



Independent Pricing and Regulatory Tribunal

Incident Notification by Network Operators and Retail Suppliers

Water Industry Competition Act 2006

Water — Incident Notification
March 2016

Amendment Record

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INPSWL	28/08/09	First release
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1 Introduction

A well-defined and managed incident notification protocol performs a vital role in the protection of public health and safety, the environment and in maintaining public confidence.

Licence holders under the *Water Industry Competition Act 2006* (the Act) must notify a number of agencies when an incident occurs that threatens or could threaten water quality, public health or safety.

The purpose of this document is to set out:

- ▼ the details of the specific legal obligation outlined in the Regulation to immediately notify relevant authorities of an incident, and
- ▼ the incident notification process, including the relevant agencies that must be notified; and the way in which notification should be made (ie, verbal, written, nature of information and timing).

This document does not cover any reporting obligations under other legislation.

1.1 Legislative framework

Notification Requirements addressed in this document

All licenced network operators and retail suppliers must immediately notify:

- ▼ the Minister for Health
- ▼ the Minister for Lands and Water, and
- ▼ IPART¹

of any incident in the conduct of its licensed activities that threatens, or could threaten water quality, public health or safety.

¹ *Water Industry Competition (General) Regulation 2008*, Schedule 1, cl.1(2)(a)-(c) and Schedule 2, cl.1(2)(a)-(c).

In addition, all licensed **network operators** must also notify:

- ▼ any licensed retail supplier that supplies water or provides sewerage services by means of the licensee's infrastructure, and
- ▼ any other licensed network operator or public water utility² whose infrastructure is connected to the licensee's infrastructure.³

All licensed **retail suppliers** must also notify:

- ▼ any licensed network operator by means of whose infrastructure the retailer supplies water or provides sewerage services.⁴

The Minister for Health is responsible for public health and is provided the information to determine if there is any risk to public health. NSW Health as an operational agency will respond to incidents that are a possible threat to public health.

The Minister for Lands and Water, as the Minister responsible for granting licences, is provided with information to determine if a licensee, as guided by IPART and NSW Health, is required to take specific action to address the incident, or if the incident will lead to a breach in licence conditions.

IPART as the compliance regulator needs to be notified to determine if there is a breach in the licence conditions, possibly requiring a review or change to management plans, an audit or additional licence conditions. In addition, IPART will use the information to prioritise areas to be addressed during the licensee's compliance audit.

Notification of those network operators, retail licence holders and public utilities associated with the licensee will allow them to address their own notification requirements and manage risks to their systems.

The incident reporting detailed in this document does not remove obligations to report incidents to any other regulatory agencies (ie, Protection of the Environment and Work Health and Safety reporting requirements) or under the requirements of management plans.

Other Notification Requirements

Under the Regulation there are other notification requirements which are separate to those identified in this Incident Notification document.

² Under the Act, a "public water utility" is defined as the State Water Corporation, Sydney Catchment Authority, Sydney Water Corporation, Hunter Water Corporation, a water supply authority within the meaning of the *Water Management Act 2000* or a council or county council exercising water or sewerage functions.

³ *Water Industry Competition (General) Regulation 2008*, Schedule 1, cl.1(2)(d)-(e).

⁴ *Ibid*, Schedule 2, cl.1(2)(d).

These include:

- ▼ All licensed network operators who are operating water infrastructure must develop an Incident and Emergency Response Protocol as part of the scheme's Water Quality Plan.⁵ This Protocol is developed in consultation with stakeholders, including the local Public Health Unit (PHU).
- ▼ Licensed network operators who are operating sewerage infrastructure without an Environment Protection Licence⁶ must produce a Sewage Management Plan.⁷ These plans must address public health risks and include the development of an Incident and Emergency Response Protocol in consultation with stakeholders, including the local PHU.
- ▼ All licensed network operators must comply with the requirements of the *Protection of the Environment Operations Act 1997* and any regulations under that Act in relation to protection of the environment.⁸ This outlines the duty to notify pollution events including the kind of incidents, the manner and form of notification and who is required to be notified.

2 Incident notification process

2.1 Notifiable events

Any incident arising in the conduct of a licensee's activities *that threatens, or could threaten, water quality, public health or safety* must be immediately notified.

The events or incidents that require immediate notification are not further defined by the Regulation. The licensee must have assessed the likelihood of an incident impacting water quality, public health or safety in its risk assessment for the specific scheme. Hence, the licensee will be able to determine if particular circumstances impact or could impact on water quality, public health or safety.

In the case of a network operator, the Incident and Emergency Response Protocol component of the Water Quality Plan or the Sewage Management Plan which is required to be developed in consultation with the PHU and other stakeholders will assist in determining which incidents should be reported.

Whether an incident threatens, or could threaten, water quality, public health or safety must ultimately be determined by the licensee.

⁵ The Water Quality Plan must be consistent with the risk management framework that is outlined in the *Australian Guidelines for Water Recycling: Managing Health and Environmental Risks (Phase 1 and 2)*, or the *Australian Drinking Water Guidelines*, whichever is relevant.

⁶ Licence granted under the *Protection of the Environment Operations Act 1997*.

⁷ *Water Industry Competition (General) Regulation 2008*, Schedule 1, cl.14.

⁸ *Ibid*, Schedule 1, cl.4.

2.2 Who to notify

The Regulation requires licence holders to immediately notify the Minister for Health, Minister for Lands and Water and IPART of an incident. In practice, receiving incident notifications have been delegated to:

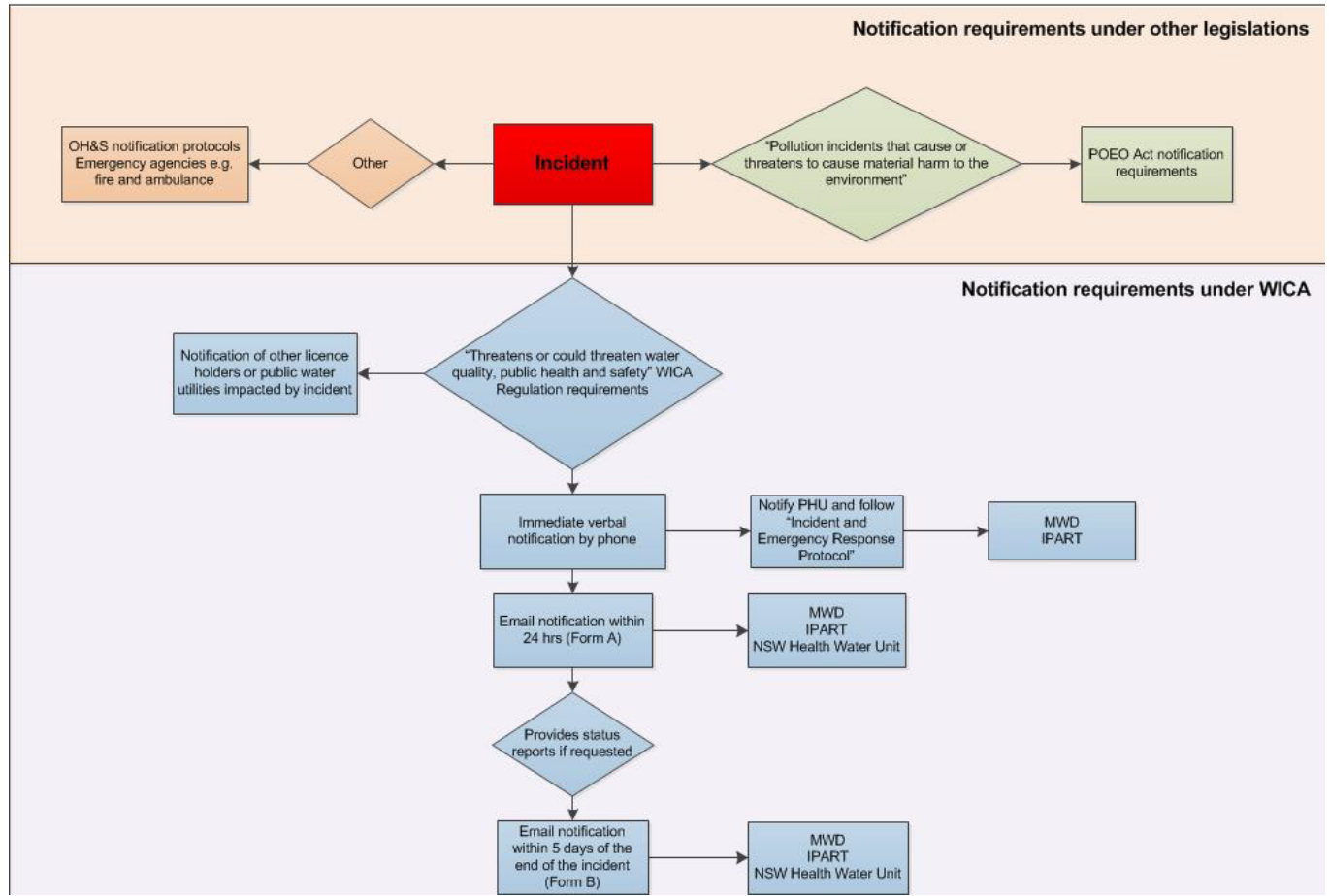
- ▼ the PHU (in cases where the Incident and Emergency Response Protocol is triggered) or the Water Unit in NSW Health on behalf of the Minister for Health
- ▼ the Metropolitan Water Directorate (MWD) in the Department of Primary Industries on behalf of the Minister for Lands and Water, and
- ▼ the Water Licencing Team for IPART.

The process for notification in the event of an incident under the Regulation is outlined in Figure 2.1. The requirements specific to this document are presented in blue. As can be seen, notification of NSW Health, MWD and IPART does not cover all statutory notification requirements for licence holders.

The licensee should first notify the PHU for their area of operation as detailed in their Incident and Emergency Response Protocol. The Water Unit does not require immediate verbal notification. However, follow-up written notification for all incidences should be sent to the Water Unit along with any other requirements under their Incident and Emergency Response Protocol.

The licensee should verbally notify MWD and IPART as soon as it becomes aware of the incident or aware that an incident is likely to occur (refer to section 2.3 for contact details). If verbal notification is made out of normal business hours (ie, outside 9am to 5pm), a brief voicemail message concerning the incident and providing contact details should be left, and the relevant MWD and IPART officer will return the call during business hours.

Figure 2.1 Incident notification requirements



The licensee will also have to notify other affected parties of the incident. Depending on the nature of the incident, there may also be a need to contact other regulatory authorities such as the Environment Protection Agency or Local Council. The appropriate contact details for these other parties should be established during the development of the Management Plans.

2.3 Form and timing of notification

Immediate notification to the Public Health Unit (in accordance with the Incident and Emergency Response Protocol), MWD and IPART must be made verbally as soon as the licensee becomes aware of the event or aware that the event is likely to occur, and followed up in writing to Water Unit, MWD and IPART.

Immediate verbal notification

PHU – *(in accordance with the Incident and Emergency Response Protocol).*

Metropolitan Water Directorate – Policy Officer (02) 9372 8521.

IPART – Director, Water Licensing and Compliance (02) 9113 7722.

Written notification

Verbal notification must then be followed up with written notification within **24 hours** of the verbal notification. This is to be provided using the template in Appendix A (which can be downloaded from the IPART website www.ipart.nsw.gov.au).

Within 5 working days of the incident ceasing, a full outline of the incident and follow up actions needs to be provided to Water Unit, MWD and IPART. This is to be provided using the template in Appendix B (which can also be downloaded from the IPART website www.ipart.nsw.gov.au).

However, whilst the incident is continuing, a licensee may also need to provide further information or updates to authorities as requested.

Written notification is to be emailed through with the word “Incident” in the subject line. Emails are to be sent to:

NSW Health - waterqual@doh.health.nsw.gov.au

Metropolitan Water Directorate – wica@waterforlife.nsw.gov.au

IPART - compliance@ipart.nsw.gov.au

A Incident Written Notification within 24 hrs

FORM A - EMAIL INCIDENT NOTIFICATION BY PRIVATE SECTOR WATER LICENSEES

REPORT MUST BE EMAILED WITHIN 24HRS OF AN ACTUAL OR LIKELY INCIDENT

Email subject line must contain the word "incident"

CONTACT DETAILS

From	Licence holders business name		
	Licence number		
	Contact Person in charge of dealing with the incident	Name:	
		Position	
		Phone:	
Email:			
To	NSW Health	waterqual@doh.health.nsw.gov.au	
	Metropolitan Water Directorate	wica@waterforlife.nsw.gov.au	
	IPART	compliance@ipart.nsw.gov.au	

IMMEDIATE (within 24hrs) PHONE NOTIFICATION DETAILS

	Time / Date	Person contacted (<i>indicate if message was left with the contact</i>)
PHU Phone number outlined in Incident and Emergency Response Protocol		
Metropolitan Water Directorate (02) 9372 8521		
IPART (02) 9113 7722		
Other agencies or persons notified (<i>provide name and contact details</i>)		
EPA		
Local Council		
Emergency Services (please indicate which one)		

	Time / Date	Person contacted (<i>indicate if message was left with the contact</i>)
Other licence holders and water utilities		
Others		

INCIDENT DESCRIPTION

Date	
Time of incident	
Location and affected area (<i>include map if necessary</i>)	
Description of event	
Description of potential/actual impact and duration (<i>eg, number of customers or licensees, water quality, etc</i>)	
Reason or possible causes of incident	
Corrective actions taken to rectify the incident	
If incident not ceased anticipated date of cessation	
Follow up actions (<i>including repair work, review of plans, possible changes to protocol, etc</i>)	

B Incident Written Notification

FORM B - EMAIL INCIDENT NOTIFICATION BY PRIVATE SECTOR WATER LICENSEES

REPORT MUST BE EMAILED WITHIN 5 DAYS OF THE INCIDENT ENDING

Email subject line must contain the word "incident"

CONTACT DETAILS

From	Licence holders business name		
	Licence number		
	Licence Holder Contact Person	Name:	
		Position	
		Phone:	
Email:			
To	NSW Health	waterqual@doh.health.nsw.gov.au	
	Metropolitan Water Directorate	wica@waterforlife.nsw.gov.au	
	IPART	compliance@ipart.nsw.gov.au	

IMMEDIATE (within 24hrs) PHONE NOTIFICATION DETAILS

	Time / Date	Person contacted (<i>indicate if message was left with the contact</i>)
PHU Phone number outlined in Incident and Emergency Response Protocol		
Metropolitan Water Directorate (02) 9372 8521		
IPART (02) 9113 7722		
Other agencies or persons notified (<i>provide name and contact details</i>)		
EPA		
Local Council		
Emergency Services (<i>please indicate which one</i>)		
Other licence holders and water utilities		
Others		

INCIDENT DESCRIPTION

Date	
Time of incident	
Location and affected area (include map if necessary)	
Description of event	
Description of actual impact and duration (eg, number of customers or licensees, water quality, etc)	
Cause of incident	
Corrective actions taken to rectify the incident	
Follow up actions (including repair work, review of plans, possible changes to protocol, etc)	