

FAQs for Exempt Premises:

On-supply of mains water with on-site chlorination

On 21 December 2023, an exemption to the *Safe Drinking Water Act 2011* (the Act) was published in the South Australian Government Gazette ([No 91, 2023](#)).

Who does the exemption apply to?

The exemption applies to drinking water providers who only supply drinking water to one premises, where the water has been directly supplied by another registered drinking water provider, and additionally treated with chlorine as a disinfectant. For example, a hospital or aged care facility that chlorinates drinking water supplied by SA Water on-site is now exempt from the requirements of the *Safe Drinking Water Act 2011*.

The exemption does not apply to larger, more complex chlorinated on-supplies including those with extended storage or distribution systems (e.g., community supplies). In addition, the exemption is not applicable where drinking water is supplied to multiple premises or users.

What does the term 'one premises' mean?

The Act does not define 'premises'. For the purposes of the exemption, the intent of the wording 'one premises' is to apply to a single building, or a set of buildings which are part of the premises on the same site. For example, an aged care facility or hospital with multiple buildings or facilities on the same grounds or site is considered to be 'one premises'. Where drinking water is on-supplied to multiple individual premises (including residential premises), properties or businesses, the exemption is not applicable as this is not considered to fall within the scope of 'one premises'.

Why is the exemption considered necessary?

Under section 3(2) of the Act, a person is not considered to be a drinking water provider where water has been directly obtained from another registered drinking water provider and the water has not been altered to any material degree. The intent of this provision was to exclude businesses and other premises (e.g., restaurants, hotels and other accommodation premises) that supply drinking water directly obtained from a registered provider, such as SA Water, from the requirements of the Act unless further treatment or alteration of the water occurred.

Treatment with chlorine to provide additional disinfection to water obtained from another drinking water provider is considered to alter the water to a 'material degree'. As such, premises including hospitals which chlorinate drinking water, typically supplied by SA Water, have been captured under the Act. However, in most cases this additional treatment with chlorine was not installed to meet the requirements of the Act. Generally, the intent of the additional chlorination is to improve the control of micro-organisms, such as *Legionella* that can grow within the plumbing systems of buildings and represent a health risk to vulnerable patients. *Legionella* control is regulated under separate legislation and guidelines and in some cases registration under the Act has resulted in the implementation of multiple water risk management plans. The exemption reduces duplication and regulatory burden for these premises.

Subject to good operational practices and oversight, single premise chlorinated on-supplies are considered low risk. Review of the registered supplies in this category has determined ongoing regulation under the Act is not required.

What does the exemption mean for our facility?

Drinking water providers who meet the requirements for exemption will be contacted by SA Health's Water Quality Unit. If the exemption applies to your drinking water supply, your registration will be cancelled, and you will no longer need to comply with the requirements of the legislation including routine audit.

Our hospital adds chlorine to a rainwater supply – are we exempt from the Act?

No, your supply is not eligible for exemption from the Act. Hospitals and other providers who treat and supply water sourced from rainwater tanks, bores and surface water supplies are captured under the Act and must comply with the requirements including registration, implementation of a Risk Management Plan (RMP) and routine audit or inspection.

If you are unsure if the Act applies to your drinking water supply, please contact the Water Quality Unit to further discuss.

Can our health care premise continue to chlorinate drinking water on-site?

Yes, hospitals, aged care facilities and other premises can continue to chlorinate drinking water supplied by SA Water or other registered providers. The exemption does not restrict or impact on the treatment of drinking water. Where chlorination of mains water occurs on-site, it is considered best practice that the operational requirements for managing the supply are identified in an RMP or similar procedural document. Contingencies should be identified for any potential risks to the supply including chlorination overdosing.

Does the exemption change or impact on regulatory responsibilities under other legislation?

The exemption only applies to regulation under the *Safe Drinking Water Act 2011*. Health care premises should continue to adhere to other formal or regulatory requirements including the South Australian Public Health (Legionella) Regulations 2013.

For more information

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