

**Submission**

**No 24**

## **INQUIRY INTO MANAGEMENT OF DOMESTIC WASTEWATER**

**Organisation:** Environmental Health Australia (New South Wales) Incorporated  
**Name:** Mr Paul Reynolds  
**Position:** Secretary  
**Date Received:** 19/12/2011



**ENVIRONMENTAL  
HEALTH AUSTRALIA**

19 December 2011

Chairman

Legislative Assembly Committee on Environment and Regulation

Parliament House

Macquarie Street

Sydney NSW 2000

ENVIRONMENTAL  
HEALTH AUSTRALIA  
(NEW SOUTH WALES)  
INCORPORATED  
ABN 26 611 902 891

PO Box 2222  
Fortitude Valley BC  
QLD 4006  
**Phone** 02 9181 3320  
**Fax** 07 3252 9084  
**Email:** [nsw@eh.org.au](mailto:nsw@eh.org.au)  
Web: [www.eh.org.au](http://www.eh.org.au)

By email: [environmentregulation@parliament.nsw.gov.au](mailto:environmentregulation@parliament.nsw.gov.au)

Dear Sir/Madam

**Re: Inquiry – Management of Domestic Wastewater**

We thank you for the extension in time granted to make this submission.

I am writing to you on behalf of the members of Environmental Health Australia and the environmental health profession, by way of submission, in relation to the above Parliamentary Inquiry.

Environmental Health Australia (formerly the Australian Institute of Environmental Health, established in 1936) is the premier professional body concerned with environmental health standards. Its mission and objectives are to contribute to the improvement in environmental health standards in Australia  
by:-

- Developing and advancing the practices and policies of the environmental health profession;
- Co-ordinating and representing the views, concerns and interests of members;
- Disseminating knowledge on environmental health to individuals, the community, governments and other organisations;
- Promoting excellence in environmental health practice; and
- Advocating the objects and policies of the organisation.

EHA (NSW) Inc has members from Federal, State and Local Government as well as private practice. However, the majority of our members are employed in Local Government and as such work on the frontline when it comes to dealing with the disposal of domestic wastewater in unsewered areas.

EHA (NSW) Inc has a number of concerns in relation to the current state of domestic wastewater management, including:

1. The use of effluent from On-site Sewage Management (OSSM) facilities particularly in intensive agricultural situations where crops such as salad vegetables, which are often consumed raw, are contaminated with effluent directly or indirectly through the use of irrigation water that has been contaminated with effluent. Experience of our member's shows that many people involved in market garden operations have very little appreciation of the risks and consequences of contaminating food crops with effluent.
2. The gap in regulatory control between Councils, NSW Health, NSW Food Authority and NSW Department of Primary Industry in relation to the production, harvesting and sale of food that has been contaminated with effluent from OSSM, whether directly or indirectly. The current regulatory powers available to Local Government under the Local

Government Act and associated Regulations are aimed at controlling the collection, treatment and disposal of wastewater. They are not designed to deal with the protection of food for sale to consumers. In addition, most Councils are delegated as Category B Enforcement Agencies under the Food Act 2003, with legal power only for retail food outlets. Wholesaling and production operations fall outside of their powers. Even for those few Councils that are delegated as Category C Enforcement Agencies, the delegation relates to a few specified manufacturing and/or wholesaling businesses. If the person or business involved in growing contaminated food crops is not listed on the Category C schedule, the Council does not have power to take any action under the Food Act 2003. We recommend that clear powers of to seize and destroy food crops contaminated with effluent, or irrigation water contaminated with effluent, be conferred upon appropriate State Government agencies. These powers should be available based on field observations, without the need for costly and time consuming sampling and testing. In addition, information sharing procedures similar to those between Councils and the NSW Food Authority under the Food Regulation partnership are required so that the appropriate State Government agency can be notified of contaminated or potentially contaminated food crops.

3. The regulatory process for OSSM under the Local Government Act and Regulations is generally cumbersome, time consuming and inefficient, with minimal financial penalties for owners or occupiers that do not address breaches. Often, problems relating to non-compliant OSSM need to be dealt with in a timely and efficient manner to address immediate and substantial risks to public health and the environment. The existing regulatory regime needs to be reviewed, with a framework

of enforcement tools and penalties similar to the Food Act 2003 or the Protection of the Environment Operations Act 1997 adopted.

4. The absence of a system of accreditation for Aerated Wastewater Treatment System (AWTS) servicing agents. The current regime is unregulated, leading to concern in Local Government about poor system performance and the exposure of residents to inferior effluent quality during their normal activities. We would argue that a system of accreditation with minimum standards of education and training, and oversight by the Department of Fair Trading or similar is required. Such a system should also require periodic refresher training to maintain accreditation. A period of every 3-5 years would be reasonable.
5. The absence of "real world" monitoring of installed systems to ensure that they comply with their accreditation as given by NSW Health. A system of auditing of installed systems is required, and powers available to NSW Health to force manufacturers to undertake rectification works where the systems do not meet the required performance standards.
6. The need for a full and thorough review the *Environment and Health Protection Guidelines – Onsite Sewage Management for Single Households 1998* (the "Silver Bullet"). This document is the primary advisory document for OSSM in NSW. The review should include reference to the latest scientific knowledge, especially in relation to the protection of food crops. The final document should be enshrined in legislation so that all parties can be held accountable where necessary.

We would also request that the Committee be mindful of the ability of Local Government to undertake any additional roles that may be recommended as a result of the Inquiry. Local government has suffered for many years from cost shifting by numerous State Government agencies that have not properly

consulted *and* listened to our concerns. We would recommend to you the model implemented by the NSW Food Authority during the development and initial implementation of the Food Regulation Partnership (FRP) as one that was thorough and actively listened to the concerns of our members, providing additional advisory, regulatory and financial resources for Councils. As a result the FRP has seen a great deal of improvement in the skills and knowledge of Local Government in relation to food safety, and thus better protection for the NSW community.

Please do not hesitate to contact Mr Paul Reynolds, Secretary on 0419 906 581 or [nsw@eh.org.au](mailto:nsw@eh.org.au) if you have any questions.

Yours sincerely,

A handwritten signature in blue ink that reads "P Reynolds". The signature is written in a cursive, flowing style.

Paul Reynolds.

Secretary

EHA (NSW) Inc