

Annexure 3: Legislation relevant to Territorial Authorities

[1] Set out below is a brief summary of three statutes of relevance to the community water supplied by Territorial Authorities (“TAs”).

Health Act 1956

[2] Section 69S(1), in pt 2A of the Health Act, provides that every networked supplier must ensure that an adequate supply of drinking water is provided to each point of supply. The TAs are networked suppliers.¹ Drinking water is defined by the Health Act and includes water available for supply that is suitable for drinking and other forms of domestic and food preparation use. The definition excludes water used by animals or for irrigation.² ‘Adequate supply’ means, in relation to drinking water supplied to a property, the minimum quantity required by the occupants for their ordinary domestic and food preparation use and sanitary needs.³

[3] While TAs supply treated water for stock and irrigation, s 69S(1) does not apply to water supplied for these uses. The exclusion of these uses aligns with the purpose of pt 2A of the Health Act which is to protect the health and safety of people and communities by promoting supplies of safe and wholesome drinking water from all drinking water supplies.

¹ TAs, opening submissions at [41]-[45] and elsewhere. A ‘networked supplier’ distributes water through a piped system.

² Health Act s 69G.

³ Health Act s 69G. ‘Adequate supply’ also defined in relation to regulations setting quantity of supply.

Local Government Act 2002

[4] The purpose of local government is, amongst other matters, to promote the social, cultural, economic, environmental and cultural well-being of communities.⁴ This purpose is implemented through pt 7, subpt 2 of the Local Government Act 2002 ('LGA') which imposes obligations and restrictions on local authorities in relation to the delivery of water services. Under the LGA, TAs are obligated to continue to provide water services and maintain capacity to meet obligations under this subpart.⁵ 'Water services' includes 'water supply'; 'water supply' means the provision of drinking water to communities by network reticulation to the point of supply of each dwelling house and commercial premise to which drinking water is supplied.

Civil Defence Emergency Management Act 2002

[5] Under Civil Defence Emergency Management Act 2002, TAs are 'lifeline utilities' with duties imposed under s 60.



⁴ Local Government Act 2002, s 3(d).

⁵ Local Government Act 2002, s 130(2).