corporations, ensuring that appropriate customer service standards are put in place, and ensuring that there is transparent and accountable public reporting by Tasmania's water and sewerage industry.

It is important to note, however, that those responsibilities do not, in any way, encroach on the role of the Director of Public Health in relation to matters of drinking water quality, nor do those responsibilities extend to pricing related matters, which are the responsibility of the Treasurer.

In relation to the quality of water in Tasmania's watercourses, Mr Cash is correct in saying that the regional water and sewerage corporations are not responsible for the quality of raw water in Tasmania's rivers, nor do the corporations have any direct control over the catchments that feed those waterways. Nonetheless, Ben Lomond Water and the other regional corporations do have an interest in catchment management and the quality of water in Tasmania's river systems, to the extent that those watercourses are a source of water which, once treated, is ultimately reticulated to consumers.

The *Public Health Act Tasmanian Drinking Water Guidelines* do direct the water corporations to prepare Drinking Water Quality Management Plans, which identify the risks to water quality (from catchment to tap) for each drinking water supply system. The Guidelines also require the implementation of risk management practices to address the identified risks. However, with respect to the identified risks in any drinking water catchment, the water corporations do not have any powers over land use practices within catchments, meaning that the focus of their risk management efforts is on the application of appropriate water treatment to address such risks.

Being mindful of the fact that you have sought explanations from a number of parties in relation to the issues of water quality and catchment management, I thought it might provide your Association with greater clarity if I were to identify and explain the roles and responsibilities of a number of government stakeholders with an involvement in the urban water sector.

Environment Protection Authority

The Environment Protection Authority has a number of statutory responsibilities under the *Environmental Management and Pollution Control Act 1994* which can relate to water, including the regulation of large scale activities, such as sewerage treatment plants and heavy industries, which might have adverse effects on the environment.

The EPA, therefore, has an important role to play in ensuring that pollution does not threaten the Protected Environmental Values (PEVs) of Tasmania's river systems. However, the PEVs for Tasmania's watercourses do not typically set out to ensure that the water in those watercourses is fit for human consumption. This is because river water is regarded as 'raw' water, and generally considered to be unsuitable for human consumption without treatment, due to the likely presence of contaminants, including faecal matter.

Department of Primary Industries Parks Water and Environment

The Department of Primary Industries Parks Water and Environment in its capacity as the manager of Tasmania's water resources, is responsible for water licensing, in order to ensure the equitable and sustainable use of the State's surface and groundwater resources.

In support of this role, the Department monitors streamflows and conducts routine testing in a number of rivers to check for a range of commonly used herbicides and pesticides, as well as assess the basic physico-chemical attributes of the water, such as temperature, pH value and salinity.

The State-wide ASCHEM (Agricultural, Silvicultural and Veterinary Chemical) baseline and flood monitoring program was introduced in 2005 and sees water sampled at over fifty sites around Tasmania, although neither Rocky Creek or McGowans Creek are currently monitored.

As with the EPA, the focus on DPIPWE's studies of water quality within a specific watercourse or a wider catchment is generally not on the fitness of river water as a source of water for human consumption, but on river health.

Department of Health and Human Services

In addition to setting the drinking water quality standards that apply to reticulated water supplies, the Department of Health and Human Services also has a role to play in alerting people about the public health risks which might arise from the contamination of a water supply or a deterioration in water quality, and working with the water and sewerage corporations (and the community) to minimise the scope for those risks to be realised.

DHHS does not, however, test the water quality in natural watercourses, unless as part of an investigation into a public health issue.

Local Government

Since 30 June 2009, councils have no longer had any responsibility for the provision of water or sewerage services. Accordingly, councils do not generally test the quality of water in the watercourses within their municipalities, and even when they were responsible for providing reticulated water to residents, councils frequently lacked the resources to conduct the level of water quality testing that the water and sewerage corporations now undertake.

Under the *Environmental Management and Pollution Control Act 1994*, council Environmental Health Officers are responsible for regulating small-scale activities that might cause environmental harm. In that capacity, EHOs also act as a conduit between the water and sewerage corporations and the community, including small businesses, where the provision of anything less than treated drinking water or the activities of those businesses pose unacceptable risks to public health.

Councils are also responsible for land use planning and development approvals within their municipalities under the *Land Use Planning and Approvals Act 1993*. This function requires councils to interface with a number of parties, including the water and sewerage corporations and the EPA, both of which are able to require conditions to be placed on the development and use of land. In this sense, councils, unlike the water and sewerage corporations, have an ability to influence catchment management outcomes, through the planning approval process.

As the owners of the water and sewerage corporations, and the recipients of dividend income from the corporations, councils are also in a position to request that the corporations introduce services to communities within their municipality that currently receive no service or upgrade existing services.

As you can see, the management of Tasmania's water resources is a multi-dimensional task that cuts across a number of Ministerial portfolios and Government agencies. If you require any further information or have any questions arising as a result of my letter, please contact Mr Ben Goodsir from DPIPWE (6233 9257 or ben.goodsir@dpiuwe.tas.gov.au).

I thank you for your interest in this matter and hope that this information is of assistance to the members of the Progress Association and, ultimately, the wider Lilydale community.

Yours sincerely



Bryan Green MP
MINISTER FOR PRIMARY INDUSTRIES AND WATER